

**Updated Agenda
Packet to include
Agenda Item No. 11**



**CITY OF SOUTH PASADENA
CITY COUNCIL REGULAR MEETING AGENDA**

**Council Chamber
1424 Mission Street, South Pasadena, CA 91030**

August 5, 2020, at 7:30 p.m.

South Pasadena City Council Statement of Civility

As your elected governing board we will treat each other, members of the public, and city employees with patience, civility and courtesy as a model of the same behavior we wish to reflect in South Pasadena for the conduct of all city business and community participation. The decisions made tonight will be for the benefit of the South Pasadena community and not for personal gain.

NOTICE ON PUBLIC PARTICIPATION & ACCESSIBILITY

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the regular meeting of the City Council for August 5, 2020 will be conducted remotely and held by video conference. The Meeting will be broadcast live on the City's website (http://www.spectrumstream.com/streaming/south_pasadena/live.cfm) and local cable channels.

Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, the Council Chambers will not be open for the meeting. Council Members will be participating remotely and will not be physically present in the Council Chambers.

If you would like to comment on an agenda item, members of the public may submit their comments in writing for City Council consideration, by emailing them to: ccpubliccomment@southpasadenaca.gov. **Public Comments must be received by 12 p.m., August 5, 2020** to ensure adequate time to compile and post. Public Comment portion of the email is limited to 250 words. Please make sure to indicate: 1) your name; 2) what agenda item you are submitting public comment on, or if it is a general public comment; and/or 3) if you request for your public comment to be read at the meeting.

CALL TO ORDER: Mayor Robert S. Joe

ROLL CALL: Councilmembers Michael A. Cacciotti, Marina Khubesrian, M.D, and Richard D. Schneider, M.D.; Mayor Pro Tem Diana Mahmud; and Mayor Robert S. Joe.

PLEDGE OF ALLEGIANCE: Councilmember Marina Khubesrian, M.D.

CLOSED SESSION ANNOUNCEMENTS

1. CLOSED SESSION ANNOUNCEMENTS: A Closed Session Agenda has been posted separately.

PUBLIC COMMENT AND SUGGESTIONS
The City Council welcomes public input. Members of the public may address the City Council by emailing: ccpubliccomment@southpasadenaca.gov. Public Comments must be received by 12 p.m., August 5, 2020 to ensure adequate time to compile and post. Public Comment portion of the email is limited to 250 words. Please make sure to indicate: 1) your name; 2) what agenda item you are submitting public comment on, or if it is a general public comment; and/or 3) if you request for your public comment to be read at the meeting.

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.

2. Public Comment – General

COMMUNICATIONS

3. Councilmembers Communications
Time allotted per Councilmember is three minutes. Additional time will be allotted at the end of the City Council Meeting agenda, if necessary.

4. City Manager Communications

5. Reordering of and Additions to the Agenda

OPPORTUNITY TO COMMENT ON CONSENT CALENDAR
Items listed under the consent calendar are considered by the City Manager to be routine in nature and will be enacted by one motion unless a public comment has been received or Councilmember requests otherwise, in which case the item will be removed for separate

consideration. Any motion relating to an ordinance or a resolution shall also waive the reading of the ordinance or resolution and include its introduction or adoption as appropriate.

CONSENT CALENDAR

6. **Minutes of the Regular City Council Meeting on June 10, 2020**
7. **Minutes of the Regular City Council Meeting on June 17, 2020**
8. **Minutes of the Special City Council Meeting on June 24, 2020**
9. **Approval of Resolution Appointing Delegates, Representatives, and Alternates to Various Agencies and Organizations to Clarify the Term for the San Gabriel Valley Mosquito and Vector Control District**

Recommendation

It is recommended that the City Council adopt a resolution appointing delegates, representatives, and alternates as official representatives of the City of South Pasadena to clarify the term for the San Gabriel Valley Mosquito and Vector Control District.

10. **Adoption of a Resolution Approving the Annual Auditor's Report and Authorizing the Collection of the Library Special Tax for Fiscal Year 2020-21**

Recommendation

It is recommended that the City Council adopt the attached resolution approving the Annual Auditor's Report for the levy of the Fiscal Year (FY) 2020-21 Library Special Tax (Tax).

11. **Repurpose Available Measure M Multi Sub-regional Program (MSP) dollars for Reallocation in Next Year's Project Cycle**

Recommendation

Direct staff to bank and repurpose the available Measure M Multi Sub-regional Program (MSP) dollars for Reallocation in Next Year's Project Cycle.

12. **Approve a Multi-year Agreement with Great Match Consulting to Provide Supplemental Staffing on an As-Needed Basis in an Amount-Not-to Exceed of \$40,000 per year**

Recommendation

It is recommended that the City Council:

1. Accept a proposal dated June 18, 2020, from Great Match Consulting to provide supplemental staffing on an as-needed basis; and
2. Authorize the City Manager to enter into a multi-year agreement with Great Match Consulting for an amount-not-to exceed \$40,000 per year through June 30, 2023.

13. Adoption of a Resolution Authorizing Submittal of a Grant Application to Participate in the Used Oil Payment Program

Recommendation

It is recommended that the City Council:

1. Adopt a resolution authorizing the submittal of a grant application to participate in the State of California Department of Resources Recycling and Recovery’s (CalRecycle) Used Oil Payment Program (OPP); and
2. Authorize the City Manager to execute all documents required to obtain the grant.

14. Adoption of a Resolution Continuing the Proclamation of a Local Emergency Due to the Outbreak of COVID-19, Adding Regulations to Facilitate Expansion of the Al Fresco Dining and Retail Program, Including Suspension of Outdoor Dining Permit Fee, Adoption by Reference of Los Angeles County Ordinance Capping Fees for Third-Party Delivery Platforms for Food Delivery, and Authorizing the City Manager to Take All Necessary Actions as the Director of Emergency Services

Recommendation

It is recommended that the City Council approve the attached resolution:

1. Continuing the proclamation of a local emergency due to the outbreak of COVID-19;
2. Adding regulations for the expansion of the Al Fresco Dining & Retail Program, including waiver of the fee for Outdoor Dining Permit;
3. Adopting the Los Angeles County Ordinance capping fees for third-party delivery platforms for food delivery; and
4. Authorizing the City Manager to take all necessary actions as the Director of Emergency Services.

PUBLIC HEARING

15. Zoning Code Amendment for Streamline Planning Review and Minor Clean-up

Recommendation

Staff recommends that the City Council adopt an Ordinance amending South Pasadena Municipal Code (SPMC) Chapter 36 (Zoning) - Sections 36.400.020 (Authority of Land Use and Zoning Decisions), 36.400.040 (Application Preparation and Filing), 36.410.040 (Design Review), 36.410.060 (Conditional Use Permits and Administrative Use Permits), 36.410.065 (Hillside Development Permits), 36.420.020 (Time Limits and Extensions), 36.600.050 (Design Review Board), 36.610.050 (Applying, Filing, Processing and Decisions), 36.630.020 (Notice of Hearing), 36.630.040 (Review Authority Decision and Notice), and 36.630.050 (Recommendation by Planning Commission).

ACTION/DISCUSSION ITEMS**16. Consideration of Ballot Measures for the November 3, 2020 General Municipal Election; Approval of Resolution for the Submission of Proposed Ordinance; and Approval of Language for the Ballot Measure**Recommendation

It is recommended that the City Council consider ballot measures for the General Municipal Election on Tuesday, November 3, 2020; approve the resolution submitting a ballot measure to the voters; and approve language for the ballot measure. Staff recommends the following:

- 1) The UUT measure be placed on the ballot at the current rate of 7.5% and without a sunset date, but rather language that states it will remain in place until repealed by the voters;
- 2) The Transit Occupancy Tax measure be delayed until the November 2022 ballot as the urgency for this item has been removed by the pandemic impacts to the hospitality industry and the generally preferred standard of not placing multiple tax measures on the same ballot;
- 3) The Planning Commission has recommended against a November 2020 ballot measure to increase height limits, deferring consideration of such a measure until after more analysis and outreach has been conducted.

17. Resolution Affirming the City of South Pasadena's Commitment to Diversity and to Safeguarding Civil Rights, Safety and Dignity of all of our CitizensRecommendation

It is recommended that the City Council adopt a resolution entitled "A Resolution Affirming the City of South Pasadena's Commitment to Diversity and to Safeguarding Civil Rights, Safety and Dignity of all of our Citizens."

18. Al Fresco Dining and Retail Pilot Program – Update and Potential ExpansionRecommendation

It is recommended that the City Council:

1. Receive an update regarding the Al Fresco Dining and Retail Pilot Program, including review of potential funding sources and a review of what other cities are doing;
2. Approve waiving the application fee for Sidewalk Dining Permits and approve the temporary designation of limited public off-street parking spaces as replacement or ADA parking spaces for the Al Fresco program as authorized by the August 5, 2020, Local Emergency Declaration Resolution;
3. Authorize Staff to issue Requests for Proposals for traffic control plans and traffic studies associated with Phase 2 of the program; and
4. Direct Staff to return during the August 19, 2020, City Council meeting with additional recommendations and associated funding requests based on Al Fresco applications received through August 7, 2020, for use of parking lanes, temporary parklets, and associated traffic and/or pedestrian safety studies for any proposed lane and/or street closures.

INFORMATION REPORTS

19. Discussion of Fremont Avenue Traffic Calming

ADJOURNMENT

**FUTURE CITY COUNCIL MEETINGS
(OPEN SESSION)**

August 19, 2020	Regular City Council Meeting	Council Chamber	7:30 p.m.
September 2, 2020	Regular City Council Meeting	Council Chamber	7:30 p.m.
September 16, 2020	Regular City Council Meeting	Council Chamber	7:30 p.m.

PUBLIC ACCESS TO AGENDA DOCUMENTS AND BROADCASTING OF MEETINGS

City Council Meeting agenda packets are available online at the City website: <https://www.southpasadenaca.gov/government/city-council-meetings/2019-council-meetings-copy>

Agenda related documents provided to the City Council are available for public inspection on the City’s website at <https://www.southpasadenaca.gov/government/city-council-meetings/2019-council-meetings-copy>. Additional Documents, when presented to City Council, will also be uploaded and available on the City’s website.

Regular meetings are broadcast live on Spectrum Channel 19 and AT&T Channel 99. Meetings are also streamed live via the internet at <https://www.southpasadenaca.gov/government/city-council-meetings/2019-council-meetings-copy>.

AGENDA NOTIFICATION SUBSCRIPTION

Individuals can be placed on an email notification list to receive forthcoming agendas by emailing CityClerk@southpasadenaca.gov or calling the City Clerk’s Division at (626) 403-7230.

ACCOMMODATIONS



The City of South Pasadena wishes to make all of its public meetings accessible to the public. If special assistance is needed to participate in this meeting, please contact the City Clerk's Division at (626) 403-7230 or CityClerk@southpasadenaca.gov. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities. Notification at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

I declare under penalty of perjury that I posted this notice of agenda on the bulletin board in the courtyard of City Hall at 1414 Mission Street, South Pasadena, CA 91030, and on the City's website as required by law.

7/30/2020

Date

/s/

Maria E. Ayala
Chief City Clerk



Wednesday, June 10, 2020
Minutes of the Regular Meeting of the City Council

CALL TO ORDER

A Regular Meeting of the South Pasadena City Council was called to order by Mayor Joe on Wednesday, June 10, 2020, at 7:35 p.m., in the Council Chamber, located at 1424 Mission Street, South Pasadena, California. This meeting was held as a continuation of the regularly scheduled and noticed City Council meeting of June 3, 2020.

A brief introduction was provide by Mayor Joe of the procedures in place in an effort to prevent the spread of COVID-19.

ROLL CALL

Present via Zoom: Councilmembers Cacciotti, Khubesrian, and Schneider; Mayor Pro Tem Mahmud; and Mayor Joe.

Absent: None

City Staff Present: City Manager DeWolfe (in attendance via Zoom); City Attorney Teresa Highsmith (in attendance via Zoom); Fire Chief Paul Riddle; Police Chief Joe Ortiz; and Chief City Clerk Ayala were present at Roll Call.

PLEDGE OF ALLEGIANCE

Councilmember Marina Khubesrian, M.D. led the flag salute.

Following the flag salute, Mayor Joe read a pledge from City Council in light of the tragic death of George Floyd and the protests taking place across the Country.

5. Reordering of and Additions to the Agenda

Mayor Joe proposed the reordering of agenda items as follows:

- Item No. 17 – Presentation of Draft Budget for Review Prior to Adoption on June 17
- Item No. 16 – Discussion of Regulatory Changes to Allow AI Fresco Options
- Item No. 12 – Adoption of a Resolution Confirming an Annual Levy and Collection of Assessments for the Lighting and Landscaping Maintenance District (LLMD) for Fiscal Year 2020-21

- Item No. 13 – Designation of Rollin Craftsman Cluster Historic District (Project No. 2114-LHD)
- Item No. 15 – Approval of the Fiscal Year 2020-21 Water Conservation Rebate Program in the Amount of \$115,000 (this will be the final action agenda item discussed during the meeting)
- Item No. 4 – Councilmember Communications (this will be the last agenda item heard at the end of the meeting)

INFORMATIONAL REPORTS

Prior to the start of Agenda Item No. 17, Mayor Joe, Mayor Pro Tem Mahmud, and City Manager DeWolfe provided comments, on behalf of the City, in response to the recent community concerns regarding the proposed budget, and budget processes.

17. Presentation of Draft Budget for Review Prior to Adoption on June 17

Chief City Clerk Ayala announced that public comments were received via e-mail. Those public comments that were received for the June 3rd meeting were also compiled with those received for tonight’s meeting.

Chief City Clerk Ayala and Kenia Lopez, Deputy City Clerk, read the public comments aloud.

- Lisa Munoz: Provided suggestions of where budgetary funds should be allocated.
- Joe Mathews: Expressed concerns for outsourcing the Community Services Department and the City’s OPEB debt.
- Sean Malatesta: Expressed opposition for outsourcing the City’s Community Services Department.
- Erik Gimmel: Expressed concerns for outsourcing the Community Services Department.
- Julie DeLucia: Expressed opposition of budgetary reduction to the Police and Fire Departments.
- Joanne Nuckols: Expressed concerns for outsourcing the Community Services Department.
- Meghan Kiser: Expressed concerns for outsourcing the Community Services Department.
- Nicki Paluga: Expressed concerns for budgetary increase to the Police Department and provided suggestions to where funds should be allocated.

- Lawrence Abelson: Expressed concerns for outsourcing the Community Services Department.
- Lawrence Abelson: Provided questions and suggestions on where budgetary funds should be allocated.
- Julie Pearson: Expressed concerns for outsourcing the Community Services Department.
- Brandon Yung, on behalf of South Pasadena Youth for Police Reform: Expressed concerns for the Police Department budgetary funds and provided suggestions of where funds should be allocated. (public comment was signed by 363 individuals)
- Liza Munoz: Expressed opposition to the Police Department budget and provided suggestions of where funds should be allocated.
- Ed Elsner: Expressed concerns for how the City has handled transparency on the City's draft budget presentations.
- Delaine Shane: Asked that City Council reconsider the Police Departments budget in light of the Black Lives Matter movement.
- WISSPA Board Members (Betty Emirhanian, Bianca Richards, Ellen Wood, Dollie Chapman and Lisa Roa): Asked that City Council address community concerns regarding the City's budget and provided suggestions for budget approval.
- Sierra Betinis: Expressed concerns for the Police Department budget and provided suggestions of where funds should be allocated.
- William Kelly: Expressed concerns regarding the City's budget and asked the budget be redone and to eliminate discrepancies.

Finance Director Karen Aceves provided pre-recorded PowerPoint budget presentations (by all directors) for the City Budget Overview. The PowerPoint Budget Presentation were presented as follows: Fire Department, Finance Department, Police Department, Planning Department, Library Department, Management Services Department, Public Works Department, and Community Services Department.

City Council had various questions and comments throughout the presentations regarding the budgets for each department. City Council question and comment subject matter included the following:

- Fire Department: Future use of goats; response to medical vs. fire emergencies, etc.
- Finance Department: OPEB (Other Post-Employment Benefits); long-term pension obligations; OpenGov; department staffing, etc.

At this point of the meeting, Mayor Pro Tem Mahmud suggested, in the interest of time, that some of the items as reordered by Mayor Joe at the beginning of the meeting be continued to a future meeting.

City Council agreed to continue Item Nos. 13, 14, and 15 to a future meeting.

- Police Department: Community Training and Prevention programs; Police Department organizational chart; Police vehicle inventory, Police Department employee compensation; homeless and mental health services; Police Officer retention; Humane Society animal control contract; crossing guards; etc.

Councilmember Cacciotti asked the Police Department budget be reviewed by the Public Safety Commission so that they may provide recommendations. A second was provided by Councilmember Schneider.

Mayor Joe made a motion to provide direction to the City Manager to request that the Police Chief assign an appropriate police department representative as a resource to work with a subcommittee of the Public Safety Commission to review Police Use of Force policies. A second was provided by Councilmember Schneider.

- Planning Department: General Plan; permit tracking system; local architect letter praising the Planning Department; new department technology; new revenue sources; updates on two current projects; etc.
- Library Department: No-contact pick-up service; classes offered to the public; etc.
- Management Services Department: PIO services; technology to assist with PRA requests, department structure; etc.

Mayor Pro Tem Mahmud asked City Manager DeWolfe to provide a cost-estimate for part-time PIO contracted services.

Councilmember Schneider requested information on the legal costs associated with responding to PRA requests

- Public Works Department: Water production and associated costs; water system infrastructure; longer term planning for Public Works related systems; grants; previously approved projects status; etc.
- Community Services Department: Part-time staffing; summer programs; Dial-A-Ride; City hosted special events; oppositions to outsourcing Community Services; etc.

The appropriate staff responded to City Council questions and comments accordingly throughout the presentations.

General Comments were provided by City Council regarding: resident budget surveys; concerns over the Management Services Department budget; Finance Commission budget presentation; outsourcing department functions; City audits; etc.

Councilmember Schneider proposed a continuance to the budget for 60-90 days. A second was provided by Councilmember Cacciotti.

City Attorney Highsmith clarified when such a motion would be appropriate and that direction could be provided to the City Manager to bring the item back at a future meeting for consideration.

City Council requested the budget be reviewed by the Finance Commission and City Treasurer Gary Pia, before being presented to City Council for adoption.

ACTION/DISCUSSION ITEMS

16. Discussion of Regulatory Changes to Allow AI Fresco Options

Verbal Staff Report

Margaret Lin, Manager of Long Range Planning and Economic Development, provided a PowerPoint Presentation.

City Council had questions and comments regarding: temporary permits to use parking lots and alley ways; cement barricades; CDBG funds; etc.

Joanna Hankamer, Director of Planning and Community Development, Kanika Kith, Planning Manager, and Manager Lin provided responses accordingly.

Chief City Clerk Ayala and Deputy City Clerk Lopez read the public comment aloud.

Public Comment:

- Karan Raina: Expressed support for the AI Fresco initiative and provided suggestions to promote social distancing.
- Raju Ceerla: Expressed the need to allow businesses to operate during the pandemic.
- Dean Serwin: Expressed support for the AI Fresco initiative and suggested removing traffic lanes on Mission St.
- Madeline Di Giorgi: Expressed support for the AI Fresco initiative.
- Michelle Hammond: Expressed support for AI Fresco initiative and suggested breaking the initiative into two phases.

- Laurie Wheeler: Expressed support for the Al Fresco initiative and provided suggestions regarding safety measures.
- Lawrence Abelson: Expressed support for the Al Fresco initiative, concerns for the implementation process, and suggested the Mobility and Transportation Infrastructure Commission provide input.
- Sam Zneimer: Expressed support for the Al Fresco initiative and suggested the Mobility and Transportation Infrastructure Commission provide input.

Councilmember Schneider requested the Mobility and Transportation Infrastructure Commission review the item. Second provided by Councilmember Cacciotti.

City Council provided direction to staff to begin the implementation of Phase 1 and have Phase 2 be heard by City Council after review by the Mobility and Transportation Infrastructure Commission.

PUBLIC HEARING

12. Adoption of Resolution No. 7658 Confirming an Annual Levy and Collection of Assessments for the Lighting and Landscaping Maintenance District (LLMD) for Fiscal Year 2020-21

Shahid Abbas, Director of Public Works, provided a staff report.

Mayor Joe opened public hearing at 11:46 p.m.

Chief City Clerk Ayala announced no public comment were submitted for this item.

Mayor Joe closed the public hearing at 11:46 p.m.

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY MAYOR PRO TEM MAHMUD, CARRIED 5-0, to adopt **Resolution No. 7658** confirming the annual, levy and collection of assessments for the Lighting and Landscaping Maintenance District (District) for Fiscal Year (FY) 2020-21.

13. Designation of Rollin Craftsman Cluster Historic District (Project No. 2114-LHD)

Recommendation

It is recommended that the City Council conduct a public hearing and adopt a Resolution taking the following actions:

1. Find that the properties in the Rollin Craftsman Cluster, including 1500, 1506, 1507, 1510, and 1512 Rollin Street, qualify under criteria (1), (4), (7), and (11) of the South Pasadena Municipal Code Section 2.63(b), for designation of a historic district; and
2. Designate the Rollin Craftsman Cluster Historic District

Item No. 13 was continued to the next Regular City Council Meeting on June 17th.

SPECIAL PRESENTATION

~~1. Coronavirus Update and Discussion~~

Mayor Joe requested the presentation be skipped for this City Council meeting. City Council agreed.

2. CLOSED SESSION ANNOUNCEMENTS

City Attorney Highsmith provided a Closed Session report for the Special Closed Session Meeting held on June 7, 2020 at 4 p.m. City Attorney Highsmith reported that direction was provide on a matter of Anticipated Litigation and no action was taken on the matter.

A. CONFERENCE WITH LEGAL COUNSEL— Anticipated Litigation, Pursuant to Government Code Section 54956.9(d)(2)

Number of Potential Cases: 1

City Attorney Highsmith also provided a Closed Session report for the Special Closed Session Meeting held on June 10, 2020 at 6:30 p.m.

City Attorney Highsmith reported the following:

Item A – City Council received a briefing by the City’s Labor Negotiator regarding intentional labor negotiations with the City’s bargaining unions.

Item B – City Council received a briefing by the City Attorney regarding Existing Litigation for the appeal case of the Green v. City of South Pasadena.

A. Labor Negotiations

CONFERENCE WITH LABOR NEGOTIATOR, Pursuant to Government Code Section 54957.6

Conference with Labor Negotiators regarding labor negotiations with the following groups:

- Unrepresented Management Employees
- South Pasadena Police Officers’ Association
- South Pasadena Firefighters’ Association
- South Pasadena Public Service Employees’ Association
- South Pasadena Public Service Part Time Employees’ Association

City Negotiators: City Manager Stephanie DeWolfe; Interim Human Resources Manager Michael Casalou

B. CONFERENCE WITH LEGAL COUNSEL—Existing Litigation, Pursuant to Government Code Section 54956.9(d)(1)

Name of Case: *Green v. City of South Pasadena*

3. Public Comments - General

Mayor Joe announced public comments were received in writing via e-mail from the following individuals on general topics. Comments received included those received prior to June 3rd and would be uploaded to the Additional Documents of the meeting and become part of the final meeting record.

Chief City Clerk Ayala and Deputy City Clerk Lopez read the public comment aloud.

- Robert Conte: Asked that the City address the overgrown vegetation on abandoned properties.
- Ed Lee: Asked the City to continue to find solution to the budget shortfalls that will not impact the South Pasadena Little Leagues.
- Bianca Richards: Commended the City for its Housing Element Virtual Community Workshop on Saturday, May 30th and thanked City staff.
- Pete Kutzer: Expressed concerns regarding the 45-foot height limit on new buildings.
- Marqel Armani Lee: Asked the City commit to the Police Use of Force Project and provided steps as to how the City can do this.
- Delaine Shane: Expressed concerns for the City's finances and asked City Council to approve a Resolution of Continuing Appropriations.
- Susan Sulsky: Expressed support in City Council approving a Resolution of Continuing Appropriations, and requested an audit be conducted by the California State Auditor.
- Maureen Whitman: Expressed concern regarding the outsourcing of the Community Services Department.
- Jeremy Ding: Asked that direction be provided by City Council to the Public Safety Commission on the issues they would like to be advised on.
- Elizabeth Bagasao: Provided various requests to City Council regarding actions they should take to improve the quality of their public service.
- Jan Marshall: Expressed concern for the City's 2020-2021 Fiscal Year budget and staff handling it.

- Ron Rosen: Provided comments regarding potential Brown Act violations on Closed Session Agendas and asked City Council to assure the public is sufficiently informed.
- Yvette Becerra: Expressed concerns for outsourcing the Community Services Department
- WISPPA Board Member (Betty Emirhanian, Bianca Richards, Ellen Wood, Dollie Chapman, and Lisa Roa): Provided comments regarding the City’s current public comment guidelines and expressed concerns for changes on the City’s website.
- Brandon Yung on behalf of the South Pasadena Youth for Police Reform: Provided suggestions for changes regarding the policing systems and its effect on Black American community members.
- Scott Parker: Expressed opposition for outsourcing the Community Services Department if there are costs associated with using the fields at Orange Grove and Arroyo Parks.
- Riley Collins: Provided comments regarding South Pasadena Police Department accountability, records of officer misconduct, drug detecting dogs, etc.
- Tiffany Holmes: Expressed concerns regarding the Police Department’s budget and provided suggestions of where funds can be allocated.
- Linda Krausen: Thanked Sheila Pautsch, Director of Community Services, and the Public Works Department for responding to calls regarding the property located at 1107 Grevillea Street Park.
- Beverly Biber: Expressed concerns for the City’s current 45-foot building height limit.

COMMUNICATIONS

6. City Manager Communications

City Manager DeWolfe had no reports.

CONSENT CALENDAR

Mayor Joe pulled Item No. 11 for individual discussion.

Councilmember Cacciotti pulled Item No. 18 for individual discussion.

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY MAYOR PRO TEM MAHMUD, CARRIED 5-0, to approve Consent Calendar Items Nos. 7, 8, 9, and 10.

7. Minutes of the Regular City Council Meeting on April 15, 2020

The minutes for the Regular City Council meeting on April 15, 2020 were approved as presented.

8. Minutes of the Special City Council Meeting on April 29, 2020

The minutes for the Special City Council meeting on April 29, 2020 were approved as presented.

9. Approval of Prepaid Warrants in the Amount of \$161,696.27; General City Warrants in the Amount of \$895,418.66; General City Warrant Voids in the Amount of (\$449.00); Supplemental ACH Payments in the Amount of \$25,085.48

City Council approved the Warrants in the Amount of \$161,696.27; General City Warrants in the Amount of \$895,418.66; General City Warrant Voids in the Amount of (\$449.00); Supplemental ACH Payments in the Amount of \$25,085.48.

10. Award Sole Source Purchase of Motorola APX 8500 All Band Mobile Radios in the Amount of \$25,050

City Council:

1. Authorized the purchase of three (3) Motorola APX 8500 All Band Portable Radios in the amount of \$25,050; and
2. Authorized a single sole source purchase pursuant to South Pasadena Municipal Code (SPMC) Section 2.99-29(19).

ITEMS PULLED FROM CONSENT

11. Discretionary Fund Requests Mayor Robert Joe (\$2,000), Mayor Pro Tem Diana Mahmud (\$3,000) and Councilmember Marina Khubesrian (\$3,000), for a Combined Total of \$8,000 for the True North Polling Survey Professional Services Agreement

Chief City Clerk Ayala and Deputy City Clerk Lopez read the public comment aloud.

Public Comment:

- Jan Marshalls: Expressed opposition to the approval of use of discretionary funds to fund the True North Polling contract.
- Josh Albrektson: Thanked Mayor Joe, Mayor Pro Tem Mahmud, and Councilmember Khubesrian for their support on polling.
- Alan Ehrlich: Expressed opposition to the approval of use of discretionary funds to fund the True North Polling contract.

- Susan Sulsky: Expressed concerns for the allocation of funds and provided alternatives to surveying.

Recommendation

~~It is recommended that the City Council approve Discretionary Fund requests by Mayor Joe in the amount of \$2,000, Mayor Pro Tem Mahmud in the amount of \$3,000, and Councilmember Khubesrian in the amount of \$3,000, for a combined total of \$8,000 for the True North Polling Survey Professional Services Agreement.~~

Mayor Joe motioned to have the item pulled from the City Council agenda. A second was provided by Mayor Pro Tem Mahmud.

18. Discretionary Fund Request from Councilmember Dr. Richard Schneider in the amount of \$6,000 for a First Cut Scaled Drawing of the 710 Loop on Ramp

Councilmember Cacciotti spoke regarding resident traffic concerns and requested a sketch of the project be provided.

Chief City Clerk Ayala and Deputy City Clerk Lopez read the public comment aloud.

Public Comment:

- Lawrence Abelson: Provided comments regarding traffic concerns in the City.
- John Vandercook: Expressed support for the first cut scaled drawing of a Loop Ramp for the State Route 110.
- Joanna Nuckols: Expressed support for the first cut scaled drawing of a Loop Ramp for the State Route 110.
- Kim Hughes: Expressed support for the first cut scaled drawing of a Loop Ramp for the State Route 110.
- Sam Zneimer: Expressed support for the first cut scaled drawing of a Loop Ramp for the State Route 110.

MOTION BY MAYOR PRO TEM MAHMUD, SECOND BY COUNCILMEMBER CACCIOTTI, CARRIED 5-0, to approve Discretionary Fund requests by Councilmember Richard Schneider for a first cut scaled drawing sketch of a Loop Ramp for the State Route 110, from northbound Fair Oaks Avenue to southbound Arroyo.

Additional Documents were considered in the motion to clarify the correct state highway name on the staff report and amend it to read as follows:

SUBJECT: Discretionary Fund Request from Councilmember Dr. Richard Schneider in the amount of \$6,000 for a First Cut Scaled Drawing of a Loop Ramp for the State Route 110, also known as the Arroyo Seco Parkway

ACTION/DISCUSSION ITEMS

14. Approval of the First Amendment to the Professional Services Agreement with True North Research, Inc., to Design, Conduct, and Analyze a Professional Poll for a Total Not-To-Exceed Amount of \$24,950

Chief City Clerk Ayala and Deputy City Clerk Lopez read the public comment aloud.

Public Comment:

- Sally Kilby: Expressed support for the first amendment of the True North Research, Inc. contract.
- Jan Marshall: Expressed opposition for the item and provided reasons for the opposition.
- Josh Albrektson: Expressed concerns regarding the City's potential building height limits.
- Madeline Di Giorgi: Expressed support for the first amendment of the True North Research, Inc. contract.
- Felix Gutierrez: Expressed opposition on the item and provided comments on how residents can express public opinion.
- Ciena Valenzuela-Peterson: Expressed support for the first amendment of the True North Research, Inc. contract.
- Joanne Nuckols: Expressed opposition for the item and provided alternatives to where expenses can go to.
- Lindsey Kuwahara: Expressed support for the first amendment of the True North Research, Inc. contract.
- Alan Ehrlich: Expressed opposition for the item and concerns regarding the contractor and potential polling topics.
- Karen Yung: Expressed support for the first amendment of the True North Research, Inc. contract.
- Addison Foord: Expressed support for the first amendment of the True North Research, Inc. contract.
- Jack Donovan: Expressed opposition for the item and concerns regarding the City's building height limit.

Recommendation

~~It is recommended that the City Council authorize the City Manager to execute the first amendment to the Professional Services Agreement (PSA) with True North Research, Inc. (True North) to expand the scope of services and modify the timeline to conduct a professional poll for a total not to exceed amount of \$24,950.~~

Mayor Joe motioned to pull this item from the City Council Meeting agenda. A second was provided by Councilmember Cacciotti.

Mayor Joe motioned to direct staff to bring an item for City Council action to formally rescind the previous City Council action taken on May 6th to approve the True North Research, Inc. polling contract. A second provided by Councilmember Cacciotti.

Discussion was held by City Council regarding building height limits, polling, etc.

Councilmember Khubesrian motioned to have an AirBnB item brought to City Council to consider for placement as a ballot measure. A second was provided by Mayor Pro Tem Mahmud.

15. Approval of the Fiscal Year 2020-21 Water Conservation Rebate Program in the Amount of \$115,000

Recommendation

~~It is recommended that the City Council approve the Fiscal Year (FY) 2020-21 water conservation rebates and programs in the amount of \$115,000 funded from the existing Water Efficiency Fund.~~

Item No. 15 was continued to the next Regular City Council Meeting on June 17th.

5. Councilmembers Communications

There were no communications provided by City Council.

ADJOURNMENT

There being no further business, Mayor Joe adjourned the meeting on June 11th at 1:03 a.m.

Evelyn G. Zneimer
City Clerk

Robert S. Joe
Mayor



Wednesday, June 17, 2020
Minutes of the Regular Meeting of the City Council

CALL TO ORDER

A Regular Meeting of the South Pasadena City Council was called to order by Mayor Joe on Wednesday, June 17, 2020, at 7:50 p.m., in the Council Chamber, located at 1424 Mission Street, South Pasadena, California.

A brief introduction was provide by Mayor Joe of the procedures in place in an effort to prevent the spread of COVID-19.

ROLL CALL

Present via Zoom: Councilmembers Cacciotti, Khubesrian, and Schneider; Mayor Pro Tem Mahmud; and Mayor Joe. (Councilmember Schneider was in the process of joining the meeting while roll call took place.)

Absent: None

City Staff Present: City Manager DeWolfe (in attendance via Zoom); City Attorney Teresa Highsmith (in attendance via Zoom); and Chief City Clerk Ayala were present at Roll Call.

PLEDGE OF ALLEGIANCE

Police Chief Joe Ortiz led the flag salute.

1. CLOSED SESSION ANNOUNCEMENTS

A. Labor Negotiations

CONFERENCE WITH LABOR NEGOTIATOR, Pursuant to Government Code Section 54957.6

Conference with Labor Negotiators regarding labor negotiations with the following groups:
- Unrepresented Management Employees
- South Pasadena Police Officers' Association
- South Pasadena Firefighters' Association

- South Pasadena Public Service Employees' Association
- South Pasadena Public Service Part Time Employees' Association

City Negotiators: City Manager Stephanie DeWolfe; Interim Human Resources Manager Michael Casalou

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: Wireless Facilities Located at 701 La Portada Street, 815 Mission Street, 614 Stoney Drive, and 1055 South Lohman, South Pasadena.

Agency Negotiator: Stephanie DeWolfe, City Manager

Negotiating Parties: American Tower, Crown Castle, Everest Infrastructure, Mobility, SBA Communications, Tilson, TowerPoint, Tower Ventures, and Wireless Propco.

Under Negotiation: Price and terms of payment for proposed master lease agreement(s).

Item added to the agenda:

C. CONFERENCE WITH LEGAL COUNSEL— Anticipated Litigation, Pursuant to Government Code Section 54956.9(d)(2)

Number of Potential Cases: 1

City Attorney Highsmith reported the following:

Item A – City Council received a briefing by the City's Labor Negotiator regarding the status of negotiations with the City's bargaining units and unrepresented employees. Direction was provided by City Council to the City's Labor Negotiator.

Item B - City Council received a briefing from the City's Real Property Negotiator to consider entering into a master lease regarding the City's seven cell tower leases. Direction was provided by City Council to the City's Real Property Negotiators.

Item C - City Council met to discuss a matter of Anticipated Litigation. City Council voted unanimously to release a redacted version of the previously confidential Citygate Associates, LLC Report for review of the Finance Commission and public view.

2. Public Comments - General

Mayor Joe announced that starting with the tonight's City Council meeting, public comments would be accepted until 12 p.m. the day of the City Council meeting. Comments received would be uploaded to Additional Documents and become part of the final meeting record.

Chief City Clerk Ayala read the public comments received aloud.

Public Comment:

- Casey Law – Expressed concerns regarding the barrier that separates Via Del Rey from Van Horne Ave. and the speculated reasons for the its construction.
- Betty Emirhanian – Expressed concerns regarding the June 10th City Council meeting and public comment procedures.
- Alan Ehrlich – Expressed opposition to any City negotiations regarding the selling of property leases for cellular towers.
- Paula Scott – Provided comments about the South Pasadena Police Department, political statements and displays regarding the Blue Lives Matter movement.
- Wende Lee – Expressed concerns over traffic and safety for pedestrians on Oak Street.
- Martin Dattola – Expressed concerns for defunding the South Pasadena Police Department.
- Larry Abelson – Expressed concerns for the City’s transparency regarding Measure M and R funds.
- Ron Rosen – Expressed concerns for the City’s financial transparency.
- Delaine, Russell, and Sara Shane – Expressed concerns over traffic on Meridian Ave. (public comment was submitted with signatures from an additional 25 individuals)
- Kimberley Hughes – Expressed concerns regarding the City’s street and roadway projects.
- Libby Rainey – Asked City Council to host a Town Hall to share public views on policing.
- Elizabeth Bagasao – Expressed concerns regarding statements the City Manager made regarding the audit firms previously contracted by the City.

COMMUNICATIONS

3. Councilmembers Communications

Councilmember Khubesrian shared comments regarding the City’s efforts to address racism and racial biases; etc. Councilmember Khubesrian motioned to hold a Virtual Town Hall to provide the residents the opportunity to comment. A second was provide by Councilmember Schneider.

Councilmember Schneider shared concerns from the Mobility and Transportation Infrastructure Commission regarding the City’s projects list changes; asked City Manager

DeWolfe regarding the 2019 Fiscal Year Audit reports; etc. Councilmember Schneider motioned to provide \$4,000 from his discretionary fund for the Ray Bradbury Stained Glass Windows in the City's Library. A second was provided by Mayor Pro Tem Mahmud.

Councilmember Schneider also asked if the traffic study regarding Meridian Ave. had concluded and motioned to have the results of the study on a future agenda for City Council discussion. A second was provided by Councilmember Cacciotti.

Councilmember Cacciotti requested to have the 2018-19 Homeless Plan on a future agenda; reported on recent protests; etc.

Mayor Pro Tem Mahmud shared comments regarding the California Power Alliance Board of Director's approval of payment assistance programs; League of California Cities meeting with Senator Mike McGuire and SB1120 discussion; thanked City staff for their hard work; problems of racial and systemic racism; etc.

Mayor Joe spoke in the memory of Kai Leng, a South Pasadena Resident.

4. City Manager Communications

City Manager DeWolfe answered Councilmember Schneider's questions regarding the City's 2019 audit accordingly; displayed a slide announcing the City's Climate Action Plan survey for resident's feedback and its June 25th deadline.

5. Reordering of and Additions to the Agenda

There no reordering of agenda items for this meeting.

CONSENT CALENDAR

Chief City Clerk Ayala announced Additional Documents for Item Nos. 14, 18, and 20.

Councilmember Khubesrian pulled Item No. 14 for individual discussion.

Item No. 15 was pulled from Consent in order to hear public comment on the item.

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY COUNCILMEMBER KHUBESRIAN, CARRIED 5-0, to approve Consent Calendar Items Nos. 6-13.

6. Approval of Prepaid Warrants in the Amount of \$112,528.92; General City Warrants in the Amount of \$495,300.18; General City Warrant Voids in the Amount of (\$4,063.79); Supplemental ACH Payments in the Amount of \$9,348.96.

City Council approved the Warrants as presented.

7. Approval of Updated 2020 City Council Meeting Schedule

City Council approve the Updated City Council meeting schedule for the 2020 calendar year adding the August 5, 2020 City Council Meeting.

8. Monthly Investment Reports for April 2020

City Council receive and filed the monthly investment reports for April 2020.

9. Award of Contract to Better 4 You Meals in the Amount of \$85,135 for the Catered Senior Meal Program beginning June 1, 2020 and Fiscal Year 2020-2021, with the Option to Renew the Contract for an Additional Four Year

City Council:

1. Awarded a contract for the Senior Meal Program (Program) to Better 4 You Meals in the amount of \$85,135 for Fiscal year 2020-2021, to provide meals at the Senior Center and for home delivery. The contract will serve for a one-year period. Additionally, in accordance with the Community Development Block Grant (CDBG) guidelines, staff may automatically renew the contract up to four additional years (pending sufficient funds from CDBG), for a contract total of five-years, ending in 2025.
2. Approved starting June 1, 2020; contract with existing caterer will be terminated effective May 30, 2020.

10. Purchase of Carbon Media from Calgon Carbon Corporation for the Wilson Wellhead Treatment System for a Total Not-to-Exceed Amount of \$185,000

City Council authorize the City Manager to purchase carbon media from Calgon Carbon Corporation (Calgon) for a total not-to-exceed amount of \$185,000 (\$178,130 for the bid amount and \$6,870 for contingency) for the Wilson Wellhead Treatment System.

11. Approve an Agreement with Empire Pipe Cleaning and Equipment Inc. for 2020 Sewer System Closed Circuit Television Inspection and Cleaning Project in an Amount Not-to-Exceed \$502,920

City Council:

1. Accepted a bid dated May 14, 2020 from Empire Pipe Cleaning and Equipment Inc. for the 2020 Sewer System Closed Circuit Television (CCTV) Inspection and Cleaning Project (Project);
2. Authorized the City Manager to enter into an agreement with Empire Pipe Cleaning and Equipment Inc., for a bid amount of \$457,200;
3. Authorized a construction contingency ten percent in the amount of \$45,720 for a total amount of \$502,920; and
4. Authorized a budget amendment to transfer \$502,920 from the Sewer Fund reserve to Sewer Account No. 210-9000-9000-9010-000

12. Authorize the Professional Services Agreements with Three On-call Planning Firms to Assist with Major Project Review in the Amount not-to-exceed of \$50,000 per Firm for a Total not-to-exceed Amount of \$150,000 for All Three, Paid for by Project Applicants

City Council authorized the City Manager to execute the Professional Services Agreements (PSAs) with three on-call Planning Firms to assist with Major Project Review in the amount not-to-exceed of \$50,000 per firm.

13. Approval of an Amendment to the Amended and Restated Agreement with Acorn Technology to Extend Term of Agreement for One Year for Information Technology Services

City Council approved an Amendment to the Amended and Restated Agreement with Acorn Technology (Acorn) to extend the term of services for one additional year, through June 2021, for the maintenance and continuity of Information Technology (IT) Services. All other terms of the contract will remain the same, including hourly rates and not-to-exceed total annual maximum amount of \$185,200.

ITEMS PULLED FROM CONSENT

14. Consideration of Rescinding Council Action Authorizing Professional Services Agreement with True North Research, Inc., for a Professional Poll

Chief City Clerk Ayala read the public comments received aloud.

Public Comment:

- Ella Hushagen - Provided comments regarding affordable housing and polling suggestions.
- Sally Kilby – Expressed opposition for the item and provided comments regarding the importance of surveying the community and potential consequences if approval is rescinded.
- Amber Haley – Expressed support for the item and provided reasons for eliminating the 45-foot height limit initiative.
- Madeline Di Giorgi – Expressed opposition for the item and provided comments regarding the importance of surveying the community.
- William Kelley – Expressed opposition for the item and provided comments regarding the importance of surveying the community.
- Ron Rosen – Expressed support for the item and provided reasons for his support.

Councilmember Khubesrian provide comments regarding her opposition for the item.

Mayor Pro Tem Mahmud and Councilmember Schneider provided comments regarding concerns for losing the voters support on the UUT; the pandemics influence on the voter support for the ballot initiatives; height limits; providing more information regarding the UUT to inform the voters.

Mayor Joe and Councilmember Cacciotti concurred with Mayor Pro Tem Mahmud and Councilmember Schneider and expressed support for the item.

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY COUNCILMEMBER SCHNEIDER, CARRIED 4-1 (KHUBESRIAN), to rescind its previous action to authorize the Professional Services Agreement (PSA) with True North Research, Inc. (True North) to design, conduct, and analyze a professional poll.

Additional Documents were provided as a response to questions from Councilmembers and the public regarding polling for a potential ballot measure to modify the height limit in the city.

15. Approval of Protocols for Re-Opening and Maintaining a Safe and Healthy Workplace in Light of COVID-19

Chief City Clerk Ayala read the public comments received aloud.

Public Comment:

- Anonymous – Expressed concern for the re-opening of City Hall.

City Council held a discussion regarding the protocols and safety measures for re-opening City facilities.

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY MAYOR PRO TEM MAHMUD, CARRIED 5-0, to approve the Protocols for Re-Opening City Facilities to Non-Essential Employees and Maintaining a Safe and Healthy Workplace in Light of COVID-19 and authorizes the City Manager to amend said policies, protocols and guidelines as needed administratively moving forward.

PUBLIC HEARING

16. Public Hearing to Approve the Appropriation of Community Development Block Grant Funds-Coronavirus (CDBG-CV) to Prevent, Prepare, and Respond to the COVID-19 Pandemic

Marisol Romero, Management Analyst, provide a PowerPoint Presentation.

Mayor Joe opened the public hearing at 9:08 p.m.

Chief City Clerk Ayala read the public comment received aloud.

Public Comment:

- Helen Tran, Elizabeth Anne Bagasao, Ella Hushagen, Jan Marshall, and John Srebalus - Asked City Council to postpone voting on the item, and provided various reasons for their request.

Mayor Joe closed the public hearing at 9:09 p.m.

Councilmember Cacciotti asked questions regarding the senior meals; non-coronavirus CDBG funding; etc.

Analyst Romero answered questions accordingly.

Mayor Pro Tem Mahmud spoke about assisting the small businesses effected by the shutdown and displayed images showing outdoor dining establishments from the City of Sierra Madre.

City Council held significant discussion regarding assistance programs the CDBG funds should be allocated to.

Councilmember Cacciotti requested the cost amounts for any installations to assist with outdoor dining, and suggested bring back a proposal that would assist both the small business and the senior meals program.

Recommendation

~~It is recommended that the City Council consider the CDBG-CV program options for the purposes of preventing, preparing and responding to the coronavirus and approve appropriation of \$73,528.~~

Motion to continue the item to a future meeting was made by Mayor Pro Tem Mahmud. A second was provided by Councilmember Cacciotti.

Councilmember Cacciotti requested that the City's Commissions provide input on the item before bring it back to City Council.

Public Hearing Continued from June 10, 2020 City Council Meeting:

17. Designation of Rollin Craftsman Cluster Historic District (Project No. 2114-LHD)

Mayor Joe asked the rest of the Councilmembers if they would like to forgo a shorter version of staff's presentation.

City Council agreed to forgo a shorter version of staff's presentation.

Kanika Kith, Planning Manager, provided the staff report.

Mayor Joe opened the public hearing at 9:30 p.m.

Chief City Clerk Ayala read the public comment received aloud.

Public Comment:

- Joseph Cryer – Asked City Council to continue the item to a future meeting and provided various reasons for his request.

Mayor Joe closed the public hearing at 9:32 p.m.

MOTION BY MAYOR PRO TEM MAHMUD, SECOND BY COUNCILMEMBER KHUBESRIAN, CARRIED 5-0, to approve adopt a **Resolution No. 7659** taking the following actions:

1. Find that the properties in the Rollin Craftsman Cluster, including 1500, 1506, 1507, 1510, and 1512 Rollin Street, qualify under criteria (1), (4), (7), and (11) of the South Pasadena Municipal Code Section 2.63(b), for designation of a historic district; and
2. Designate the Rollin Craftsman Cluster Historic District

ACTION/DISCUSSION ITEMS

18. Approval of the Fiscal Year 2020-21 Water Conservation Rebate Program in the Amount of \$115,000

Shahid Abbas, Director of Public Works, and Arpy Kasparian, Water Conservation and Sustainability Analyst, provided a PowerPoint Presentation.

Mayor Pro Tem Mahmud, Councilmembers Cacciotti and Schneider had various questions and comments regarding the City's water usage; consequences of drought; water rebate programs; water conservation; promoting greywater conversion; using virtual forums for outreach.

Analyst Kasparian provided answers accordingly.

Chief City Clerk Ayala read the public comment aloud.

Public Comment:

- Josh Albrektson – Provided comments regarding where funds for water conservation should be allocated to instead.

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY MAYOR PRO TEM MAHMUD, CARRIED 5-0, to approve the Fiscal Year (FY) 2020-21 water conservation rebates and programs in the amount of \$115,000 funded from the existing Water Efficiency Fund.

Additional Documents were provided for clarification on the City's water conservation rebate programs by including the City's additional incentive to MWD's water conservation program on Table 3 of the attachment.

19. Al Fresco Dining and Retail Pilot Program to Temporarily Relax Temporary Use Permit, Encroachment Permit and Parking Requirements to Support Local Businesses

Margaret Lin, Manager of Long Range Planning and Economic Development, provided the staff report.

City Council had various questions and comments on topics regarding a presentation for the Mobility and Transportation Infrastructure Commission for input; businesses interested in the program; creating a temporary plaza for dining out; etc.

Joanna Hankamer, Director of Planning and Community Development, and Manager Lin answered questions accordingly.

Chief City Clerk Ayala read the public comments received aloud.

Public Comments:

- Josh Albrektson – Provided suggestions as to how restaurants can operate outdoors.
- Anonymous – Provided suggestions for how restaurants can operate outdoors and supported the creation of an outdoor dining plaza.

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY COUNCILMEMBER KHUBESRIAN, CARRIED 5-0, to receive and file information regarding the Al Fresco Dining and Retail Pilot Program to temporarily relax Temporary Use Permit (TUP), Encroachment Permit, and parking requirements authorized by the June 17, 2020 Local Emergency Declaration Resolution.

20. Adoption of Resolution No. 7657 Continuing the Proclamation of a Local Emergency Due to the Outbreak of COVID-19; Amending Regulations for Private Facilities and Public Gatherings; Reinstating the Parking Pass Program; Approving the Temporary Relaxation of Temporary Use Permit; Encroachment Permit, and Parking Requirements for the Al Fresco Dining and Retail Program; and Authorizing the City Manager to Take All Necessary Actions as the Director of Emergency Services

City Manager DeWolfe provided a staff report.

Mayor Pro Tem Mahmud and Councilmember Schneider provided questions and comments regarding issuance of parking tickets and warnings.

City Manager DeWolfe provided answers accordingly.

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY COUNCILMEMBER Schneider CARRIED 5-0, approve the attached **Resolution No. 7657**:

1. Continuing the proclamation of a local emergency due to the outbreak of COVID-19;
2. Amending regulations for private facilities and public gatherings;
3. Reinstating the Overnight Parking Pass Program effective July 6;
4. Approving the temporary relaxation of Temporary Use Permit, encroachment permit, and parking requirements for the Al Fresco Dining and Retail Pilot Program; and
5. Authorizing the City Manager to take all necessary actions as the Director of Emergency Services.

Additional Documents were considered in City Council's motion and vote for updates of the Resolution and attachment to reflect the following:

Reference to the Los Angeles County Health Officer order changed to reflect the amended order adopted on June 11, 2020 (not available at the time of the printing of the packet).

Section 9. Protection of Affected Tenants– changed the date of the Resolution of the Los Angeles County Board of Supervisors to June 3, 2020. The order incorporates all aspects, restrictions, and requirements of the Moratorium adopted by the Board and amended on March 31, 2020, April 14, 2020, and May 12, 2020.

Addition of new Attachments to the Resolution consistent with the changes noted above:

Attachment A: Los Angeles County Health Office Order (June 11, 2020)

Attachment B: Los Angeles County Board of Supervisors Resolution (June 3, 2020)

SPECIAL PRESENTATION

21. Coronavirus Update

City Manager DeWolfe provided a verbal presentation on the reopening of City Hall protocols and procedures; Sheila Pautsch, Director of Community Services, presented a PowerPoint presentation on the reopening of community services; Chief Ortiz provided a verbal presentation on the Police Department; Paul Riddle, Fire Chief, provided a verbal presentation on the general overview of the City, and a report on the Fire Department.

City Council had questions and comments regarding reopening of parks, tennis courts, and playgrounds; opening City Council meetings to the public; staff training; cleaning costs; reopening of the Senior Center; CDBG funds; service animals; Golf Course financial concerns; Los Angeles County reported Covid-19 cases; etc.

City Manager DeWolfe, Director Pautsch, and Chief Riddle answered all questions accordingly.

ADJOURNMENT

Mayor Joe announced a Special City Council meeting on June 24th, and the next Regular City Council meeting on July 1st.

There being no further business, at 11:06 p.m. Mayor Joe adjourned the meeting.

Evelyn G. Zneimer
City Clerk

Robert S. Joe
Mayor



Wednesday, June 24, 2020
Minutes of the Special Meeting of the City Council

CALL TO ORDER

A Special Meeting of the South Pasadena City Council was called to order by Mayor Joe on Wednesday, June 24, 2020, at 7:47 p.m., in the Council Chamber, located at 1424 Mission Street, South Pasadena, California.

A brief introduction was provide by Mayor Joe on the procedures in place in an effort to prevent the spread of COVID-19.

ROLL CALL

Present via Zoom: Councilmembers Cacciotti, Khubesrian, and Schneider; Mayor Pro Tem Mahmud; and Mayor Joe.

Absent: None

City Staff Present: City Manager DeWolfe (in attendance via Zoom); City Attorney Teresa Highsmith (in attendance via Zoom); and Chief City Clerk Ayala were present at Roll Call.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Mahmud led the flag salute.

CLOSED SESSION ANNOUNCEMENTS

A. Labor Negotiations

CONFERENCE WITH LABOR NEGOTIATOR, Pursuant to Government Code Section 54957.6

Conference with Labor Negotiators regarding labor negotiations with the following groups:

- Unrepresented Management Employees
- South Pasadena Police Officers' Association
- South Pasadena Firefighters' Association
- South Pasadena Public Service Employees' Association
- South Pasadena Public Service Part Time Employees' Association

City Negotiators: City Manager Stephanie DeWolfe; Interim Human Resources Manager Michael Casalou

B. CONFERENCE WITH LEGAL COUNSEL—Existing Litigation, Pursuant to Government Code Section 54956.9(d)(1)

Name of Case: *Smith v. City of South Pasadena*

City Attorney Highsmith reported the following:

Item A – City Council received a briefing by the City’s Labor Negotiator regarding the status of negotiations with the City’s bargaining unions and unrepresented employees. Direction was provided by City Council to the City’s Labor Negotiator.

Item B - City Council received a briefing on the matter of existing litigation of *Smith v. City of South Pasadena*. Direction was provided by the City Council to legal counsel.

PUBLIC HEARINGS

Chief City Clerk Ayala announced Additional Documents for Item No. 1.

1. **Approve a Resolution No. 7660 to Continue Appropriations of the FY 19/20 Budget and Allocate Funding for Temporary Supplemental Staff for the Finance Department to Expedite the Resolution of Historical Accounting Deficiencies**

City Manager DeWolfe provided a brief introduction and background for the item.

Karen Aceves, Finance Director, presented a PowerPoint presentation.

City Council had various questions and comments regarding the City’s credit; City’s ability to pay bills; City’s investment funds; City’s 2018-19 FY audit; Finance Commission presentations of the 2020-21 FY Budget; hiring process for an Accountant position; City’s 2019-20 FY budget; the Citygate Report; current Finance Department staff; etc.

Director Aceves answered all questions accordingly.

Mayor Joe opened the Public Hearing at 8:28 p.m.

Chief City Clerk Ayala read the public comments received aloud.

Public Comment:

- Chris Bray – Provided various comments regarding the City’s Budget.

- Madeline Di Giorgi – Expressed support for the item and provided various reasons for the support.
- William Kelly - Expressed support for the item and provided various reasons for the support.
- Delaine Shane – Expressed support for the item and the City conducting an independent audit.
- South Pasadena Youth for Police Reform – Expressed support for the item and provided various reasons for the support.
- Mary Urquhart – Expressed support for the item and provided various reasons for the support.
- Josh Betta – Expressed concerns regarding the City’s finances and budget.
- Wendy Gutschow - Expressed support for the item and provided various reasons for the support.
- Emily Diaz-Vines – Expressed concerns regarding media articles circulating about the City’s budget and former City employees.
- Jan Marshall - Expressed support for the item and provided various reasons for the support.
- Mel Trom – Commended City Manager DeWolfe and Director Aceves, and encouraged the adoption of the budget.
- Joanne Nuckols – Expressed support for the item and provided various reasons for the support.
- Ella Hushagen, Helen Tran, and John Srebalus – Expressed support for the item and provided various reasons for the support.

Mayor Joe closed the Public Hearing at 9:15 p.m.

During their discussion, City Council had various questions and comments regarding the City’s Comprehensive Annual Financial Report (CAFR) and audit; LA County legal filings and requirements; resolution to continue appropriations; Finance Commission presentations of the 2020-21 FY Budget; pandemic effects to the City’s revenue and budget; restoring trust regarding the City’s finances; community input regarding the City’s Budget; City’s organizational chart; amendments to the staff recommendations; temporary Accountant position; consequences of not approving a staff recommended resolution; community expectations; City’s objectives; etc.

City Manager DeWolfe, City Attorney Highsmith, and Director Aceves answered questions accordingly.

Councilmember Schneider made a motion to approve staff's recommendation and amend the staff report to remove accusatory language regarding how previous staff handled the City's budget. A second was provided by Councilmember Cacciotti.

City Council discussed various modifications that could be made to the motion.

Mayor Joe asked the following modifications be considered in Councilmember Schneider's motion: adoption of a resolution to continue appropriations of the FY 19-20 budget; direct staff to bring back to City Council the final numbers for FY 2020-21 budget and provide a list of anticipated revenue and expenditure within 60-days; and appropriating up to \$80,000 for the hiring of a temporary Accountant and financial budgetary module.

MOTION BY COUNCILMEMBER SCHNEIDER, SECOND BY COUNCILMEMBER CACCIOTTI, CARRIED 5-0, to:

- 1) Approve **Resolution No. 7660** to continue appropriations of the FY 19/20 budget; and,
- 2) Allocate funding for temporary supplemental staff for the Finance Department to expedite the resolution of historical accounting deficiencies

The following amendments made to staff's recommendations were considered and included in the motion and vote:

- Amendment of the staff report presented to City Council to remove accusatory language regarding previous staff handling of the City's budget.
- Direct staff to bring back the final numbers for the FY 2020-21 budget and provide a list of anticipated revenue and expenditure within 60-days.
- Appropriating up to \$80,000 for the hiring the temporary Accountant and financial budgetary module.

Additional Documents were considered in the motion and vote updating the Resolution to remove the reference to GC 3504.5 (the emergency procedure under the Meyers-Milias-Brown Act).

ACTION/DISCUSSION

2. Discussion and Direction on the Estimated Costs for Continued Virtual Public Meetings

City Manager DeWolfe introduced the item and Lucy Demirjian, Assistant to the City Manager, provide the staff report.

City Council has various questions, comments, and suggestions regarding City Meeting requirements during the Covid-19 pandemic; City meetings recorded and televised due to the Covid-19 pandemic; methods to receive public comments; protocols on public comments; holding meetings in the Council Chambers; cuing of public comments in person; physically attending meetings for the City's Commissions; etc.

City Attorney Highsmith and Assistant to the City Manager Demirjian answered all questions accordingly.

Chief City Clerk Ayala read the Public Comment received aloud.

Public Comment:

- William Kelly – Expressed support for submitting verbal public comment.

Councilmember Cacciotti requested input from the City’s Commissions regarding the future of how meetings are conducted. Mayor Joe concurred.

Recommendation

~~It is recommended that the City Council provide direction upon reviewing this report estimating the costs for continued virtual public meetings in compliance with guidelines set forth in the Los Angeles County Health Officer’s Safer at Home Order.~~

City Council reach a consensus to continue the item to a future meeting so staff can provide more options of how Virtual Meetings can continue to be facilitated.

3. Appointment of City Council Sub-Committee on the Future of Policing in South Pas (No Staff Report)

Councilmember Khubesrian provided background information on the item.

Chief City Clerk Ayala read the Public Comment received aloud.

Public Comment:

- Will Hoadley-Brill – Expressed support for the item and asked City Council to support creating the Sub-Committee of the Future of Policing. Also asked the City Council approve the City’s proposed budget before the end of the 2019-2020 Fiscal Year.
- Sofie Dreskin – Expressed support for the item and asked City Council to support creating the Sub-Committee of the Future of Policing.
- Madeline Di Georgie - Expressed support for the item and asked City Council to support creating the Sub-Committee of the Future of Policing.
- South Pasadena Youth for Police Reform - Expressed support for the item of creating the Sub-Committee of the Future of Policing and provided reasons for the support
- Ashely Steimer-King - Expressed support for the item of creating the Sub-Committee of the Future of Policing.
- Wendy Gutschow – Expressed support in creating an oversight committee independent

of the South Pasadena Police Department and provided suggestions regarding the committee ability to make recommendations.

- Phung Huynh, Elana Mann, Stefani Williams, and Arts Magnet – Expressed support for the item of creating the Sub-Committee of the Future of Policing and the importance for racial justice in the community.

City Council held a discussion and had various questions and comments regarding Public Safety Commission oversight of the Police Department; Public Safety Commission sub-committee; Police Department Budget; protocols for the Sub-Committee on the Future of Policing in South Pas; etc.

City Attorney Highsmith answered questions accordingly.

Councilmember Cacciotti requested the item be reviewed by the Public Safety Commission for input and recommendations to City Council.

MOTION BY MAYOR JOE, SECOND BY COUNCILMEMBER SCHNEIDER, CARRIED 5-0, to appoint the Sub-Committee on the Future of Policing in South Pas and include the sub-committee of the Public Safety Commission; have the sub-committees report back to City Council with suggestions on the Public Safety Commissions responsibilities stated in the City’s municipal code.

INFORMATION REPORTS

4. South Pasadena COVID-19 Update

Chief of Police, Joe Ortiz, provided a verbal update on the Police Department, and Fire Chief, Paul Riddle, provided a verbal general update of the City and the Fire Department.

City Council had various questions and comments following each presentation regarding COVID-19 paramedic transportation; resident hospitalizations; etc.

Chief Riddle answered all questions accordingly.

ADJOURNMENT

Mayor Joe announced the next Regular City Council meeting on July 1st.

There being no further business, Mayor Joe adjourned the meeting at 11:09 p.m.

Evelyn G. Zneimer
City Clerk

Robert S. Joe
Mayor



City Council Agenda Report

ITEM NO. 9

DATE: August 5, 2020

FROM: Stephanie DeWolfe, City Manager

PREPARED BY: Maria E. Ayala, Chief City Clerk

SUBJECT: **Approval of Resolution Appointing Delegates, Representatives, and Alternates to Various Agencies and Organizations to Clarify the Term for the San Gabriel Valley Mosquito and Vector Control District**

Recommendation

It is recommended that the City Council adopt a resolution appointing delegates, representatives, and alternates as official representatives of the City of South Pasadena to clarify the term for the San Gabriel Valley Mosquito and Vector Control District.

Discussion/Analysis

The Mayor's list of City Council Liaison and Regional Group Appointments (a routine annual item) was approved by the City Council on January 15, 2020, Resolution No. 7639. The term specified for Councilmember Khubesrian's appointment to the San Gabriel Valley Mosquito and Vector Control District (SGVMVC) was for one (1) year, 2020.

SGVMVC has indicated that appointments to the SGVMVC Board must be specified to be for at least two (2) years. Therefore, the proposed resolution clarifies that said appointment is for a two-year term, January 2020 – December 2021.

The Mayor will still review and propose Council appointments on a yearly basis as has been the standard practice.

Background

At the beginning of every Mayor term, appointments are made to various commissions, boards, committees, and regional groups for the calendar year. The majority of the appointments are made by the Mayor; however, several agencies and organizations require City Council action by resolution.

Legal Review

The City Attorney has reviewed this item.

Fiscal Impact

Expenses for attending regional meetings are budgeted in the annual City Council Budget.

Environmental Analysis

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website and/or notice in the *South Pasadena Review* and/or the *Pasadena Star-News*.

Attachments:

1. Resolution Approving City Council Appointments to Various Governmental Entities and Organizations
2. Current List of Proposed City Council Liaison & Regional Group Appointments

ATTACHMENT 1
Resolution Updating 2020 City Council
Appointments

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,
APPOINTING DELEGATES, REPPRESENTATIVES,
AND ALTERNATES AS OFFICIAL REPRESENTATIVES
OF THE CITY OF SOUTH PASADENA**

WHEREAS, the City Council of the City of South Pasadena (City) at its regular meeting of December 4, 2019, reorganized as follows: Robert S. Joe, Mayor; Diana Mahmud, Mayor Pro Tem; Michael A. Cacciotti, Councilmember; Marina Khubesrian, M.D., Councilmember; and Richard D. Schneider, M.D., Councilmember; and

WHEREAS, with the reorganization, the Mayor and the City Council make appointments to various agencies and organizations for the Mayoral term; and

WHEREAS, several agencies and organizations require that the City Council formally approve its official delegates, representatives, and alternates to represent the City.

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

SECTION 1. The City Council of the City of South Pasadena does hereby confirm and appoint the following persons as Governing Board Representative and alternate member of the **SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS** for the term indicated:

Governing Board Representative	Alternate	Term
Mayor Pro Tem Mahmud	Councilmember Cacciotti	2020

SECTION 2. The City Council of the City of South Pasadena does hereby confirm and appoint the following persons as delegate and alternate member of the **LEAGUE OF CALIFORNIA CITIES, LOS ANGELES DIVISION** for the term indicated:

Delegate	Alternate	Term
Mayor Pro Tem Mahmud	Councilmember Cacciotti	2020

SECTION 3. The City Council of the City of South Pasadena does hereby confirm and appoint the following persons as board member and alternate board member of the **LOS ANGELES COUNTY SANITATION DISTRICTS BOARD OF DIRECTORS, DISTRICT 16** for the term indicated:

Board Member	Alternate	Term
Mayor Joe	Mayor Pro Tem Mahmud	2020

SECTION 4. The City Council of the City of South Pasadena does hereby confirm and appoint the following persons as delegate and alternate member of the **METRO GOLD LINE PHASE II JOINT POWERS AUTHORITY BOARD** for the term indicated:

Delegate	Alternate	Term
Councilmember Cacciotti	Councilmember Schneider	2020

SECTION 5. The City Council of the City of South Pasadena does hereby confirm and appoint the following persons as delegate and alternate member of the **ARROYO VERDUGO COMMUNITIES JOINT POWERS AUTHORITY** for the term indicated:

Delegate	Alternate	Term
Councilmember Khubesrian	Mayor Pro Tem Mahmud	2020

SECTION 6. The City Council of the City of South Pasadena does hereby confirm and appoint the following persons as delegate and alternate member of the **SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS GENERAL ASSEMBLY** for the term indicated:

Delegate	Alternate	Term
Mayor Pro Tem Mahmud	Mayor Joe	2020

SECTION 7. The City Council of the City of South Pasadena does hereby confirm and appoint the following person as delegate member of the **SAN GABRIEL VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT** for the term indicated:

Delegate	Alternate	Term
Councilmember Khubesrian	None	January 2020 – December 2021

SECTION 8. The City Council of the City of South Pasadena does hereby confirm and appoint the following person as delegate member of the **CLEAN POWER ALLIANCE** for the term indicated:

Delegate	Alternate	Term
Mayor Pro Tem Mahmud	Mayor Joe, Kim Hughes	2020

SECTION 9. Pursuant to the appointments made above, the City Council of the City of South Pasadena does hereby adopt the completed Form 806 of the Fair Political Practices Commission, and directs staff to take all other actions necessary to comply with the requirements of any applicable laws and regulations.

SECTION 10. 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 August, 2020.

Robert S. Joe, Mayor

ATTEST:

APPROVED AS TO FORM:

Evelyn G. Zneimer, City Clerk
(seal)

Teresa L. Highsmith, City Attorney

I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 5th day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Evelyn G. Zneimer, City Clerk

ATTACHMENT 2
Current 2020 City Council Appointments List



Liaison and Regional Group Appointments
Robert S. Joe, Mayor
January 2020 to December 2020

City Commissions, Boards, and Committees	Appointed Liaison
Animal Commission	Cacciotti
Cultural Heritage Commission	Khubesrian
Design Review Board	Schneider
Finance Commission	Joe
Fourth of July – Festival of Balloons Committee	Mahmud
Freeway and Transportation Commission	Schneider
Library Board of Trustees	Joe
Natural Resources and Environmental Commission	Khubesrian
Parks and Recreation Commission	Khubesrian
Planning Commission	Mahmud
Public Arts Commission	Schneider
Public Safety Commission	Schneider
Public Works Commission	Cacciotti
Senior Citizen Commission	Joe
South Pasadena Tournament of Roses Committee	Khubesrian
Youth Commission	Cacciotti

Ad Hoc/Committees	Appointed Liaisons
Ad Hoc/Committee: City Council and SPUSD Subcommittee	Joe & Khubesrian
Ad Hoc/Committee: Economic Development	Joe & Khubesrian
Ad Hoc/Committee: General Plan Advisory	Mahmud & Cacciotti
Ad Hoc/Committee: Mission-Meridian Village Subcommittee	Khubesrian & Mahmud
Ad Hoc/Committee: Caltrans Homes Subcommittee	Khubesrian & Schneider

Ad Hoc/Committees	Appointed Liaisons
Ad Hoc/Committee: South Pasadena Chamber of Commerce - Legislative	Mahmud
Ad Hoc/Committee: South Pasadena Chamber of Commerce - Economic Development	Joe
Ad Hoc/Committee: South Pasadena Chamber of Commerce - Chamber Board	DeWolfe, City Manager

■ Members not appointed by Mayor

Liaison & Regional Group Appointments

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Regional Groups – Appointment by City		Appointed Liaison	Alternate(s)	
	Arroyo Verdugo Communities Joint Powers Authority	Khubesrian	Mahmud	
	Foothill Employment and Training Consortium Policy Board	Joe	Schneider	
	Los Angeles County City Selection Committee	Joe (always Mayor)	Cacciotti	
★ Δ	Los Angeles County Sanitation Districts, Board of Directors, District 16	Joe (always Mayor)	Mahmud	
	League of California Cities, Los Angeles Division	Mahmud	Cacciotti	
❖ Δ	Metro Gold Line Phase II Joint Powers Authority Board	Cacciotti	Schneider	
❖ Δ	San Gabriel Valley Council of Governments Governing Board	Mahmud	Cacciotti	
❖ Δ	Southern California Association of Governments General Assembly	Mahmud	Joe	
❖ Δ	San Gabriel Valley Mosquito and Vector Control District	Khubesrian <i>(2-Year Term: Jan 2020-Dec 2021)</i>	N/A	
❖	Clean Power Alliance	Mahmud	Kim Hughes	Joe

Regional Groups –Appointment by Regional Group		Appointed Liaison	Alternate(s)	
Δ	Arroyo Verdugo Communities Representative to the Southern California Association of Governments Community, Economic and Human Development Committee	Joe	None	
	Arroyo Verdugo Communities Appointment to the League of California Cities, LA County Division Board of Directors	Mahmud	None	
	Santa Monica Mountains Conservancy	Cacciotti	None	
 Δ	South Coast Air Quality Management District San Gabriel Valley Board Member	Cacciotti	None	

- Requires FPPC Form
- ❖ Council vote
- ★ Board Member is current Mayor; Alternate is appointed by Mayor
- Voted by Regional Group
- Δ Stipend



City Council Agenda Report

ITEM NO. 10

DATE: August 5, 2020

FROM: Stephanie DeWolfe, City Manager

PREPARED BY: Cathy Billings, Library Director

SUBJECT: **Adoption of a Resolution Approving the Annual Auditor's Report and Authorizing the Collection of the Library Special Tax for Fiscal Year 2020-21**

Recommendation Action

It is recommended that the City Council adopt the attached resolution approving the Annual Auditor's Report for the levy of the Fiscal Year (FY) 2020-21 Library Special Tax (Tax).

Commission Review and Recommendation

Due to the timing of the release of the CPI-U number for June 30, 2020, which happened on July 14, 2020, and the County of Los Angeles filing deadline for the special tax roll, it is not possible for the Library Board of Trustees to review this report at a regularly scheduled meeting prior to this report being presented to City Council on August 5, 2020. It will be presented at the regular Library Board of Trustees meeting on August 13, 2020.

Discussion/Analysis

On June 7, 1994, South Pasadena voters established the City of South Pasadena's (City) Library Special Tax. The Library Special Tax was renewed by voters in 1999, 2005, and 2009. On November 3, 2015, voters once again approved an extension of the Tax through June 30, 2024, with a 33% rate increase in FY 2016-17 and a Consumer Price Index (CPI)-based increase for each of the subsequent seven years.

Collection of the special tax continues to be keyed into maintaining a baseline operational budget (maintenance of effort, or MOE) calculated from an initial "Required Amount" of \$761,000 originally set by Section 2.89-5(b)(1) of the South Pasadena Municipal Code (SPMC). For FY 2020-21 the initial "Required Amount" was increased by the total percent increase of the Urban Consumers Price Index (CPI-U) since 1995, making the FY 2020-21 minimum MOE requirement \$1,288,931.

Background

The June 2020 Los Angeles-Long Beach-Anaheim area All Urban Consumers (CPI-U) figure used to calculate the Library Special Tax rate was released by the United States Department of Labor, Bureau of Labor Statistics in its July 14, 2020 News Release. This June 2020 figure results in a compounded increase of 1.36% for FY 2020-21 over and above the special tax rates levied in FY 2019-20. The City Council adopted a resolution to continue appropriations of the

Library Special Tax Resolution and Auditor's Report

August 5, 2020

Page 2 of 2

FY 2019-20 Budget for FY 2020-21. Therefore, the amount appropriated for the Library is \$1,874,491, with \$335,000 of this amount estimated to come from the Library Special Tax and \$1,544,491 from the City's General Fund. This amount exceeds the minimum MOE requirement.

The City uses a consulting audit firm, Community Economic Solutions, Inc., to prepare documentation sufficient to establish the Tax each year. The audit firm's estimate of total revenue to be generated from the Tax for FY 2020-21 is \$345,000. This estimate is premised on a calculation derived from total taxable parcels. However, the actual amount collected may be slightly less due to non-payment or default on property tax. Therefore, for FY 2020-21 the City's adopted budget assumes revenue of \$335,000.

Next Step

1. Community Economic Solutions, Inc. will submit the special tax roll and necessary documents to the Los Angeles County Assessor's Office to continue to collect the tax at the rate approved with the annual property tax bill.

Legal Review

The City Attorney has reviewed this item.

Fiscal Impact

Collection of the Library Special Tax for FY 2020-21 will provide an estimated \$335,000 toward the library's budget.

Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website and/or notice in the *South Pasadena Review* and/or the *Pasadena Star-News*.

Attachments:

1. Resolution approving the Annual Auditor's Report
2. Exhibit A - Library Special Tax FY 2020-21 Auditor's Report

ATTACHMENT 1
Resolution approving the Annual Auditor's Report

RESOLUTION NO. xxxx

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,
APPROVING THE ANNUAL AUDITOR’S REPORT AND
SETTING THE RATE OF THE LIBRARY SPECIAL
TAX TO FINANCE LIBRARY SERVICES FOR
FISCAL YEAR 2020-21**

WHEREAS, on November 3, 2015, the voters of the City of South Pasadena approved the extension of the Library Special Tax until June 30, 2024; and

WHEREAS, that approval also extends Chapter 2, Article VI of the South Pasadena Municipal Code (SPMC) which established procedures for determining the rate and method of apportionment of the Library Special Tax, the maximum rate to be levied and enabling the collection of such tax; and

WHEREAS, the City Council has caused to be prepared by a tax consultant a report entitled “Library Special Tax, Auditor’s Report, Fiscal Year 2020-21, City of South Pasadena” (Auditor’s Report), which is presented to the City Council and attached hereto as Exhibit “A”; and

WHEREAS, the City Council has budgeted and appropriated the required amount, which combined with the Library Special Tax, will provide all the elements of a foundation program of library services consistent with the California Education Code Section 18015.

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

SECTION 1. The City Council has duly considered the Auditor’s Report, attached hereto as Exhibit “A” and incorporated herein for reference, and hereby approves said report as filed.

SECTION 2. The City Council has adopted a resolution to continue appropriations of the FY 2019-20 Budget, which appropriates a Library Budget for FY 2020-21 in the amount of \$1,874,491.

SECTION 3. The City Council hereby establishes the tax rates as set forth in the Auditor’s Report for the FY commencing July 1, 2020 and ending June 30, 2021.

SECTION 4. The City Council hereby resolves that proceeds from any funds collected from the Library Special Tax shall be expended only for library services in accordance with SPMC Section 2.89-4.

SECTION 5. The City Council hereby declares that the Library Special Tax shall be collected in the same manner and subject to the same penalties as other charges and taxes collected on behalf of the City by the County of Los Angeles.

SECTION 6. 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 August, 2020.

Robert S. Joe, Mayor

ATTEST:

APPROVED AS TO FORM:

Evelyn G. Zneimer, City Clerk
(seal)

Teresa L. Highsmith, City Attorney

I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 17th day of July, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Evelyn G. Zneimer, City Clerk
(seal)

ATTACHMENT 2
Exhibit A - Library Special Tax FY 2020-21
Auditor's Report

LIBRARY SPECIAL TAX

**AUDITOR'S REPORT
Fiscal Year 2020-21**

**CITY OF
SOUTH PASADENA**



July 16, 2020

**AUDITOR'S REPORT
CITY OF SOUTH PASADENA
LIBRARY SPECIAL TAX
2020-21 FISCALYEAR**

The undersigned, acting on behalf of Community Economic Solutions, respectfully submits the enclosed report as directed by the City Council.

Dated: July 16, 2020


Charles F. Crandall, C.P.A

I HEREBY CERTIFY that the enclosed Auditor's Report, together with Tax Roll thereto attached, was filed with me on the _____ day of _____, 2020.

City Clerk
City of South Pasadena
Los Angeles County, California

By _____

I HEREBY CERTIFY that the enclosed Auditor's Report, together with Tax Roll thereto attached, was approved and confirmed by the City Council of the City of South Pasadena, California, on the _____ day of _____, 2020.

City Clerk
City of South Pasadena
Los Angeles County, California

By _____

**AUDITOR'S REPORT
CITY OF SOUTH PASADENA
LIBRARY SPECIAL TAX
2020-21 FISCAL YEAR**

INTRODUCTION

On June 7, 1994, the voters approved the establishment of the City of South Pasadena Library Special Tax. On November 3, 2015, voters approved a measure to extend the City of South Pasadena Library Special Tax to June 30, 2024.

The above proceedings approved the manner of the levy and the maximum amounts to be taxed until June 30, 2024. This report is for the purpose of establishing the tax rates for Fiscal-Year 2020-21, in accordance with the methodology as set forth in the approved Rate and Method of Apportionment. The City has retained Community Economic Solutions to prepare the Auditor's Report.

ESTIMATE OF REVENUES GENERATED

The revenues needed by the City of South Pasadena to provide library services are proposed to be provided through several sources including the special tax. The total estimated revenue to be generated from the Library Special Tax for FY 2020-21 is \$345,000.

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

CATEGORIES OF SPECIAL TAX

Single Residential Category:

Single Residential Category includes each Parcel within the City which is designated as "01" (Single Residential) by the Los Angeles County Assessor's property use classification codes, and includes both Single Family Residential and Condominium uses.

The special tax that may be levied annually on Taxable Property within the Single Residential Category through the Fiscal Year ending June 30, 2017 shall not exceed:

- \$ 32 per Dwelling Unit for a home with Building Area of less than 2,000 sf.
- \$ 48 per Dwelling Unit for a home with Building Area of 2,001 sf to 4,000 sf.
- \$ 64 per Dwelling Unit for a home with Building Area of more than 4,000 sf.

Multiple Family Residential Category:

Multiple Family Residential (MFR) Category includes each Parcel within the City which is designated as "02", "03", "04", "05", "06" or "07" by the Los Angeles County Assessor's property use classification codes.

The special tax that may be levied annually on Taxable Property within the MFR Category through the Fiscal Year ending June 30, 2017 shall not exceed:

- \$ 16 per Dwelling Unit located on a MFR Parcel.

Non-Residential Category:

The Non-Residential Category includes each Parcel in the City which is *not* designated as "01", "02", "03", "04", "05", "06" or "07" (residential) by the Los Angeles County Assessor's property use classification codes.

The special tax that may be levied annually on Taxable Property within the Non-Residential Category through the Fiscal Year ending June 30, 2017 shall not exceed:

- \$ 32 per Parcel with Lot Area of ¼ acre or less.
- \$ 64 per Parcel with Lot Area of over ¼ acre to ½ acre.
- \$ 96 per Parcel with Lot Area of over ½ acre to ¾ acre.
- \$128 per Parcel with Lot Area of more than ¾ acre.

In fiscal year 2017-18, and in each subsequent fiscal year the maximum rates for the special tax imposed by this article shall increase according to the increase, if any, in the Consumer Price Index for All Urban Consumers (CPI-U, Los Angeles Area) prepared by the Bureau of Labor Statistics of the United States Department of Labor for the Los Angeles-Riverside-Orange County region, or any successor index thereto.

This CPI increase results in a compounded increase of 1.36% for fiscal year 2020-21 over and above the special tax rates levied in fiscal year 2019-20 as set forth below:

July 1, 2019 to June 30, 2020 Consumer Price Index:

June 30, 2020	278.121
<u>July 1, 2019</u>	<u>-274.380</u>
	3.741 / 274.380 = 0.0136 or 1.36%

SPECIAL TAX LEVY FOR FY 2020-21

The Rate and Method of Apportionment describes the maximum special tax rates to be levied for Library Services within the City of South Pasadena. For Fiscal Year 2020-21, the maximum special tax rates will be levied.

A summary of parcel information relative to the Special Tax is shown on the table below. This information has been based upon the records of the Los Angeles County Assessor.

PARCEL SUMMARY INFORMATION TABLE

Special Tax Category	Basic Unit	No. of Units	Tax Rate	Total Tax Amount
Single Family Residential and Condominiums				
0 sf - 2,000 sf home	DU	3,352	\$35.62 /DU	\$119,398
2,001 sf - 4,000 sf home	DU	1,925	\$53.44 /DU	\$102,872
+ 4,000 sf home	DU	191	\$71.26 /DU	\$13,611
Multiple Family Residential	DU	5,429	\$17.81 /DU	\$96,690
Non-Residential				
0 acre - ¼ acre lot	parcel	157	\$35.62 /pcl	\$5,592
¼ acre - ½ acre lot	parcel	80	\$71.26 /pcl	\$5,701
½ acre - ¾ acre lot	parcel	19	\$106.86 /pcl	\$2,030
+ ¾ acre lot	parcel	27	\$142.49 /pcl	\$3,847
TOTAL AMOUNT GENERATED:				\$349,742

DEFINITIONS

Administrative Expenses means any or all of the following: the direct and indirect expenses incurred by the City in carrying out its duties with respect to the special tax (including, but not limited to, the levy and collection of the special taxes) including the fees and expenses of its counsel, any fees of the County related to the collection of special taxes, an allocable share of the salaries of City staff directly related thereto and a proportionate amount of the City's general administrative overhead related thereto, any amounts paid by the City from its general fund with respect to the special tax, and expenses incurred by the City in undertaking action to foreclose on properties for which the payment of special taxes is delinquent, and all other costs and expenses of the City.

Building Area means the total living area, based upon the records of the Los Angeles County Assessor, as of the March 1 preceding such July 1.

City means the City of South Pasadena.

Consumer Price Index means the Consumer Price Index for All Urban Consumers (CPI-U, Los Angeles Area) prepared by the Bureau of Labor Statistics of the United States Department of Labor for the Los Angeles-Riverside-Orange County region, or any successor index thereto.

Dwelling Unit means the same as Sec.36.24(D) Dwelling Unit.

Fiscal Year means the period starting on July 1 and ending the following June 30.

Lot Area means the total area of the Parcel, based upon the records of the Los Angeles County Assessor, as of the March 1 preceding such July 1.

Parcel means any Los Angeles County Assessor's Parcel that is within the boundaries of the City based on the equalized tax rolls of the County.

Special Tax Liability for any Fiscal Year is an amount sufficient to pay the costs of the services included in the special tax, to include: (i) costs for library services, including material acquisition and special services and programs; and (ii) administrative expenses.

Tax Categories are those categories set forth in the body hereof.

Taxable Property is all real property within the boundaries of the City which is not exempt from the special tax pursuant to law, except that the following property shall not be taxed: any acres of land owned, conveyed or irrevocably offered for dedication to a public agency; or land which is a public right of way or which is an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement; or any Parcel of land which is designated as vacant by the Los Angeles County Assessor's property use classification codes; or any Parcel of land designated as "71" (churches or houses of God) by the Los Angeles County Assessor's property use classification codes; or any Parcel of land owned by a charitable organization or community service organization as identified by Chapter 2101 of the Federal Tax Code.



City Council Agenda Report

ITEM NO. 11

DATE: August 5, 2020

FROM: Stephanie DeWolfe, City Manager

PREPARED BY: Shahid Abbas, Public Works Director
Kristine Courdy, Deputy Public Works Director

SUBJECT: **Repurpose Available Measure M Multi-Sub-regional Program (MSP) dollars for Reallocation in Next Year's Project Cycle**

Recommendation

It is recommended that the City Council direct staff to repurpose available Measure M Multi-Sub-regional Program (MSP) dollars for reallocation in next year's project Cycle.

Commission Review and Recommendation

This matter was presented to the Mobility and Transportation Infrastructure Commission at the June 16, 2020 meeting.

Executive Summary

In 2018, the City Council approved a list of projects to be funded with Measure M MSP funds received through the AVCJPA. In 2019 however, it was determined that the projects were not deployable due to in-sufficient funding, being located in other jurisdictions, and feasibility issues with the proposed projects' scope. In November 2019, staff reported to City Council that new projects would be considered and funds reallocated to the priority projects most viable and deployable within the City. Due to the pandemic, the AVCJPA implemented a compressed schedule for the submission of projects and staff went ahead and submitted a list of projects focused on Council priorities in order to not miss the deadline. The action in this report is for Council to either approve the list as submitted or to designate the funds as uncommitted, prior to the AVCJPA taking final action to submit the projects to Metro on August 6.

Staff is recommending that the funds be marked uncommitted, meaning they would be banked until next year's project cycle, to allow Council and the community time to reconsider priorities for how the dollars are spent. The City has received concerns from the community regarding the process of selecting the projects for submittal and a delay will allow time for a community engagement process. Further, the City will have to reduce the amount of General Fund dollars dedicated to capital projects as a result of revenues lost to the pandemic. And, with more than \$9 million in Federal Rogan Funds now available for expenditure, the City must identify \$1.8 million in local match dollars that have not been designated since the funding was awarded in 2004. These are exceptional financial challenges and staff recommends a thoughtful process to

identify strategic priorities for all transportation and capital dollars. These funds can be considered and prioritized as part of the budget and Capital Improvement Program adoption for FY21.

Discussion/Analysis

On October 17, 2018, the City of South Pasadena City Council approved the City of South Pasadena's AVCJPA draft Measure M MSP Projects list described below. On November 20, 2019, a Status of Regional Transportation Projects and Funding was presented by the Public Works Director to the City Council. At that meeting, there was an overview of all of the City's regionally funded transportation projects through Measure M MSP, Measure R Mobility Improvement Projects (MIP), and federal Rogan funds. The Public Works Director reported that the 2018 approved Measure M MSP Projects were not deployable due to in-sufficient funding, being located in other jurisdictions, and feasibility issues with the proposed projects' scope. At that time, it was reported that staff would re-evaluate the projects to reallocate these funds to the most viable and deployable projects within the City.

Pending Projects List

The AVCJPA contacted the City in late March 2020 to update the City on the AVCJPA Measure M MSP proposed funding distribution, and to request a project list from the City for the funding proposed in Years 6 and 7 of the Program. This information was requested quickly to meet the proposed AVCJPA and Metro Board schedules. Unfortunately, due to COVID 19, at that time there were no community meetings, City Council meetings or Commission meetings that could fit in with the given Metro schedule. Staff proposed Projects based on the existing knowledge of the streets network, resident complaints, previous studies (Ramona Neighborhood Study), and Council priorities. Below is an overview of the South Pasadena projects submitted in draft for the next round of Measure M MSP Funding:

- Meridian Avenue Complete Street from Monterey Road to Kendall Avenue: Meridian Avenue runs north south from Oliver Street at the north end and Kendall Avenue at the southern City border. Meridian Avenue north of Monterey Road has the Gold Line and SR-110 crossings that provide barriers to route traffic to adjacent streets such as Orange Grove Avenue. The City has received numerous complaints regarding speeding and pedestrian safety on Meridian Avenue south of Monterey Road to the City limit at Kendall Avenue. This street segment is adjacent to South Pasadena High School, which has high pedestrian traffic accessing the campus. The City has implemented additional signage and striping improvements to aid in increasing pedestrian awareness and slowing motorists. Additional active transportation and traffic calming elements for Meridian Avenue requires data collection, traffic studies, and engineered improvements, which require additional funding. The project scope includes improving pedestrian facilities such as ADA compliant ramps, high visibility crosswalks with advance warning features, pedestrian control and safety devices like Rectangular Rapid Flashing Beacons, Hybrid pedestrian signals, high visibility striping, pedestrians and bike detection features, bicycle facilities such as green striping at conflict zones, and providing safe route to school elements. These improvements will encourage active transportation to the schools,

increase the overall safety of the intersection for all modes of transportation (pedestrian, bike and vehicular traffic), and enhance traffic calming on Meridian Avenue. The existing pavement on Meridian is failing and this funding will also be used to rehabilitate that pavement. Further, this street would benefit from the development of a Complete Streets Plan which would enable the City to qualify for additional grant funds in the future.

- Mission Street, Stoney Drive and Arroyo Drive Intersection Improvements: The intersection of Mission Street, Stoney Avenue and Arroyo Drive is an offset intersection on the west side of the City and is a gateway to the recreational amenities in the Arroyo Seco. In addition, this intersection is within half a mile of Arroyo Vista Elementary school therefore has high pedestrian traffic accessing the campus. Based on the layout of the intersection, the stop sign on Mission Street is regularly hit by motorists and the intersection is very wide which lends itself to vehicular speeding. The Mission, Stoney and Arroyo Intersection Improvement Project includes improving pedestrian facilities such as ADA compliant ramps, medians, high visibility striping, and curb extensions, improving bicycle facilities such as green striping at conflict zones, and providing safe route to school elements. These improvements will encourage active transportation to the schools, clarify right of way assignment for vehicular and non-vehicular traffic, and increase the overall safety of the intersection for all modes of transportation (pedestrian, bike and vehicular traffic).
- Diamond Avenue and Lyndon Street Intersection Improvements: The intersection of Diamond Avenue and Lyndon Street is just north of South Pasadena High School. It is a “T” Intersection where only two of the three legs are required to stop. Vehicles accessing the high school south bound on Diamond have the right of way and do not have a stop sign. This intersection is adjacent to South Pasadena High School which has high pedestrian traffic accessing the campus. During a recent study of this neighborhood the consultant identified reconfiguring the intersection of Diamond Avenue and Lyndon Street to improve pedestrian visibility and safety for all roadway users by reducing crossing distances. The Diamond and Lyndon Intersection Improvement Project includes improving pedestrian facilities such as ADA compliant ramps, high visibility striping, enhanced crosswalks, curb extensions, improved bicycle facilities such as green striping at conflict zones, and providing safe route to school elements. These improvements will encourage active transportation to the schools, clarify right of way assignment for vehicular and non-vehicular traffic, and increase the overall safety of the intersection for all modes of transportation (pedestrian, bike and vehicular traffic).

2018 Projects List

Below is an overview of the Measure M MSP Projects, and a discussion of the budget and scope as originally approved in 2018:

- Columbia Street and Pasadena Avenue Turn Lanes, Columbia Street and Orange Grove Avenue Striping, \$150K in 2019-20 Fiscal Year (FY):

- Columbia Street and Pasadena Avenue Traffic Signal Turn Lanes: The intersection of Columbia Street and Pasadena Avenue is within the City of Pasadena and the traffic signal is owned and maintained by Caltrans. Making changes to the striping and adding a northbound left turn will require major signal modifications outside the City's jurisdiction. The existing funding is not sufficient to undertake this project.
- Columbia Street and Orange Grove Avenue Traffic Signal: The City of Pasadena has jurisdiction over this traffic signal. The traffic signal is owned and maintained by the City of Pasadena. The City staff met with the City of Pasadena Transportation Department to discuss the project and the signal improvements at Orange Grove Avenue and Columbia Street. The proposed modifications to this intersection would require upgrades to the entire traffic signal system, and the existing funding is not deemed sufficient to undertake this project.

Furthermore, no data was collected and presented for engineering studies that justified these changes at these two intersections. Due to insufficient funding, lack of engineering data and jurisdictional issues the above projects were considered infeasible. Although these Projects are not recommended to proceed with Measure M funding, staff will continue to collaborate with the agencies having jurisdictions over these locations for making necessary improvements to the above two traffic signals.

- Garfield Avenue and Oak Street Traffic Signage, \$400K in 2019-20 FY: Staff made field observations and observed the traffic patterns during various timings in a day, and determined that there was not enough traffic and pedestrian volume at this intersection that will justify the warrant analysis. Furthermore, this is a shared intersection with the City of San Marino, which has not expressed an interest in a traffic signal at this location.
- Garfield Avenue and Monterey Road Traffic Signal, \$400K in 2019-20 FY: Staff made observations for a preliminary analysis at this intersection and determined that existing traffic and pedestrian volume at this intersection may meet the warrants. In March 2020, staff received proposals to perform a traffic study and signal warrants at Garfield Avenue and Monterey Road. Due to COVID 19, traffic data could not be collected to perform the signal warrant analysis. Once school resumes and traffic normalizes, traffic data will be collected to perform the signal warrants. If the signal is warranted, then staff will proceed with the design and construction of the signal. The majority of the intersection is in the City of South Pasadena, however there is a small portion in San Marino that will require coordination with that jurisdiction.
- Fremont Avenue and Huntington Drive Signage \$140K in 2021-22 FY: This Project includes a proposed Changeable Message Sign (CMS) to relay travel time information to motorists and encourage drivers to take Fair Oaks Avenue instead of Fremont Avenue. There is a significant amount of additional technological equipment, and fiber communication deployments required along Huntington Drive, Fremont Avenue, and Fair Oaks Avenue to be able to relay accurate travel time information on the proposed CMS. The City has received other funding through Metro (Measure R MIP), State (HSIP), and Federal (Rogan) to install the fiber optics communication system, upgrade

traffic signals, and traffic signals synchronization on the Fair Oaks Avenue. \$140K is not adequate funding to install the CMS and the required associated technologies necessary to operate the CMS along Fair Oaks corridor.

- Grevalia Street and Fair Oaks Avenue Striping and Fair Oaks Avenue, \$50K in 2021-22 FY: There is not sufficient funding available to deploy these improvements as a standalone project and additional coordination at this intersection is required as part of other approved projects. There is funding available through Rogan Funds and Measure R MIP to improve the signal timing on Fair Oaks and adjacent corridors. In addition, this signal is in close proximity to the SR-110 on and off ramp, so any proposed changes need to be closely coordinated with improvements at the SR-110 and Fair Oaks Avenue interchange. Since \$50K is not adequate to fund these changes and there is other funding available, it is being proposed to fund the signal upgrades and striping improvements at Fair Oaks Avenue and Grevalia Street through other available funds.
- Fair Oaks, El Centro/Oxley, Meridian, Fremont Bikeway Improvements, \$69K 2021-22 FY: There is not sufficient funding available to deploy bike lanes in all of these locations. In addition, bike lanes at some areas, such as El Centro Street, have been completed as part of street improvement projects. The City should have an updated Active Transportation Plan (ATP) developed to systematically develop the City's bike network. In addition, bike lanes on some of these streets may not be feasible or desirable by the community if on-street parking removal is required to install the bike lanes. Therefore, it is proposed to remove this Project from the Measure M MSP list until a Citywide ATP can be developed.

Rogan Funds Local Match

In addition to the projects listed above, Staff has identified an urgent need to allocate dollars to fund the local match required to utilize Federal Rogan Funds.

In 2004 the City was allocated \$9.3M in Federal Rogan Funds. These funds will be used to reduce vehicle congestion and improve travel times along Fair Oaks Avenue through the deployment of advanced adaptive traffic and transportation management technologies. The project will upgrade the overall signals system along Fair Oaks Corridor, and will include pedestrians and bicyclists' detection and safety systems, upgrades to ADA accessibility, and deployment of changeable message signs for real time travel information to motorists along Fair Oaks Corridor. Reduced congestion and improved travel times on Fair Oaks Avenue is likely to reduce through traffic from other city's north-south corridors especially Fremont Avenue. A 20 percent (\$1.86M) in local match is required to utilize these funds.

Recently the Federal Highway Administration (FHWA) approached the City staff and requested that the City immediately submit (by August 15th, 2020) a Request for Authorization (E-76) along with a financial certification showing the availability of local match for transfer of Rogan funds to the City within the current federal fiscal year that ends on September 30th, 2020. The City may risk losing these funds if unable to submit E-76 within this timeline. Besides the Measure M MSP funds, the staff is unable to identify other viable funding source(s) that can be used towards the required local match, except the Capital Growth Fund which has an existing

balance of approximately \$450,000.00. A total of \$1.7M are earmarked in Measure M MSP funds for the City of South Pasadena’s projects, a portion of the City’s Capital Growth Fund (\$160,000) will also be used to supplement Measure M MSP dollars to make up 20 percent required match. The remaining \$290,000 can be applied towards City’s capital program to mitigate unfavorable new development impacts.

Given the urgent need of \$1.86M in local match to utilize \$9.3M in Rogan funds and there is no apparent good source(s) to fund the required local match, staff will be recommending, as part of the budget and CIP process, to allocate the banked \$1.7M Measure M MSP Program funds towards \$1.86M required in local match for Rogan funds. With the ongoing financial challenges faced by the City and the increased competition for capital dollars, this decision is made most appropriately in the context of a community forum focused on allocation of budget and CIP dollars.

Background

On November 8, 2016, Los Angeles voters approved the passage of Measure M. In order to be eligible to receive Measure M funds, the AVCJPA developed MSP guidelines approved by Metro. These guidelines included a five-year project plan outlining the funding expenditures, public participation plan, and funding agreements between the member jurisdictions. The AVCJPA is anticipated to receive \$24M over the first five fiscal years from two funding programs; 1) Transit; and 2) Modal Connectivity and Complete Streets; and has agreed to distribute the funding based on a per capita basis. For the first five years of the program South Pasadena was allocated approximately \$1.2M the AVCJPA Measure M MSP Program funding.

On October 4, 2017, the Arroyo Verdugo Steering Committee, comprised of the Cities of Burbank, Glendale, La Canada Flintridge, Pasadena, and South Pasadena, and the Los Angeles County Board of Supervisors Office established the Arroyo Verdugo Communities Joint Power Authorities (AVCJPA) to address regional transportation planning and facilitate the distribution of Measure M funds in the sub-region.

Legal Review

The City Attorney has reviewed this item.

Fiscal Impact

There is approximately \$1.7M available over seven years to the City of South Pasadena for transportation projects through the AVCJPA Measure M MSP Program. This Program funding has been allocated on a per capita basis through the AVCJPA to the City. This funding will cover the traffic studies, environment assessments, design, and construction costs of the proposed projects. If allocated to the current draft list of projects, below is an overview of the funding for the City Measure M MSP Projects for the first seven years of the program:

#	Project	7 Year MSP Total	Year 3 2019-20 FY	Year 4 2020-21 FY	Year 5 2021-22 FY
1	Garfield Ave and Monterey	\$400,000	\$400,000		

South Pasadena AVCJPA Measure M MSP Projects Years 1 to 7

August 5, 2020

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	Road Traffic Signal				
2	Meridian Ave Complete Street Project	\$922,624		\$383,002	\$539,623
3	Diamond Ave and Lyndon St Intersection Improvement	\$200,000		\$82,072	\$117,928
4	Mission St, Arroyo Dr, Stoney Dr Intersection Improvement	\$200,000		\$82,072	\$117,928
	TOTAL¹	\$1,722,624	\$400,000	\$547,145	\$775,479

1) The City of South Pasadena will be receiving all seven years of Measure M MSP Funding (\$1.7M) in the first five years of the Program. The next year that the City will be eligible for Measure M MSP Funding is Year 8 of the Program (2024-25 FY).

Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City’s website and/or notice in the *South Pasadena Review* and/or the *Pasadena Star-News*.



City Council Agenda Report

ITEM NO. 12

DATE: August 05, 2020

FROM: Stephanie DeWolfe, City Manager

PREPARED BY: Shahid Abbas, Public Works Director
Garrett Crawford, Public Works Operations Manager

SUBJECT: **Approve a Multi-year Agreement with Great Match Consulting to Provide Supplemental Staffing on an As-Needed Basis in an Amount-Not-to Exceed of \$40,000 per year**

Recommended Action

It is recommended that the City Council:

1. Accept a proposal dated June 18, 2020, from Great Match Consulting to provide supplemental staffing on an as-needed basis; and
2. Authorize the City Manager to enter into a multi-year agreement with Great Match Consulting for an amount-not-to exceed \$40,000 per year through June 30, 2023.

Discussion/Analysis

Temporary staffing is utilized when the Public Works Department has vacancies and to provide skilled labor in a more cost-effective manner than a third party contractor. This year the Department plans to do most of the concrete work such as curbs, gutters, and sidewalk repairs utilizing the skilled temporary Staff. In June 2020, Staff contacted three (3) agencies that specialize in providing individuals with specialized skills required to assist the Public Works Department. Below is an overview of the proposals received:

Company	Bill Rate
Great Match	\$22.41
Express Employment Professionals	\$24.65
West Coast Staffing	Variable

Great Match Consulting is being recommended based on a favorable hourly rate and a proven track record with the City. Great Match Consulting is responsible for all payroll related matters, including all deductions as required by law. They will also handle workers' compensation requirements. They will provide liability insurance naming the City as additionally insured on its insurance policy as outlined in the agreement attached to the report.

Their past performance in recruiting, screening, reference checking, and testing personnel have proven effective at providing City Staff with individuals capable of undertaking and successfully completing the tasks required. Additionally, with offices located within South Pasadena, quick response time to any requests that might arise is expected. The City has been utilizing Great

Match Consulting for temporary staffing services for the last five years. They continue to provide excellent service at a fair price to the City.

Background

The Public Works Department (Department) has initiated an aggressive maintenance program of its streets, storm drains, sewers, sidewalks, as well as the upkeep of its urban forestry. The Department has limited staffing to address the day-to-day workload even though the ongoing department practice is to cross-train employees so they can fill in the gaps in various areas when necessary. There are times when supplemental staffing is needed, and from time to time, Staff is faced with additional work that cannot be completed in a timely fashion with the current workforce. Temporary staffing is utilized when the Department has vacancies, which can take three to six months to backfill. This year the Department plans to do most of the concrete work such as curbs, gutters, and sidewalks repairs in house utilizing the skilled temporary Staff, which will be more economical and efficient than contracting out the work to third party contractor.

It is essential to have a standby workforce available to assist the City of South Pasadena (City) staff in the event of heavy winds, rainfall, or for urgent repairs that may be necessary. By having the ability to call upon supplemental staffing on an as-needed basis, a valuable resource will be available.

The City will only pay the hourly rate for any temporary worker hired, and Great Match Consulting will be responsible for all payroll taxes, workers' compensation insurance, along with all required deductions as required by law, as well as employee benefits. Great Match Consulting will maintain records of all these deductions and benefits.

Legal Review

The City Attorney has reviewed this item.

Fiscal Impact

There are sufficient funds available in the Public Works operations budget for Fiscal Year (FY) 2020-21 to cover these services. This Project is in the budgeted under Accounts Number 101-6010-6410-8180 (Park Maintenance Contract Services), 210-6010-6501-8180 (Sewer Maintenance Contract Services), and 230-6010-6116-8180 (Street Maintenance Contract Services).

Environmental Analysis

This Project is exempt from any California Environmental Quality Act (CEQA) analysis based on State CEQA Guidelines Section requirements under Section 21084 of the Public Resources Code, in accordance with Article 19, Section 15301, Class (1) "existing facilities."

Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website and/or notice in the *South Pasadena Review* and/or the *Pasadena Star-News*.

Great Match Consulting to Provide Supplemental Staffing on an As-Needed Basis
August 05, 2020
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Attachments:

1. Professional Services Agreement for Consultant Services Great Match
2. Great Match Rate Sheet

ATTACHMENT 1
Professional Services Agreement for Consultant
Services Great Match

**PROFESSIONAL SERVICES AGREEMENT
FOR CONSULTANT SERVICES**

(City of South Pasadena / *Great Match Consulting*)

1. IDENTIFICATION

This PROFESSIONAL SERVICES AGREEMENT ("Agreement") is entered into by and between the City of South Pasadena, a California municipal corporation ("City"), and Great Match Consulting ("Consultant").

2. RECITALS

- 2.1. City has determined that it requires the following professional services from a consultant: Providing temporary labor assistance to City's Public Works Department.
- 2.2. Consultant represents that it is fully qualified to perform such professional services by virtue of its experience and the training, education, and expertise of its principals and employees. Consultant further represents that it is willing to accept responsibility for performing such services in accordance with the terms and conditions set forth in this Agreement.
- 2.3. Consultant represents that it has no known relationships with third parties, City Council members, or employees of City which would (1) present a conflict of interest with the rendering of services under this Agreement under Government Code Section 1090, the Political Reform Act (Government Code Section 81000 *et seq.*), or other applicable law, (2) prevent Consultant from performing the terms of this Agreement, or (3) present a significant opportunity for the disclosure of confidential information.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions herein contained, City and Consultant agree as follows:

3. DEFINITIONS

- 3.1. "Scope of Services": Such professional services as are set forth in Consultant's June 18, 2020, proposal to City attached hereto as Exhibit A and incorporated herein by this reference.
- 3.2. "Agreement Administrator": The Agreement Administrator for this project is Shahid Abbas, Public Works Director. The Agreement Administrator shall be the principal point of contact at the City for this project. All services under this Agreement shall be performed at the request of the Agreement Administrator. The Agreement Administrator will establish the timetable for completion of services and any interim milestones. City reserves the right to change this designation upon written notice to Consultant

- 3.3. "Approved Fee Schedule": Consultant's compensation rates are set forth in the fee schedule attached hereto as Exhibit B and incorporated herein by this reference. This fee schedule shall remain in effect for the duration of this Agreement unless modified in writing by mutual agreement of the parties.
- 3.4. "Maximum Amount": The highest total compensation and costs payable to Consultant by City under this Agreement. The Maximum Amount under this Agreement is Forty Thousand Dollars (\$40,000) per fiscal year (July 1 to June 30).
- 3.5. "Commencement Date": August 5, 2020.
- 3.6. "Termination Date": June 30, 2023.

4. TERM

The term of this Agreement shall commence at 12:00 a.m. on the Commencement Date and shall expire at 11:59 p.m. on the Termination Date unless extended by written agreement of the parties or terminated earlier under Section 18 ("Termination") below. Consultant may request extensions of time to perform the services required hereunder. Such extensions shall be effective if authorized in advance by City in writing and incorporated in written amendments to this Agreement.

5. CONSULTANT'S DUTIES

- 5.1. **Services.** Consultant shall perform the services identified in the Scope of Services. City shall have the right to request, in writing, changes in the Scope of Services. Any such changes mutually agreed upon by the parties, and any corresponding increase or decrease in compensation shall be incorporated by written amendment to this Agreement.
- 5.2. **Coordination with City.** In performing services under this Agreement, Consultant shall coordinate all contact with City through its Agreement Administrator.
- 5.3. **Budgetary Notification.** Consultant shall notify the Agreement Administrator, in writing, when fees and expenses incurred under this Agreement have reached eighty percent (80%) of the Maximum Amount. Consultant shall concurrently inform the Agreement Administrator, in writing, of Consultant's estimate of total expenditures required to complete its current assignments before proceeding, when the remaining work on such assignments would exceed the Maximum Amount.
- 5.4. **Business License.** Consultant shall obtain and maintain in force a City business license for the duration of this Agreement.
- 5.5. **Professional Standards.** Consultant shall perform all work to the standards of Consultant's profession and in a manner reasonably satisfactory to City. Consultant shall keep itself fully informed of and in compliance with all local, state, and federal

laws, rules, and regulations in any manner affecting the performance of this Agreement, including all Cal/OSHA requirements, the conflict of interest provisions of Government Code § 1090 and the Political Reform Act (Government Code § 81000 et seq.).

- 5.6. **Avoid Conflicts.** During the term of this Agreement, Consultant shall not perform any work for another person or entity for whom Consultant was not working at the Commencement Date if such work would present a conflict interfering with performance under this Agreement. However, City may consent in writing to Consultant's performance of such work.
- 5.7. **Appropriate Personnel.** Consultant has, or will secure at its own expense, all personnel required to perform the services identified in the Scope of Services. All such services shall be performed by Consultant or under its supervision, and all personnel engaged in the work shall be qualified to perform such services. Georgianna Ramos shall be Consultant's project administrator and shall have direct responsibility for management of Consultant's performance under this Agreement. No change shall be made in Consultant's project administrator without City's prior written consent.
- 5.8. **Substitution of Personnel.** Any persons named in the proposal or Scope of Services constitutes a promise to the City that those persons will perform and coordinate their respective services under this Agreement. Should one or more of such personnel become unavailable, Consultant may substitute other personnel of at least equal competence upon written approval of City. If City and Consultant cannot agree as to the substitution of key personnel, City may terminate this Agreement for cause.
- 5.9. **Permits and Approvals.** Consultant shall obtain, at its sole cost and expense, all permits and regulatory approvals necessary for Consultant's performance of this Agreement. This includes, but shall not be limited to, professional licenses, encroachment permits and building and safety permits and inspections.
- 5.10. **Notification of Organizational Changes.** Consultant shall notify the Agreement Administrator, in writing, of any change in name, ownership or control of Consultant's firm or of any subcontractor. Change of ownership or control of Consultant's firm may require an amendment to this Agreement.
- 5.11. **Records.** Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to City under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to Consultant under this Agreement. All such documents shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of City. In addition, pursuant to Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds ten thousand dollars, all such documents and this Agreement shall be subject to the examination and audit of the State Auditor, at the request of City or

as part of any audit of City, for a period of three (3) years after final payment under this Agreement.

6. SUBCONTRACTING

- 6.1. **General Prohibition.** This Agreement covers professional services of a specific and unique nature. Except as otherwise provided herein, Consultant shall not assign or transfer its interest in this Agreement or subcontract any services to be performed without amending this Agreement.
- 6.2. **Consultant Responsible.** Consultant shall be responsible to City for all services to be performed under this Agreement.
- 6.3. **Identification in Fee Schedule.** All subcontractors shall be specifically listed and their billing rates identified in the Approved Fee Schedule, Exhibit B. Any changes must be approved by the Agreement Administrator in writing as an amendment to this Agreement.
- 6.4. **Compensation for Subcontractors.** City shall pay Consultant for work performed by its subcontractors, if any, only at Consultant's actual cost plus an approved mark-up as set forth in the Approved Fee Schedule, Exhibit B. Consultant shall be liable and accountable for any and all payments, compensation, and federal and state taxes to all subcontractors performing services under this Agreement. City shall not be liable for any payment, compensation, or federal and state taxes for any subcontractors.

7. COMPENSATION

- 7.1. **General.** City agrees to compensate Consultant for the services provided under this Agreement, and Consultant agrees to accept payment in accordance with the Fee Schedule in full satisfaction for such services. Compensation shall not exceed the Maximum Amount. Consultant shall not be reimbursed for any expenses unless provided for in this Agreement or authorized in writing by City in advance.
- 7.2. **Invoices.** Consultant shall submit to City an invoice, on a monthly basis or as otherwise agreed to by the Agreement Administrator, for services performed pursuant to this Agreement. Each invoice shall identify the Maximum Amount, the services rendered during the billing period, the amount due for the invoice, and the total amount previously invoiced. All labor charges shall be itemized by employee name and classification/position with the firm, the corresponding hourly rate, the hours worked, a description of each labor charge, and the total amount due for labor charges.
- 7.3. **Taxes.** City shall not withhold applicable taxes or other payroll deductions from payments made to Consultant except as otherwise required by law. Consultant shall be solely responsible for calculating, withholding, and paying all taxes.

- 7.4. **Disputes.** The parties agree to meet and confer at mutually agreeable times to resolve any disputed amounts contained in an invoice submitted by Consultant.
- 7.5. **Additional Work.** Consultant shall not be reimbursed for any expenses incurred for work performed outside the Scope of Services unless prior written approval is given by the City through a fully executed written amendment. Consultant shall not undertake any such work without prior written approval of the City.
- 7.6. **City Satisfaction as Precondition to Payment.** Notwithstanding any other terms of this Agreement, no payments shall be made to Consultant until City is satisfied that the services are satisfactory.
- 7.7. **Right to Withhold Payments.** If Consultant fails to provide a deposit or promptly satisfy an indemnity obligation described in Section 11, City shall have the right to withhold payments under this Agreement to offset that amount.

8. PREVAILING WAGES

Consultant is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects. Consultant shall defend, indemnify, and hold the City, its elected officials, officers, employees, and agents free and harmless from any claim or liability arising out of any failure or alleged failure of Consultant to comply with the Prevailing Wage Laws.

9. OWNERSHIP OF WRITTEN PRODUCTS

All reports, documents or other written material ("written products" herein) developed by Consultant in the performance of this Agreement shall be and remain the property of City without restriction or limitation upon its use or dissemination by City except as provided by law. Consultant may take and retain copies of such written products as desired, but no such written products shall be the subject of a copyright application by Consultant.

10. RELATIONSHIP OF PARTIES

- 10.1. **General.** Consultant is, and shall at all times remain as to City, a wholly independent contractor.
- 10.2. **No Agent Authority.** Consultant shall have no power to incur any debt, obligation, or liability on behalf of City or otherwise to act on behalf of City as an agent. Neither City nor any of its agents shall have control over the conduct of Consultant or any of Consultant's employees, except as set forth in this Agreement. Consultant shall not

represent that it is, or that any of its agents or employees are, in any manner employees of City.

- 10.3. **Independent Contractor Status.** Under no circumstances shall Consultant or its employees look to the City as an employer. Consultant shall not be entitled to any benefits. City makes no representation as to the effect of this independent contractor relationship on Consultant's previously earned California Public Employees Retirement System ("CalPERS") retirement benefits, if any, and Consultant specifically assumes the responsibility for making such a determination. Consultant shall be responsible for all reports and obligations including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation, and other applicable federal and state taxes.
- 10.4. **Indemnification of CalPERS Determination.** In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement claims or is determined by a court of competent jurisdiction or CalPERS to be eligible for enrollment in CalPERS as an employee of the City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for CalPERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

11. INDEMNIFICATION

- 11.1 **Definitions.** For purposes of this Section 11, "Consultant" shall include Consultant, its officers, employees, servants, agents, or subcontractors, or anyone directly or indirectly employed by either Consultant or its subcontractors, in the performance of this Agreement. "City" shall include City, its officers, agents, employees and volunteers.
- 11.2 **Consultant to Indemnify City.** To the fullest extent permitted by law, Consultant shall indemnify, hold harmless, and defend City from and against any and all claims, losses, costs or expenses for any personal injury or property damage arising out of or in connection with Consultant's alleged negligence, recklessness or willful misconduct or other wrongful acts, errors or omissions of Consultant or failure to comply with any provision in this Agreement.
- 11.3 **Scope of Indemnity.** Personal injury shall include injury or damage due to death or injury to any person, whether physical, emotional, consequential or otherwise, Property damage shall include injury to any personal or real property. Consultant shall not be required to indemnify City for such loss or damage as is caused by the sole active negligence or willful misconduct of the City.
- 11.4 **Attorneys Fees.** Such costs and expenses shall include reasonable attorneys' fees for counsel of City's choice, expert fees and all other costs and fees of litigation. Consultant shall not be entitled to any refund of attorneys' fees, defense costs or expenses in the event that it is adjudicated to have been non-negligent.

- 11.5 **Defense Deposit.** The City may request a deposit for defense costs from Consultant with respect to a claim. If the City requests a defense deposit, Consultant shall provide it within 15 days of the request.
- 11.6 **Waiver of Statutory Immunity.** The obligations of Consultant under this Section 11 are not limited by the provisions of any workers' compensation act or similar act. Consultant expressly waives its statutory immunity under such statutes or laws as to City.
- 11.7 **Indemnification by Subcontractors.** Consultant agrees to obtain executed indemnity agreements with provisions identical to those set forth here in this Section 11 from each and every subcontractor or any other person or entity involved in the performance of this Agreement on Consultant's behalf.
- 11.8 **Insurance Not a Substitute.** City does not waive any indemnity rights by accepting any insurance policy or certificate required pursuant to this Agreement. Consultant's indemnification obligations apply regardless of whether or not any insurance policies are determined to be applicable to the claim, demand, damage, liability, loss, cost or expense.

12. INSURANCE

- 12.1. **Insurance Required.** Consultant shall maintain insurance as described in this section and shall require all of its subcontractors, consultants, and other agents to do the same. Approval of the insurance by the City shall not relieve or decrease any liability of Consultant Any requirement for insurance to be maintained after completion of the work shall survive this Agreement.
- 12.2. **Documentation of Insurance.** City will not execute this agreement until it has received a complete set of all required documentation of insurance coverage. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. Consultant shall file with City:
- Certificate of Insurance, indicating companies acceptable to City, with a Best's Rating of no less than A:VII showing. The Certificate of Insurance must include the following reference: Temporary Worker Labor Assistance
 - Documentation of Best's rating acceptable to the City.
 - Original endorsements effecting coverage for all policies required by this Agreement.
 - City reserves the right to obtain a full certified copy of any Insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of the right to exercise later.
- 12.3. **Coverage Amounts.** Insurance coverage shall be at least in the following minimum amounts:
- Professional Liability Insurance: \$2,000,000 per occurrence,

\$4,000,000 aggregate

- General Liability:
 - General Aggregate: \$4,000,000
 - Products Comp/Op Aggregate \$4,000,000
 - Personal & Advertising Injury \$2,000,000
 - Each Occurrence \$2,000,000
 - Fire Damage (any one fire) \$ 100,000
 - Medical Expense (any 1 person) \$ 10,000

- Workers' Compensation:
 - Workers' Compensation Statutory Limits
 - EL Each Accident \$1,000,000
 - EL Disease - Policy Limit \$1,000,000
 - EL Disease - Each Employee \$1,000,000

- Automobile Liability
 - Any vehicle, combined single limit \$1,000,000

Any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirements or limits shall be available to the additional insured. Furthermore, the requirements for coverage and limits shall be the greater of (1) the minimum coverage and limits specified in this Agreement, or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named insured

- 12.4. **General Liability Insurance.** Commercial General Liability Insurance shall be no less broad than ISO form CG 00 01. Coverage must be on a standard Occurrence form. Claims-Made, modified, limited or restricted Occurrence forms are not acceptable.
- 12.5. **Worker's Compensation Insurance.** Consultant is aware of the provisions of Section 3700 of the Labor Code which requires every employer to carry Workers' Compensation (or to undertake equivalent self-insurance), and Consultant will comply with such provisions before commencing the performance of the work of this Agreement. If such insurance is underwritten by any agency other than the State Compensation Fund, such agency shall be a company authorized to do business in the State of California.
- 12.6. **Automobile Liability Insurance.** Covered vehicles shall include owned if any, non-owned, and hired automobiles and, trucks.
- 12.7. **Professional Liability Insurance or Errors & Omissions Coverage.** The deductible or self-insured retention may not exceed \$50,000. If the insurance is on a Claims-Made basis, the retroactive date shall be no later than the commencement of the work. Coverage shall be continued for two years after the completion of the work by one of

the following: (1) renewal of the existing policy; (2) an extended reporting period endorsement; or (3) replacement insurance with a retroactive date no later than the commencement of the work under this Agreement.

- 12.8. **Claims-Made Policies.** If any of the required policies provide coverage on a claims-made basis the Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work. Claims-Made Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of five (5) years after completion of contract work.
- 12.9. **Additional Insured Endorsements.** The City, its City Council, Commissions, officers, and employees of South Pasadena must be endorsed as an additional insured for each policy required herein, other than Professional Errors and Omissions and Worker's Compensation, for liability arising out of ongoing and completed operations by or on behalf of the Consultant. Consultant's insurance policies shall be primary as respects any claims related to or as the result of the Consultant's work. Any insurance, pooled coverage or self-insurance maintained by the City, its elected or appointed officials, directors, officers, agents, employees, volunteers, or consultants shall be non-contributory. All endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf. General liability coverage can be provided using an endorsement to the Consultant's insurance at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10 and CG 20 37.
- 12.10. **Failure to Maintain Coverage.** In the event any policy is canceled prior to the completion of the project and the Consultant does not furnish a new certificate of insurance prior to cancellation, City has the right, but not the duty, to obtain the required insurance and deduct the premium(s) from any amounts due the Consultant under this Agreement. Failure of the Consultant to maintain the insurance required by this Agreement, or to comply with any of the requirements of this section, shall constitute a material breach of this Agreement.
- 12.11. **Notices.** Contractor shall provide immediate written notice if (1) any of the required insurance policies is terminated; (2) the limits of any of the required policies are reduced; (3) or the deductible or self-insured retention is increased. Consultant shall provide no less than 30 days' notice of any cancellation or material change to policies required by this Agreement. Consultant shall provide proof that cancelled or expired policies of insurance have been renewed or replaced with other policies providing at least the same coverage. Such proof will be furnished at least two weeks prior to the expiration of the coverages. The name and address for Additional Insured Endorsements, Certificates of Insurance and Notices of Cancellation is: City of South Pasadena, Attn: Shahid Abbas, South Pasadena, CA 95945.

- 12.12. **Consultant's Insurance Primary.** The insurance provided by Consultant, including all endorsements, shall be primary to any coverage available to City. Any insurance or self-insurance maintained by City and/or its officers, employees, agents or volunteers, shall be in excess of Consultant's insurance and shall not contribute with it.
- 12.13. **Waiver of Subrogation.** Consultant hereby waives all rights of subrogation against the City. Consultant shall additionally waive such rights either by endorsement to each policy or provide proof of such waiver in the policy itself.
- 12.14. **Report of Claims to City.** Consultant shall report to the City, in addition to the Consultant's insurer, any and all insurance claims submitted to Consultant's insurer in connection with the services under this Agreement.
- 12.15. **Premium Payments and Deductibles.** Consultant must disclose all deductibles and self-insured retention amounts to the City. The City may require the Consultant to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within retention amounts. Ultimately, City must approve all such amounts prior to execution of this Agreement.

City has no obligation to pay any premiums, assessments, or deductibles under any policy required in this Agreement. Consultant shall be responsible for all premiums and deductibles in all of Consultant's insurance policies. The amount of deductibles for insurance coverage required herein are subject to City's approval.

- 12.16. **Duty to Defend and Indemnify.** Consultant's duties to defend and indemnify City under this Agreement shall not be limited by the foregoing insurance requirements and shall survive the expiration of this Agreement.

13. MUTUAL COOPERATION

- 13.1. **City Cooperation in Performance.** City shall provide Consultant with all pertinent data, documents and other requested information as is reasonably available for the proper performance of Consultant's services under this Agreement.
- 13.2. **Consultant Cooperation in Defense of Claims.** If any claim or action is brought against City relating to Consultant's performance in connection with this Agreement, Consultant shall render any reasonable assistance that City may require in the defense of that claim or action.

14. NOTICES

Any notices, bills, invoices, or reports required by this Agreement shall be deemed received on: (i) the day of delivery if delivered by hand, facsimile or overnight courier service during Consultant's and City's regular business hours; or (ii) on the third business day following deposit in the United States mail if delivered by mail, postage

prepaid, to the addresses listed below (or to such other addresses as the parties may, from time to time, designate in writing).

If to City

Shahid Abbas
City of South Pasadena
Public Works
1414 Mission Street
South Pasadena, CA 91030
Telephone: (626) 403-7240
Facsimile: (626) 403-7241

If to Consultant

Georgianna Ramos
Great Match Consulting
511 Mission
South Pasadena, CA 91030
Telephone: (626) 283-2244

With courtesy copy to:

Teresa L. Highsmith, Esq.
South Pasadena City Attorney
Colantuono, Highsmith & Whatley, PC
790 E. Colorado Blvd. Ste. 850
Pasadena, CA 91101
Telephone: (213) 542-5700
Facsimile: (213) 542-5710

15. SURVIVING COVENANTS

The parties agree that the covenants contained in paragraph 5.11 (Records), paragraph 10.4 (Indemnification of CalPERS Determination), Section 11 (Indemnity), paragraph 12.8 (Claims-Made Policies), paragraph 13.2 (Consultant Cooperation in Defense of Claims), and paragraph 18.1 (Confidentiality) of this Agreement shall survive the expiration or termination of this Agreement, subject to the provisions and limitations of this Agreement and all otherwise applicable statutes of limitations and repose.

16. TERMINATION

- 16.1. **City Termination.** City may terminate this Agreement for any reason on five calendar days' written notice to Consultant. Consultant agrees to cease all work under this Agreement on or before the effective date of any notice of termination. All City data, documents, objects, materials or other tangible things shall be returned to City upon the termination or expiration of this Agreement.
- 16.2. **Consultant Termination.** Consultant may terminate this Agreement for a material breach of this Agreement upon 30 days' notice.
- 16.3. **Compensation Following Termination.** Upon termination, Consultant shall be paid based on the work satisfactorily performed at the time of termination. In no event shall

Consultant be entitled to receive more than the amount that would be paid to Consultant for the full performance of the services required by this Agreement. The City shall have the benefit of such work as may have been completed up to the time of such termination.

- 16.4. **Remedies.** City retains any and all available legal and equitable remedies for Consultant's breach of this Agreement.

17. INTERPRETATION OF AGREEMENT

- 17.1. **Governing Law.** This Agreement shall be governed and construed in accordance with the laws of the State of California.
- 17.2. **Integration of Exhibits.** All documents referenced as exhibits in this Agreement are hereby incorporated into this Agreement. In the event of any material discrepancy between the express provisions of this Agreement and the provisions of any document incorporated herein by reference, the provisions of this Agreement shall prevail. This instrument contains the entire Agreement between City and Consultant with respect to the transactions contemplated herein. No other prior oral or written agreements are binding upon the parties. Amendments hereto or deviations here from shall be effective and binding only if made in writing and executed on by City and Consultant.
- 17.3. **Headings.** The headings and captions appearing at the commencement of the sections hereof, and in any paragraph thereof, are descriptive only and for convenience in reference to this Agreement. Should there be any conflict between such heading, and the section or paragraph thereof at the head of which it appears, the language of the section or paragraph shall control and govern in the construction of this Agreement.
- 17.4. **Pronouns.** Masculine or feminine pronouns shall be substituted for the neuter form and vice versa, and the plural shall be substituted for the singular form and vice versa, in any place or places herein in which the context requires such substitution(s).
- 17.5. **Severability.** If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, then such term or provision shall be amended to, and solely to the extent necessary to, cure such invalidity or unenforceability, and shall be enforceable in its amended form. In such event, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.
- 17.6. **No Presumption Against Drafter.** Each party had an opportunity to consult with an attorney in reviewing and drafting this agreement. Any uncertainty or ambiguity shall not be construed for or against any party based on attribution of drafting to any party.

18. GENERAL PROVISIONS

- 18.1. **Confidentiality.** All data, documents, discussion, or other information developed or received by Consultant for performance of this Agreement are deemed confidential and Consultant shall not disclose it without prior written consent by City. City shall grant such consent if disclosure is legally required. All City data shall be returned to City upon the termination or expiration of this Agreement.
- 18.2. **Conflicts of Interest.** Consultant warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. Consultant further agrees to file, or shall cause its employees or subcontractor to file, a Statement of Economic Interest with the City's Filing Officer if required under state law in the performance of the services. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer, or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.
- 18.3. **Non-assignment.** Consultant shall not delegate, transfer, subcontract or assign its duties or rights hereunder, either in whole or in part, without City's prior written consent, and any attempt to do so shall be void and of no effect. City shall not be obligated or liable under this Agreement to any party other than Consultant.
- 18.4. **Binding on Successors.** This Agreement shall be binding on the successors and assigns of the parties.
- 18.5. **No Third-Party Beneficiaries.** Except as expressly stated herein, there is no intended third-party beneficiary of any right or obligation assumed by the parties.
- 18.6. **Time of the Essence.** Time is of the essence for each and every provision of this Agreement.
- 18.7. **Non-Discrimination.** Consultant shall not discriminate against any employee or applicant for employment because of race, sex (including pregnancy, childbirth, or related medical condition), creed, national origin, color, disability as defined by law, disabled veteran status, Vietnam veteran status, religion, age (40 and above), medical condition (cancer-related), marital status, ancestry, or sexual orientation. Employment actions to which this provision applies shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; or in terms, conditions or privileges of employment, and selection for training. Consultant

agrees to post in conspicuous places, available to employees and applicants for employment, the provisions of this nondiscrimination clause.

- 18.8. **Waiver.** No provision, covenant, or condition of this Agreement shall be deemed to have been waived by City or Consultant unless in writing signed by one authorized to bind the party asserted to have consented to the waiver. The waiver by City or Consultant of any breach of any provision, covenant, or condition of this Agreement shall not be deemed to be a waiver of any subsequent breach of the same or any other provision, covenant, or condition.
- 18.9. **Excused Failure to Perform.** Consultant shall not be liable for any failure to perform if Consultant presents acceptable evidence, in City's sole judgment, that such failure was due to causes beyond the control and without the fault or negligence of Consultant.
- 18.10. **Remedies Non-Exclusive.** Each right, power and remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise shall be cumulative and shall be in addition to every other right, power, or remedy provided for herein or now or hereafter existing at law, in equity, by statute, or otherwise. The exercise, the commencement of the exercise, or the forbearance from the exercise by any party of any one or more of such rights, powers or remedies shall not preclude the simultaneous or later exercise by such party of any or all of such other rights, powers or remedies.
- 18.11. **Attorneys' Fees.** If legal action shall be necessary to enforce any term, covenant or condition contained in this Agreement, the prevailing party shall be entitled to an award of reasonable attorneys' fees and costs expended in the action.
- 18.12. **Venue.** The venue for any litigation shall be Los Angeles County, California and Consultant hereby consents to jurisdiction in Los Angeles County for purposes of resolving any dispute or enforcing any obligation arising under this Agreement.

TO EFFECTUATE THIS AGREEMENT, the parties have caused their duly authorized representatives to execute this Agreement on the dates set forth below.

"City"
City of South Pasadena

"Consultant"
Great Match Consulting

By: _____
Signature

By: _____
Signature

Printed: _____

Printed: _____

Title: _____

Title: _____

Date: _____

Date: _____

Attest:

By: _____
Evelyn G. Zneimer, City Clerk

Date: _____

Approved as to form:

By: _____
Teresa L. Highsmith, City Attorney

Date: _____

Exhibit A

Scope of Services

The work included as part of this agreement shall be for additional as-needed interim work, in order to assist City crews when additional staffing is required. The work shall consist of manual labor, and no special skills requiring licenses and/or certificates will be necessary. The temporary as-needed workers will only be called upon when additional work is created from unforeseen conditions, which necessitates additional labor to assist the City in maintaining its infrastructure and facilitates. Contractor shall not assign any employee with previously earned California Public Employees Retirement System ("CalPERS") retirement benefits to provide services to the City, or permit any of its employees to individually exceed an average of 19 hours per week of service in the performance of this Agreement within a six month period.

Any temporary staff assigned to the City are subject to LiveScan by the City Human Resources Department. Assigned staff are required to clear Human Resources screening prior to providing service to the City.

The description of work for these as-needed workers shall include but not limited to the following tasks: Assist City crews with storm drain cleaning, sidewalk repairs, removal of trash and removal of tree trimmings from City streets, landscape and park maintenance.

Consultant shall:

- Ensure temporary staff have personal cellular phone numbers available, so that the City may contact their representatives before or after office hours.
- Handle injuries and Worker's Compensation claims.
- Handle Unemployment Insurance and claims.
- Handle Payroll, federal and state taxes.
- Issue W-2 Forms.
- Handle garnishment of wages.
- Employee paychecks, accurately, and in a timely manner.

Exhibit B

Schedule of Fees

Consultant shall only perform work requested by the City based on the actual time the temporary workers are assigned onsite. The Consultant shall submit weekly timesheets subject to the City approval verifying the amount of hours worked per week. The City shall be responsible for assigning the dates and times of the temporary labor.

Position	Bill Rate
General Labor	\$22.41

ATTACHMENT 2
Great Match Rate Sheet

EXCLUSIVE RATES & TERMS FOR:

City of South Pasadena

Position	Pay Rate	Bill Rate
General Labor	\$ 15.25	\$22.41

Net terms Due upon receipt.

The terms of this agreement will be effective upon signature of this agreement. If the State of California should approve of any additional increases to minimum wage and / or Worker's Compensation Insurance, the bill rate will also be modified accordingly.

Should Great Match Consulting provide a large volume of temporary employees to City of South Pasadena, and City of South Pasadena decides to discontinue the business relationship; City of South Pasadena will notify Great Match Consulting within 30 days, in writing, in order to avoid any financial burden.

ADDITIONAL BENEFITS OF UTILIZING GREAT MATCH CONSULTING

- Personal Cellular phone numbers available, so that our clients may contact their representatives before or after office hours.
- Handle injuries and Worker's Compensation claims.
- Handle Unemployment Insurance and claims.
- Handle Payroll, federal and state taxes.
- Issue W-2 Forms.
- Handle garnishment of wages.
- Employee paychecks, accurately, and in a timely manner.

Your signature indicates that you have read and agreed to the above mentioned terms and conditions.

City of South Pasadena Authorizing Signature

Date



City Council Agenda Report

ITEM NO. 13

DATE: August 5, 2020

FROM: Stephanie DeWolfe, City Manager

PREPARED BY: Julian Lee, Deputy Director of Public Works
Arpy Kasparian, Water Conservation & Sustainability Analyst

SUBJECT: **Adoption of a Resolution Authorizing Submittal of a Grant Application to Participate in the Used Oil Payment Program**

Recommendation

It is recommended that the City Council:

1. Adopt a resolution authorizing the submittal of a grant application to participate in the State of California Department of Resources Recycling and Recovery's (CalRecycle) Used Oil Payment Program (OPP); and
2. Authorize the City Manager to execute all documents required to obtain the grant.

Background

The California Oil Recycling Enhancement Act (Act) provides grant opportunities to local jurisdictions to help promote the recycling of used motor oil and motor oil filters, and for implementation of local used oil and filter collection programs. The City of South Pasadena (City) received grant funds from the OPP Cycle Nine and Cycle Ten and used the funds to establish a free Used Motor Oil Curbside Pick-up Program. The program allows residents to obtain free motor oil containers, filters, and funnels from the Public Works office. Residents can call Public Works to schedule an appointment to have their City-provided containers and filters picked up from their curbside. Pick-ups occur on the last Friday of every month and up to two one-gallon containers can be collected each time. The used motor oil is transported to a collection center and recycled. Residents have been informed about the program via the City website, City newsletter, and City blog. The Fiscal Year (FY) 2020-21 OPP Cycle Eleven requires the local jurisdiction adopt a resolution of support.

Discussion/Analysis

The grant funds will allow the City to continue the free Used Motor Oil Curbside Pick-up Program for South Pasadena residents. The funds will be used to provide residents with materials for motor oil collection, as well as education on stormwater mitigation and proper oil disposal. This program will also encourage residents to "check their number" to ensure that they are not changing their oil too frequently.

Resolution Authorizing Submittal of Grant Application to Participate in the Used Oil Payment Program
August 5, 2020
Page 2 of 2

Fiscal Impact

The Cal Recycle Grants program does not require a match. Grant funds can be used for City staff time required for processing and administering the grant. The award amount for FY 2020-21 is unknown at this time; however based on information received from CalRecycle, the City could reasonably expect to receive a minimum award of \$5,000 to fund the program for the current Fiscal Year.

Legal Review

The City Attorney has reviewed this item.

Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website and/or notice in the *South Pasadena Review* and/or the *Pasadena Star-News*.

Attachment: Resolution: Used Oil Payment Program Grant Application Submittal

ATTACHMENT
Resolution: Used Oil Payment Program
Grant Application Submittal

RESOLUTION NO.**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,
AUTHORIZING THE SUBMITTAL OF A GRANT
APPLICATION TO PARTICIPATE IN THE USED OIL
PAYMENT PROGRAM CYCLE 11 (FISCAL YEAR
2020-21) AND RELATED AUTHORIZATIONS**

WHEREAS, pursuant to Public Resources Code sections 48000 et seq., 14581, and 42023.1(g), the Department of Resources Recycling and Recovery (CalRecycle) has established various payment programs to make payments to qualifying jurisdictions; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the payment programs; and

WHEREAS, CalRecycle's procedures for administering payment programs require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the payment program.

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

SECTION 1. The City of South Pasadena City Council is authorized to submit an application to CalRecycle for any and all payment programs offered.

SECTION 2. The City Manager, or his/her designee, is hereby authorized as Signature Authority to execute all documents necessary to implement and secure payment.

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 August, 2020.

Robert Joe, Mayor

ATTEST:

APPROVED AS TO FORM:

Evelyn Zneimer, City Clerk
(seal)

Teresa L. Highsmith, City Attorney

I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 5th day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Evelyn Zneimer, City Clerk
(seal)



City Council Agenda Report

ITEM NO. 14

DATE: August 5, 2020

FROM: Stephanie DeWolfe, City Manager

PREPARED BY: Teresa L. Highsmith, City Attorney

SUBJECT: **Adoption of a Resolution Continuing the Proclamation of a Local Emergency Due to the Outbreak of COVID-19, Adding Regulations to Facilitate Expansion of the Al Fresco Dining and Retail Program, Including Suspension of Outdoor Dining Permit Fee, Adoption by Reference of Los Angeles County Ordinance Capping Fees for Third-Party Delivery Platforms for Food Delivery, and Authorizing the City Manager to Take All Necessary Actions as the Director of Emergency Services**

Recommendation

It is recommended that the City Council approve the attached resolution:

1. Continuing the proclamation of a local emergency due to the outbreak of COVID-19;
2. Adding regulations for the expansion of the Al Fresco Dining & Retail Program, including waiver of the fee for Outdoor Dining Permit;
3. Adopting the Los Angeles County Ordinance capping fees for third-party delivery platforms for food delivery; and
4. Authorizing the City Manager to take all necessary actions as the Director of Emergency Services.

Discussion/Analysis

On March 18, 2020, the City Council adopted Resolution No. 7646, declaring a local emergency, restricting private and public gatherings and establishing protections for residential and commercial tenants unable to pay all or a portion of their rent due to loss of income from the COVID-19 statewide emergency. Resolution No. 7646 was superseded by Resolution No. 7648, adopted by the City Council on May 6, 2020, continuing the declaration of a local emergency, adopting the April 14, 2020 Executive Order of the Los Angeles Board of Supervisors by reference, and imposing additional restrictions.

On June 17, 2020, the City Council adopted Resolution No. 7675, superseding the prior Resolutions and continuing the declaration of local emergency and reinstating the parking pass program, including the potential for citations for parking violations, effective July 6, 2020.

On July 18, 2020 the Los Angeles County Health Officer amended the local “Reopening Safer at Work and in the Community for Control of COVID-19,” for consistency with the state Public

Declaration of Local Emergency

August 5, 2020

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Health Officer Order of July 13, continuing restrictions on public gatherings and private businesses, while limiting residents' exposure, due to a "significant increase in the spread of COVID-19."

On July 21, 2020, the Los Angeles County Board of Supervisors unanimously approved an ordinance to cap fees charged to restaurants by third-party delivery services, such as Postmates, Door Dash, Grub Hub and Uber Eats. The ordinance is scheduled to be formally adopted by the Board of Supervisors on August 4, 2020.

Pursuant to Government Code Section 8630(c), the City Council shall review the continuing need for the declaration of local emergency at least once every 60 days until the local emergency is terminated. As part of this review, the Council may approve additional regulations to allow the expansion of the Al Fresco Dining and Retail Program, including the waiver of the Outdoor Dining Permit fee. (The expansion of the Al Fresco Dining and Retail Program is a separate agenda item for a deeper discussion and review).

Additionally, in response to Councilmember Khubesrian's previous motion (with a second by Mayor Pro Tem Mahmud) to bring back an agenda item to consider capping fees charged to restaurants by third-party delivery platforms such as GrubHub, UberEats, DoorDash and Postmates, the proposed Resolution continuing the declaration of local emergency also includes an adoption by reference of the Los Angeles County Ordinance limiting third-party delivery fees. Third-party food delivery services use various commission models that can charge a restaurant up to thirty percent or more of the purchase price per order, with charges for delivery, marketing and promotion, subscription, and processing fees. Restaurants, and particularly small family-owned establishments, have limited bargaining power to resist steep fees or risk possible closure due to lack of business. Many small enterprises face dire financial circumstances, and take-out and delivery are essential to maintaining their restaurant operations for the foreseeable future during this period of local emergency. The County restrictions cap fees for delivery companies at fifteen percent, require disclosure of fees and charges to customers, and prohibit reduction of compensation to delivery drivers as a result of the ordinance. The ordinance also prohibits delivery companies from charging a food establishment any combination of fees, commissions, or costs that totals more than twenty percent of the purchase price of the order. The City of Pasadena also approved a temporary cap of twenty percent on total fees and commission that online and app-based delivery services can charge eateries, including a fifteen percent limit on the delivery-fee portion of an order. The City of Los Angeles recently adopted similar restrictions by Urgency Ordinance, which will remain in place until 90 days after the declaration of local emergency is terminated.

The proposed actions to preserve life, property, and public order are consistent with California Government Code section 8634 and South Pasadena Municipal Code Chapter 11.

Background

An outbreak of pneumonia in Wuhan, China was reported to the World Health Organization on December 31, 2019, and an illness caused by a novel coronavirus called COVID-19 was soon identified as the cause. During the week of February 23, 2020, the Centers for Disease Control

Declaration of Local Emergency

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and Prevention reported evidence of community spread of the virus in cases located in California, Oregon, and Washington.

On March 4, 2020, Governor Gavin Newsom declared a state of emergency to exist in California as a result of COVID-19. The same day, the State of California and Los Angeles County Department of Public Health declared health emergencies. On March 13, 2020, President Donald Trump declared a national emergency as a result of COVID-19.

The State Public Health Officer issued the “Stay at Home” order on March 19, 2020. The Los Angeles County Health Officer on March 21, 2020 followed with the “Safer at Home” order. On April 28, 2020, Governor Gavin Newsom announced a 4-stage transition plan, titled “California’s Pandemic Resilience Roadmap,” to end the State Stay at Home order. The Stay at Home order and Safer at Home Order were revised on May 7, 2020 and May 29, 2020 respectively, with a the state Public Health Officer updated Order issued on July 13, 2020 for the closure of certain businesses and other public places, due to a “significant increase in the spread of COVID-19.”

Legal Review

The City Attorney’s office has reviewed this item.

Fiscal Impact

With the State declaration of a health emergency, local COVID-19 response efforts may be eligible for state or federal reimbursement. The costs of responding to COVID-19 are unknown at this time due to evolving conditions, but are being tracked by staff. The reinstatement of the City’s Parking Pass Program may generate additional revenue.

Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City’s website and/or notice in the *South Pasadena Review* and/or the *Pasadena Star-News*.

Attachment:

1. City Council Resolution No. _____

ATTACHMENT 1
City Council Resolution No. _____

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, CONTINUING ITS PROCLAMATION OF A LOCAL EMERGENCY DUE TO THE OUTBREAK OF COVID-19, ADDING REGULATIONS TO FACILITATE EXPANSION OF THE AL FRESCO DINING AND RETAIL PROGRAM, INCLUDING SUSPENSION OF OUTDOOR DINING PERMIT FEE, ADOPTION BY REFERENCE OF LOS ANGELES COUNTY ORDINANCE LIMITING THIRD-PARTY DELIVERY CHARGES FOR TAKE-OUT FOOD ORDERS, AND AUTHORIZING THE CITY MANAGER TO CONTINUE TO TAKE ALL NECESSARY ACTIONS AS THE DIRECTOR OF EMERGENCY SERVICES

WHEREAS, in December 2019, a novel severe acute respiratory syndrome coronavirus2, known as SARS-CoV-2 which has also been referred to as COVID-19, was first detected in Wuhan, Hubei Province, People’s Republic of China, causing outbreaks of the coronavirus disease COVID-19 that has now spread globally;

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency in response to COVID-19;

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency to exist in California as a result of COVID-19;

WHEREAS, on March 4, 2020, the Chair of the Los Angeles County Board of Supervisors and the Los Angeles County Health Officer declared a local emergency and a local health emergency, respectively, as a result of COVID-19;

WHEREAS, on March 12, 2020, Governor Gavin Newsom signed Executive Order N-25-20 giving state and local public health officials the authority to issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences or other mass events;

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency as a result of COVID-19;

WHEREAS, on March 18, 2020, the South Pasadena City Council adopted Resolution No. 7646 declaring a local emergency, restricting private and public gatherings, and establishing protections for residential and commercial tenants, among other things;

WHEREAS, on March 19, 2020, the State Public Health Officer issued the “Stay at Home” order;

WHEREAS, on March 21, 2020, the Los Angeles County Health Officer issued the “Safer at Home” order;

WHEREAS, on April 28, 2020, Governor Gavin Newsom announced a 4-stage transition plan, titled “California’s Pandemic Resilience Roadmap,” to end the Stay at Home order;

WHEREAS, on May 6, 2020, the South Pasadena City Council adopted Resolution No. 7648 proclaiming the continuation of a local emergency and, among other things, suspended water and sewer utility terminations and the City’s Parking Pass Program;

WHEREAS, on May 7, 2020, the State Public Health Officer amended the Stay at Home order to allow for the reopening of lower-risk workplaces;

WHEREAS, on May 29, 2020, the Los Angeles County Health Officer amended the Safer at Home order with a new order titled “Reopening Safer at Work and in the Community for Control of COVID-19,” attached as Attachment A1, which seeks to limit residents’ exposure during Los Angeles County’s transition through Stage 2 of California’s Pandemic Resilience Roadmap;

WHEREAS, Section 6 of the Los Angeles County Health Officer’s May 29, 2020 order states, “This Order does not supersede any stricter limitation imposed by a local public entity within the County of Los Angeles Public Health Jurisdiction;”

WHEREAS, on June 17, 2020, the South Pasadena City Council adopted Resolution No. 7657, proclaiming the continuation of a local emergency and clarifying that any local regulations on public gatherings or private facilities as permissive as the Los Angeles County Health Officer’s May 29, 2020 order and any subsequent Los Angeles County Health Officer orders; resuming the City’s Parking Pass Program, and creating the Al Fresco Dining and Retail Program; and

WHEREAS, on July 18, 2020, the Los Angeles County Public Health Officer issued a revised Order regarding Reopening Safer and Work and specifying what businesses and services can be open either for inside shopping or outdoor pick-up only, what businesses can be open only by outside service, and what businesses and services are closed; and

WHEREAS, despite sustained efforts, COVID-19 remains a threat, and continued efforts to control the spread of the virus to reduce and minimize the risk of infection are needed;

WHEREAS, these conditions warrant and necessitate that the City continue its proclamation of the existence of a local emergency;

WHEREAS, Chapter 11 of the South Pasadena Municipal Code empowers the City Council to proclaim the existence or threatened existence of a local emergency and to issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency;

WHEREAS, Government Code section 8634 states, “During a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the

public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice”; and

WHEREAS, Government Code section 8630 (c) states, “The governing body shall review the need for continuing the local emergency at least once every 60 days until the government body terminates the local emergency.”

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

SECTION 1. Recitals. The preceding Recitals are true and correct and are hereby incorporated and adopted as findings and determinations by the City Council as if fully set forth herein.

SECTION 2. Proclamation. Pursuant to Government Code section 8630, subdivision (a), the City Council proclaims the continuation of a local emergency due to the outbreak of SARS-CoV-2 (COVID-19).

SECTION 3. Regulation of Public Gatherings. Any local regulations on public gatherings are ordered to be as permissive as the Los Angeles County Health Officer’s July 18, 2020 order, attached as Attachment A2, and any subsequent Los Angeles County Health Officer orders;

SECTION 4. Regulation of Public Facilities. Commencing immediately, the Director of Emergency Services is directed to continue the closure to the public of all City-owned facilities that require close contact of vulnerable individuals, including those over 60 years old or with compromised immune systems.

SECTION 5. Regulation of Private Facilities. Any local regulations on private facilities are ordered to be as permissive as the Los Angeles County Health Officer’s July 18, 2020 order and any subsequent Los Angeles County Health Officer orders;

SECTION 6. Enforcement. Any violation of the above prohibitions may be punishable by a fine not to exceed \$1,000 or imprisonment not to exceed six months, pursuant to the South Pasadena Municipal Code section 11.11.

SECTION 7. Exemption of Delivery Vehicles. Trucks and other vehicles engaged in the delivery of grocery items to grocery stores, when such items are to be made available for sale to the public, remain exempt from having to comply with any City rules and regulations that limit the hours for such deliveries.

SECTION 8. Guidance for Religious Gatherings. The leaders of the City’s houses of worship are urged, in the strongest possible terms, to limit gatherings on their premises and to explore and implement ways to practice their respective faiths while observing social distancing practices.

SECTION 9. Protection of Affected Tenants. The April 14, 2020 Executive Order of the Los Angeles Board of Supervisors, attached as Attachment B, which expands an existing temporary rent freeze and moratorium on evictions of both commercial and residential tenants in parts of Los Angeles County in response to the COVID-19 health emergency is adopted by reference and incorporated into this Resolution.

SECTION 10. Suspension of Utility Terminations. For a period of 60 days from the date of this Resolution, for customers who are able to show an inability to pay their water and sewer bill due to the “financial impacts related to COVID-19” as defined in Section 9 above, the City hereby suspends:

- a) The discontinuation or shut-off of water service for residents and businesses in the City for non-payment of water and sewer bills;
- b) The imposition of late payment penalties or fees for delinquent water and/or sewer bills;

SECTION 11. Reinstatement of Parking Pass Program. Effective July 6, 2020, the City hereby reinstates the Parking Pass Program and authorizes the issuance of overnight parking passes and the imposition of late payment penalties or fees for parking violations.

SECTION 12. Temporary Modifications to Commercial Signage Requirements. No more than two temporary signs shall be allowed per business. All temporary signs must still comply with the size and location requirements set forth in SPMC Section 36.320.080.

Temporary window signs shall be limited to 20 percent of the window area.

No more than one temporary sign shall be located in the public right-of-way. During the Local Emergency Declaration, an application to place a temporary sign in the public right of way shall only require administrative approval by the Planning Director; an encroachment permit is still required to be issued by the Public Works Director, but the encroachment permit fee is waived.

Temporary signs shall be in place for no more than 30 days or until the Local Emergency Declaration has been lifted, whichever is later. Temporary signs may include a banner, in compliance with the size and locations of SPMC Section 36.320.080(B). During this Local Emergency Declaration, the \$50 application fees for a banner sign is waived.

SECTION 13. Al Fresco Dining and Retail Program. To support local businesses during the Coronavirus pandemic, an Al Fresco Dining and Retail Pilot Program, as set forth in Attachment C, is approved to temporarily relax Temporary Use Permit (TUP), Encroachment Permit, and parking requirements in order to facilitate the use of outdoor spaces for dining and retail purposes while maintaining the necessary social distancing protocols. This temporary program is valid for 90 days after the termination of the Declaration of Local Emergency. In order to facilitate outdoor dining, the City’s Outdoor Dining Permit Fee is waived for the duration of the Al Fresco Dining and Retail Program. Additionally, the City Manager or her designee has the discretion to relocate ADA parking spaces to other public right-of-way space or public facilities in order to facilitate the potential use of street frontage for outdoor dining spaces for applicants to the Al Fresco Dining and Retail Program.

SECTION 14. Capping Fees on Third-Party Delivery Services for Restaurants and Food Establishments. The July 21, 2020 Los Angeles County Ordinance (Attachment D) establishing a twenty percent cap on total fees including a fifteen percent cap on delivery fees that a food delivery platform may charge to restaurants, prohibiting reduction of delivery driver compensation as a result, and requiring disclosures to be made by the food delivery platform to customers, in response to the COVID-19 health emergency is adopted by reference and incorporated into this Resolution.

SECTION 15. Emergency Authority. Pursuant to Government Code section 8634, the City Council reaffirms its authorization of the Director of Emergency Services to take any measures necessary to protect and preserve public health and safety, including activation of the Emergency Operations Center.

SECTION 16. Public Health Officials. The City Council reaffirms its authorization of the Director of Emergency Services to implement any guidance, recommendations, or requirements imposed by the State Department of Public Health or the Los Angeles County Health Officer.

SECTION 17. Termination. Pursuant to Government Code section 8630, subdivision (d), the City Council will proclaim the termination of the emergency at the earliest possible date that conditions warrant.

SECTION 18. Review. Pursuant to Government Code section 8630, subdivision (c), the City Council will review the need for continuing the local emergency in no event later than 60 days from the previous declaration or review, until the City Council terminates the local emergency.

SECTION 19. Cost Accounting. City staff will continue to account for their time and expenses related to addressing the local emergency caused by COVID-19.

SECTION 20. Cost Recovery. The City will seek recovery for the cost of responding to COVID-19, as this proclamation was originally made within 10 days of the Governor's Executive Order N-25-20 and the President's declaration of a national emergency, qualifying the City for assistance under the California Disaster Assistance Act and for reimbursement from the Federal Emergency Management Agency.

SECTION 21. Supersedes. This Resolution restates and supersedes the declaration of emergency set forth in Resolution No. 7657.

SECTION 22. Submissions. The City Clerk will transmit a copy of this Resolution at the earliest opportunity to the Los Angeles County Operational Area and the California Governor's Office of Emergency Services.

SECTION 23. Certification. The City Clerk will 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 August, 2020.

Robert S. Joe, Mayor

ATTEST:

APPROVED AS TO FORM:

Evelyn G. Zneimer, City Clerk

Teresa L. Highsmith, City Attorney

I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 5th day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Evelyn G. Zneimer, City Clerk
(seal)

Attachment A1



**REOPENING SAFER AT WORK AND IN THE COMMUNITY
FOR CONTROL OF COVID-19
MOVING THE COUNTY OF LOS ANGELES THROUGH
STAGE 2 OF CALIFORNIA'S PANDEMIC
RESILIENCE ROADMAP**
Revised Order Issued: May 29, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. (California Health and Safety Code §120295; Los Angeles County Code § 11.02.080.)

SUMMARY OF THE ORDER: This Revised County of Los Angeles Health Officer Order (Order) supersedes all prior Safer At Home orders (Prior Orders) issued by the County of Los Angeles Health Officer (Health Officer). This Order is issued to comply with State Executive Orders N-33-20 and N-60-20 issued by Governor Gavin Newsom, and the accompanying orders of the State Public Health Officer issued on March 19 and May 7, 2020. The State Public Health Officer has articulated a 4 Stage framework – California Pandemic Resilience Roadmap to inform the State's actions that reintroduce activities and sectors in a phased manner and with necessary modifications to protect health and safety, and to lower the risk of Novel Coronavirus Disease (COVID-19) transmission and outbreaks in a community.

This Order is issued to align the County of Los Angeles (County) with State Executive Orders and State Health Officer Orders that support the phased reopening of the California Pandemic Resilience Roadmap. This Order will be revised in the future to reflect the State Executive Orders and State Public Health Officer Orders that progressively designate sectors, businesses, establishments, or activities that may reopen with certain modifications, based on health and safety needs and at a pace designed to protect health and safety. Changes from the previous Order are highlighted. Should local COVID-19 conditions warrant, the Health Officer may, after consultation with the Board of Supervisors, issue Orders that are more restrictive than those of the State Public Health Officer.

This Order allows persons to engage in all permitted activities, as defined by the Order, but requires that persons practice Social (Physical) Distancing, at all times while out in public and wear a cloth face covering when in contact with others, to lower the risks of person-to-person contact for themselves and others.

This Order is effective within the County of Los Angeles Public Health Jurisdiction, defined as all cities and unincorporated areas within the County of Los Angeles with the exception of the cities of Long Beach and Pasadena. This Order is effective immediately and will continue until further notice.



**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND
SAFETY CODE SECTIONS 101040, 101085, AND 120175,
THE COUNTY OF LOS ANGELES HEALTH OFFICER ORDERS:**

1. This Order supersedes the Health Officer's Prior Orders. In light of the progress achieved in slowing the spread of COVID-19 in the County, this Order aligns the County with the State Public Health Officer's phased reopening approach guided by the California Pandemic Resilience Roadmap. The Order allows the conditional reopening of activities and business sectors with modifications to lower the risk of person-to-person transmission of COVID-19, ensuring continued Social (Physical) Distancing and adherence to other infection control protocols as provided below. The Health Officer will assess the phased reopening allowed by the State Public Health Officer and this Order on an ongoing basis and determine, after consultation with the Board of Supervisors, whether this Order needs to be modified if the public health risk associated with COVID-19 increases in the future.
2. This Order's intent is to continue to ensure that County residents remain in their residences as much as practicable, to limit close contact with others outside their household in both indoor and outdoor spaces. All persons who can telework or work from home should continue to do so as much as possible during this pandemic. Sustained Social (Physical) Distancing and infection control measures will continue slowing the spread of COVID-19 and diminishing its impact on the delivery of critical healthcare services. All provisions of this Order must be interpreted to effectuate that intent. Failure to comply with any of the Order's provisions constitutes an imminent threat and menace to public health, and a public nuisance, and is punishable by fine, imprisonment or both.
3. All persons living within the County of Los Angeles Public Health Jurisdiction should remain in their residences whenever practicable.
 - a) Nothing in this Order prohibits members of a single household or living unit from engaging in permitted activities together. But gatherings of people who are *not* part of a single household or living unit are prohibited within the County of Los Angeles Public Health Jurisdiction, except for the limited purposes expressly permitted by this Order.
 - b) People leaving their residences must strictly comply with the Social (Physical) Distancing requirements stated in this Order and specified in guidance or protocols established by the County Department of Public Health; this includes wearing a cloth face covering whenever there is or can be contact with others who are non-household members in both public and private places, which reduces the risk of transmission to others from people who do not have symptoms and do not know they are infected. The use of face coverings is commonly referred to as "source control."
 - c) Persons and businesses within the County of Los Angeles Public Health Jurisdiction are required to follow the COVID-19 infection control protocols and guidance provided by the County Department of Public Health. In instances where the County has not provided a specific guidance or protocol, specific guidance or protocols established by the State Public Health Officer shall control.



- d) Pursuant to the State of California's action¹ and the United States District Court Central District of California's order,² jurisdictions within the County of Los Angeles Public Health Jurisdiction are expected to comply with the provision of hotel and motel rooms for vulnerable people experiencing homelessness through Project Roomkey, which slows the spread of COVID-19 and retains capacity of the healthcare system.
4. All people residing within the County of Los Angeles Public Health Jurisdiction who are age 65 or older and all people of any age who have active or unstable pre-existing health conditions, should remain in their residences as much as possible during the pandemic. People in these categories should leave their residences only when necessary to seek medical care, exercise or obtain food or other necessities. The Health Officer strongly recommends that all employers offer telework or other accommodations to persons who are age 65 or older and all people of any age who have an active or unstable pre-existing health conditions.
5. All government agencies working in the course and scope of their public service employment are Essential Government Functions.
- a) All government employees are essential, including but not limited to, health care providers and emergency responders including employees who serve in the following areas: law enforcement; emergency services and management; first responders; fire; search and rescue; juvenile detention; corrections; healthcare services and operations; public health; laboratory or medical testing; mental health; community health; public works; executive management employees serving in these fields; all employees assigned to serve in or support the foregoing fields; and all employees whose services are otherwise needed to assist in a declared emergency.
- b) While all government employees are essential, the employees identified here, and others called to serve in their Disaster Service Worker capacity, must be available to serve the public or assist in response or continuity of operations efforts during this health crisis to the maximum extent allowed under the law.
- c) This Order does not, in any way, restrict (a) first responder access to the site(s) named in this Order during an emergency or (b) local, state or federal officers, investigators, or medical or law enforcement personnel from carrying out their lawful duties at the site(s) named in this Order.
- d) All persons who perform Essential Governmental Functions are categorically exempt from this Order while performing such governmental functions or services. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental

¹ Office of Governor Gavin Newsom, Action re: Project Roomkey, 4/3/2020, <https://www.gov.ca.gov/2020/04/03/at-newly-converted-motel-governor-newsom-launches-project-roomkey-a-first-in-the-nation-initiative-to-secure-hotel-motel-rooms-to-protect-homeless-individuals-from-covid-19/>; 2020-21 May Revision to the Governor's Budget, Project Roomkey, pg. 78-79

² Order re: Preliminary Injunction (Case No. LA CV 20-02291-DOC-KES), LA Alliance for Human Rights et al v. City of Los Angeles et al, States District Court Central District of California, 5/15/2020.

Functions. All Essential Governmental Functions should be performed in compliance with Social (Physical) Distancing, to the extent possible.

6. This Order does not supersede any stricter limitation imposed by a local public entity within the County of Los Angeles Public Health Jurisdiction.
7. The Health Officer orders the continued closure, as specified in the State Health Officer Orders, of the following types of higher-risk businesses, recreational sites, commercial properties, and activities, where more frequent and prolonged person-to-person contacts are likely to occur:
 - a) Bars and nightclubs;
 - b) Gyms and fitness centers;
 - c) Movie theaters, live performance theaters, concert halls and venues, stadiums, arenas, gaming facilities, theme parks, and festivals;
 - d) Bowling alleys and arcades;
 - e) Public piers;
 - f) Personal care establishments, currently required by the State to remain closed, including nail salons, massage and body art establishments;
 - g) Indoor and outdoor playgrounds for children, except those located within a childcare center;
 - h) Community centers, including public pools, but specifically excluding pools, hot tubs, and saunas that are in a multi-unit residence or part of a Homeowners' Association;
 - i) Indoor museums, indoor children museums, gallery spaces, and zoos;
 - j) All events and gatherings, unless specifically allowed by this Order.
8. All Essential Businesses may remain open to the public and conduct normal business operations, provided that they implement and maintain the Social (Physical) Distancing Protocol defined in Paragraph 20 and attached to this Order as **Appendix A**. An Essential Business' owner, manager, or operator must prepare and post a Social (Physical) Distancing Protocol for each facility or office located within the County of Los Angeles Public Health Jurisdiction and must ensure that the Essential Business meets all other requirements of the Social (Physical) Distancing Protocol.
9. Lower-Risk Businesses are businesses that are not specified in Paragraph 7 of this Order, and not defined as an Essential Business in Paragraph 18 of this Order. There are **five categories** of Lower-Risk Businesses that may reopen under this Order: (1) retailers ("Lower-Risk Retail Businesses"), (2) manufacturing and logistics sector businesses that supply Lower-Risk Retail Businesses, (3) Non-Essential office-based businesses (although telework is strongly encouraged), (4) Indoor Malls and Shopping Centers, and (5) **hair salons and barbershops**. These five categories of Lower-Risk Businesses may reopen subject to the following conditions:



- a) For any Lower-Risk Retail Business that sells goods and services, the owner, manager, or operator must, for each facility located within the County of Los Angeles Public Health Jurisdiction, prior to reopening, prepare, implement and post the Reopening Protocols for Retail Establishments: Opening for In Person Shopping, attached to this Order as **Appendix B**.
- b) For any non-retail Lower-Risk Business, that is a manufacturing and logistics sector business that supplies Lower-Risk Retail Businesses, the owner, manager, or operator must, prior to reopening, prepare, implement and post the required Los Angeles County Department of Public Health Reopening Protocol, applicable to the business type or location, attached to this Order as **Appendix C**.
- c) For any Non-Essential office-based business, which includes faith-based office facilities for those employed by the organization and where the facility is their regular place of work, the owner, manager, or operator, must, prior to reopening, prepare implement and post the required Los Angeles County Department of Public Health Reopening Protocol Office-Based Worksites, attached to this Order as **Appendix D**.
- d) For Indoor Malls and Shopping Centers, defined as: A building with (7) or more sales or retail establishments with adjoining indoor space, the owner or operator may reopen the Indoor Mall or Shopping Center up to 50% of overall shopping center capacity. Higher-risk businesses (e.g. movie theaters, bars, spas, nail salons, or other personal care establishments) located within an indoor mall or shopping center must continue to comply with Paragraph 7 of this Order, and remain closed until each of those types of establishments are allowed to resume modified or full operation. Indoor Mall or Shopping Center food courts, dining areas, or dine-in restaurant tenant operations must follow the current requirements for restaurants. The owner or operator of the Indoor Mall or Shopping Center must, prior to reopening, prepare implement and post the required Los Angeles County Department of Public Health Protocols for Shopping Center Operators, attached to this Order as **Appendix E**.
- e) For hair salons and barbershops, the owner, manager, or operator must, prior to reopening, prepare, implement and post the Reopening Protocols for Hair Salons and Barbershops, attached to this Order as **Appendix H**.

REASONS FOR THE ORDER

10. This Order is based upon the following determinations: evidence of continued community transmission of COVID-19 within the County; continued uncertainty regarding the degree of undetected asymptomatic transmission; scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically; evidence that a significant portion of the County population is at risk for serious health complications, including hospitalizations and death from COVID-19, due to age or pre-existing health conditions; and further evidence that other County residents, including younger and otherwise healthy people, are also at risk for serious negative health outcomes and for



transmitting the virus to others. The Order's intent is to protect the public from the avoidable risk of serious illness and death resulting from the spread of COVID-19.

11. Existing community transmission of COVID-19 in Los Angeles County continues to present a substantial and significant risk of harm to residents' health. There is still no vaccine available yet to protect against COVID-19, and no treatment for it. As of May 29, 2020, there have been at least 51,562 cases of COVID-19 and 2,290 deaths reported in Los Angeles County. There remains a strong likelihood of a significant and increasing number of cases of community transmission. Making the community transmission problem worse, some individuals who contract the virus causing COVID-19 have no symptoms or have only mild symptoms, and so are unaware that they carry the virus and are transmitting it to others. Further, evidence shows that the virus can, at times, survive for several hours on surfaces and can be indirectly transmitted between individuals. Because even people without symptoms can transmit the virus, and because evidence shows the infection is easily spread, preventing, limiting, and placing conditions on various types of gatherings and other direct and indirect interpersonal interactions have been proven to reduce the risk of transmitting the virus.
12. Evidence suggests that the restrictions and requirements imposed by Prior Orders slowed the rate of increase in community transmission and hospitalizations by limiting interactions among people, consistent with the efficacy of similar measures in other parts of the country and world. Although the hospitals within the County are still seeing COVID-19 patients, including patients with severe illness, the hospitals have not become overwhelmed or exceeded capacity. However, because there is not yet a vaccine or proven therapeutic drug, the public health emergency and attendant risks to the public's health by COVID-19 still predominate.
13. In line with the State Public Health Officer, the Health Officer is monitoring several key indicators (COVID-19 Indicators) within the County. Progress on some of these COVID-19 Indicators – specifically related to hospital utilization and capacity – makes it appropriate, at this time, to ease certain restrictions imposed by the Prior Orders. But the prevalence of the virus that causes COVID-19 requires other restrictions and modifications to continue. Activities and business operations that are permitted must be conducted in accordance with the required Social (Physical) Distancing, reopening protocols, and other infection control protocols ordered by the Health Officer.
14. The Health Officer will continue monitoring COVID-19 Indicators to assess the impact of easing restrictions and re-opening sectors. Those Indicators include, but are not limited to:
 - a) The number of new hospitalizations and deaths.
 - b) The capacity of hospitals and the healthcare system in the County, including acute care beds, Intensive Care Unit beds, and ventilators to provide care for existing COVID-19 patients and other patients, and capacity to surge with an increase of COVID-19 cases.



- c) The supply of personal protective equipment (PPE) available for hospital staff, nursing home staff and other healthcare providers and personnel who need PPE to safely respond to and treat COVID-19 patients and other patients.
- d) The ability and capacity to quickly and accurately test persons to determine whether individuals are COVID-19 positive, especially those in vulnerable populations or high-risk settings or occupations, and to identify and assess outbreaks.
- e) The ability to conduct case investigation and contact tracing for the volume of future cases and associated contacts, isolating confirmed cases and quarantining persons who have had contact with confirmed cases.

DEFINITIONS AND EXEMPTIONS

15. The following activities are permitted under this Order:

- a) Engaging in activities or performing tasks important to the health and safety of family or household members (including pets), such as, visiting a health or veterinary care professional or obtaining medical supplies or medication;
- b) Obtaining necessary services and supplies for family or household members, or delivering the same, such as, obtaining grocery items or necessary supplies from Essential Businesses for one's household or for delivery to others;
- c) Performing work for or accessing businesses that are open, or to carry out Minimum Basic Operations for businesses that are closed or operating remotely.
- d) Obtaining or accessing services from Essential Governmental Functions, such as, accessing court, social and administrative services, or complying with an order of law enforcement or court;
- e) Caring for minors, the elderly, dependents, persons with disabilities, or other vulnerable persons;
- f) Obtaining in-person behavioral health or substance use disorder support in therapeutic small group meetings, such as Alcoholics Anonymous or Narcotics Anonymous, provided that the gathering is limited to 10 people or fewer and Social (Physical) Distancing is practiced.
- g) Obtaining in-person faith-based counselling services where the service cannot reasonably be practiced remotely, provided that the gathering is limited to 10 people or fewer and Social (Physical) Distancing is practiced.
- h) Attending in-person faith-based services, provided that the gathering of congregants is limited to the lower of 25% of the total maximum occupancy (or occupant load) assigned for that building on its Certificate of Occupancy or as determined by Section 1004 of the 2019 California Building Code, or a maximum of 100 people. Faith-based organizations holding in-person services must follow the Department of Public Health Places of Worship Protocols, attached to this Order as **Appendix F**.
- i) Engaging in outdoor recreation activity, in compliance with Social (Physical) Distancing requirements and subject to the following limitations:



- i. Outdoor recreation activity at parks, trails, and beaches, and other open spaces must comply with any access or use restrictions established by the Health Officer, government, or other entity that manages the area to reduce crowding and the risk of COVID-19 transmission.
 - ii. Use of shared outdoor facilities for recreational activities, including but not limited to golf courses, tennis and pickleball courts, shooting and archery ranges, equestrian centers, model airplane areas, community gardens, and bike parks, must comply with any access or use restrictions established by the Health Officer, government, or other entity that manages the area to reduce crowding and the risk of COVID-19 transmission.
 - iii. Local public entities may elect to temporarily close certain streets or areas to automobile traffic, to allow for increased space for persons to engage in recreational activity permitted by and in compliance with Social (Physical) Distancing requirements specified in this Order.
- j) Participating in a Vehicle-Based Parade. The host of the Vehicle-Based Parade must comply with all local ordinances, traffic control requirements, and state and local laws. Further, the host of Vehicle-Based Parades must comply with the Los Angeles County Department of Public Health Vehicle-Based Parade Protocol, attached to this Order as **Appendix G**.
- k) Participating in an in-person protests as long as (1) attendance is limited to 25% of the relevant area's maximum occupancy, as defined by the relevant local permitting authority or other relevant authority, or a maximum of 100 attendees, whichever is lower, and (2) physical distancing of six feet between persons or groups of persons from different households is maintained at all times.
16. Individuals may work for, train for, volunteer at, or obtain services at Healthcare Operations: hospitals, clinics, laboratories, dentists, optometrists, pharmacies, physical therapists, rehabilitation and physical wellness programs, chiropractors, pharmaceutical and biotechnology companies, other licensed healthcare facilities, healthcare suppliers, home healthcare service providers, mental or behavioral health providers, alcohol and drug treatment providers, cannabis dispensaries with a medicinal cannabis license and all other required state and local licenses, medical or scientific research companies, or any related and/or ancillary healthcare services, manufacturers, distributors and servicers of medical devices, diagnostics, and equipment, veterinary care, and other animal healthcare. This exemption shall be construed to avoid any impact to the delivery of healthcare, broadly defined.
17. Individuals may provide any service, train for, or perform any work necessary to the operation and maintenance of Essential Infrastructure, which is defined as, public health operations, public works construction, airport operations, port operations, food supply, water, sewer, gas, electrical, oil extraction and refining, roads and highways, public transportation, solid waste collection, removal and processing, flood control and watershed protection, cemeteries, mortuaries, crematoriums, and internet and telecommunications systems (including the provision of essential global, national, local infrastructure for computing services, business infrastructure, communications, and web-based services), and manufacturing and distribution companies deemed



essential as part of the Essential Infrastructure supply chain, provided that they carry out those services or that work. In providing these services, training for, or performing this work, individuals must comply with Social (Physical) Distancing requirements to the extent practicable.

18. For purposes of this Order, Essential Businesses are:

- a) Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, warehouse stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruit and vegetables, pet supply, water, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning or personal care products). This includes stores that sell groceries and other non-grocery products, such as products necessary to maintaining the safety, sanitation, and essential operation of residences. This does not include businesses that sell only prepackaged non-potentially hazardous food which is incidental to the primary retail business;
- b) Food processors, confectioners, food packagers, food testing labs that are not open to the public, and food cultivation, including farming, livestock, and fishing;
- c) Organizations and businesses that provide food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals (including gang prevention and intervention, domestic violence, and homeless service agencies);
- d) Newspapers, television news, radio, magazine, podcast and journalism activities, including taped, digitally recorded or online-streamed content of any sort that is produced by one or more members of a single household, within the household's residence and without the physical presence of any non-member of the household. Entertainment industry studios and other related production establishments may resume upon authorization of the State Public Health Officer, and then, only in adherence to State and County issued protocols.
- e) Gas stations, auto-supply, mobile auto repair operations, auto repair shops (including, without limitation, auto repair shops adjacent to or otherwise in connection with a retail or used auto dealership), and bicycle repair shops and related facilities;
- f) Banks, credit unions, financial institutions and insurance companies;
- g) Hardware stores, nurseries; building supply stores;
- h) Plumbers, electricians, exterminators, custodial/janitorial workers, handyman services, funeral homes and morticians, moving services, HVAC installers, carpenters, vegetation services, tree maintenance, landscapers, gardeners, property managers, private security personnel and other service providers who provide services to maintain the safety, sanitation, and essential operation to properties and other Essential Businesses;
- i) Businesses providing mailing and shipping services, including post office boxes;



- j) Educational institutions (including public and private K-12 schools, colleges, and universities) for purposes of facilitating distance learning, providing meals for pick-up, or performing Minimum Basic Operations, provided that Social (Physical) Distancing is practiced;
- k) Laundromats, dry cleaners, and laundry service providers;
- l) Restaurants and other food facilities that prepare and serve food. Restaurants and other food facilities that provide in-person dining must follow the Department of Public Health Restaurant Opening for On-Site Dining Protocols, attached to this Order as **Appendix I**. Cafeterias, commissaries, and restaurants located within hospitals, nursing homes, or other licensed health care facilities may provide dine-in service, as long as Social (Physical) Distancing is practiced;
- m) Businesses that supply office or computer products needed by people who work from home;
- n) Businesses that supply other Essential Businesses with the support or supplies necessary to operate;
- o) Non-manufacturing, transportation or distribution businesses that ship, truck, transport, or provide logistical support to deliver groceries, food, goods or services directly to residences, Essential Businesses, Healthcare Operations, and Essential Infrastructure. This exemption shall not be used as a basis for engaging in sales to the general public from retail storefronts;
- p) Airlines, taxis, ride sharing services and other private transportation providers providing transportation services necessary for activities of daily living and other purposes expressly authorized in this Order;
- q) Businesses that manufacture parts and provide necessary service for Essential Infrastructure;
- r) Home-based care for seniors, adults, disabled persons, or children;
- s) Residential facilities and shelters for homeless residents, disabled persons, seniors, adults, children and animals;
- t) Professional services, such as legal, payroll or accounting services, when necessary to assist in compliance with legally mandated activities, and the permitting, inspection, construction, transfer and recording of ownership of housing, including residential and commercial real estate and anything incidental thereto, provided that appointments and other residential viewings must only occur virtually or, if a virtual viewing is not feasible, by appointment with no more than two visitors at a time residing within the same household or living unit and one individual showing the unit (except that in-person visits are not allowed when the occupant is still residing in the residence);
- u) Childcare facilities. To the extent possible, childcare facilities must operate under the following conditions: (1) Childcare must be carried out in stable groups of 10 or fewer ("stable" means the same ten (10) or fewer children are in the same group each day); (2) Children shall not change from one group to another; (3) If more than one group of children is cared for at one facility, each group shall be in



- a separate room. Groups shall not mix with each other; (4) Childcare providers shall remain solely with one group of children;
- v) Hotels, motels, shared rental units and similar facilities;
 - w) Construction, which includes the operation, inspection, and maintenance of construction sites and construction projects for construction of commercial, office and institutional buildings, residential and housing construction; and
 - x) Manufacturers and retailers of fabric or cloth that is made into personal protective equipment, such as, face coverings.
19. For purposes of this Order, "Social (Physical) Distancing" means: (1) Maintaining at least six (6)-feet of physical distance from individuals who are not members of the same household; (2) Frequently washing hands with soap and water for at least 20 seconds, or using hand sanitizer that contains at least 60% alcohol; (3) Wearing a cloth face covering when in contact with others who do not live in the same household or living unit, which reduces the risk of transmission to others from people who do not have symptoms and do not know they are infected; and (4) Avoiding all physical interaction outside the household when sick with a fever or cough, except for necessary medical care.
20. For purposes of this Order, the "Social (Physical) Distancing Protocol" that must be implemented and posted must demonstrate how the following infection control measures are being implemented and achieved, as applicable:
- a) Limiting the number of people who may enter into the facility at any one time to ensure that people in the facility can easily maintain a minimum six (6) foot physical distance from others, at all times, except as required to complete a business activity or transaction. Members of a single household or living unit may stand or move together but must be separated from others by a physical distance of at least six (6) feet.
 - b) Where lines may form at a facility, marking six (6) foot increments at a minimum, establishing where individuals should stand to maintain adequate Social (Physical) Distancing, whether inside or outside the facility.
 - c) Providing hand sanitizer, soap and water, or effective disinfectant at or near the entrance of the facility and in other appropriate areas for use by the public and employees, and in locations where there is high-frequency employee interaction with members of the public (e.g., cashiers). Restrooms normally open to the public shall remain open to the public.
 - d) Posting a sign in a conspicuous place at all public entries that instructs the public not to enter if they are experiencing symptoms of respiratory illness, including fever or cough, to wear face coverings, and to maintain Social (Physical) Distancing from one another.
 - e) Providing for the regular disinfection of high-touch surfaces, and disinfection of all payment portals, pens, and styluses after each use. All businesses are encouraged to also offer touchless payment mechanisms, if feasible.

- f) Providing cloth-face coverings to employees and contracted workers whose duties require close contact with other employees and/or the public.
 - g) Requiring that members of the public who enter the facility wear a face-covering, which reduces the risk of “asymptomatic” or “pre-symptomatic” transmission to workers and others, during their time in the facility.
 - h) Adhering to communicable disease control protocols provided by the Los Angeles County Department of Public Health, including requirements for cleaning and disinfecting the site. See protocols posted at www.publichealth.lacounty.gov/media/Coronavirus/
21. Operators of businesses that are required to cease in-person operations may conduct Minimum Basic Operations, which means:
- a) The minimum necessary activities to maintain and protect the value of the business's inventory and facilities; ensure security, safety, and sanitation; and process payroll and employee benefits;
 - b) The minimum necessary activities to facilitate the business's owners, employees, and contractors being able to continue to work remotely from their residences, and to ensure that the business can deliver its services remotely.

ADDITIONAL TERMS

22. The County shall promptly provide copies of this Order by: (a) posting it on the Los Angeles Department of Public Health's website (www.publichealth.lacounty.gov), (b) posting it at the Kenneth Hahn Hall of Administration located at 500 West Temple Street, Los Angeles, CA 90012, (c) providing it to any member of the public requesting a copy, and (d) issuing a press release to publicize the Order throughout the County.
- a) The owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public requesting a copy.
 - b) Because guidance may change, the owner, manager, or operator of any facility that is subject to this Order is ordered to consult the Los Angeles County Department of Public Health's website (www.publichealth.lacounty.gov) daily to identify any modifications to the Order and is required to comply with any updates until the Order is terminated.
23. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.
24. This Order incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom and the March 4, 2020 declarations of a local and public health emergency issued by the Los Angeles County Board of Supervisors and Los Angeles County Health Officer, respectively, and as they may be supplemented.



- 25. This Order is issued to align the County with the phased reopening approach of the California's Pandemic Resilience Roadmap. This Order will be revised in the future as the State Public Health Officer progressively designates sectors, businesses, establishments, or activities that may reopen with certain modifications at a pace designed to protect health and safety.
- 26. This Order is consistent with the provisions in the Governor's Executive Order N-60-20 and the State Public Health Officer's May 7, 2020 Order, that local health jurisdictions may implement or continue more restrictive public health measures in the jurisdiction if the local health officer believes conditions in that jurisdiction warrant them. Where a conflict exists between this Order and any state public health order related to controlling the spread of COVID-19 during this pandemic, the most restrictive provision controls. Consistent with California Health and Safety Code section 131080, except where the State Health Officer may issue an order expressly directed at this Order or a provision of this Order and based upon a finding that a provision of this Order constitutes a menace to the public health, any more restrictive measures in this Order may continue to apply and control in the County of Los Angeles Public Health Jurisdiction.
- 27. Pursuant to Sections 26602 and 41601 of the California Government Code and Section 101029 of the California Health and Safety Code, the Health Officer requests that the Sheriff and all chiefs of police in all cities located in the Los Angeles County Public Health Jurisdiction ensure compliance with and enforcement of this Order. The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment or both.
- 28. This Order shall become effective immediately on May 29, 2020 and will continue to be until it is revised, rescinded, superseded, or amended in writing by the Health Officer.

IT IS SO ORDERED:

Muntu Davis, M.D., M.P.H.

Health Officer,
County of Los Angeles

MAY 29, 2020

Date

Reopening Protocol for Hair Salons and Barbershops: Appendix H

The County of Los Angeles Department of Public Health is adopting a staged approach, supported by science and public health expertise, to allow certain businesses to safely reopen. The requirements below are specific to hair salons and barbershops now permitted to reopen. In addition to the conditions imposed by the State Public Health Officer, these types of businesses must also be in compliance with the conditions laid out in this Protocol for Hair Salons and Barbershops.

Services that cannot be performed with face coverings on both the worker and customer or that require touching the customer's face, e.g., eyelash services, eyebrow waxing and threading, facials, etc., are not permitted until those types of services are allowed to resume.

Please note: This document may be updated as additional information and resources become available so be sure to check the LA County website <http://www.ph.lacounty.gov/media/Coronavirus/> regularly for any updates to this document and related guidance.

This checklist covers:

- (1) Workplace policies and practices to protect employee health
- (2) Measures to ensure physical distancing
- (3) Measures to ensure infection control
- (4) Communication with employees and the public
- (5) Measures to ensure equitable access to critical services

These five key areas must be addressed as your facility develops any reopening protocols.

All businesses covered by this protocol must implement all applicable measures listed below and be prepared to explain why any measure that is not implemented is not applicable to the business.

Business name:

Facility Address:

Maximum Occupancy, per Fire Code:

**Approximate total square footage
of space open to the public:**

**A. WORKPLACE POLICIES AND PRACTICES TO PROTECT EMPLOYEE HEALTH
(CHECK ALL THAT APPLY TO THE FACILITY)**

- Everyone who can carry out their work duties from home has been directed to do so.
- Vulnerable staff (those above age 65, those who are pregnant, those with chronic health conditions) are assigned work that can be done from home, whenever possible, and should discuss any concerns with their healthcare provider or occupational health services to make appropriate decisions on returning to the workplace.
- All workers have been told not to come to work if sick, or if they are exposed to a person who has COVID-19. Employees understand to follow DPH guidance for self-isolation and quarantine, if applicable. Workplace leave policies have been reviewed and modified to ensure that employees are not penalized when they stay home due to illness.
- Work processes are reconfigured to the extent possible to increase opportunities for employees to work from home.
- Upon being informed that one or more employees test positive for, or has symptoms consistent with COVID-19 (case), the employer has a plan in place to have the case(s) isolate themselves at home and require the immediate self-quarantine of all employees that had a workplace exposure to the case(s). The employer's plan should consider a protocol for all quarantined employees to have access to or be tested for COVID-19 in order to determine whether there have been additional workplace exposures, which may require additional COVID-19 control measures.
- Alternate, staggered or shift schedules have been instituted to maximize physical distancing.
- Workers are provided information on employer or government-sponsored leave benefits that the employee may be entitled to receive, which would make it financially easier to stay at home, including employee's sick leave rights under the Families First Coronavirus Response Act.
- All workers have been told to seek medical attention if their symptoms become severe, including persistent pain or pressure in the chest, confusion, or bluish lips or face.
- Symptom checks are conducted before employees may enter the workspace. Checks must include a check-in concerning cough, shortness of breath or fever and any other symptoms the employee may be experiencing. These checks can be done remotely or in person upon employees' arrival. Temperature checks should also be done at the worksite, if feasible.
- All employees who have contact with the public or other employees during their shift(s) are offered, at no cost, a cloth face covering. The covering must cover the nose and mouth and is always to be worn by the employee during the workday when in contact or likely to come in contact with others. Employees do need not wear a cloth face covering when the employee is alone in a private office or a walled cubicle.
- Employees wash or sanitize hands before and after using or adjusting face coverings.
- Employees avoid touching eyes, nose and mouth.
- Employees are instructed to wash their face coverings daily.
- Employees are using all required protective equipment, including eye protection and gloves when required for service.
 - Workers can consider using glasses, goggles, or face shields in addition to face covering while providing service.
- Independent contractors and temporary workers are properly trained on these protocols and have necessary cloth face coverings and personal protective equipment. Business owners are to discuss these protocols with the organization supplying the independent contractors and/or temporary workers, prior to their return to work.
- All workstations are separated by at least six feet.

- Break rooms, restrooms and other common areas are disinfected frequently, on the following schedule:
 - Break rooms _____
 - Restrooms _____
 - Other _____
- Breaks are staggered to ensure that six (6) feet between employees can be maintained in break rooms at all times.
- Employees are prohibited from sharing food and beverages and encouraged not to share equipment in break rooms, including shared coffee brewers.
- Employees are allowed frequent breaks to wash their hands with soap and water, and employees should scrub their hands with soap for 20 seconds (or use hand sanitizer with at least 60% alcohol when employees cannot get to a sink or handwashing station).
- Employees are prohibited from eating or drinking anywhere inside the workplace other than designated break rooms or outdoor eating areas to assure that masks are worn consistently and correctly.
- Disinfectant and related supplies are available to employees at the following location(s):

- Workers using cleaners or disinfectants wear gloves and other protective equipment as required by the product instructions.
- Hand sanitizer effective against COVID-19 is available to all employees at the following location(s):

- Each worker is assigned their own tools, equipment, work supplies and defined workspace. Sharing held items is minimized or eliminated.
- A copy of this protocol has been distributed to each employee.
- To the extent feasible, this protocol and other COVID-19 related materials downloaded from the DPH Coronavirus website are provided in the languages of all employees.
- Workers are enlisted and supported as peer educators, reinforcing instructions around physical distancing and infection control.
- All policies described in this checklist other than those related to terms of employment are applied to staff of delivery and any other companies who may come on to the premises as third parties.
- Optional—Describe other measures:

B. MEASURES TO ENSURE PHYSICAL DISTANCING

- Measures are in place to ensure physical distancing of at least six feet between and among workers and customers, except when providing haircutting/styling services. These measures include use of physical partitions or visual cues (e.g., floor markings, colored tape, or signs to indicate where workers/customers should stand).
- Barriers (such as plexiglass) are used at reception desks or other areas where physical distancing cannot be maintained in order to minimize exposure between workers and customers.
- Appointments are staggered to reduce reception congestion and to ensure adequate time for proper cleaning and sanitation between each customer visit. No walk-in appointments are available.

- Customers are contacted before the visit to confirm the appointment and to advise of the following:
 - Bring and use a face covering (preferably with earloops) during the visit.
 - Come to the salon or barbershop with freshly cleaned hair.
 - Do not bring children or others to the appointment.
- Workers do not see multiple customers at once (e.g., while one customer's hair is drying, another receives a haircut). Services for one customer are completed before a new customer is seen by the same worker.
- Virtual check-in technology is used whenever possible to notify workers when a customer arrives. Customers are asked to wait outside or in their cars instead of waiting in the salon or barbershop. Persons waiting outside should maintain a six (6) foot distance from each other.
- Employees have been instructed to maintain at least a six (6) foot distance from each other in all areas of the workplace as much as possible.
- If applicable, aisles in the production area are designated as one-way to support physical distancing.
- Employee workstations are separated by at least 6 feet and common areas are configured to limit employee gatherings to ensure physical distancing of at least 6 feet.
- Workers have been instructed to avoid handshakes, hugs, or similar greetings that break physical distancing.
- Workers are discouraged from congregating in high traffic areas, such as bathrooms, hallways, or credit card terminals.
- Occupancy in employee restrooms, break rooms and other common areas is limited to permit physical distancing. Reconfiguration of these sites (removal of chairs from break rooms, etc.) is implemented to practice physical distancing.
- Workflow is reviewed and changes made to permit physical distancing during pickups and deliveries. Shelving, bins, bulletin boards or other transfer-aiding materials are installed to avoid the need for person-to-person hand-offs of purchases.
- Staff meetings are held in a room that accommodates physical distancing or are held over the phone or via webinar.

C. MEASURES FOR INFECTION CONTROL

- Services that cannot be performed with face coverings on both the worker and customer or that require touching the customer's face, e.g., eyelash services, eyebrow waxing and threading, facials, etc., are not permitted until those types of services are allowed to resume.
- Customers are verbally screened for COVID-19 symptoms upon arrival. If the customer is exhibiting any symptoms, has been sick, or has been exposed to someone who has been sick, the appointment is rescheduled at least 14 days in the future.
 - Both screener and customer should wear a face covering for the screening.
- Disposable gloves are provided to supplement frequent handwashing or use of hand sanitizer with at least 60% alcohol for tasks such as handling commonly touched items.
- Amenities, including magazines, books, coffee, water, self-service stations, and other items for customers, have been removed from reception areas.
- Hand sanitizer, sanitizing wipes, tissues and trash cans are available to customers in the reception area and workstations.
- Clean face coverings are available for workers to ensure that if soiled, these can be changed during the shift. Where possible, offering clean face coverings to customers, should their face covering become soiled.

- Workers and customers must at all times, use cloth face coverings during haircutting and other close contact services. Cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unable to remove the mask or cloth face covering without assistance should not wear one.
- Disposable gloves are worn for services that require them (e.g. chemical hair services). Wearing gloves is done in conjunction with regular hand washing.
- An employee per shift is designated to oversee and enforce additional sanitization and disinfection procedures, as needed.
- A cleaning and disinfection plan has been developed to address the following:
 - High traffic areas, such as reception areas, areas of ingress and egress, including stairways, stairwells, and handrails;
 - Common areas and frequently touched objects (e.g., tables, doorknobs or handles, light switches, phones) are disinfected on an hourly basis during business hours using EPA approved disinfectants;
 - All handles, hoses, spray nozzles, and other equipment before and after use on a customer;
 - Chairs, headrests, shampoo bowls, and other items between use
 - All payment portals, credit card readers, pens, and styluses after each use.
- Shears and other non-electrical tools are cleaned and disinfected by removing all visible debris, cleaned with soap and water, and dried. Then sprayed or wiped with or immersed in an EPA-registered disinfectant that demonstrates bactericidal, fungicidal, and virucidal activity approved for COVID-19. Tools are left to set for the full amount of time required by the disinfectant's manufacturer. Immersed items like combs or brushes, are then removed at the end of contact time, rinsed, and dried with a paper towel or clean, freshly laundered towel.
- Electrical tools, such as clippers, are cleaned by removing all visible debris and disinfecting with an EPA-registered disinfectant spray or wipe that demonstrates bactericidal, fungicidal, and virucidal activity and is approved for COVID-19.
- Workstations are cleaned and disinfected between each customer.
 - Including rolling carts, drawers, hand mirrors, hair care and other products and containers
 - A new smock or cape is provided for each customer.
- Where appropriate, a paper cover, sheet or clean towel that can be easily disposed of or cleaned for use between customers is used.
- All single use items, such as disposable wax collars, cotton, neck strips, and applicators are used once and immediately thrown away. Product samples, including make-up, must not be used at any time.
- All dirty linens, including towels, smocks, and reusable capes, are placed in a closed container and not used again until properly laundered either by a commercial laundering service or a laundering process which includes immersion in water of at least 160° F for at least 25 minutes. Store all clean linens in a clean covered place. Ensure workers who handle dirty linens or laundry wear gloves.
- Doors are left open, where possible, if they do not open and close automatically.
- The entire facility, including product display areas, is cleaned and disinfected at least daily.
- All "test" products have been removed and discarded.
- Workers are provided time to implement cleaning practices during their shift. Cleaning assignments are assigned for the hours of operation and are part of the employee's job duties.

- Restrooms and handwashing facilities are kept stocked with soap, paper towels and toilet paper and sanitized regularly using EPA approved disinfectants on the following schedule:

- Restrooms are free of any unnecessary products such as candles or beauty supplies.
- Hands-free equipment is installed wherever feasible (including restrooms) to reduce risk of contamination.
- The HVAC system is in good, working order; to the maximum extent possible, ventilation has been increased. Consider installing portable high-efficiency air cleaners, upgrading the building's air filters to the highest efficiency possible and making other modifications to increase the quantity of outside air and ventilation in the salon or barbershop.
- Cashless transactions are strongly encouraged. If reasonable, customers are enabled to swipe their own credit/debit cards, and card readers are sanitized between each guest use.
If electronic or card payment is not possible, customers pay with exact cash payment or check.
- Optional - Describe other measures to promote infection control:

D. MEASURES THAT COMMUNICATE TO THE PUBLIC

- A copy of this protocol is posted at all public entrances to the facility.
- A sign notifying customers that they will be screened for symptoms upon arrival, asked to use hand sanitizer, and to wear a face covering is posted at all entrances.
- Signage is posted that reminds customers to maintain social distancing of six (6) feet, wash hands or use sanitizer upon entry, stay home if they are ill or have symptoms consistent with COVID-19, and to communicate changes to service offerings. Signage should be posted in clearly visible locations, including at entrances, include pictograms, and be made available digitally (e.g., through e-mail).
- Signage is posted in display areas to let customers know it is cleaned and disinfected daily.
- Online outlets of the establishment (website, social media, etc.) provide clear information about facility hours, required use of cloth face coverings, policies in regard to making appointments, waiting outside or in their car for their appointment, preordering, prepayment, pickup and/or other relevant issues.

E. MEASURES THAT ENSURE EQUITABLE ACCESS TO CRITICAL SERVICES

- Services that are critical to the customers/clients have been prioritized.
- Transactions or services that can be offered remotely have been moved on-line.
- Measures are instituted to assure access to goods and services for customers who have mobility limitations and/or are at high risk in public spaces.

Any additional measures not included above should be listed on separate pages, which the business should attach to this document.

You may contact the following person with any questions or comments about this protocol:

Business Contact Name: _____

Phone number: _____

Date Last Revised: _____



Protocol for Restaurants Opening for On-Site Dining: Appendix I

The County of Los Angeles Department of Public Health is adopting a staged approach, supported by science and public health expertise, to expand restaurant operations to include on-site dining. The requirements below are specific to restaurants and other permanent retail food operations. In addition to the conditions imposed on restaurants by the State Public Health Officer, restaurants must also be in compliance with these employee safety and infection control protocols.

Brewpubs, breweries, bars, tasting rooms, craft distilleries, and wineries are to remain closed until allowed to resume modified or full operation unless they are offering sit-down, dine-in meals as allowed by the Order. Restaurant and other food facilities should continue to encourage takeout and delivery service when possible.

This protocol is not intended for concert, performance, or entertainment venues that have on-site food facilities. These food facilities are to remain closed until they are allowed to resume modified or full operation through a specific reopening order.

Please note: This document may be updated as additional information and resources become available so be sure to check the LA County website <http://www.ph.lacounty.gov/media/Coronavirus/> regularly for any updates to this document and related guidance.

This checklist covers:

- (1) Workplace policies and practices to protect employee health
- (2) Measures to ensure physical distancing
- (3) Measures to ensure infection control
- (4) Communication with employees and the public
- (5) Measures to ensure equitable access to critical services.

These five key areas must be addressed as your facility develops any reopening protocols.

All restaurants covered by this protocol must implement all applicable measures listed below and be prepared to explain why any measure that is not implemented is not applicable to the business.

Business name:

Facility Address:

Maximum Occupancy, per Fire Code:

Occupancy Allowed, per 60% Occupancy Limit:

Date Posted:

**A. WORKPLACE POLICIES AND PRACTICES TO PROTECT EMPLOYEE HEALTH
(CHECK ALL THAT APPLY TO THE FACILITY)**

- Everyone who can carry out their work duties from home has been directed to do so.
- Vulnerable staff (those above age 65, those who are pregnant, and those with chronic health conditions) are assigned work that can be done from home whenever possible, and should discuss any concerns with their healthcare provider or occupational health services to make appropriate decisions on returning to the workplace.
- All employees have been told not to come to work if sick or if they are exposed to a person who has COVID-19.
- Workers are provided information on employer or government-sponsored leave benefits that the employee may be entitled to receive, which would make it financially easier to stay at home, including employee's sick leave rights under the Families First Coronavirus Response Act.
- Upon being informed that one or more employees test positive for, or has symptoms consistent with COVID-19 (case), the employer has a plan or protocol in place to have the case(s) isolate themselves at home and require the immediate self-quarantine of all employees that had a workplace exposure to the case(s). The employer's plan should consider a protocol for all quarantined employees to have access to or be tested for COVID-19 in order to determine whether there have been additional workplace exposures, which may require additional COVID-19 control measures.
- In the event that the owner, manager, or operator knows of three (3) or more cases of COVID-19 within the workplace within a span of 14 days the employer must report this outbreak to the Department of Public Health at (888) 397-3993 or (213) 240-7821.
- Symptom checks are conducted before employees may enter the workspace. Checks must include a check-in concerning cough, shortness of breath or fever and any other symptoms the employee may be experiencing. These checks can be done remotely or in person upon the employees' arrival. A temperature check should be done at the worksite if feasible.
- All employees who have contact with the public or other employees during their shift(s) are offered, at no cost, a cloth face covering. The covering is to be worn by the employee at all times during the workday when in contact or likely to come into contact with others. Employees need not wear a cloth face covering when the employee is alone.
- Employees are instructed on the proper use of face covering, including the need to wash their face coverings daily.
- Face shields are provided and worn by wait staff and other employees when servicing customers that have removed their cloth face covering to eat and drink. The face shield is to be worn in addition to the cloth face covering.
- Face shields are to be cleaned and disinfected per manufacturer's directions.
- Employees are directed to ensure hand hygiene practices including handwash frequency, use of hand sanitizer and proper glove use are adhered to.
- Employees are allowed time to wash their hands frequently.
- Employees are reminded to cover coughs and sneezes with a tissue. Used tissue should be thrown in the trash and hands washed immediately with soap and warm water for at least 20 seconds.
- Employees are prohibited from eating or drinking anywhere inside the food facility other than designated break rooms.
- All employees, vendors and delivery personnel have been provided instructions regarding maintaining physical distancing and the use face coverings when around others.
- Breaks are staggered, in compliance with wage and hour regulations, to ensure that six (6) feet between employees can be maintained in break rooms at all times.



- Break rooms, restrooms and other common areas are disinfected frequently, on the following schedule:
 - Break rooms _____
 - Restrooms _____
 - Other _____
- Disinfectant and related supplies are available to employees at the following location(s):

- Hand sanitizer effective against COVID-19 is available to all employees at the following location(s):

- Copies of this Protocol have been distributed to all employees.
- Optional—Describe other measures:

B. MEASURES TO ENSURE PHYSICAL DISTANCING

- If possible, an employee wearing a cloth face covering is posted near the door but at least 6 feet from the nearest customers, to monitor that physical distancing procedures are adhered to.
- Measures to ensure physical distancing are adhered to where customers or employees are in a queue. This includes check-stands and terminals, deli counters and lines, restrooms, elevator lobbies, host stands and waiting areas, valet drop off and pickup, and any other areas where customers congregate.
 - Placing tape or other markings at 6-foot intervals in any area where members of the public may form a line or stand.
 - Establish directional hallways and passageways for foot traffic, if possible, to eliminate employees and customers from passing by one another.
- Prioritized outdoor seating and curbside pickup, as allowed by local zoning and planning codes.
- Expand outdoor seating where possible, in compliance with local zoning codes. For outdoor seating, maintain 6 feet physical distancing standards.
- Technology solutions where possible have been implemented to reduce person-to-person interaction; mobile ordering and menu tablets, text on arrival for seating, contactless payment options.
- Limit occupancy within the restaurant to ensure there is adequate distancing and/or physical barriers between tables that minimizes contact between customers at different tables. See attached diagram for examples of approved seating arrangements with physical barriers where noted.
 - Indoor in-person dining capacity is not to exceed 60% of maximum occupancy to allow sufficient space to social (physical) distancing between groups of customers; distancing should be 6 feet between groups of customers and/or use physical barriers. Occupancy limits will be reevaluated after 21 days to assess timing for additional occupancy increases.
 - Outdoor seating is subject to adhering to the 6 feet physical distancing requirements between groups of customers but is not to be included in the occupancy limit.
 - Bar/counter areas within the restaurant must remain closed to customers.
 - Entertainment operations are prohibited.

- Design interaction between customers, delivery drivers and employees to allow for physical distancing.
 - Floors in and outside of the restaurant in areas when customers, delivery drivers or others may wait are marked to enable and enforce physical distancing.
 - The use of contactless processes for pickup and delivery and other electronic systems for guest interactions have been implemented, where possible.
 - Interactions between servers or other employees' interactions and customers are limited to a maximum of five minutes per occurrence, where possible.
- On-site dining made by reservation or customers notified to call in advance to confirm seating/serving capacity, where possible. Contact information for each party is collected either at time of reservation booking or on site to allow for contact tracing should this be required.
 - Consider a phone reservation system that allows people to queue or wait in cars and enter only when a phone call, text or other method, notifies the customer that a table is ready.
- If the establishment has capacity and chooses to offer on-site ordering, customers should be offered a menu (posted or a single-use handout), to allow for ease of ordering, and items orders should be gathered, packaged and picked up by the customer within 15 minutes of the on-site order. Customers waiting for items may not congregate within the business. They should either remain in their car or return in 15 minutes to obtain their order.
- Limit the number of guests at a single table. People in the same party seated at the same table do not have to be six feet apart. All members of the party must be present before seating and hosts must bring entire party to the table at one time.
 - On-site seating at a table shall be limited to no more than 6 people that should be members of one household.
- Limited contact between wait staff and customers.
 - Install physical barriers such as partitions or Plexiglass at registers, host stands, ordering counters, etc., where maintaining physical distance of six feet is difficult.
 - Limit the number of employees serving individual parties.
- Discourage employees and customers from congregating in high traffic areas such as bathrooms, hallways, bar areas, reservation and credit card terminals, etc.
 - Require employees to avoid handshakes and similar greetings that break physical distance.
- Use barriers or increase distance between tables/chairs to separate employees in employee breakrooms. Where possible, create outdoor break areas with shade covers and seating that ensures physical distancing.
- Operations have been redesigned, where possible, to achieve physical distancing between employees.
 - Kitchen and other back of house area's floors are marked to reinforce physical distancing requirements.
- Physical distancing protocols should be used in any office areas, kitchens, pantries, walk-in freezers, or other high density high-traffic employee areas.
 - Incidental contact is to be expected, however, the goal is to limit this to less than 15 minutes, preferably 10 minutes, and the employees are always wearing their face coverings.

C. MEASURES FOR INFECTION CONTROL

PRIOR TO OPENING

- The HVAC system is in good, working order; to the maximum extent possible, ventilation has been increased.
 - Consider installing portable high-efficiency air cleaners, upgrading the building's air filters to the highest efficiency possible, and making other modifications to increase the quantity of outside air and ventilation in all working areas.
- For facilities that have not been operating, flush each of the hot and cold-water fixtures for five minutes prior to reopening to replace stale water in the facility's plumbing with a fresh and safe water supply.
- Facility has been thoroughly cleaned and sanitized/disinfected (using products approved for use against COVID-19), especially if it's been closed.
 - Procure options for third-party cleaning company to assist with the increased cleaning demand, as needed.
- Spaces such as dining rooms, host stands, and kitchens have been equipped with proper sanitation products, including hand sanitizer and sanitizing wipes for all employees directly assisting customers.
 - Ensure sanitary facilities stay operational and stocked at all times and provide additional soap, paper towels, and hand sanitizer when needed.
 - Recommend installing touchless dispensers for hand sanitizer, soap dispensers, paper towel and trash dispenser.
- Drop-off locations are designated to receive deliveries away from high traffic areas. Person-to-person contact for delivery of goods has been eliminated whenever possible.

FOOD SAFETY CONSIDERATIONS

- All food safety practices outlined in the California Retail Food Code (CRFC) are being followed and maintained.
 - Keep hot food hot (135 °F or above) and cold food cold (41 °F or below).
 - Thoroughly cook foods as required in the CRFC.
 - Clean and sanitize utensils and equipment at the required frequency outlined in the CRFC.
 - Adhere to employee health and hygiene practices: Don't work when ill; wash hands frequently; gloves used as required in the CRFC.
 - Ensure all food and food ingredients are from an approved food source.
 - Food preparation employees are discouraged from changing or entering others' workstations during shifts.
- Self-service machines, such as soda and frozen yogurt machines are dispensed by a food employee and cleaned and sanitized frequently.
- Areas where customers may congregate or touch food or foodware items that other customers may use have been closed. These items are provided to customers individually and discarded or cleaned and disinfected after each use, as appropriate. This includes but is not limited to:
 - Self-service areas with condiment caddies, utensil caddies, napkins, lids, straws, to-go containers, etc.
 - Self-service food areas, such as salsa bars, salad bars or buffet-style, including food sampling.
 - Tableside food preparation and presentation such as food item selection carts and conveyor belts, guacamole preparation, etc.
 - After-meal mints candies, snacks, or toothpicks for customers. These are offered with the check or provided only on request.

- A designated food employee is assigned the task of wrapping silverware prior to providing to the customer, rather than multiple employees handling uncovered silverware prior to customer use.
- Refilling beverages at the table or from common containers (e.g. pitchers, carafes, decanters, bottles) is not allowed. Clean glassware is provided for customer refills.

FACILITY CONSIDERATIONS

- A food employee per shift is designated to oversee and enforce additional sanitization and disinfection procedures, as needed.
- A cleaning and disinfection plan for high-touch surfaces and access areas has been developed and is followed.
 - o Common areas and frequently touched objects related to customer pickup and payment (e.g., tables, doorknobs or handles, credit card readers) are disinfected on an hourly basis during business hours using EPA approved disinfectants.
 - o All payment portals, pens, and styluses are disinfected after each use.
- Facility is thoroughly cleaned and sanitized/disinfected (using products approved for use against COVID-19) nightly. A log is kept to monitor completion wherever possible.
- Audio headsets and other equipment are not shared between employees unless the equipment is properly disinfected after each use. Consult equipment manufacturers to determine appropriate disinfection steps.
- Dishwashers are provided with equipment to protect their eyes, nose and mouth from contamination due to splash using a combination of face coverings, protective glasses, and/or face shields. Dishwashers are provided impermeable aprons and required to change frequently. Reusable protective equipment such as face shields and glasses are to be properly disinfected between uses.
- Restrooms are checked regularly and cleaned and disinfected on an hourly basis using approved EPA disinfectants.
- Hand sanitizer, tissues and trash cans are available to the public at or near the entrance of the facility.

CUSTOMER SERVICE/DINING AREAS

- Customers should enter through doors that are propped open (this will be evaluated for approval based on overall vermin exposure) or automated if possible. Hand sanitizer should be available for guests who must touch door handles.
- Customers are instructed that they must wear cloth face coverings to be served. This applies to all adults and to children over the age of 2. Only individuals with chronic respiratory conditions or other medical conditions that make the use of a face covering hazardous are exempted from this requirement.
 - o Customers may remove cloth face coverings while eating and drinking.
 - o Customers who refuse to wear a cloth face covering may be refused service and asked to leave.
- Customers arriving at the site with children must ensure that their children stay next to a parent, avoid touching any other person or any item that does not belong to them, and are wearing face coverings if age permits.
- Servers, bussers, and other employees moving items used by customers (dirty cups, plates, napkins, etc.) or handling trash bags use disposable gloves (wash hands before putting gloves on and after removing them) and are provided aprons which they must change frequently.
- Reusable menus are cleaned and disinfected between customers. If using paper menus, discard after each customer use. Alternatives such as stationary menu boards, electronic menus, or mobile device downloadable menus should be considered.



- Customer seating areas are cleaned and sanitized after each use. Seating, tables and other items on table must be single-use or cleaned/sanitized between customers. Each table has either a top cloth replaced between guests or a hard-non-porous surface which is sanitized between guests.
- No flatware, glassware, dishware, menus, condiments or any other tabletop item is present on tables prior to the seating of customers. All such items are fully sanitized between seat changes and stored during non-use in a location that prohibits potential contamination.
- Takeout containers are filled by customers and available only upon request.
- Cashless transactions are encouraged. If reasonable for the food facility, customers are enabled to swipe their own credit/debit cards, and card readers are fully sanitized between each guest use.
- Optional - Describe other measures (e.g. providing senior-only hours, incentivizing non-peak sales):

D. MEASURES THAT COMMUNICATE TO THE PUBLIC

- A copy of this protocol is posted at all public entrances to the facility.
- A sign notifying customers that they will be screened for symptoms upon arrival, asked to use hand sanitizer, and to wear a face covering when not eating or drinking is also posted at all entrances.
- Signage is posted that reminds the dining public to maintain physical distancing of six feet, wash hands or use sanitizer upon entry into a restaurant, and to stay home if they are ill or have symptoms consistent with COVID-19.
- Signage is posted that notifies customers that while it may be common practice for diners to socialize after the meal, this practice will be discouraged during the pandemic.
- Online outlets of the establishment (website, social media, etc.) provide clear information about facility hours, required use of face coverings, policies in regard to preordering, reservations, prepayment, pickup and/or delivery and other relevant issues.

E. MEASURES THAT ENSURE EQUITABLE ACCESS TO CRITICAL SERVICES

- Services that are critical to the customers/clients have been prioritized.
- Transactions or services that can be offered remotely have been moved on-line.
- Measures are instituted to assure access to goods and services for customers who have mobility limitations and/or are at high risk in public spaces.

Any additional measures not included above should be listed on separate pages, which the business should attach to this document.

You may contact the following person with any questions or comments about this protocol:

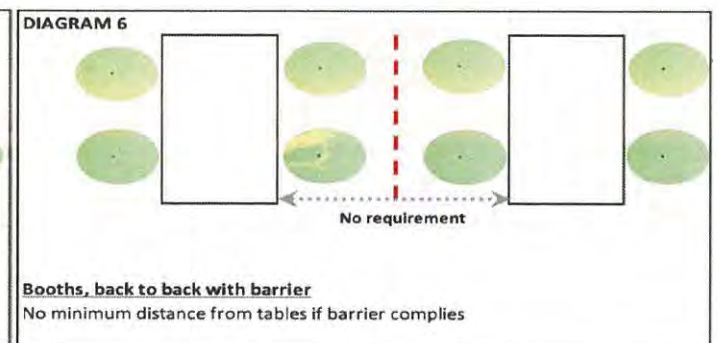
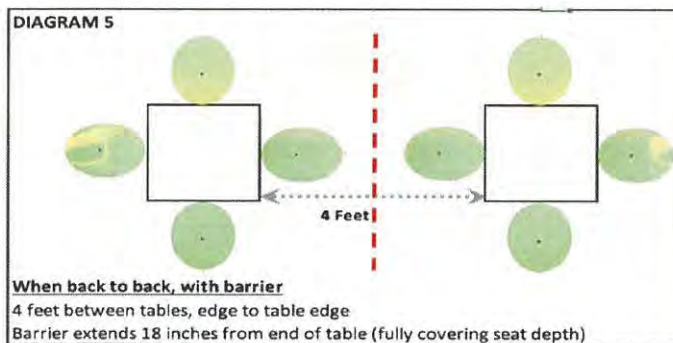
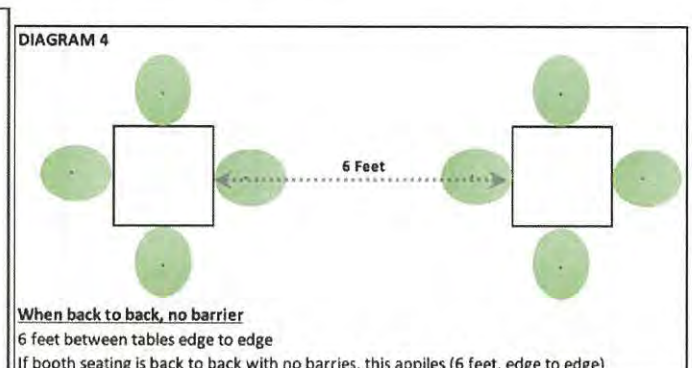
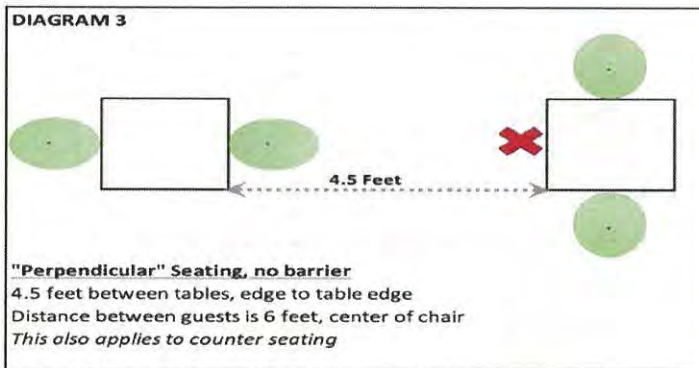
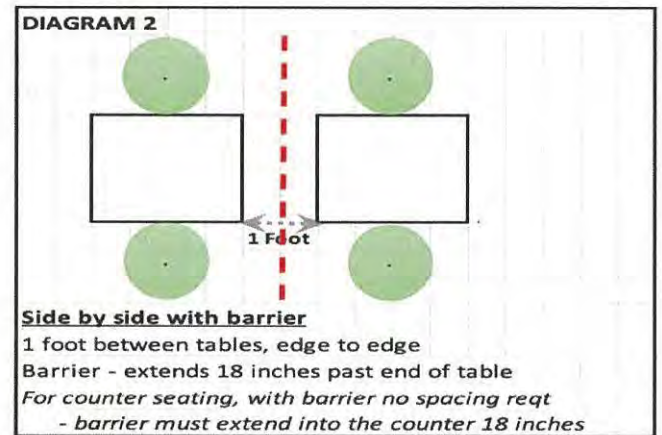
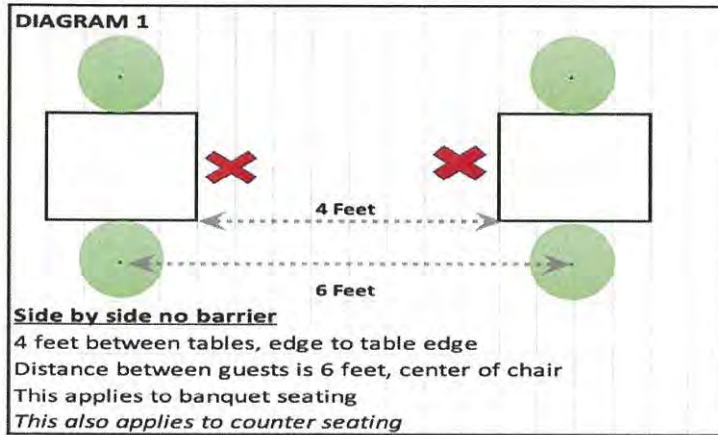
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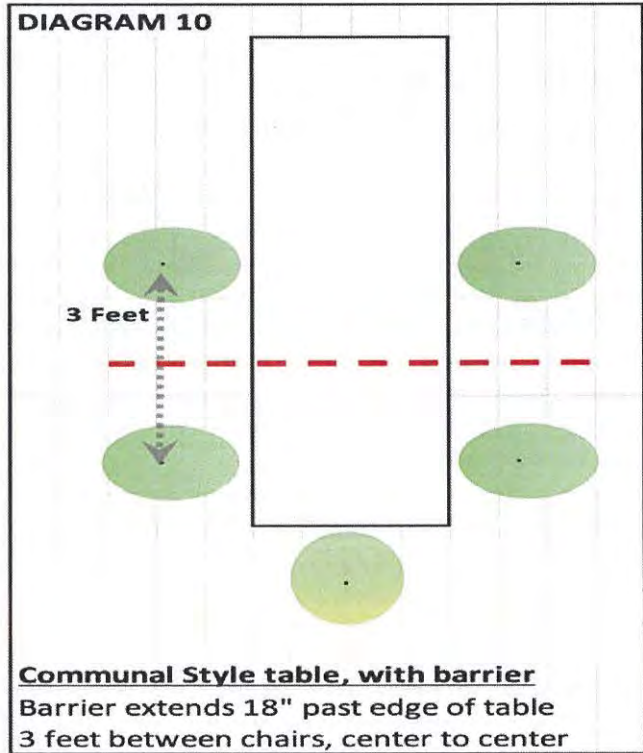
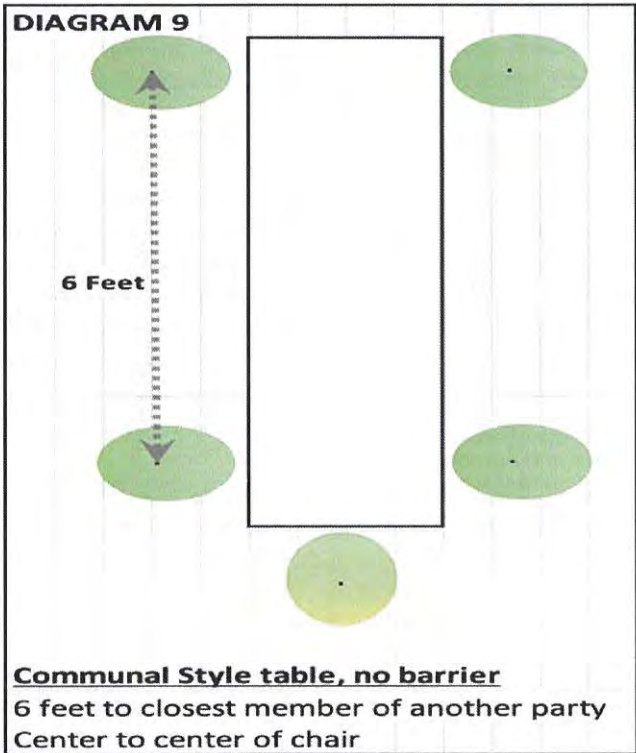
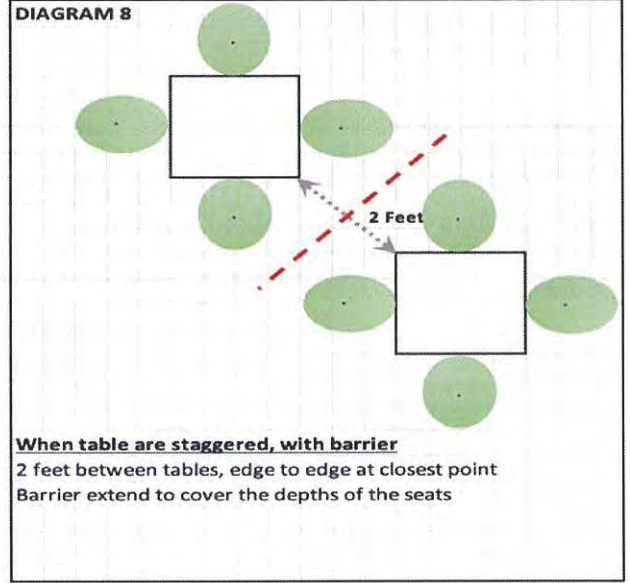
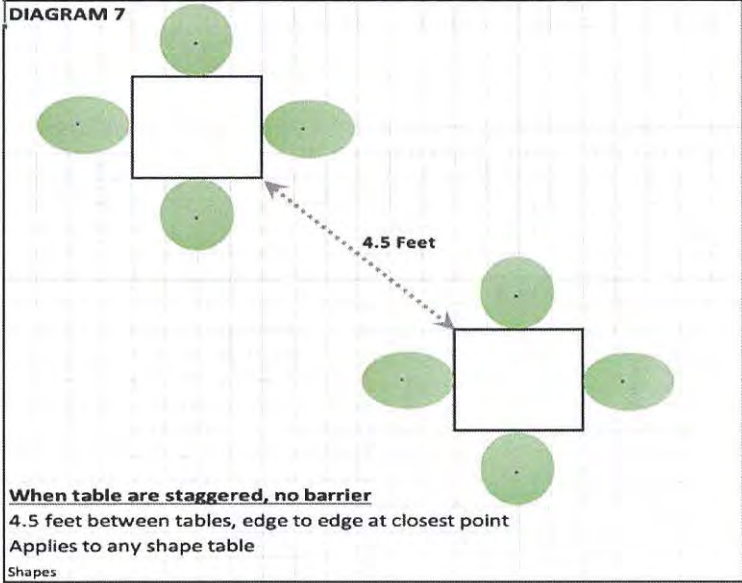
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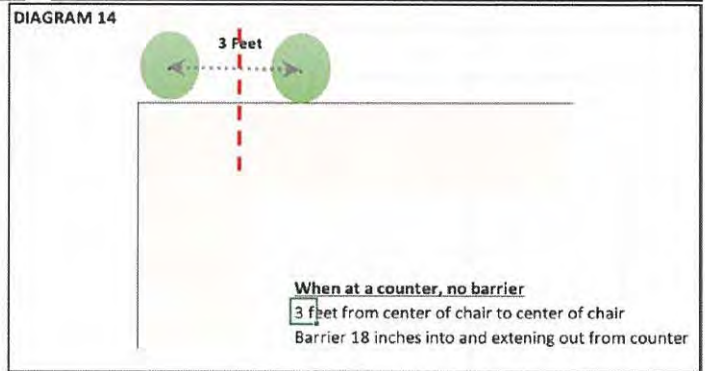
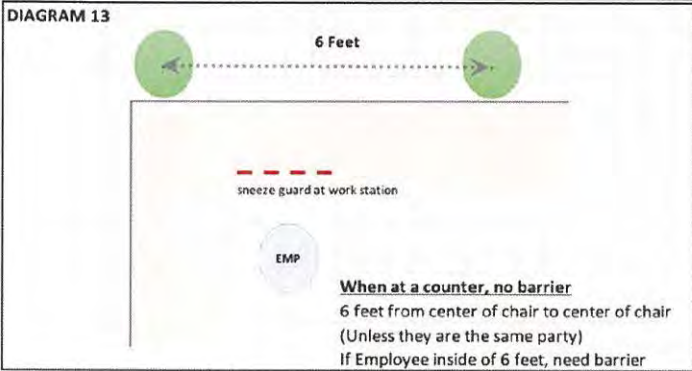
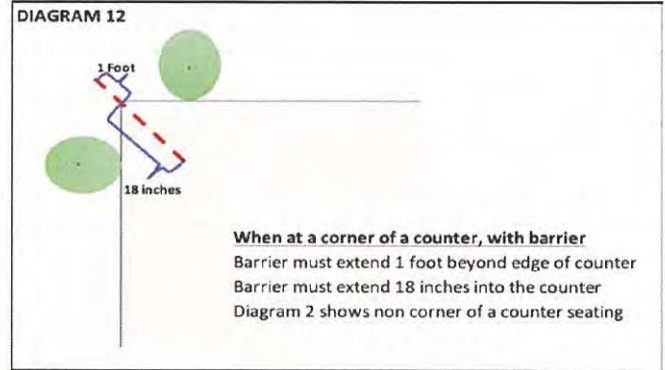
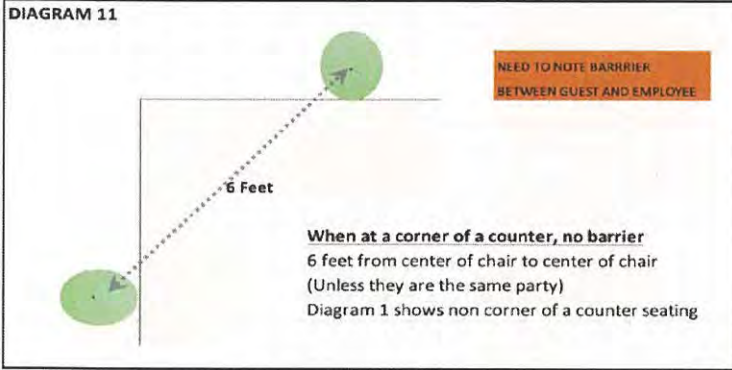
Date Last Revised: _____

Examples of approved seating arrangements within the allowable occupancy
 (Each square is 6"x 6")

Barriers must be made of impermeable, cleanable, and durable materials that can be frequently cleaned and sanitized. Barriers must provide at least six-foot high barrier and must be installed per fire and building codes so as to not interfere with the ventilation or fire protection systems. Barriers must provide 30 inches above the table and other dimensions noted in diagrams.







Attachment A2



**REOPENING SAFER AT WORK AND IN THE COMMUNITY
FOR CONTROL OF COVID-19**

**MOVING THE COUNTY OF LOS ANGELES INTO
STAGE 3 OF CALIFORNIA'S PANDEMIC
RESILIENCE ROADMAP**

Revised Order Issued: July 18, 2020

Recent Update

7/18/20—Updated to be in compliance with Statewide Public Health Officer Order regarding schools dated 7/17/20. Modified section 20f to be in compliance with the state's face covering requirement.

Updated revision dates and added two appendices on page 17:

- **Appendix J:** Reopening Protocol for Music, Film, and Television Production
- **Appendix N:** Protocol for Professional Sports Leagues and Facilities Opening for Training Sessions and Spectator-Free Events
- **Appendix T1:** Reopening Protocols for K-12 Schools
- **Appendix T2:** Protocol for COVID-19 Exposure Management Plan in K-12 Schools

7/14/20—Updated to be in compliance with Statewide Public Health Officer Order dated 7/13/20 and noted updates for the following appendices on page 17:

- **Appendix E:** Protocols for Shopping Center Operators
- **Appendix H:** Reopening Protocol for Hair Salons and Barbershops
- **Appendix L:** Reopening Protocol for Gyms and Fitness Establishments
- **Appendix P:** Reopening Protocol for Hotels, Lodging, and Short-Term Rentals
- **Appendix R:** Reopening Protocol for Personal Care Establishments

Please read this Order carefully. Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. (California Health and Safety Code §120295; Los Angeles County Code § 11.02.080.)

SUMMARY OF THE ORDER: This Revised County of Los Angeles Health Officer Order (Order) supersedes all prior Safer At Home orders (Prior Orders) issued by the County of Los Angeles Health Officer (Health Officer). This Order is issued to comply with State Executive Orders N-33-20 and N-60-20 issued by Governor Gavin Newsom, and the accompanying orders of the State Public Health Officer issued on March 19, May 7, July 13 and July 17, 2020.

This Order's intent is to continue to ensure that County residents remain in their residences as much as practicable, to limit close contact with others outside their household in both indoor and outdoor spaces. All persons who can telework or work from home should continue to do so as much as possible during this pandemic. Further, gatherings of people who are not part of a single household or living unit are prohibited within the County of Los Angeles Public Health Jurisdiction, except for the limited purposes expressly permitted by this Order. This Order allows persons to engage in all permitted activities, as defined by the Order, but requires that persons practice Social (Physical) Distancing, at all times while out in public and wear a cloth face covering over both the nose and mouth when in or likely to be in contact with others, to lower the risks of person-to-person contact for themselves and others.

This Order is issued to align the County of Los Angeles (County) with State Executive Orders and State Health Officer Orders. This Order will be revised in the future to reflect the State Executive Orders and State Public Health Officer Orders and guidance that progressively designate sectors, businesses, establishments, or activities that may reopen with certain modifications, based on health and safety needs and at a pace designed to protect health and safety, and that may also progressively close specific activities and business sectors based on increases in daily reported COVID-19 cases, hospitalizations, and the testing positivity rates. Should local COVID-19 conditions warrant, the Health Officer may, after consultation with the Board of Supervisors, issue Orders that are more restrictive than those of the State Public Health Officer. **Changes from the previous Order are highlighted.**

This Order is effective within the County of Los Angeles Public Health Jurisdiction, defined as all cities and unincorporated areas within the County of Los Angeles, with the exception of the cities of Long Beach and Pasadena that must follow their respective City Health Officer orders and guidance. This Order is effective immediately and will continue until further notice.

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND
SAFETY CODE SECTIONS 101040, 101085, AND 120175,
THE COUNTY OF LOS ANGELES HEALTH OFFICER ORDERS:**

1. This Order supersedes the Health Officer's Prior Orders. In order to immediately address the serious recent regression of COVID-19 Indicators within the County of Los Angeles, which show troubling and substantial increases in new daily reported COVID-19 cases, hospitalizations, and the testing positivity rate, this Order requires the immediate temporary closure of specific activities and business sectors. This Order aligns the County with both the Governor's July 13, 2020, announcement requiring the closure of specific activities and business sectors and the State Public Health Officer's phased reopening approach guided by the California Pandemic Resilience Roadmap. The Health Officer will continue to assess the phased reopening allowed by the State Public Health Officer and this Order on an ongoing basis and determine, after consultation with the Board of Supervisors, whether this Order needs to be modified if the public health risk associated with COVID-19 increases in the future.
2. This Order's intent is to continue to ensure that County residents remain in their residences as much as practicable, to limit close contact with others outside their household in both indoor and outdoor spaces. All persons who can telework or work from home should continue to do so as much as possible during this pandemic. Sustained Social (Physical) Distancing and infection control measures will continue slowing the spread of COVID-19 and diminishing its impact on the delivery of critical healthcare services. All provisions of this Order must be interpreted to effectuate that intent. Failure to comply with any of the Order's provisions constitutes an imminent threat and menace to public health, and a public nuisance, and is punishable by fine, imprisonment or both.

3. All persons living within the County of Los Angeles Public Health Jurisdiction should remain in their residences whenever practicable.
 - a) Nothing in this Order prohibits members of a single household or living unit from engaging in permitted activities together. But gatherings of people who are *not* part of a single household or living unit are prohibited within the County of Los Angeles Public Health Jurisdiction, except for the limited purposes expressly permitted by this Order.
 - b) People leaving their residences must strictly comply with the Social (Physical) Distancing requirements stated in this Order and specified in guidance or protocols established by the County Department of Public Health. This Order, beginning June 19, 2020, requires all persons wear a cloth face covering over both the nose and mouth whenever they leave their place of residence and are or can be in contact with or walking near or past others who are non-household members in both public and private places, whether indoors or outdoors. This includes wearing a cloth face covering when patronizing a business. Wearing a cloth face covering reduces the risk of transmission to others from people who do not have symptoms and do not know they are infected. The use of face coverings is commonly referred to as “source control.”
 - c) Persons and businesses within the County of Los Angeles Public Health Jurisdiction are required to follow the COVID-19 infection control protocols and guidance provided by the County Department of Public Health. In instances where the County has not provided a specific guidance or protocol, specific guidance or protocols established by the State Public Health Officer shall control.
 - i. In the event that an owner, manager, or operator of any business knows of three (3) or more cases of COVID-19 among their employees within a span of 14 days the employer must report this outbreak to the Department of Public Health at (888) 397-3993 or (213) 240-7821.
 - ii. In the event that an owner, manager, or operator of any business is informed that one or more employees of the business has tested positive for, or has symptoms consistent with COVID-19 (case), the employer must have a protocol to require the case(s) to isolate themselves at home and require the immediate self-quarantine of all employees that had a workplace exposure to the case(s).
 - d) Pursuant to the State of California’s action¹ and the United States District Court Central District of California’s order,² jurisdictions within the County of Los Angeles Public Health Jurisdiction are expected to comply with the provision of hotel and motel rooms for vulnerable people experiencing homelessness through Project Roomkey, which slows the spread of COVID-19 and retains capacity of the healthcare system.

¹ Office of Governor Gavin Newsom, Action re: Project Roomkey, 4/3/2020, <https://www.gov.ca.gov/2020/04/03/at-newly-converted-motel-governor-newsom-launches-project-roomkey-a-first-in-the-nation-initiative-to-secure-hotel-motel-rooms-to-protect-homeless-individuals-from-covid-19/>; 2020-21 May Revision to the Governor’s Budget, Project Roomkey, pg. 78-79

² Order re: Preliminary Injunction (Case No. LA CV 20-02291-DOC-KES), LA Alliance for Human Rights et al v. City of Los Angeles et al, States District Court Central District of California, 5/15/2020.

4. All people residing within the County of Los Angeles Public Health Jurisdiction who are age 65 or older and all people of any age who have active or unstable pre-existing health conditions, should remain in their residences as much as possible during the pandemic. People in these categories should leave their residences only when necessary to seek medical care, exercise or obtain food or other necessities. The Health Officer strongly recommends that all employers offer telework or other accommodations to persons who are age 65 or older and all people of any age who have an active or unstable pre-existing health conditions.
5. All government agencies working in the course and scope of their public service employment are Essential Government Functions.
 - a) All government employees are essential, including but not limited to, health care providers and emergency responders including employees who serve in the following areas: law enforcement; emergency services and management; first responders; fire; search and rescue; juvenile detention; corrections; healthcare services and operations; public health; laboratory or medical testing; mental health; community health; public works; executive management employees serving in these fields; all employees assigned to serve in or support the foregoing fields; and all employees whose services are otherwise needed to assist in a declared emergency.
 - b) While all government employees are essential, the employees identified here, and others called to serve in their Disaster Service Worker capacity, must be available to serve the public or assist in response or continuity of operations efforts during this health crisis to the maximum extent allowed under the law.
 - c) This Order does not, in any way, restrict (a) first responder access to the site(s) named in this Order during an emergency or (b) local, state or federal officers, investigators, or medical or law enforcement personnel from carrying out their lawful duties at the site(s) named in this Order.
 - d) All persons who perform Essential Governmental Functions are categorically exempt from this Order while performing such governmental functions or services. Each governmental entity shall identify and designate appropriate employees, volunteers, or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions should be performed in compliance with Social (Physical) Distancing **Protocol**, to the extent possible.
6. This Order does not supersede any stricter limitation imposed by a local public entity within the County of Los Angeles Public Health Jurisdiction.
7. The Health Officer orders the closure of the following types of higher-risk businesses, recreational sites, commercial properties, and activities, where more frequent and prolonged person-to-person contacts are likely to occur:
 - a) Lounges and nightclubs;
 - b) Bars, breweries, tasting rooms, craft distilleries, and wineries that possess a valid low risk restaurant public health permit issued by the County of Los Angeles.

- c) Brewpubs, craft distilleries and breweries and wineries, with premises set aside for beer and/or wine tasting, that are exempt from the definition of a food facility by California Health and Safety Code Section 113789(c)(5), and do not hold a health permit for preparing and serving food on site.
 - d) Public entertainment venues: movie theaters, live performance theaters, concert venues, theme parks, and festivals;
 - e) Family entertainment centers such as bowling alleys, arcades, miniature golf, and batting cages;
 - f) All restaurants, but only for indoor, in-person onsite dining until further notice;
 - g) Cardrooms, satellite wagering facilities, and racetrack onsite wagering facilities until further notice;
 - h) Indoor and outdoor playgrounds for children, except those located within a school or childcare center;
 - i) Indoor portions and exhibits of museums, zoos and aquariums are closed to the public until further notice;
 - j) Hot tubs, steam rooms and saunas not located on a residential property;
 - k) All events and gatherings, unless specifically allowed by this Order.
8. All Essential Businesses, unless specific modifications are required by this Order, may remain open to the public and conduct normal business operations, provided that they implement and maintain the Social (Physical) Distancing Protocol defined in Paragraph 20 and attached to this Order as **Appendix A**. An Essential Business' owner, manager, or operator must prepare and post a Social (Physical) Distancing Protocol for each facility or office located within the County of Los Angeles Public Health Jurisdiction and must ensure that the Essential Business meets all other requirements of the Social (Physical) Distancing Protocol.
9. Lower-Risk Businesses are businesses that are not specified in Paragraph 7 of this Order, and not defined as an Essential Business in Paragraph 18 of this Order. There are five categories of Lower-Risk Businesses that may reopen under this Order: (1) retailers ("Lower-Risk Retail Businesses"), (2) manufacturing and logistics sector businesses that supply Lower-Risk Retail Businesses, (3) Non-Essential office-based businesses (although telework is strongly encouraged), (4) Indoor Malls and Shopping Centers, and (5) hair salons and barbershops. These five categories of Lower-Risk Businesses may reopen subject to the following conditions:
- a) For any Lower-Risk Retail Business that sells goods and services, the owner, manager, or operator must, for each facility located within the County of Los Angeles Public Health Jurisdiction, prior to reopening, prepare, implement and post the Reopening Protocols for Retail Establishments: Opening for In Person Shopping, attached to this Order as **Appendix B**.
 - b) For any non-retail Lower-Risk Business, that is a manufacturing and logistics sector business that supplies Lower-Risk Retail Businesses, the owner, manager, or operator must, prior to reopening, prepare, implement and post

the required Los Angeles County Department of Public Health Reopening Protocol, applicable to the business type or location, attached to this Order as **Appendix C**.

- c) For any Non-Essential office-based business, all indoor portions and operations must cease in-person operations until further notice. Non-essential office-based businesses whose operations require employees to work from an office worksite, and that this Order does not identify as an Essential Business, Healthcare Operation, or Essential Infrastructure, may operate via telework and for Minimum Basic Operations only. Essential Businesses, Healthcare Operations, or Essential Infrastructure whose operations require that employees operate from an office worksite, must require employees to telework to the extent feasible and any in-person operations must be in accordance with the required Los Angeles County Department of Public Health Reopening Protocol Office-Based Worksites, attached to this Order as **Appendix D**.
- d) For Indoor Malls and Shopping Centers, defined as: A building with (7) or more sales or retail establishments with adjoining indoor space, all indoor portions and operations must close to the public until further notice. Businesses located entirely within the interior of an Indoor Mall or Shopping Center that are not temporarily closed pursuant to Paragraph 7 of this Order, may offer goods and services via outdoor curbside pick-up. Businesses or activities that are part of an Indoor Mall or Shopping Center and that are not closed pursuant to Paragraph 7 of this Order, but that are accessible by the public from the exterior of the Indoor Mall or Shopping Center may remain open to the public. The owner or operator of the Indoor Mall or Shopping Center must, prior to reopening, prepare, implement and post the required Los Angeles County Department of Public Health Protocols for Shopping Center Operators, attached to this Order as **Appendix E**.
- e) Hair salons and barbershops, may be open for outdoor operations only. The indoor portions of hair salons and barbershops must be closed to the public until further notice. The owner, manager, or operator must, prior to reopening, prepare, implement and post the Reopening Protocols for Hair Salons and Barbershops, attached to this Order as **Appendix H**.

9.5. The State Public Health Officer has provided guidance for certain sectors, businesses and activities in Stage 3 of the California Pandemic Resilience Roadmap to conditionally reopen **and modify operations**. The Health Officer, after considering local epidemiological data and after consultation with the Board of Supervisors, approves the reopening of the following specific sectors, businesses and activities subject to the following conditions:

- a) Music, film and television production. Operations for music, film and television production may resume on June 12, 2020. The owner, manager, or operator of music, film and television production must, prior to reopening, prepare, implement and post the required Los Angeles County Department of Public Health Reopening Protocol for Music, Film and Television Production, attached

- to this Order as **Appendix J**, as well as abide by applicable industry-generated protocols.
- b) Day camps. Day camps may reopen on June 12, 2020. Day camp owners and operators must implement and post the required Los Angeles County Department of Public Health Reopening Protocol for Day Camps, attached to this Order as **Appendix K**.
 - c) Fitness facilities. Fitness facilities, including private gymnasiums, may be open for outdoor operations only. The indoor portions of Fitness facilities are closed to the public until further notice. The owner, manager, or operator of fitness facilities must, prior to reopening, prepare, implement and post the required Los Angeles County Department of Public Health Reopening Protocol for Gyms and Fitness Establishments, attached to this Order as **Appendix L**.
 - d) Outdoor portions of museums, galleries, botanical gardens, and outdoor facilities at zoos, aquariums, and other similar exhibition spaces (collectively, "Museums") may remain open to the public. The indoor portions of Museums are closed to the public until further notice. The owner, manager, or operator of Museums and exhibition spaces must, prior to reopening, prepare, implement and post the required Los Angeles County Department of Public Health Reopening Protocol for Museums, Galleries, Zoos, and Aquariums, attached to this Order as **Appendix M**.
 - e) Professional sports without audiences. Professional sports teams and franchises may restart operations and competitions without audiences on June 12, 2020. The owner, manager, or operator of professional sports teams and franchises must, prior to reopening, prepare, implement and post the required Los Angeles County Department of Public Health Protocol for Professional Sports Leagues and Facilities Opening for Training Sessions and Spectator-Free Events, attached to this Order as **Appendix N**, as well as abide by applicable industry-generate protocols.
 - f) Campgrounds, RV Parks and associated outdoor activities. Campgrounds and recreational vehicle parks may reopen on June 12, 2020. The owner, manager, or operator of campgrounds and RV Parks must, prior to reopening, prepare, implement and post the required Los Angeles County Department of Public Health Reopening Protocol for Campgrounds, RV parks and Cabin Rental Units, attached to this Order as **Appendix O**.
 - g) Schools (K-12) and School Districts. The State Public Health Officer requires all public and private schools (K-12) and school districts within the County of Los Angeles to remain closed to in-person learning until the County of Los Angeles has been off of the State's County Monitoring List for 14 consecutive days. Schools (K-12) and School Districts may conduct distance learning only. Elementary schools may seek a waiver, as permitted by the July 17, 2020 State Public Health Officer directive. Schools (K-12) and School Districts that reopen for in-person learning must follow the Reopening Protocols for K-12 Schools and the Protocol for COVID-19 Exposure Management Plan in K-12 Schools, attached to this Order as **Appendix T1 & T2**.

- h) Personal Care Establishments. These establishments include nail salons, tanning salons, esthetician, skin care, and cosmetology services; electrology, body art professionals, tattoo parlors, and piercing shops; and massage therapy (in non-healthcare settings), and may be open for outdoor operations only. The indoor portions of personal care establishments are closed to the public until further notice. The owner, manager or operator of a personal care establishment must, prior to reopening, prepare, implement and post the required Los Angeles County Department of Public Health Reopening Protocol for Personal Care Establishments, attached to this Order as **Appendix R**.
- i) [Intentionally Omitted].

REASONS FOR THE ORDER

10. This Order is based upon the following determinations: evidence of continued community transmission of COVID-19 within the County; continued uncertainty regarding the degree of undetected asymptomatic transmission; scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically; evidence that a significant portion of the County population is at risk for serious health complications, including hospitalizations and death from COVID-19, due to age or pre-existing health conditions; and further evidence that other County residents, including younger and otherwise healthy people, are also at risk for serious negative health outcomes and for transmitting the virus to others. The Order's intent is to protect the public from the avoidable risk of serious illness and death resulting from the spread of COVID-19.
11. Existing community transmission of COVID-19 in Los Angeles County continues to present a substantial and significant risk of harm to residents' health. There is still no vaccine available yet to protect against COVID-19, and no treatment for it. **As of July 17, 2020, there have been at least 150,319 cases of COVID-19 and 4,047 deaths reported in Los Angeles County.** There remains a strong likelihood of a significant and increasing number of cases of community transmission. Making the community transmission problem worse, some individuals who contract the virus causing COVID-19 have no symptoms or have only mild symptoms, and so are unaware that they carry the virus and are transmitting it to others. Further, evidence shows that the virus can, at times, survive for several hours on surfaces and can be indirectly transmitted between individuals. Because even people without symptoms can transmit the virus, and because evidence shows the infection is easily spread, preventing, limiting, and placing conditions on various types of gatherings and other direct and indirect interpersonal interactions have been proven to reduce the risk of transmitting the virus.
12. Evidence suggests that until recently the restrictions and requirements imposed by Prior Orders slowed the rate of increase in community transmission and hospitalizations by limiting interactions among people, consistent with the efficacy of similar measures in other parts of the country and world. Unfortunately, the daily number of new cases has significantly increased and hospitals within the County are

admitting an increasing number of patients diagnosed with COVID-19, including patients with severe illness in their intensive care units. Further, the hospitals are at risk of being overwhelmed or exceeding capacity. Moreover, because there is not yet a vaccine or proven therapeutic drug, the public health emergency and attendant risks to the public's health by COVID-19 still predominate.

13. In line with the State Public Health Officer, the Health Officer is monitoring several key indicators (COVID-19 Indicators) within the County. The recent regression of some of these COVID-19 Indicators – specifically related to hospital utilization and capacity – makes it appropriate, at this time, to reimpose certain restrictions that are intended to limit person-to-person contact and slow the current rates of community transmission. Activities and business operations that are permitted must be conducted in accordance with the required Social (Physical) Distancing, reopening protocols, and other infection control protocols ordered by the Health Officer.
14. The Health Officer will continue monitoring COVID-19 Indicators to assess the impact of easing restrictions and re-opening sectors. Those Indicators include, but are not limited to:
 - a. The number of new hospitalizations and deaths.
 - b. The capacity of hospitals and the healthcare system in the County, including acute care beds, Intensive Care Unit beds, and ventilators to provide care for existing COVID-19 patients and other patients, and capacity to surge with an increase of COVID-19 cases.
 - c. The supply of personal protective equipment (PPE) available for hospital staff, nursing home staff and other healthcare providers and personnel who need PPE to safely respond to and treat COVID-19 patients and other patients.
 - d. The ability and capacity to quickly and accurately test persons to determine whether individuals are COVID-19 positive, especially those in vulnerable populations or high-risk settings or occupations, and to identify and assess outbreaks.
 - e. The ability to conduct case investigation and contact tracing for the volume of future cases and associated contacts, isolating confirmed cases and quarantining persons who have had contact with confirmed cases.

DEFINITIONS AND EXEMPTIONS

15. The following activities are permitted under this Order:
 - a. Engaging in activities or performing tasks important to the health and safety of family or household members (including pets), such as, visiting a health or veterinary care professional, obtaining medical supplies or medication, visiting a physician or child's pediatrician for routine care, such as, well-child visits and vaccinations;

- b. Obtaining necessary services and supplies for family or household members, or delivering the same, such as, obtaining grocery items or necessary supplies from Essential Businesses for one's household or for delivery to others;
- c. Performing work for or accessing businesses that are open, or to carry out Minimum Basic Operations for businesses that are closed or operating remotely.
- d. Obtaining or accessing services from Essential Governmental Functions, such as, accessing court, social and administrative services, or complying with an order of law enforcement or court;
- e. Caring for minors, the elderly, dependents, persons with disabilities, or other vulnerable persons;
- f. Obtaining in-person behavioral health or substance use disorder support in therapeutic small group meetings, such as Alcoholics Anonymous or Narcotics Anonymous, provided that the gathering is limited to 10 people or fewer and Social (Physical) Distancing is practiced.
- g. Obtaining in-person faith-based counselling services where the service cannot reasonably be practiced remotely, provided that the gathering is limited to 10 people or fewer and Social (Physical) Distancing is practiced.
- h. Attending in-person faith-based services, provided that the faith-based service is held outdoors. There is no maximum attendance for faith-based services that are held outdoors, provided that the attendees have enough space to observe strict Social (Physical) Distancing, including a minimum of six feet between attendees from different households, and are wearing cloth face coverings. Faith-based organizations holding in-person outdoor services, must follow the Department of Public Health Places of Worship Protocols, attached to this Order as **Appendix F**.
- i. Engaging in outdoor recreation activity, in compliance with Social (Physical) Distancing requirements and subject to the following limitations:
 - i. Outdoor recreation activity at parks, trails, piers, and beaches, and other open spaces must comply with any access or use restrictions separately established by the Health Officer, government, or other entity that manages the area to reduce crowding and the risk of COVID-19 transmission.
 - ii. Use of shared outdoor facilities for recreational activities, including but not limited to golf courses, tennis and pickleball courts, shooting and archery ranges, equestrian centers, model airplane areas, community gardens, and bike parks, must comply with any access or use restrictions separately established by the Health Officer, government, or other entity that manages the area to reduce crowding and the risk of COVID-19 transmission.
 - iii. Local public entities may elect to temporarily close certain streets or areas to automobile traffic, to allow for increased space for persons to engage in recreational activity permitted by and in compliance with Social (Physical) Distancing requirements specified in this Order.
 - iv. Swimming pools and splash pads in any non-residential setting may reopen on June 12, 2020, with the owner, manager, or operator of the swimming

- pool or splash pad implementing and posting the required Los Angeles County Department of Public Health Protocol for Swimming Pools. All hot tubs, saunas, and steam rooms located on non-residential property remain closed.
- v. For-hire fishing, guided fishing, or small-group chartered boat trips may resume operating on June 12, 2020, with the owner, manager, or operator of the charter business implementing the required Los Angeles County Department of Public Health Protocol for Chartered Boats.
 - j. Participating in a Vehicle-Based Parade. The host of the Vehicle-Based Parade must comply with all local ordinances, traffic control requirements, and state and local laws. Further, the host of Vehicle-Based Parades must comply with the Los Angeles County Department of Public Health Vehicle-Based Parade Protocol, attached to this Order as **Appendix G**.
 - k. Participating in an in-person protest as long as the protest is held outdoors. Outdoor protests are permitted without a limit on attendees. Persons participating in a protest must wear a cloth face covering and maintain physical distancing of six (6) feet between persons or groups of persons from different households at all times, as well as observe the Department of Public Health Protocol for Public Demonstrations.
16. Individuals may work for, train for, volunteer at, or obtain services at Healthcare Operations: hospitals, clinics, laboratories, dentists, optometrists, pharmacies, physical therapists, rehabilitation and physical wellness programs, chiropractors, pharmaceutical and biotechnology companies, other licensed healthcare facilities, healthcare suppliers, home healthcare service providers, mental or behavioral health providers, alcohol and drug treatment providers, cannabis dispensaries with a medicinal cannabis license and all other required state and local licenses, medical or scientific research companies, or any related and/or ancillary healthcare services, manufacturers, distributors and servicers of medical devices, diagnostics, and equipment, veterinary care, and other animal healthcare. This exemption shall be construed to avoid any impact to the delivery of healthcare, broadly defined.
17. Individuals may provide any service, train for, or perform any work necessary to the operation and maintenance of Essential Infrastructure, which is defined as, public health operations, public works construction, airport operations, port operations, food supply, water, sewer, gas, electrical, oil extraction and refining, roads and highways, public transportation, solid waste collection, removal and processing, flood control and watershed protection, cemeteries, mortuaries, crematoriums, and internet and telecommunications systems (including the provision of essential global, national, local infrastructure for computing services, business infrastructure, communications, and web-based services), and manufacturing and distribution companies deemed essential as part of the Essential Infrastructure supply chain, provided that they carry out those services or that work. In providing these services, training for, or performing this work, individuals must comply with Social (Physical) Distancing requirements to the extent practicable.

18. For purposes of this Order, Essential Businesses are:

- a. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, warehouse stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruit and vegetables, pet supply, water, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning or personal care products). This includes stores that sell groceries and other non-grocery products, such as products necessary to maintaining the safety, sanitation, and essential operation of residences. This does not include businesses that sell only prepackaged non-potentially hazardous food which is incidental to the primary retail business;
- b. Food processors, confectioners, food packagers, food testing labs that are not open to the public, and food cultivation, including farming, livestock, and fishing;
- c. Organizations and businesses that provide food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals (including gang prevention and intervention, domestic violence, and homeless service agencies);
- d. Newspapers, television news, radio, magazine, podcast and journalism activities, including taped, digitally recorded or online-streamed content of any sort that is produced by one or more members of a single household, within the household's residence and without the physical presence of any non-member of the household.
- e. Gas stations, auto-supply, mobile auto repair operations, auto repair shops (including, without limitation, auto repair shops adjacent to or otherwise in connection with a retail or used auto dealership), and bicycle repair shops and related facilities;
- f. Banks, credit unions, financial institutions and insurance companies;
- g. Hardware stores, nurseries; building supply stores;
- h. Plumbers, electricians, exterminators, custodial/janitorial workers, handyman services, funeral homes and morticians, moving services, HVAC installers, carpenters, vegetation services, tree maintenance, landscapers, gardeners, property managers, private security personnel and other service providers who provide services to maintain the safety, sanitation, and essential operation to properties and other Essential Businesses;
- i. Businesses providing mailing and shipping services, including post office boxes;
- j. Educational institutions (including public and private K-12 schools, colleges, and universities);
- k. Laundromats, dry cleaners, and laundry service providers;
- l. Restaurants and other food facilities that prepare and serve food, but only for delivery, drive thru, carry out, and outdoor onsite table dining. Indoor dining is not permitted. Restaurants with a moderate risk or high risk restaurant permit issued by the County of Los Angeles Department of Public Health and other food facilities that provide in-person outdoor dining must follow the revised Department of Public



- Health Protocols for Restaurants, attached to this Order as **Appendix I**. Cafeterias, commissaries, and restaurants located within hospitals, nursing homes, or other licensed health care facilities may provide dine-in service, as long as Social (Physical) Distancing is practiced;
- m. Businesses that supply office or computer products needed by people who work from home;
 - n. Businesses that supply other Essential Businesses with the support or supplies necessary to operate;
 - o. Non-manufacturing, transportation or distribution businesses that ship, truck, transport, or provide logistical support to deliver groceries, food, goods or services directly to residences, Essential Businesses, Healthcare Operations, and Essential Infrastructure. This exemption shall not be used as a basis for engaging in sales to the general public from retail storefronts;
 - p. Airlines, taxis, ride sharing services and other private transportation providers providing transportation services necessary for activities of daily living and other purposes expressly authorized in this Order;
 - q. Businesses that manufacture parts and provide necessary service for Essential Infrastructure;
 - r. Home-based care for seniors, adults, disabled persons, or children;
 - s. Residential facilities and shelters for homeless residents, disabled persons, seniors, adults, children and animals;
 - t. Professional services, such as legal, payroll or accounting services, when necessary to assist in compliance with legally mandated activities, and the permitting, inspection, construction, transfer and recording of ownership of housing, including residential and commercial real estate and anything incidental thereto, provided that appointments and other residential viewings must only occur virtually or, if a virtual viewing is not feasible, by appointment with no more than two visitors at a time residing within the same household or living unit and one individual showing the unit (except that in-person visits are not allowed when the occupant is still residing in the residence);
 - u. Childcare facilities. To the extent possible, childcare facilities must operate under the following conditions: (1) Childcare must be carried out in stable groups of 10 or fewer ("stable" means the same ten (10) or fewer children are in the same group each day); (2) Children shall not change from one group to another; (3) If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other; (4) Childcare providers shall remain solely with one group of children;
 - v. Hotels, motels, shared rental units and similar facilities. Beginning June 12, 2020, these may reopen for tourism and individual travel, in adherence with the required Los Angeles County Department of Public Health Reopening Protocol for Hotels, Lodging and Short-Term Rentals, attached to this Order as **Appendix P**;

- w. Construction, which includes the operation, inspection, and maintenance of construction sites and construction projects for construction of commercial, office and institutional buildings, residential and housing construction; and
 - x. Manufacturers and retailers of fabric or cloth that is made into personal protective equipment, such as, face coverings.
19. For purposes of this Order, "Social (Physical) Distancing" means: (1) Maintaining at least six (6) feet of physical distance from individuals who are not members of the same household; (2) Frequently washing hands with soap and water for at least 20 seconds, or using hand sanitizer that contains at least 60% alcohol; (3) Wearing a cloth face covering when whenever an individual leaves their home or place of residence, and when an individual is or can be in contact with or walking by or past others who are non-household members in both public and private places, whether indoors or outdoors. Wearing a cloth face covering over both the nose and mouth reduces the risk of transmission to others from people who do not have symptoms and do not know they are infected; and (4) Avoiding all physical interaction outside the household when sick with a fever or cough, except for necessary medical care.
20. For purposes of this Order, the "Social (Physical) Distancing Protocol" that must be implemented and posted must demonstrate how the following infection control measures are being implemented and achieved, as applicable:
- a. Limiting the number of people who may enter into the facility at any one time to ensure that people in the facility can easily maintain a minimum six (6) foot physical distance from others, at all times, except as required to complete a business activity or transaction. Members of a single household or living unit may stand or move together but must be separated from others by a physical distance of at least six (6) feet.
 - b. Where lines may form at a facility, marking six (6) foot increments at a minimum, establishing where individuals should stand to maintain adequate Social (Physical) Distancing, whether inside or outside the facility.
 - c. Providing hand sanitizer, soap and water, or effective disinfectant at or near the entrance of the facility and in other appropriate areas for use by the public and employees, and in locations where there is high-frequency employee interaction with members of the public (e.g., cashiers). Restrooms normally open to the public shall remain open to the public.
 - d. Posting a sign in a conspicuous place at all public entries that instructs the public not to enter if they are experiencing symptoms of respiratory illness, including fever or cough, to wear face coverings, and to maintain Social (Physical) Distancing from one another.
 - e. Providing for the regular disinfection of high-touch surfaces, and disinfection of all payment portals, pens, and styluses after each use. All businesses are encouraged to also offer touchless payment mechanisms, if feasible.
 - f. Providing face coverings to employees and contracted workers whose duties require close contact with other employees and/or the public. **Those who have**

been instructed by their medical provider that they should not wear a face covering should wear a face shield with a drape on the bottom edge, to be in compliance with State directives, as long as their condition permits it. A drape that is form fitting under the chin is preferred. Masks with one-way valves should not be used.

- g. Requiring that members of the public who enter the facility wear a face-covering over both the nose and mouth, which reduces the risk of “asymptomatic” or “pre-symptomatic” transmission to workers and others, during their time in the facility.
- h. Adhering to communicable disease control protocols provided by the Los Angeles County Department of Public Health, including requirements for cleaning and disinfecting the site. See protocols posted at www.publichealth.lacounty.gov/media/Coronavirus/

21. Operators of businesses that are required to cease in-person operations may conduct Minimum Basic Operations, which means:
- a. The minimum necessary activities to maintain and protect the value of the business's inventory and facilities; ensure security, safety, and sanitation; and process payroll and employee benefits;
 - b. The minimum necessary activities to facilitate the business's owners, employees, and contractors being able to continue to work remotely from their residences, and to ensure that the business can deliver its services remotely.

ADDITIONAL TERMS

22. The County shall promptly provide copies of this Order by: (a) posting it on the Los Angeles Department of Public Health's website (www.publichealth.lacounty.gov), (b) posting it at the Kenneth Hahn Hall of Administration located at 500 West Temple Street, Los Angeles, CA 90012, (c) providing it to any member of the public requesting a copy, and (d) issuing a press release to publicize the Order throughout the County.
- a. The owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public requesting a copy.
 - b. Because guidance may change, the owner, manager, or operator of any facility that is subject to this Order is ordered to consult the Los Angeles County Department of Public Health's website (www.publichealth.lacounty.gov) daily to identify any modifications to the Order and is required to comply with any updates until the Order is terminated.
23. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.



- 24. This Order incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom and the March 4, 2020 declarations of a local and public health emergency issued by the Los Angeles County Board of Supervisors and Los Angeles County Health Officer, respectively, and as they may be supplemented.
- 25. This Order is issued to align the County with the phased reopening approach of the California's Pandemic Resilience Roadmap. This Order will be revised in the future as the State Public Health Officer progressively designates sectors, businesses, establishments, or activities for reopening with required modifications or closure at a pace designed to protect health and safety. Should local COVID-19 conditions warrant, the Health Officer may, after consultation with the Board of Supervisors, issue orders that are more restrictive than the guidance and orders issued by the State Public Health Officer.
- 26. This Order is consistent with the provisions in the Governor's Executive Order N-60-20 and the State Public Health Officer's May 7, 2020 Order, that local health jurisdictions may implement or continue more restrictive public health measures in the jurisdiction if the local health officer believes conditions in that jurisdiction warrant them. Where a conflict exists between this Order and any state public health order related to controlling the spread of COVID-19 during this pandemic, the most restrictive provision controls. Consistent with California Health and Safety Code section 131080, except where the State Health Officer may issue an order expressly directed at this Order or a provision of this Order and based upon a finding that a provision of this Order constitutes a menace to the public health, any more restrictive measures in this Order may continue to apply and control in the County of Los Angeles Public Health Jurisdiction.
- 27. Pursuant to Sections 26602 and 41601 of the California Government Code and Section 101029 of the California Health and Safety Code, the Health Officer requests that the Sheriff and all chiefs of police in all cities located in the Los Angeles County Public Health Jurisdiction ensure compliance with and enforcement of this Order. The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment or both.
- 28. This Order shall become effective immediately on July 18, 2020 and will continue to be until it is revised, rescinded, superseded, or amended in writing by the Health Officer.

IT IS SO ORDERED:

A handwritten signature in black ink, appearing to read 'Muntu Davis, M.D., M.P.H.', is written over a horizontal line.

7/18/2020

Muntu Davis, M.D., M.P.H.
Health Officer,
County of Los Angeles

Date



Appendices At-A-Glance

All DPH protocol is available at:
<http://www.publichealth.lacounty.gov/media/Coronavirus/>

- Appendix A:** Protocol for Social Distancing [Revised 6/29/2020]
- Appendix B:** Protocols for Retail Establishments Opening for In-person Shopping [Revised 7/8/2020]
- Appendix C:** Reopening Protocol for Warehousing, Manufacturing and Logistic Establishments [Revised 7/8/2020]
- Appendix D:** Protocols for Office Worksites [Revised 7/8/2020]
- Appendix E:** Protocols for Shopping Center Operators [Revised 7/14/2020]
- Appendix F:** Protocol for Places of Worship [Revised 7/16/2020]
- Appendix G:** Protocol for Vehicle-Based Parades [Revised 5/25/2020]
- Appendix H:** Reopening Protocol for Hair Salons and Barbershops [Revised 7/15/2020]
- Appendix I:** Protocol for Restaurants [Revised 7/3/2020]
- Appendix J:** Reopening Protocol for Music, Film, and Television Production [Revised 7/17/2020]
- Appendix K:** Reopening Protocol for Day Camps [Dated 6/11/2020]
- Appendix L:** Reopening Protocol for Gyms and Fitness Establishments [Revised 7/15/2020]
- Appendix M:** Reopening Protocol for Museums, Galleries, Zoos, and Aquariums [Revised 7/1/2020]
- Appendix N:** Protocol for Professional Sports Leagues and Facilities Opening for Training Sessions and Spectator-Free Events [Revised 7/18/2020]
- Appendix O:** Reopening Protocol for Campgrounds, RV parks and Cabin Rental Units [Revised 6/29/2020]
- Appendix P:** Reopening Protocol for Hotels, Lodging, and Short-Term Rentals [Revised 7/15/2020]
- Appendix Q:** [Rescinded 7/1/2020]
- Appendix R:** Reopening Protocol for Personal Care Establishments [Revised 7/16/2020]
- Appendix S:** [Rescinded 6/28/2020]
- Appendix T1:** Reopening Protocols for K-12 Schools [Revised 7/18/2020]
- Appendix T2:** Protocol for COVID-19 Exposure Management Plan in K-12 Schools [Revised 7/14/2020]

Attachment B

MOTION BY SUPERVISORS HILDA L. SOLIS
AND SHEILA KUEHL

April 14, 2020

Expansion of Tenant Protections During the COVID-19 Crisis to Preserve and Increase Housing Security and Stability and Prevent Further Homelessness

On March 4, 2020, the Los Angeles County (County) Board of Supervisors (Board) proclaimed the existence of a local health emergency due to the novel coronavirus (COVID-19 emergency). On March 19, 2020, pursuant to California Government Code Section 8550 and Los Angeles County Code (Code) Section 2.68.150, the Chair of the Board issued an Executive Order, which among other actions, placed a temporary moratorium on evictions for non-payment of rent by residential or commercial tenants in unincorporated areas impacted by COVID-19 (Moratorium). On March 31, 2020, the Board of Supervisors ratified this Executive Order, which will be in effect from March 4, 2020 through May 31, 2020 (Moratorium Period), unless extended further, and amended the ratified Executive Order to include a ban on rent increases in the unincorporated County to the extent permitted by State law and consistent with Chapter 8.52 of the County Code. The Moratorium will provide timely and necessary relief to tenants who are struggling due to the economic repercussions of the COVID-19 emergency. However, the

MOTION

SOLIS _____

RIDLEY-THOMAS _____

KUEHL _____

HAHN _____

BARGER _____

following additional policies and modifications should be adopted to preserve and increase housing security and stability and to prevent Los Angeles County residents from falling into homelessness due to this crisis, for the preservation of life and property.

WE, THEREFORE, MOVE that the Board of Supervisors adopt the Resolution to amend the Executive Order in order to:

1. Include a temporary moratorium on evictions for non-payment of space rent for mobilehome owners who rent space in mobilehome parks;
2. Expand to all jurisdictions within the County of Los Angeles pursuant to Government Code section 8630, et seq. and Chapter 2.68 of the County Code with considerations for cities that already have local eviction moratoria in place;
3. Prohibit rent increases for residential units and mobilehome owners from March 4, 2020 through May 31, 2020, unless extended further, to the extent permitted by State law and consistent with Chapters 8.52 and 8.57 of the County Code. The Executive Order shall also prohibit a landlord from imposing any new pass-throughs or charging interest and/or late fees for unpaid rent during the Moratorium Period, and bar landlords from attempting to collect interest and late fees incurred during this Moratorium Period following the termination of the Executive Order;
4. Encourage landlords and tenants to agree on a payment plan that would allow landlords to accept partial rent payments during the Moratorium if tenants are able to make such payments;

5. Extend the repayment period from six (6) months to 12 months following the end of the Moratorium Period;
6. Further define financial impact and relation to COVID-19, as well as prohibit an eviction during the Moratorium Period based on the presence of unauthorized occupants, pets, or nuisance necessitated by or related to the COVID-19 emergency;
7. Allow tenants to provide and require landlords to accept a self-certification of a tenant's inability to pay rent and to provide notice to the landlord to that effect;
8. Prohibit landlords, and those acting on their behalf, from harassing or intimidating tenants for acts or omissions expressly permitted under the Executive Order, as amended, and the attached Resolution; and
9. Address the County's public policy and intent to close certain businesses to protect public health, safety and welfare, and the County recognizes that the interruption of any business will cause loss of and damage to the business. Therefore, the County finds and declares that the closure of these businesses is mandated for the public health, safety and welfare and that the physical loss of and damage to businesses is resulting from the shutdown and that these businesses have lost the use of their property and are not functioning as intended.

#

HLS:wr/mr

**RESOLUTION OF THE BOARD OF SUPERVISORS
AMENDING THE EXECUTIVE ORDER FOR AN EVICTION MORATORIUM DURING
THE COVID-19 LOCAL EMERGENCY RATIFIED ON MARCH 31, 2020**

WHEREAS, on March 4, 2020, the Chair of the Los Angeles County Board of Supervisors ("Board") proclaimed, pursuant to Chapter 2.68 of the Los Angeles County Code, and the Board ratified that same day, the existence of a local emergency because the County of Los Angeles ("County") is affected by a public calamity due to conditions of disaster or extreme peril to the safety of persons and property arising as a result of the introduction of the novel coronavirus ("COVID-19") in Los Angeles County;

WHEREAS, also on March 4, 2020, the County Health Officer determined that there is an imminent and proximate threat to the public health from the introduction of COVID-19 in Los Angeles County, and concurrently declared a Local Health Emergency;

WHEREAS, on March 16, 2020, Governor Newsom issued Executive Order N-28-20 that authorizes local governments to halt evictions for renters, encourages financial institutions to slow foreclosures, and protects renters and homeowners against utility shutoffs for Californians affected by COVID-19;

WHEREAS, on March 19, 2020, the Chair of the Board issued an Executive Order ("Executive Order") that imposed a temporary moratorium on evictions for non-payment of rent by residential or commercial tenants impacted by COVID-19 ("Moratorium"), commencing March 4, 2020 through May 31, 2020 ("Moratorium Period");

WHEREAS, on March 21, 2020, due to the continued rapid spread of COVID-19 and the need to protect the community, the County Health Officer issued a revised Safer at Home Order for Control of COVID-19 ("Safer at Home Order") prohibiting all events and gatherings and closing non-essential businesses and areas until April 19, 2020;

WHEREAS, on March 27, 2020, Governor Newsom issued Executive Order N-37-20 extending the period for response by tenants to unlawful detainer actions and prohibiting evictions of tenants who satisfy the requirements of Executive Order N-37-20;

WHEREAS, on March 31, 2020, the Board ratified the County's Executive Order and amended the ratified Executive Order to include a ban on rent increases in the unincorporated County to the extent permitted by State law and consistent with Chapter 8.52 of the County Code;

WHEREAS, on April 6, 2020, the California Judicial Council, the policymaking body of the California courts, issued eleven temporary emergency measures, of which Rules 1 and 2 effectively provide for a moratorium on all evictions and judicial foreclosures;

WHEREAS, COVID-19 is causing and is expected to continue to cause serious financial impacts to Los Angeles County residents and businesses, including the substantial loss of income due to illness, business closures, loss of employment, or reduced hours, impeding their ability to pay rent;

WHEREAS, displacing residential and commercial tenants who are unable to pay rent due to such financial impacts will worsen the present crisis by making it difficult for them to comply with the Safer at Home Order, thereby placing tenants and many others at great risk;

WHEREAS, while it is the County's public policy and intent to close certain businesses to protect public health, safety and welfare, the County recognizes that the interruption of any business will cause loss of and damage to the business. Therefore, the County finds and declares that the closure of these businesses is mandated for the public health, safety and welfare and that the physical loss of and damage to businesses is resulting from the shutdown and that these businesses have lost the use of their property and are not functioning as intended;

WHEREAS because homelessness and instability can exacerbate vulnerability to, and the spread of, COVID-19, the County must take measures to preserve and increase housing security and stability for Los Angeles County residents to protect public health;

WHEREAS, a County-wide approach to restricting displacement is necessary to accomplish the public health goals of limiting the spread of the COVID-19 virus as set forth in the Safer at Home Order;

WHEREAS, based on the County's authority during a state of emergency pursuant to Government Code section 8630, et seq. and Chapter 2.68 of the County Code, the County may issue orders to all incorporated cities within the County to provide for the protection of life and property, where necessary to preserve the public order and safety; and

WHEREAS, due to the continued, rapid spread of COVID-19 and the need to preserve life and property, the County has determined that continued evictions in the County and all of its incorporated cities during this COVID-19 crisis would severely impact the health, safety and welfare of County residents.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES DOES HEREBY PROCLAIM, RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1: The Executive Order is hereby amended to also include a temporary moratorium on eviction for non-payment of space rent on mobilehome owners who rent space in mobilehome parks. This Executive Order is expanded to include all incorporated cities within the County of Los Angeles pursuant to Government Code section 8630, et

seq. and Chapter 2.68 of the County Code, exempting therefrom cities that have local eviction moratoria in place.

SECTION 2: The Executive Order has been ratified and amended to prohibit rent increases for residential units and mobilehome owners in the unincorporated County during the Moratorium Period, unless extended, to the extent permitted by State law and consistent with Chapters 8.52 and 8.57 of the County Code. The Executive Order, also prohibits a landlord from imposing any new pass-throughs permitted in Chapters 8.52 and 8.57 of the County Code or charging interest or late fees on unpaid rent during the Moratorium Period, and bars landlords from attempting to collect any interest and late fees incurred during this Moratorium Period following the termination of the Moratorium.

SECTION 3: The Executive Order hereby amends Paragraph 1.b to read as follows: "For purposes of this Executive Order, 'financial impacts' means substantial loss of household income or loss of revenue or business for commercial tenants due to business closure, loss of compensable hours of work or wages, layoffs, or extraordinary out-of-pocket medical expenses. A financial impact is "related to COVID-19" if it was a result of any of the following: (1) suspected or confirmed case of COVID-19, or caring for a household or family member who is suspected or confirmed with COVID-19; (2) lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19; (3) compliance with a recommendation from the County's Health Officer to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (4) extraordinary out-of-pocket medical expenses related to diagnosis and testing for and/or treatment of COVID-19; or (5) child care needs arising from school closures related to COVID-19. No landlord shall initiate an eviction proceeding during the Moratorium Period for unauthorized occupants, pets or nuisance as necessitated by or related to the COVID-19 emergency. For purposes of this Executive Order, a commercial tenant includes, but is not limited to, a tenant using a property as a storage facility for commercial purposes."

SECTION 4: The Executive Order hereby amends Paragraph 1.e to read as follows: "Tenants shall have twelve (12) months following the end of the Moratorium Period to pay the Landlord any amounts due and owing pursuant to Paragraph I. Tenants and Landlords are encouraged to agree to a payment plan during this twelve-month period, but nothing in this Executive Order shall be construed to prevent a Landlord from requesting and accepting partial rent payments, or a Tenant from making such payments, during the twelve-month period if the Tenant is financially able to do so. Residential Tenants, and commercial Tenants with less than ten (10) employees, may provide and Landlord must accept a self-certification of Tenant's inability to pay rent and to provide notice to the Landlord to that effect."

SECTION 5: The Executive Order is hereby amended to prohibit landlords, and those acting on their behalf, from harassing or intimidating tenants for acts or omissions by tenant expressly permitted under the Executive Order, as amended, and this Resolution.

SECTION 6: The Executive Order is hereby amended to address the County's public policy and intent to close certain businesses to protect public health, safety and welfare, and the County recognizes that the interruption of any business will cause loss of and damage to the business. Therefore, the County finds and declares that the closure of these businesses is mandated for the public health, safety and welfare and that the physical loss of and damage to businesses is resulting from the shutdown and that these businesses have lost the use of their property and are not functioning as intended.

SECTION 7: That this Resolution shall take effect immediately upon its passage and shall remain in effect until May 31, 2020, unless extended or repealed by the Board of Supervisors, or its designee.

The foregoing Resolution was adopted on the 14th day of April 2020, by the Board of Supervisors of the County of Los Angeles.



Board of Supervisors of the
County of Los Angeles

By Karmyn Berger
Chair

APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel

By: Suzanne Pouchet
Deputy

ATTEST: CELIA ZAVALA
EXECUTIVE OFFICER
CLERK OF THE BOARD OF SUPERVISORS

By: Rachelle Ami Heuman, Deputy

Attachment C

Al Fresco Dining and Retail Pilot Program: Temporary Use Permit, Encroachment Permit, Parking and Sidewalk Dining Permit Requirements

The Planning Director, of their designee, shall review and approve a Temporary Use Permit (TUP) for temporary outdoor dining and retail display in accordance with South Pasadena Municipal Code (SPMC) Section 36.410.059. The Public Works Director, of their designee, shall review and approve all sidewalk dining permits. All temporary outdoor dining and retail uses in association with the Coronavirus shall adhere to the appropriate social distancing protocols established by the Los Angeles County Department of Public Health and may be established within existing on-site parking or other private spaces. The TUP may be issued until the March 18, 2020 Local Emergency Declaration has been lifted. Use of on-street parking or street closures will be subject to a temporary encroachment permit.

Parking and Loading Spaces Reduction

A temporary reduction of up to 50% of existing parking or loading spaces, or as approved by the Planning Director, to accommodate additional outdoor dining or retail space under this program.

Outdoor Dining

- A. Review requirement. A temporary outdoor dining or seating area for restaurants or other establishments with a public eating license in association with the Coronavirus shall require approval of a Temporary Use Permit, and shall be developed in compliance with an approved site plan which indicates the areas dedicated for outdoor dining and the maximum seating capacity for the outdoor dining area in accordance with the appropriate social distancing protocols. The following standards from SPMC Section 36.350.130 (Outdoor Dining) as modified shall be followed:
- B. Location requirements.
 1. Patron tables and other outdoor dining area components shall be located on the same site as the other facilities of the restaurant or within nearby public right-of-way.
 2. All seating shall ensure enough space to adhere to the appropriate social distancing protocols.
 3. If any portion of the outdoor dining area is to be located within a public right-of-way, an Encroachment Permit shall be obtained in compliance with the Municipal Code concurrent with the approval of a Temporary Use Permit for the outdoor dining area; or if the outdoor dining area is to be located within a sidewalk a Sidewalk Dining Permit shall be obtained.
 4. When located immediately adjacent to a residential use, provisions shall be made to minimize noise, light, and odor impacts on the residential use.
- C. Hours of operation. The hours and days of operation of the outdoor dining area shall be the same as the hours and days of operation of the primary business and shall be identified in the approved Temporary Use Permit.
- D. Lighting. Illuminated outdoor dining areas shall incorporate lighting which shall be installed to prevent glare onto, or direct illumination of, any residential property or use, in compliance with Section 36.300.090 (Outdoor Lighting).

- E. Alcoholic beverage sales. A restaurant that proposes to serve alcoholic beverages within an outdoor dining area shall comply with the standards established by the State Department of Alcoholic Beverage Control. The dining area shall be:
 - 1. Physically defined and clearly a part of the restaurant it serves; and
 - 2. Supervised by a restaurant employee to ensure compliance with laws regarding the on-site consumption of alcoholic beverages.
- F. Operating requirements.
 - 1. Clean-up facilities and maintenance. Outdoor dining areas shall be kept in a clean condition and free of litter and food items which constitute a nuisance to public health, safety, and welfare.
 - 2. Outdoor cooking. Cooking within an outdoor dining area may occur only with Administrative Use Permit approval.
 - 3. Placement of tables. Tables shall be placed only in the locations shown on the approved site plan.
- G. Design compatibility. The following standards are intended to ensure compatibility with surrounding uses and a high standard of design quality wherever possible.
 - 1. Outdoor dining areas and associated structural elements, awnings, covers, furniture, umbrellas, or other physical elements which are visible from the public rights-of-way, shall be compatible with the overall design of the main structures.
 - 2. The use of awnings, plants, umbrellas, and other human scale elements is encouraged to enhance the pedestrian experience.
 - 3. The relationship of outdoor dining areas to churches, hospitals, public schools, and residential uses shall be considered by the Director. Proper mitigation measures should be applied to eliminate potential impacts related to glare, light, loitering, and noise.
 - 4. Outdoor dining areas shall maintain adequate vehicular or pedestrian traffic flow.
- H. Additional standards. At the discretion of the Director, the following additional standards may apply to outdoor dining areas. The applicability of these standards shall be specified in the permit approving the outdoor seating area.
 - 1. Amplified sound and music may be prohibited within the outdoor dining area.
 - 2. A sound buffering, acoustic wall may be required along property lines adjacent to the outdoor dining area. The design and height of the wall shall be approved by the Director.

Outdoor Display and Retail Activities.

- A. Accessory outdoor display. Outdoor displays incidental and complementary to an allowed use on commercially or publicly zoned parcels shall be subject to the approval of a Temporary Use Permit approved by the Director, and all of the following standards, as modified from SPMC Section 36.350.140.
 - 1. Outdoor displays shall be:
 - a. Compliant with to the appropriate social distancing protocols established by the Los Angeles County Department of Public Health.
 - b. Approved with a defined fixed location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, or parking spaces. Displays shall not obstruct traffic safety sight areas or otherwise create hazards for vehicle or pedestrian traffic. They

- shall also be placed so that the clear space for the passage of pedestrians upon the sidewalk is not reduced to less than six feet on minor arterials and eight feet on major arterials. All placement within the public right-of-way shall require the approval of an encroachment from the Public Works Director.
- c. Directly related to a business occupying a permanent structure on the same site, and shall display only goods of the primary business on the same site, provided that display may extend into or enter over any public sidewalk by a maximum of two feet, where authorized by an Encroachment Permit issued by the Public Works Director;
 - d. Limited to the hours of operation of the business, be portable and removed from public view at the close of each business day.
 - e. Managed so that display structures and goods are maintained at all times in a clean and neat condition, and in good repair;
 - f. All temporary displays shall ensure enough space to adhere to the appropriate social distancing protocols; and
 - g. Placed to not block structure entrances and on-site driveways.
2. Outdoor displays shall not be:
- a. Placed within 100 feet of any residential dwelling, except for mixed-use projects; or
 - b. Placed so as to impede or interfere with the reasonable use of the store front windows for display purposes.

Attachment D

ANALYSIS

This ordinance adds to the Los Angeles County COVID-19 Worker Protection Ordinance by adding Chapter 8.203 to Title 8 – Consumer Protection, Business and Wage Regulations – of the Los Angeles County Code, establishing a cap on fees that a food delivery platform may charge to restaurants and requiring disclosures to be made by the food delivery platform to customers.

MARY C. WICKHAM
County Counsel

By 

JASON CARNEVALE
Deputy County Counsel
Government Services Division

JC:eb

Requested: 6/9/20
Revised: 7/14/20

ORDINANCE NO. _____

An ordinance adding Chapter 8.203 (Food Delivery Platforms) to Division 5 – COVID-19 Worker Protections of Title 8 – Consumer Protection, Business and Wage Regulations of the Los Angeles County Code, establishing a cap on fees that a food delivery platform may charge to restaurants and requiring disclosures to be made by the food delivery platform to customers.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Chapter 8.203 is hereby added to read as follows:

Chapter 8.203 COVID – 19 Food Delivery Platforms

8.203.010 Purpose.

8.203.020 Definitions.

8.203.030 Prohibitions.

8.203.040 Disclosures.

8.203.050 Enforcement.

8.203.060 No Waiver of Rights.

8.203.060 Severability.

8.203.070 Report.

8.203.010 Purpose.

As a result of the COVID-19 pandemic, restaurants and food establishments are confronting significant economic insecurity. The Los Angeles County Health Officer's "Safer at Home" orders restricted in-person dining at restaurants leading to a surge in the use of third-party food delivery platforms. In addition to fees that may be charged to

the customer, the food delivery platforms also charge restaurants and food establishments fees, which may not be obvious or transparent to the customer. Restaurants and food establishments have limited bargaining power to negotiate lower fees with the food delivery platforms and must accept these fees or risk closure. Restaurants and food establishments are essential to the public health and welfare, particularly during the upheaval resulting from the pandemic. Therefore, the County hereby enacts legal protections for the restaurants and food establishments by addressing the fees that food delivery platforms may charge restaurants and food establishments and requiring disclosure of such fees to customers.

8.203.020 Definitions.

The following definitions shall apply to this Chapter:

- A. "County" means the unincorporated areas of the County of Los Angeles.
- B. "Customer" means any person, firm, or association who makes use of a Food Delivery Platform for the purpose of obtaining Food from a Restaurant.
- C. "Delivery Fee" means a fee charged by a Food Delivery Platform to a Restaurant for the act of delivering the Food from the Restaurant to a Customer. The term does not include any other fee or cost that may be charged by the Food Delivery Platform to a Restaurant, such as listing, subscription, or advertising fees, or fees related to processing an Online Order, including, but not limited to, service fees, fees for facilitating customer pick-up, and credit card processing fees.
- D. "Food" shall have the same meaning as set forth in Section 11.02.250 of the Los Angeles County Code.

E. "Food Delivery Platform" means any person, firm, or association that utilizes an online website, mobile application, or other similar presence to interact with Customers, to act as an intermediary between its Customers and a Restaurant, and offers or arranges for the sale, delivery, or pick-up of Food sold or prepared by a Restaurant located in the County.

F. "Online Order" means an order placed by a Customer through or with the assistance of a Food Delivery Platform, including telephone orders, orders made over the internet through a website, and orders made via a mobile application, for delivery to, or pick-up by, the Customer.

G. "Purchase Price" means the price for the items contained in an Online Order, minus any applicable coupon or promotional discount provided to the Customer by the Restaurant through the Food Delivery Platform. This definition does not include taxes, gratuities, or any other fees or costs that may make up the total amount charged to the Customer of an Online Order.

H. "Restaurant" shall have the same meaning as set forth in Section 8.04.400 of the Los Angeles County Code.

I. "Worker" means any person working for a Food Delivery Platform, including as an employee or an independent contractor.

8.203.030 Prohibitions.

A. It shall be unlawful for a Food Delivery Platform to charge a Restaurant any combination of fees, commissions, or costs that totals more than 20 percent of the

Purchase Price of each Online Order. Fees, commissions, or costs includes a Delivery Fee.

B. It shall be unlawful for a Food Delivery Platform to charge a Restaurant a Delivery Fee that totals more than 15 percent of the Purchase Price of each Online Order.

C. It shall be unlawful for a Food Delivery Platform to charge a Restaurant a Delivery Fee for an Online Order that does not involve the delivery of Food.

D. It shall be unlawful for a Food Delivery Platform to charge a Restaurant any fee, commission, or cost other than as permitted in Subsections A through C, above.

E. It shall be unlawful for a Food Delivery Platform to reduce the compensation, including any tip or gratuity, paid to any Worker as a result of the Prohibitions in this Chapter.

8.203.040 Disclosures.

A. A Food Delivery Platform shall disclose to the Customer an accurate, clearly identified, and itemized cost breakdown for each and every Online Order, including the following:

1. The Purchase Price of any Food.
2. Each and every fee, commission, or cost charged to the Customer.
3. Each and every fee, commission, or cost charged to the

Restaurant, including any Delivery Fee.

4. Any tip or gratuity authorized by the Customer to be paid to the Worker delivering the Food.

B. None of the fees, commissions, or costs in Subsection A, above, may be combined together.

8.203.050 Enforcement.

A. A Restaurant, Customer or Worker claiming a violation of this Chapter may bring an action in Superior Court of the State of California against a Food Delivery Platform and may be awarded:

1. All actual damages suffered.
2. Other legal or equitable relief the court may deem appropriate.
3. The court shall award reasonable attorneys' fees and costs to a

Restaurant, Customer, or Worker who prevails in any such enforcement action. If a Restaurant, Customer, or Worker fails to prevail against a Food Delivery Platform, a court may award reasonable attorneys' fees and costs to the Food Delivery Platform upon a determination by the court that the action was frivolous.

B. A civil action alleging a violation of any provision of this Chapter shall commence only after the following requirements have been met:

1. The Restaurant, Customer or Worker provides written notice to the Food Delivery Platform of the specific Section of this Chapter which is alleged to have been violated and the facts to support the alleged violation; and

2. The Food Delivery Platform is provided 45 days from the date of receipt of the written notice to cure any alleged violation.

8.203.060 No Waiver of Rights.

Except for a collective bargaining agreement provision, any waiver by a Worker of any or all provisions of this Chapter shall be deemed contrary to public policy and shall be void and unenforceable. Other than in connection with the bona fide negotiation of a collective bargaining agreement, any request by a Food Delivery Platform to a Worker to waive rights given by this Chapter shall be a violation of this Chapter.

8.203.070 Severability.

If any subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The Board of Supervisors hereby declares that it would have adopted this Chapter and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the Chapter would be subsequently declared invalid or unconstitutional.

8.203.080 Report.

Within 90 days of the expiration of the "Safer at Home" order issued by the Los Angeles County Health Officer restricting indoor in-person dining at Restaurants, the Chief Executive Office shall report to the Board of Supervisors on the effectiveness of the provisions of this Chapter, recommendations for additional protections that

further the intent of this Chapter, and whether the provisions of this Chapter are still necessary based on the County's recovery from the impacts of the COVID-19 pandemic.

[CH8203CCJC]



City Council Agenda Report

ITEM NO. 15

DATE: August 5, 2020

TO: Honorable Mayor and Council Members

FROM: Stephanie DeWolfe, City Manager
Joanna Hankamer, Director of Planning and Community Development

PREPARED BY: Kanika Kith, Planning Manager

SUBJECT: **Zoning Code Amendment for Streamline Planning Review and Minor Clean-up.**

Recommendation

Staff recommends that the City Council adopt an Ordinance amending South Pasadena Municipal Code (SPMC) Chapter 36 (Zoning) - Sections 36.400.020 (Authority of Land Use and Zoning Decisions), 36.400.040 (Application Preparation and Filing), 36.410.040 (Design Review), 36.410.060 (Conditional Use Permits and Administrative Use Permits), 36.410.065 (Hillside Development Permits), 36.420.020 (Time Limits and Extensions), 36.600.050 (Design Review Board), 36.610.050 (Applying, Filing, Processing and Decisions), 36.630.020 (Notice of Hearing), 36.630.040 (Review Authority Decision and Notice), and 36.630.050 (Recommendation by Planning Commission).

Commission Review

On July 14, 2020, the Planning Commission considered the proposed Zoning Code Amendment and voted 5-0 to recommend approval to City Council.

Executive Summary

On May 6, 2020, the City Council adopted an Urgency Ordinance amending several sections of the Zoning Code to streamline Planning approval processes and toll planning and permitting deadlines. At adoption of the Ordinance, the Council directed staff to have the Planning Commission review the content of the Urgency Ordinance and provide its recommendation to the City Council for adoption of the same or similar Ordinance by August 2020.

The adopted Urgency Ordinance was presented to the Planning Commission, Cultural Heritage Commission, and Design Review Board in May 2020.

Subsequently, the proposed Zoning Code Amendment, which includes the changes included in the adopted Urgency Ordinance plus additional changes to address Cultural Heritage Commission's recommendation, was presented to the Planning Commission for consideration on July 14, 2020.

Project Description

Some of the code amendments in the Urgency Ordinance and proposed here are clarifications of existing processes intended to continue; while other proposed amendments are recommended to modify existing approval processes to streamline project review. The amendments in the Urgency Ordinance had immediate benefits in time and cost-savings for applicants and for the City, and staff recommends this replacement Ordinance that has been reviewed by the Planning Commission.

A brief summary of the significant changes to the Zoning Code as adopted by the Urgency Ordinance and proposed for the replacement Ordinance is provided below.

Proposed Modifications, included in the Adopted Urgency Ordinance:

1. Shifting Planning Commission (PC) review for existing hillside homes to Design Review Board (DRB) or DRB Chair. This shift allows Planning Commission to focus on long range planning (e.g. General Plan Update, Downtown Specific Plan, Housing Element update, Code Amendments) and large development projects. The shift also allows for a more even spread of projects across the Planning Commission, Cultural Heritage Commission (CHC), and DRB.
 - Examples of this shift from PC include to the DRB or DRB Chair include:
 - A large addition (over 500 sq. ft.) or significant exterior changes to an existing hillside home would be reviewed by the Design Review Board
 - Small additions and exterior changes to existing hillside homes not visible to the street would be reviewed by the DRB Chair
2. Shifting DRB review of simpler projects, non-hillside homes, to the DRB Chair or Planning Director for approval. For example:
 - DRB Chair Review - Small additions above the first floor where the addition would not exceed the height of the existing structure
 - DRB Chair Review – Minor exterior changes visible to the street and do not change the architectural style of the existing structure
 - Planning Director Review – Small additions or exterior changes on the 1st floor and not visible to the street;
3. Shifting DRB Chair approval authority to the Planning Director, and adding Planning Director-level approval authority for changes to buildings/properties that are not visible from the street;
4. Allowing the Planning Director to consider an Administrative Use Permit without holding a public Director’s Hearing if and only if, after a full public notice process, no neighbors within a 300-foot radius request a public hearing.

5. Consistency between code sections regarding a 2008 code amendment for project streamlining in which hillside homes and large projects skip DRB to go directly to Planning Commission for design review.
 - The adopted Urgency Ordinance also calls for the formation of a DRB Subcommittee for large projects, to work with staff during the early phases of project review, before the project goes to the Planning Commission
6. Clarification of the Cultural Heritage Commission's role in the review of large projects where a historic resource is involved (example Mission Bell)
7. Correction of public noticing language; bringing all public hearing notice requirements in compliance with state law (publish notice in the newspaper, sending notices within a 300-ft radius)
8. Providing a clear process for approving administrative time extensions by the Planning Director
9. Clarify that the appeal period for planning approvals is 15 calendar days.

Proposed Modifications that are not in the adopted Urgency Ordinance – Per CHC Request

10. Amend Section 36.400.020, Table 4-1 Review Authority, to include CHC authority to certify CEQA documents; and
11. Amend Section 36.400.030 to create a process for the Planning Commission to refer the project to CHC or have a joint meeting prior to making a decision when a Planning Commission decision could potentially affect the historic component of the project or contradictory to the CHC recommendation.

Discussion/Analysis

Zoning Code Section 36.620.070(B) requires the following findings for Zoning Code amendments.

1. The proposed amendment is consistent with the actions, goals, objectives, policies, and programs of the General Plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.
3. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

General Plan Consistency

The proposed changes to the Zoning Code are consistent with goals/objectives and policies in the General Plan as it will remove inconsistency within the Zoning Code and streamline the review process to encourage maintenance and restoration of the city's existing housing stock and promote commercial revitalization and economic development.

Zoning Code Compliance

The proposed Zoning Code Amendment includes removing internal inconsistencies, shortening the review process for exterior renovation to existing structures, and creating a shorter review period for additions to existing hillside homes while having proper oversight as desired by the community. The proposed changes would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City as the changes are limited to clarifying and removing existing inconsistencies and creating a process to promote maintenance of existing structures and limited expansion to existing structures.

For example, the Director Approval process allows the Planning Director to approve proposed exterior changes that are not visible from the public right of way such as window and door changes and additions to the back of the house that require less discretion. The DRB Chair review process allows the Chair to approve exterior changes on the second floor that do not change the architectural character of the house such as replacing existing siding or addition of less than 500 square feet that would not be visible from the public right of way. The DRB Subcommittee will be an extra layer of oversight for large project that do not go to DRB for review.

The required finding for approval and supporting evidence were reviewed and recommended for approval by the Planning Commission on July 14, 2020 to the City Council for the proposed Code Amendment.

Legal Review

The City Attorney has reviewed this Staff Report.

Fiscal Impact

If adopted, the proposed Zoning Code Amendment would continue to be a time and cost-savings for applicants and for the City. Staff anticipates a 25-35% reduction in staff time to process applications, allowing staff to immediately address a backlog of applications, and a 3-6 month time-savings for applicants depending on the complexity of application.

Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the agenda and reports on the City's website, publication of a notice in the *South Pasadena Review*.

Attachments

1. CC Ordinance & Proposed Zoning Code Amendment Sections
2. Redline of Proposed Zoning Code Amendment Sections
3. PC Resolution, Staff Report, and Additional Document

ATTACHMENT 1
Ordinance &
Proposed Zoning Code Amendment Sections

ORDINANCE NO. 20-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA APPROVING A PROPOSED ZONING CODE AMENDMENT AMENDING SOUTH PASADENA MUNICIPAL CODE (SPMC) CHAPTER 36 (ZONING) - SECTIONS 36.400.020 (AUTHORITY OF LAND USE AND ZONING DECISIONS), 36.400.040 (APPLICATION PREPARATION AND FILING), 36.410.040 (DESIGN REVIEW), 36.410.060 (CONDITIONAL USE PERMITS AND ADMINISTRATIVE USE PERMITS), 36.410.065 (HILLSIDE DEVELOPMENT PERMITS), 36.420.020 (TIME LIMITS AND EXTENSIONS), 36.600.050 (DESIGN REVIEW BOARD), 36.610.050 (APPLYING, FILING, PROCESSING AND DECISIONS), 36.630.020 (NOTICE OF HEARING), 36.630.040 (REVIEW AUTHORITY DECISION AND NOTICE), AND 36.630.050 (RECOMMENDATION BY PLANNING COMMISSION).

WHEREAS, in December 2019, a novel coronavirus known as SARS-CoV-2 was first detected in Wuhan, Hubei Province, People’s Republic of China, causing outbreaks of the coronavirus disease COVID-19 that has now spread globally;

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency to exist in California as a result of COVID-19;

WHEREAS, on March 4, 2020, the Chair of the Los Angeles County Board of Supervisors and the Los Angeles County Health Officer declared a local emergency and a local health emergency, respectively, as a result of COVID-19;

WHEREAS, on March 12, 2020, Governor Gavin Newsom signed Executive Order N- 25-20 giving state and local public health officials the authority to issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences or other mass events;

WHEREAS, on March 18, 2020, the City adopted Resolution 7646, declaring a local emergency in response to COVID-19, including adopting regulations restricting private and public facilities and gatherings; and

WHEREAS, on March 19, 2020, Los Angeles Public Health officials announced a “Safer at Home” order prohibiting all indoor and outdoor public and private gatherings and events, and requiring that all businesses cease operations and close to the public, which order has been extended through May 15, 2020; and

WHEREAS, while planning and building services have been adjusted to remote access, certain inefficiencies in processing development applications have been amplified, and require amendments and clarifications in order to provide immediate benefits in time and cost-savings for applicants and the City; and

WHEREAS, given the sudden and widespread economic downturn affecting businesses, residents and City revenue streams as a result of the spread of COVID-19 and the “Safer at Home” orders, amending the zoning code on an immediate, urgency basis, is necessary to provide immediate

time and cost-effective streamlining of planning applications for the benefit of the public health, safety and welfare in the City of South Pasadena; and

WHEREAS, on May 6, 2020 the City Council adopted an urgency ordinance, not in conflict with general laws, as necessary to protect public peace, health, and safety, via exercise of the powers provided to cities in Article XI, Section 7, of the California Constitution, and in compliance with Government Code section 36937, and directed staff to bring back an ordinance to replace urgency ordinance for consideration in August 2020 after review by the Planning Commission; and

WHEREAS, on May 12, 2020, the adopted Urgency Ordinance was presented to the Planning Commission and no requested changes were received; and

WHEREAS, on May 14, 2020, the adopted Urgency Ordinance was presented to the Design Review Board (DRB). Several questions about DRB chair review, DRB Subcommittee, and Hillside Development Permits were asked. Positive feedbacks were provided and no changes were requested; and

WHEREAS, On May 21, 2020, the adopted Urgency Ordinance was presented to the Cultural Heritage Commission (CHC) and two changes related to the CHC recommendation of a Certificate of Appropriateness listed below were requested:

1. CHC authority on certification of an Environmental Impact Report for Certificate of Appropriateness for project not involving Planning Commission approval.
2. CHC authority to review changes to a project that could affect the historic component of the project after CHC review or if the Planning Commission's decision could be potentially contradictory to the CHC recommendation.

WHEREAS, the City determined that the proposed Zoning Code Amendment qualifies for an exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines § 15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It may be seen with certainty that there is no possibility this Zoning Code Amendment may have a significant effect on the environment; and

WHEREAS, in accordance with state law, on July 3, 2020, City of South Pasadena Planning and Building Department published a legal notice in compliance with South Pasadena Municipal Code Section 36.630.020 concerning the proposed Zoning Code Amendment in the *South Pasadena Review*, a local newspaper of general circulation, regarding the City of South Pasadena Planning Commission meeting of July 14, 2020; and

WHEREAS, on July 14, 2020, the Planning Commission conducted a duly noticed public hearing, at which time public testimony was taken concerning the proposed Zoning Code Amendment, considered the proposed Zoning Code Amendment, and voted 5-0 adopting a Resolution recommending approval of the proposed Zoning Code Amendment with findings for approval to City Council; and

WHEREAS, in accordance with state law, on July 24, 2020, City of South Pasadena Planning and Building Department published a legal notice in compliance with South Pasadena Municipal Code Section 36.630.020 concerning the proposed Zoning Code Amendment in the *South Pasadena*

Review, a local newspaper of general circulation, regarding the City of South Pasadena City Council meeting of August 5, 2020; and

WHEREAS, on August 5, 2020, the City Council conducted a duly noticed public hearing, at which time public testimony was taken concerning the proposed Zoning Code Amendment and considered the proposed Zoning Code Amendment.

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

SECTION 1. The City Council hereby finds that the proposed Code amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines § 15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It may be seen with certainty that there is no possibility this Zoning Code Amendment may have a significant effect on the environment.

SECTION 2. The City Council finds that the proposed Zoning Code Amendment is consistent with all applicable findings for approval pursuant to South Pasadena Municipal Code Section 36.620.070(B), as follows:

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

The proposed Zoning Code Amendment could promote the following objectives and policies:

- **Goal 1:** *To manage change and target growth by type and location to better serve community needs and enhance the quality of life.*
- **Policy 1.7:** *Support managed change. Utilize means available to the City - including code enforcement, permit fee waiver, tax abatement, shared parking offsets, and offerings of expedited plan processing - to facilitate change as necessary.*
- **Goal 2:** *To increase city revenues by fostering commercial development.*
- **Policy 2.2:** *Promote the adaptive reuse of existing structures in the community where land use changes are occurring.*
- **Goal 6:** *To promote and enhance South Pasadena's image as being desirable location for business.*
- **Policy 6.3:** *Provide incentives to investors.*
- **Goal 1.0:** *Conserve the Existing Supply of Affordable Housing*
- **Objective:** *To maintain and enhance the quality of existing residential housing and neighborhoods in South Pasadena.*

The proposed Zoning Code Amendment is consistent with the goals/objectives and policies in the General Plan as it will remove consistency within the Zoning Code and streamline the review

process to encourage maintenance and restoration of existing housing stocks and promote commercial revitalization and economic development.

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

The Zoning Code Amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City as the changes are limited to clarifying and removing existing inconsistencies and creating a process to promote maintenance of existing structures and limited expansion to existing structures.

For example, the Director Approval process allows the Planning Director to approve proposed exterior changes that are not visible to the public such as windows and doors changes addition to the back of the house that requires little or no discretion. The DRB Chair review process allows the Chair to approve exterior changes on the second floor that do not change the architectural character of house such as replacing existing siding or addition of less than 500 square feet that would not be visible to the public. The DRB Subcommittee will be an extra layer of oversight for large project that do not go to DRB for review.

3. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code;

As stated in Finding 2 above, the proposed Zoning Code Amendment includes changes that are limited to clarifying and removing existing inconsistencies and creating a process to promote maintenance of existing structures and limited expansion to existing structures. The changes also include codifying existing processes intended to continue that were in place to address inconsistencies in the Code.

SECTION 3. The City Council hereby amends Chapter 36 (Zoning), Sections 36.340.030 (Permit and Application Requirements), Section 36.340.050 (Hillside Project Development Standards), 36.400.020 (Authority for Land Use and Zoning Decisions), 36.400.040 (Application Preparation and Filing), 36.410.040 (Design Review), 36.410.060 (Conditional Use Permits and Administrative Use Permits), 36.410.065 (Hillside Development Permits), 36.420.040 (Time Limits and Extensions), 36.600.050 (Design Review Board), 36.610.050 (Appeal Filing, Processing and Decisions), 36.630.020 (Notice of Hearing), 36.630.040 (Review Authority Decision and Notice) and 36.630.050 (Recommendation by Planning Commission) of the City of South Pasadena Municipal Code, attached hereto as **Exhibit "A"** incorporated herein by reference.

SECTION 4. The City Council hereby declares that, should any provision, section, subsection, paragraph, sentence, clause, phrase, or word of this ordinance or any part thereof, be rendered or declared invalid or unconstitutional by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, such decision or action shall not affect the validity of the remaining section or portions of the ordinance or part thereof. The City Council hereby declares that it would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, clauses, phrases, or words of this ordinance irrespective of the fact that any one or more provisions, sections, subsections, paragraphs, sentences, clauses, phrases, or words may be declared invalid or unconstitutional.

SECTION 5. The documents and other materials that constitute the record of the proceedings upon which the City Council's decision is based, which include, but are not limited to,

the environmental documents, staff reports, as well as all materials that support the staff reports for the proposed project, and are located in the Planning and Building Department of the City of South Pasadena at 1414 Mission Street, South Pasadena, CA 91030. The custodian of these documents is the City Clerk of the City of South Pasadena.

SECTION 6. Publication and Effective Date. Upon adoption of this Ordinance, the Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in a newspaper of general circulation within fifteen (15) days after its adoption. This Ordinance shall take effect 30 days after its adoption.

PASSED, APPROVED, AND ADOPTED this 19th day of August 2020.

Robert S. Joe, Mayor

ATTEST:

APPROVED AS TO FORM:

Evelyn G. Zneimer, City Clerk
(seal)

Teresa L. Highsmith, City Attorney

Date: _____

I HEREBY CERTIFY the foregoing ordinance was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 19th day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Evelyn G. Zneimer, City Clerk

(seal)

Exhibit “A”

Zoning Code Amendment Sections

Division 36.340. Hillside Protection

Sections:

- 36.340.010 Purpose of Division.
- 36.340.020 Applicability.
- 36.340.030 Permit and Application Requirements.
- 36.340.040 Hillside Development Design Guidelines.
- 36.340.050 Hillside Project Development Standards.

36.340.010 Purpose of Division.

The standards of this Division are intended to:

- A. Preserve the City’s scenic resources by encouraging retention of natural topographic features and vegetation;
- B. Acknowledge that as the slope of a development site increases so does the potential for environmental degradation including slope failure, increased erosion, sedimentation and stormwater run-off; and
- C. Encourage grading practices that are appropriate in hillside areas; and
- D. Encourage structures on hillside parcels to be designed with scale, massing, architectural design and detailing appropriate to maintain hillsides in a natural, open character.

(Ord. No. 2108 § 1.)

36.340.020 Applicability.

- A. Sloping sites. The standards in this Division apply to subdivisions, uses, structures, and to all other development on sites with an average of slope of 20 percent or greater.
- B. Exceptions. The provisions of Section 36.340.050 (Hillside Project Development Standards) shall not apply to parcels within the AM (Altos de Monterey) overlay zone, which are instead subject to the requirements of Section 36.250.030 (Altos de Monterey (AM) Overlay District).
- C. Determination of average slope. Average slope shall be determined by applying the following formula.

$$\text{Average Slope Formula: } S = \frac{100 (I \times L)}{A}$$

Where:

S = Average natural slope in percent.

I = Contour interval in feet, at not more than 10 foot intervals, resulting in at least five contour lines being shown on the contour map.

L = The sum of the length of all the contour lines across the parcel in scale feet. See Figure 3-25.

A = The gross area of the building site in square feet.

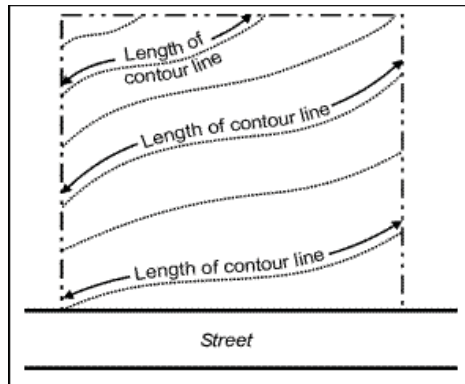


Figure 3-25. Measurement of Contour Line Length to Determine “L” in Slope Formula

- D. Guest parking spaces. Section 36.340.050H applies only to properties located on the following streets in the Southwest Monterey Hills area of the city: Hanscom Drive, Peterson Avenue, Illinois Drive, Hill Drive, Harriman Avenue, Randolph Avenue, Hulbert Avenue, Elkins Street, Moffatt Street.

(Ord. No. 2108 § 1 Ord. No. 2166, § 1, 2007.)

36.340.030 Permit and Application Requirements.

Development that is subject to this Division shall require a Hillside Development Permit (Section 36.410.065) and Design Review (Section 36.410.040). The application shall include:

- A. Basic application contents. All information and materials required by Section 36.400.040 (Application Preparation and Filing), and all additional materials required by the application contents handout provided by the Department for hillside development; and
- B. Geotechnical report. A preliminary geotechnical report that identifies and proposes mitigation measures for any soils or geological problems that may affect site stability or structural integrity. Depending upon the site characteristics and project design, a final geotechnical report may also be required as part of a subsequent Building Permit application.
- C. Constraints analysis. For properties that have sensitive environmental resources including endangered plants and animals, or a wildlife corridor designated by the City, a qualified professional approved by the Director shall prepare a site constraints analysis in compliance with Section 36.380.030. The report shall include proposed mitigation measures to effectively protect important biological features identified.

(Ord. No. 2108 § 1; Ord. No. 2183 § 15, 2009.)

36.340.040 Hillside Development Design Guidelines.

Proposed hillside development should satisfy as many of the following objectives as feasible, as determined through the Design Review process.

- A. Terrain alteration. The project should be designed to fit the terrain rather than altering the terrain to fit the project. Development patterns that form visually protruding horizontal bands or steeply cut slopes for roads or lots shall be avoided. Large-scale slope terracing, cribwalls, or significant slope modification is discouraged. Where alteration of the terrain is necessary, contour grading techniques should be utilized to help achieve a natural appearing slope. (See Section 36.340.050.F and Figure 3-33.)
- B. Street layout. Any new streets should follow the natural contours of the terrain to minimize the need for grading. Cul-de-sacs and loop roads are encouraged where necessary to fit the natural topography, subject to the approval of the City Engineer and Fire Chief.
- C. Location of structures. Structures should be located in the most accessible, least visually prominent, and most geologically stable portion or portions of the site. They should also be oriented with the natural contours of the

site. Siting structures in the least visually prominent locations is especially important on open hillsides where the prominence of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features.

D. Site layout and structure design. Building and site design should utilize varying setbacks and structure heights, split-level foundations, and low retaining walls to blend structures into the terrain.

E. Architectural design.

1. Form. Building forms should complement the character of the hillsides and avoid massive structures that dominate views of the hills.
2. Scale and windows—Infill lots. The scale of homes proposed on infill lots should be compatible with buildings on adjacent parcels. Where feasible, windows, balconies, and outdoor living areas should be located to protect the privacy of adjacent homes and yards.
3. Exterior wall surfaces. The apparent size of exterior wall surfaces visible from off the site should be minimized through the use of single story elements, setbacks, overhangs, roof pitches, landscaping, and/or other means of horizontal and vertical articulation to create changing shadow lines and break up massive forms.
4. Roofs. Roof pitches should generally be placed to follow the angle of the slope; but with variations to avoid a monotonous appearance. See Figure 3-26.

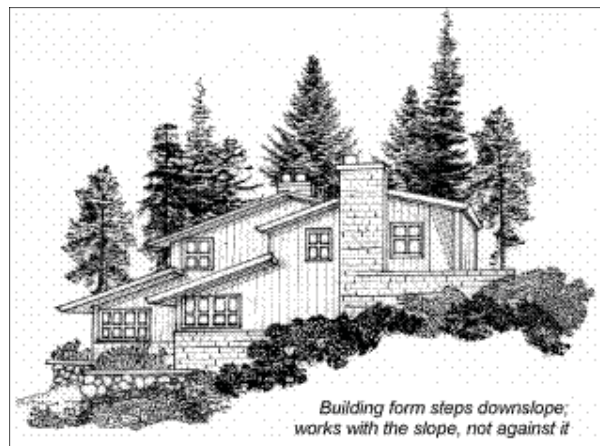


Figure 3-26. Design Sensitive to Terrain

Note: This diagram is intended to provide an example of building form, and is not intended to show a preferred architectural style.

5. Support structures. Support structures (for example, columns, pilings, etc.) below the lowest floor on the downhill side of a house, should be enclosed unless visible structural members are an integral feature of the architectural design. Support structure wall surfaces shall not exceed six feet in height.

F. View protection. New construction should not block views from other properties.

1. Where feasible, new structures and tall landscaping should not be placed directly in the view of the primary living areas on a neighboring parcel.
2. New structures should be placed on the lower areas of a hillside site.

3. Mechanical equipment may be placed on rooftops or below a deck only if the equipment is not visible from off the site, except for unobtrusive solar collectors that are compatible with the roof line and architecturally integrated with the structure.

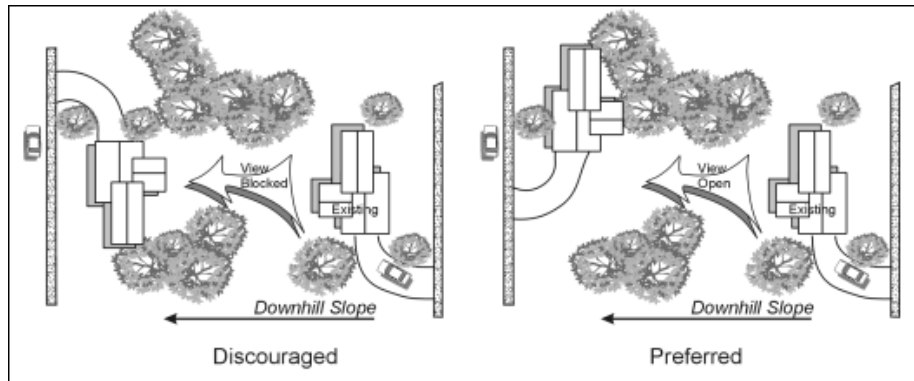


Figure 3-27. View Protection

- G. Colors and materials. A mixture of materials, color, and forms should be used to blend structures with the natural appearance of the hillsides:
 1. Based upon the graphic principle that dark colors are less noticeable than light colors, darker tones, including earth tones should be used for building walls and roofs on highly-visible sites so that buildings appear to blend in with the natural terrain.
 2. Surface materials should be appropriate for the architectural style of the structure and compatible with the hillside environment.
- H. Exterior lighting. Night views of the hillsides should not be dominated by bright lights. Lighting within high-visibility areas should be properly shielded to avoid glare and the spill of light to surrounding areas. Low-level lighting and the use of multiple low profile fixtures is encouraged, as opposed to the use of fewer, but taller fixtures.
- I. Retaining walls. Large retaining walls in a uniform plane shall be avoided. Retaining walls shall be divided into terraces with variations in plane and include landscaping to break up the length of walls and to screen them from view. No retaining wall shall be higher than six feet, and should incorporate a three foot recessed offset feature every 30 feet, or other methods of articulation. Retaining walls more than three feet high that are visible from off the site should be screened with landscaping. See Figure 3-28.

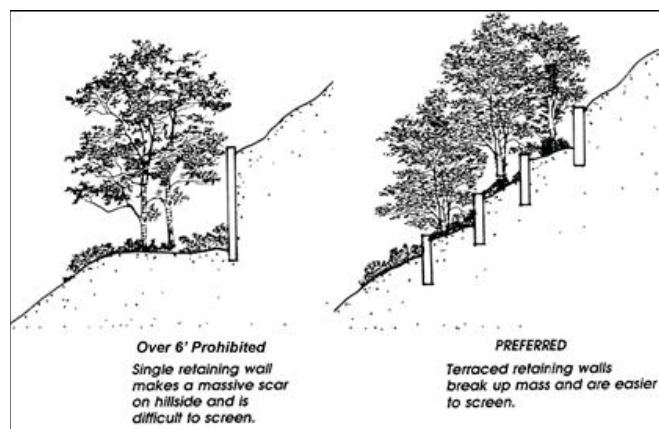


Figure 3-28. Retaining Wall Design

(Ord. No. 2108 § 1.)

36.340.050 Hillside Project Development Standards.

A. Setbacks. Hillside developments shall comply with the following setback requirements, and with the limitations on the allowable uses of setbacks in Section 36.300.030.E.3.

TABLE 3-10. HILLSIDE SETBACKS	
Property Setback	Setback Distance
Front	10 ft.
Side	10% of width, minimum 4 ft., maximum 10 ft.
Corner Side	10% of width, minimum 10 ft., maximum 15 ft.
Ridgeline (1)	50 vertical feet from ridgeline. Also see 36.340.050.C, and Figure 3-31.
Notes: (1) New structures or additions are prohibited within 50 feet of a ridgeline unless this restriction precludes development of the property. An exception may be granted if the review authority finds the following: a. There are no site development alternatives that avoid ridgeline development; b. The density has been reduced to the minimum standards consistent with the General Plan density range; c. No new subdivision of parcels is created that will result in ridgeline development; and d. The proposed development will not have significant adverse visual impacts due to modifications in structural design including height, bulk, size, foundation, siting, and landscaping that avoid or minimize the visual impacts of the development.	

B. Setbacks between structures and toes/tops of slopes. On adjacent lots having a difference in vertical elevation of three feet or more, the required side yard shall be measured from the nearest toe or top of slope to the structure, whichever is closer. See Figure 3-29.

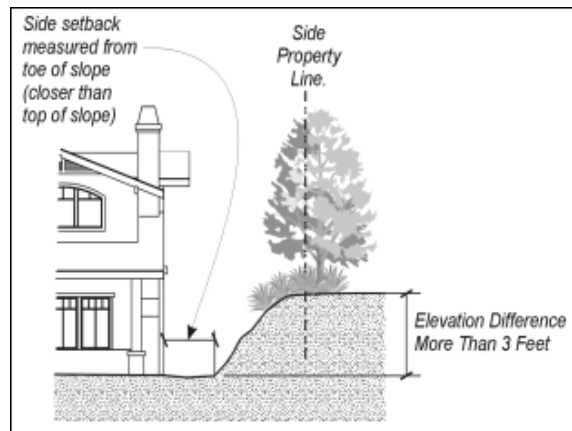


Figure 3-29. Side Setback Measurement

C. Height limitations. The maximum height for structures with a roof pitch of 3:12 or greater shall be 28 feet. If a roof pitch is less than 3:12, the maximum height shall be 24 feet.

1. Siting restrictions. Structures shall not be placed so that they appear silhouetted against the sky when viewed from a public street, except where the review authority determines that the only feasible building site cannot comply with this standard. See Figure 3-30.

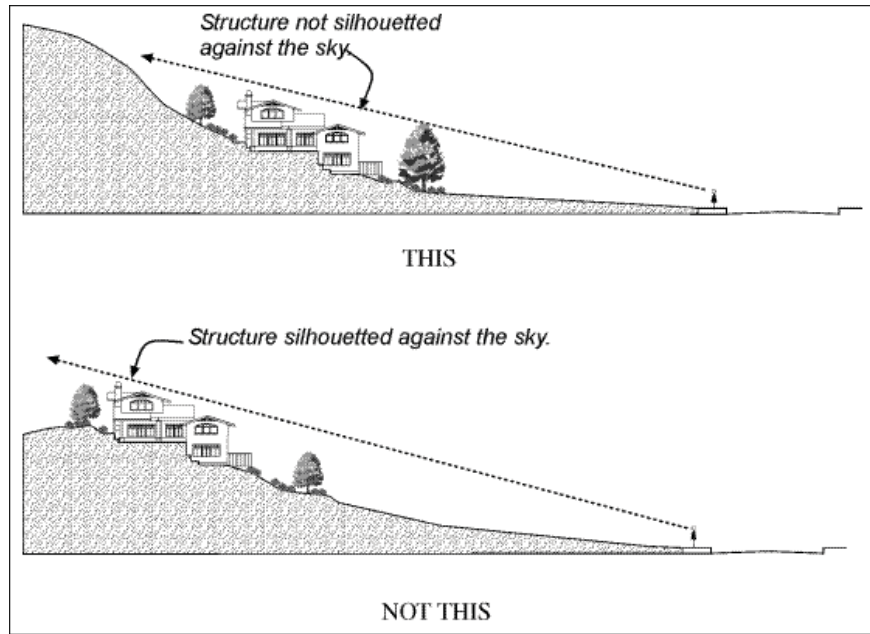


Figure 3-30. Silhouetted Structures

2. Placement below ridgeline. Except as provided by Subsection C.3, structures shall be located so that a vertical separation of at least 50 feet is provided between the top of the structure and the top of the ridge or knoll to maintain the natural appearance of the ridge. Grading should also be avoided within 50 vertical feet of the top of a ridge or knoll. Placement of structures should also take advantage of existing vegetation for screening, and should include the installation of additional native plant materials to augment existing vegetation, where appropriate. See Figure 3-31.

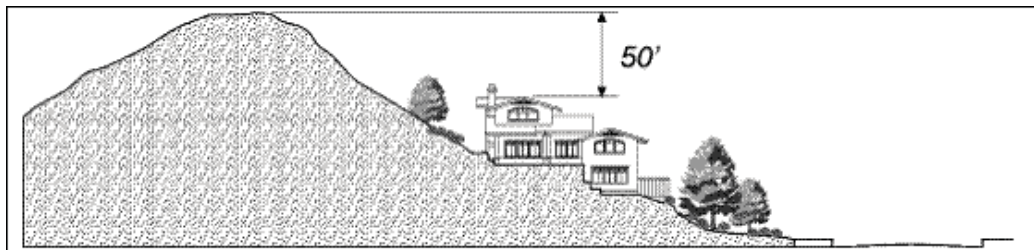


Figure 3-31. Location of Structures Below Ridgelines

3. Height limit above ridgeline. Where the review authority determines that a parcel contains no feasible building site other than where a structure will extend above the ridgeline, proposed structures shall not exceed a height of 16 feet above the highest point on the ridgeline or hilltop within 100 feet of the proposed structure.
4. Height of lowest floor level. The vertical distance between the lowest point where the foundation meets grade and the lowest floor line of the structure shall not exceed six feet.
5. Downhill building walls. No single building wall on the downhill side of a house shall exceed 15 feet in height above grade. Additional building height on a downhill side may be allowed in 15-foot increments, where each increment is stepped-back from the lower wall a minimum of 10 feet (see Figure 3-32).

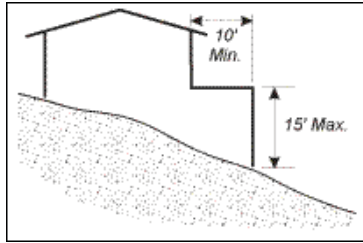


Figure 3-32. Height Limit for Downhill Building Walls

- D. Decks. No portion of the walking surface of a deck with visible underpinnings shall exceed a height of six feet above grade. Decks should be integrated into the architecture of the house, not appearing as an “add-on” to the primary building mass.
- E. Driveways. The ramp to any garage or carport shall not have a grade steeper than five percent within 10 feet of the garage or carport entry. The finished grade of driveways shall not exceed an average of 15 percent.
- F. Natural state. A minimum of 25 percent of the lot area plus the percentage figure of the average slope must be remediated to its natural state in terms of slope and vegetation.
- G. Grading. Grading plans shall be prepared in compliance with the Municipal Code, and the General Plan. Grading on slopes over 30 percent shall be permitted when sufficient technical information has been provided to support the determination that such development would have no negative impacts on the subject property, adjacent properties, or on the safety and welfare of the public. Grading shall utilize landform grading techniques. See Figure 3-33.

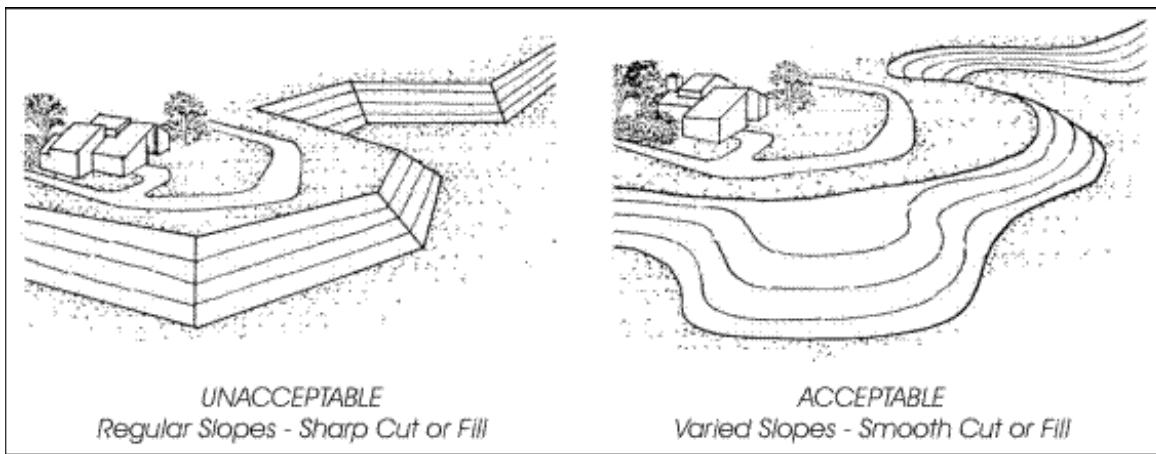


Figure 3-33. Appropriate Grading

- H. Southwest Monterey Hills guest parking spaces. The following guest parking space standards apply only to hillside properties (as defined in Section 36.340.020A) in the Southwest Monterey Hills area as defined by Section 36.340.020D.
 - 1. Required off-street guest parking spaces shall be provided in accordance with Section 36.310.040, Table 3-6 (Parking Requirements by Land Use). An application for a new house, or addition to an existing house that lacks the required off-street parking, shall provide details on the location and dimensions of required guest parking space/s, which shall be located perpendicular (or as close as possible to 90 degrees) to the right-of-way, and within or partially within the required front setback. If physical constraints preclude this location, the applicant shall provide written documentation of these constraints and provide the required off-street guest parking in the following order of preference:

- a. Parallel to the street and at least 10 feet wide by 24 feet deep. Access to a parallel parking space shall not be impeded by landscaping, trees, retaining walls, fences, the alignment of the right-of-way, or any other obstacle. Clear access shall be permanently retained; or
 - b. Other locations as approved by the Director. (The onus is placed on the applicant to demonstrate to the satisfaction of the Director that such a location will be functional and allow vehicles to be parked with no portion encroaching into the right-of-way.)
2. Paving limits. Front yard paving limits as listed in Section 36.300.030E.3.c (Setback Measurement and Exceptions) shall be observed, except when the required guest parking space/s can only be located in the front yard.
 3. Slope. The slope of uncovered parking space/s shall comply with the standards in Sections 36.310.080G.2 (Parking Design Standards) and 36.340.050E (Hillside Project Development Standards).
 4. Dimensions. Uncovered perpendicular spaces shall be at least 9 feet wide by 18 feet deep. Uncovered parallel spaces shall be at least 10 feet wide by 24 feet deep.
 5. Allowable materials. Parking space materials shall conform to the standards listed in 36.310.090C.2 (Driveways and Site Access).

(Ord. No. 2108 § 1; Ord. No. 2166, 2007.)

Division 36.400. Application Filing and Processing

Sections:

- 36.400.010 Purpose of Division.
- 36.400.020 Authority for Land Use and Zoning Decisions.
- 36.400.030 Concurrent Permit Processing.
- 36.400.040 Application Preparation and Filing.
- 36.400.050 Application Fees.
- 36.400.060 Application Review.
- 36.400.070 Environmental Assessment.

36.400.010 Purpose of Division.

This Division provides procedures and requirements for the preparation, filing, and processing of applications for the zoning approvals (e.g., Administrative Modifications, Conditional Use Permits, Home Occupation Permits, Temporary Use Permits, Variances, etc.) required by this Zoning Code.

(Ord. No. 2108 § 1.)

36.400.020 Authority for Land Use and Zoning Decisions.

Table 4-1 (Review Authority) identifies the City official or body responsible for reviewing and making decisions on each type of application, land use permit, and other approvals required by this Zoning Code.

TABLE 4-1. REVIEW AUTHORITY						
Type of Decision	Procedure is in Section:	Role of Review Authority (1)				
		Director	DRB (2)	CHC (3)	Planning Commission	City Council
Affordable Housing Review	36.370				Decision	Appeal
Density Bonus Review	36.370	Decision				
Development Agreement	36.430				Recommend	Decision
General Plan amendment	36.620				Recommend	Decision
Zoning Code Interpretation	36.110	Decision (4)			Appeal	Appeal
Specific Plan	36.440				Recommend	Decision
Zoning Map amendment	36.620				Recommend	Decision
Zoning Text amendment	36.620				Recommend	Decision
Administrative Modification	36.410.070	Decision (4)			Appeal	Appeal
Administrative Use Permit	36.410.060	Decision (4)			Appeal	Appeal
Certificate of Appropriateness	See Municipal Code			Decision (9)		Appeal
Conditional Use Permit	36.410.060				Decision	Appeal
CEQA Certification/ Adoption	36.400.070			Certify (5)	Certify (5)	Certify (5)
Emergency Shelters	36.350.250	Decision				
Hillside Development	36.410.065				Decision	Appeal

TABLE 4-1. REVIEW AUTHORITY

Type of Decision	Procedure is in Section:	Role of Review Authority (1)				
		Director	DRB (2)	CHC (3)	Planning Commission	City Council
Permit – New structures						
Minor Hillside Development Permit – Modifications to existing structures	36.410.065		Decision		Appeal	Appeal
Home Occupation Permit	36.410.030	Issued				
Valet Parking Use Permit	36.310.111				Decision	Appeal
Parking Use Permit	36.410.090	Decision			Appeal	Appeal
Planned Development Permit	36.410.100				Decision	Appeal
Planning Clearance	36.410.020	Issued				
Reasonable Accommodation	36.400.110	Decision			Appeal	Appeal
Sign Permit	36.320		Decision		Appeal	Appeal
Single Room Occupancy	36.350.260	Decision				
Temporary Use Permit	36.410.050	Issued				
Variance	36.410.080				Decision	Appeal
Design Review (6)	36.410.040		Decision		Appeal	Appeal
Design Review for Mixed-Use or Multi-Family of 7 dwelling units or more, or Not-Exempt from CEQA (7)	36.410.040		Subcommittee (10)		Decision	Appeal
Minor Design Review	36.410.040	Decision (8)			Appeal	Appeal

Notes:

(1) “Recommend” means that the review authority makes a recommendation to a higher decision-making body; “Decision” means that the review authority makes the final decision on the matter; “Appeal” means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Division 36.610 (Appeals); and “Issued” means the nondiscretionary permit shall be granted by the Director.

(2) “DRB” means the Design Review Board. (See Section 36.410.040.)

(3) “CHC” means the Cultural Heritage Commission. (See Municipal Code.)

(4) The Director may defer action on zoning approval applications and refer the items to the Commission for the final decision. In a similar manner, the Director may defer action on a Design Review application and refer the item to the DRB for the final decision.

(5) The Planning Commission and Cultural Heritage Commission shall certify/approve the CEQA documents, except in those instances where the Council has final review authority for the application, in which case the Planning Commission and/or Cultural Heritage Commission provide recommendation on the CEQA documents to City Council. When a Certificate of Appropriateness is part of a project that requires Planning Commission approval, the Cultural Heritage Commission is the recommending body to the Planning Commission for the Certificate of Appropriateness and associated CEQA and technical documents relating to historic resources.

(6) Design Review of all structures is required pursuant to Section 36.410.040.

(7) CEQA means the California Environmental Quality Act.

(8) Decision is by the Planning Director or Chair of the Design Review Board

(9) If a Certificate of Appropriateness is associated with an application requiring approval by the Planning Commission, the Cultural Heritage Commission shall be the recommending body to the Planning Commission for the Certificate of Appropriateness and the associated environmental and technical documents relating to historic resources (see Section 36.400.030).

(10) A subcommittee (two members) of the Design Review Board shall work with staff in reviewing the design component of the project.

36.400.030 Concurrent Zoning Approval Processing.

When a single project incorporates different land uses or features so that this Zoning Code requires more than one zoning approval, the Director may determine that all of the applications should be reviewed, and approved or disapproved, by the highest level review authority identified by Table 4-1 as having authority over the separate approvals required. This action shall not be interpreted as bypassing the applicable review authority identified by Table 4-1, but rather to have their action take the form of a recommendation to the highest level of review authority identified by Table 4-1. (For example, a project that requires a Zoning Map amendment and a Conditional Use Permit should be reviewed and approved by the Council, where a Conditional Use Permit application by itself may be reviewed and acted upon by the Commission.)

A. Certificate of Appropriateness. If a Certificate of Appropriateness is associated with an application requiring approval by the Planning Commission, the Cultural Heritage Commission shall be the recommending body to the Planning Commission for the Certificate of Appropriateness and associated environmental and technical documents relating to historic resources. If during the review of the project, the Planning Commission finds that the recommendation from the Cultural Heritage Commission cannot be supported or if the Commission would like to see changes to the project that could affect the historic component of the project, or the applicant requested changes that could affect the historic component, the Planning Commission shall take one of the following actions:

1. Refer the project back to the Cultural Heritage Commission for reconsideration; or
2. Conduct a joint meeting of the Planning Commission and the Cultural Heritage Commission. The Cultural Heritage Commission remains as the recommending body for the Certificate of Appropriateness.

(Ord. No. 2108 § 1.)

36.400.040 Application Preparation and Filing.

The preparation and filing of applications for zoning approvals, amendments (e.g., General Plan, Zoning Code, Zoning Map, and specific plan), and other matters pertaining to this Zoning Code shall comply with the following requirements.

A. Pre-application review.

1. A prospective applicant or agent is strongly encouraged to request a pre-application review with the Department before completion of project design and the formal submittal of a zoning approval application.
 - a. If the project is for development on slopes greater than 30%, a pre-application review is required prior to applying for the Hillside Development Permit.
2. A pre-application review, accompanied by preliminary project plans and designs and the required filing fee, will be reviewed by affected City departments and other selected agencies.
3. The reviewing City staff members will inform the applicant of requirements as they apply to the proposed project, provide a preliminary list of issues that will likely be of concern during formal application review, suggest possible alternatives or modifications to the project, and identify any technical studies that may be necessary for the environmental review process when a formal application is filed.
4. Neither the pre-application review nor information and/or pertinent policies provided by the Department shall be construed as a Department recommendation for approval or disapproval of the application or project.

B. Application contents and fee. Applications shall include the forms provided by the Department, and all information and materials required by the application content requirements handout provided by the Department for the specific type of application (e.g., Conditional Use Permit, Variance, or others), and the filing fee required by the Council’s Fee Resolution.

C. Eligibility, filing. All zoning approval and other applications required by this Zoning Code shall be filed with the Department. Applications may be made by:

1. The owner of the subject property; or
2. Any agent or representative, with the written consent of the property owner.

D. Filing date. The filing date of an application shall be the date on which the Department receives the last submission, map, plan, or other material required as a part of that application by Subsection A., in compliance with Section 36.400.060 (Application Review) and deemed complete by the Director.

(Ord. No. 2108 § 1.)

36.400.050 Application Fees.

A. Filing fees required. The Council shall, by resolution, establish a schedule of fees for amendments, zoning approvals, and other matters pertaining to this Code, referred to as the Council’s Fee Resolution. The schedule of fees may be changed from time to time only by resolution of the Council.

B. Fee waivers. The Council may waive any of the fees required by the Council’s Fee Resolution for sufficient cause being demonstrated by the applicant. The determination of what shall constitute “sufficient cause” shall be at the discretion of the Council.

C. Refunds and withdrawals.

1. Recognizing that filing fees are utilized to cover City costs of public hearings, mailing, posting, transcripts, and staff time involved in processing applications, no refunds due to a disapproval of an application are allowed.

2. In the case of an application withdrawal, the Director may authorize a partial refund based upon the pro-rated costs to-date and determination of the status of the application at the time of withdrawal.

(Ord. No. 2108 § 1.)

36.400.060 Application Review.

All applications filed with the Department in compliance with this Zoning Code shall be initially processed as follows.

A. Completeness review. No application will be scheduled for review until deemed complete in compliance with the following requirements.

1. Notification of applicant. The applicant shall be informed in writing within 30 days of submittal, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the letter, shall be provided. All additional information needed shall be identified in the letter providing notice of an incomplete application.

2. Environmental information. The Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with Section 36.400.070 (Environmental Assessment), below.

3. Second notification. If no response to the first letter is received by the Director within 30 days, a second letter shall be sent to the applicant giving an additional 30 days in which to provide the information specified in the first letter.

4. Withdrawal of application. The Director may deem the application withdrawn if the specified information is not provided within 30 days from the date of the second letter, unless, at a minimum, the applicant submits a letter requesting a mutually agreed upon appointment with the Director to discuss the establishment of a schedule for submittal of the specified information. Application processing shall not resume thereafter until a new application is filed, including fees, plans, exhibits, and other materials that are required for any project on the same site.

5. Criteria for acceptance. An application shall not be accepted as complete unless or until the Director determines that it:

a. Includes all information and materials required by Section 36.400.040.B (Application contents and fees);

b. Includes any other technical studies or supplemental information deemed necessary by the Director; and

c. Is accompanied by the application fee, or a deposit if appropriate, in compliance with the Council’s Fee Resolution.

B. **Referral of application.** At the discretion of the Director, or where otherwise required by this Zoning Code, State, or Federal law, any application filed in compliance with this Zoning Code may be referred to any public agency that may be affected by or have an interest in the proposed land use activity.

(Ord. No. 2108 § 1.)

36.400.070 Environmental Assessment.

After acceptance of a complete application, the project shall be reviewed as required by the California Environmental Quality Act (CEQA) and the South Pasadena Environmental Review Guidelines.

(Ord. No. 2108 § 1.)

36.410.040 Design Review.

A. Purpose. This Section establishes procedures for the City's review of the design aspects of proposed development (for example, building design, landscaping, site planning and development, and signs). These procedures are not intended to restrict imagination, innovation, or variety in design, but rather to focus on design issues and solutions that will have the greatest effect on community character and aesthetics, to encourage imaginative solutions and high-quality urban design. The purposes of this Section are to:

1. Recognize the interdependence of land values and aesthetics and encourage the varied, yet orderly and harmonious appearance of:
 - a. Most publicly perceived structures and property within South Pasadena; and
 - b. Associated facilities (e.g., landscaping, open space areas, parking, and signs);
2. Ensure that new uses and structures enhance their sites and are compatible with the highest standards of improvement in the surrounding neighborhoods;
3. Better protect the increasing values, standards, and importance of land and development in the community;
4. Retain and strengthen the visual quality of the community;
5. Assist project developers in understanding the public's concerns for the aesthetics of development;
6. Ensure that development complies with all applicable City standards and design guidelines, and does not result in an adverse affect on the City's aesthetics, architectural, health, and safety related qualities of adjoining properties or upon the City in general; and
7. Foster attainment of the actions, goals, objectives, policies, and programs of the General Plan and any applicable specific plan by preserving the particular character and unique assets of South Pasadena.

B. Applicability.

1. **Required review.** The exterior impacts of all projects within the following categories are subject to Design Review.
 - a. Residential development. Any single-family and multi-family residential project that requires a Building Permit for any exterior construction or modification.
 - b. Commercial and industrial development. Any project involving the construction of, or exterior change to, any structure, landscaping, or permanent signs on a parcel or lot zoned commercial and/or industrial.
2. **Exemption from review.** All projects within the following categories shall be exempt from the provisions of this Section.
 - a. All construction, work, or labor on structures or for replacement or repair, which uses the same materials and colors and which does not alter the design of the structure, including re-roofing of like-for-like material and where no structural modifications are required;
 - b. Emergency shelters;
 - c. Single room occupancy;

C. Application filing and processing.

1. **Submittal requirements.** Application for consideration of Design Review shall be made to the Planning Director on the application form provided by Planning Division, shall be accompanied by the required filing fee, and shall include such information and documents required in the Design Review Submittal Checklist form provided by the Planning Director.

2. **Retention of materials.** All application materials shall be retained by the City to ensure full compliance with all formal Design Review decisions.

D. Design Review Authority.

1. **Planning Commission review.** The Planning Commission will be responsible for the Design Review of the following developments:
 - a. As identified in Subsection B (Applicability) of this Section, all developments which require a Hillside Development Permit, a Conditional Use Permit, a Variance, a Planned Development Permit;
 - b. Multi-family developments containing seven or more units;
 - c. Multi-family developments containing six or fewer units not exempt from CEQA; or
 - d. Any other application in which the Planning Commission is the Review Authority.
2. **Cultural Heritage Commission (CHC) review.** The CHC will be responsible for the Design Review of the following:
 - a. All of the developments identified in Subsection B (Applicability) of this Section, which require a Certificate of Appropriateness as required by Chapter 2.58A (Cultural Heritage Commission) of the Municipal Code;
 - b. All properties within a designated historic district;
 - c. Where a proposed project is subject to a Certificate of Appropriateness from the CHC and also requires an application in which the Planning Commission is the Review Authority, the CHC shall review the Certificate of Appropriateness and provide recommendations to the Planning Commission for the Certificate of Appropriateness and may also provide recommendations on the portion of the application in which the Planning Commission is the Review Authority.
3. **DRB review.** The DRB will be responsible for the Design Review of all of the developments identified in Subsection B (Applicability) of this Section, which are not subject to Design Review by the Planning Commission, CHC, DRB Chair, or Planning Director as specified in SPMC Section 36.410.040.
 - a. A subcommittee consisting of two members of the Design Review Board shall be formed to work with staff for the Design Review of Mixed-Use or Multi-Family of seven (7) dwelling units or more, or not-exempted from CEQA, as listed in Table 4-1 (Review Authority).
4. **DRB Chair review.** DRB Chair shall be responsible for Minor Design Review for projects that do not change the architectural design style of existing structures. These projects are as follows:
 - a. Exterior modifications to all elevations of existing structures that would not change the architectural design style of the structures. This includes elevations that are visible to the street and/or above the first floor. Exterior modifications include new and different siding materials, new windows, new roofing materials, and replacement of existing front porch posts, balcony railing, and other similar changes as determined by the Planning Director and/or DRB Chair to not change the architectural design style of the existing structures.
 - b. Additions of no more than 500 square feet in area, or more than 25 percent of the existing structure, whichever is less, for an outdoor structure or a habitable space that is not visible to street. Such additions are allowed above the first floor as long as they are not visible to the street, and do not exceed the height of the existing structure.
 - c. Subject to a Certificate of Appropriateness from the Cultural Heritage Commission in accordance with Sections 2.58 through 2.68 of the South Pasadena Municipal Code.
 - d. Not subject to Planning Commission review in accordance with this Division and Division 36.340 (Hillside Protection).

5. **Planning Director.** The Planning Director shall be responsible for Minor Design Review for projects that involve minor modifications or additions to only the first floor of an existing structure, are not visible to the street, and does not change the architectural design style of the structures. These minor projects are as follows:
 - a. Exterior modifications to existing structures that are not visible from the street or prominently visible to any adjoining properties, and not above the first floor of the structure. Exterior modifications include new siding materials, windows, and new roofing materials.
 - b. Additions of no more than 500 square feet in area, or no more than 25 percent of the existing structure, whichever is less for an outdoor structure or a habitable space that is not visible to the street or not above the first floor, except for development subject to a Minor Hillside Development Permit.
 - c. Modifications to existing graded and/or improved outdoor areas on a property subject to Division 36.340 (Hillside Protection), such as installation of an in-ground swimming pool, spa, patio covers, accessory structures less than 500 square feet, and similar feature not visible to the street.
 - d. Not subject to a Certificate of Appropriateness from the Cultural Heritage Commission in accordance with Sections 2.58 through 2.68 of the South Pasadena Municipal Code.
 - e. Not on a hillside area with a slope of 30% or greater in accordance with Division 36.340 (Hillside Protection) of the South Pasadena Municipal Code.

E. Preliminary Review. Applicants are encouraged to consult with the City’s planning staff as early as possible in the formulation of a schematic design. At the City’s discretion, a preliminary review may be required to determine the level of information to be required from the applicant for Design Review. No final or binding decisions shall result at the preliminary review stage.

F. Scheduling of Design Review.

1. **Design Review.** Once an application is deemed complete, the Director shall schedule an application for Design Review at the earliest available date following the required public notice period, concurrently with any Zoning Approval applications that may be required.
2. **Minor Design Review.** Minor Design Review by the DRB Chair or Planning Director shall be considered administratively without conducting a public hearing or providing public notice prior to taking action.

G. Public notice. Not less than 10 days before the hearing, the City shall give notice to the applicant, to owners of the subject property, to site occupants if the owner does not occupy the property, in compliance with Division 36.630 (Public Hearings), for all Design Review, with the exception of Minor Design Review, as follows:

1. **300-foot radius notice.** The following projects shall require that all owners of real property as shown on the County’s latest equalized assessment roll and all legal occupants located within a 300-foot-radius of the proposed project received public notification of the hearing. The 300-foot radius shall be measured from the exterior boundaries of the subject parcel to the exterior boundaries of neighboring parcels within the 300-foot radius, without reference to structures existing on the parcels.
 - a. Any project in which Design Review will occur as part of a Zoning Approval for which the Planning Commission or Design Review Board is the designated Review Authority;
 - b. Any project in which Design Review will occur as part of a Zoning Approval for which the Cultural Heritage Commission is the designated Review Authority;
 - c. Any demolition of an existing structure that does not qualify for Minor Design Review;
 - d. The construction of a new house or non-residential structures;
 - e. A change from the existing architectural design (e.g., replacement of all existing windows with a different window style, removal and replacement of all existing exterior with different materials, a roof reconfiguration, or similar construction which alters the existing style);

f. An additional story to an existing structure;

g. Additions that are not subject to Minor Design Review.

2. Designated historic districts. In addition to the public noticing requirements of Subsection (G)(1), when a project is located within a designated historic district the City shall give notice to all properties within the historic district.

H. Design Review action. The following actions may be taken relating to any application in compliance with this Section.

1. Approval or disapproval. The Review Authority may approve or disapprove an application. Application approval may be subject to conditions as may be deemed reasonable and necessary to ensure that the findings required by Subsection (I) (Required findings), and all City development standards are met.

2. Continuance. The Review Authority may continue consideration of an application for a period of time not to exceed 90 days. The Director may extend this period to a total of 120 days, if the applicant has made material progress and can show good cause for the extension. Should the DRB not take an affirmative action, the matter shall automatically be referred to the Planning Commission.

I. Required findings. In order to approve a Design Review application, the Review Authority shall first find that the design and layout of the proposed development:

1. Is consistent with the General Plan, any adopted design guidelines and any applicable design criteria for specialized areas (e.g., designated historic or other special districts, plan developments, or specific plans);

2. Will adequately accommodate the functions and activities proposed for the site, will not unreasonably interfere with the use and enjoyment of neighboring, existing, or future developments, and will not create adverse pedestrian or traffic hazards;

3. Is compatible with the existing character of the surrounding neighborhood and that all reasonable design efforts have been made to maintain the attractive, harmonious, and orderly development contemplated by this Section, and the General Plan; and

4. Would provide a desirable environment for its occupants and neighbors, and is aesthetically of good composition, materials, and texture that would remain aesthetically appealing with a reasonable level of maintenance and upkeep.

J. Appeal of a Review Authority action. A decision of the Review Authority may be appealed within 15 days of the decision, in compliance with Division 36.610 (Appeals).

K. Effect of Review Authority action.

1. No final inspection or Occupancy Permit shall be granted unless the completed work fully complies with the plans approved and the conditions required by the Review Authority.

2. The materials and design shall be in compliance with the approved plans and shall be so maintained, unless otherwise approved by the Review Authority.

L. Amendments. The Review Authority may amend the terms and/or conditions originally approved by the Review Authority upon the written request of the applicant, or the Review Authority, after a duly noticed meeting has been conducted in compliance with this Section.

M. Expiration. The time limits and extensions set forth in Section 36.420.040 (Time Limits and Extensions) shall apply to this Section.

N. Enforcement. Failure to comply with an approval granted by the Review Authority is a violation of this Zoning Code in compliance with Division 36.640 (Enforcement). An approval may be revoked or modified in compliance with Section 36.640.070 (Zoning Approval Revocation or Modification).

(Ord. No. 2108 § 1; Ord. No. 2183 § 19, 2009; Ord. No. 2185 § 2, 2009; Ord. No. 2246 § 6, 2013; Ord. No. 2251 § 9, 2013; Ord. No. 2253 § 5, 2013.)

36.410.060 Conditional Use Permits and Administrative Use Permits.

- A. Purpose.** Conditional Use Permits and Administrative Use Permits are intended to allow for activities whose effect on a site and its surroundings can only be determined after the review of the configuration, design, location, and potential impacts of the proposed use and the suitability of the use to the site.
- B. Applicability.** A Conditional Use Permit or Administrative Use Permit is required to authorize proposed land uses and activities identified by Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) as being allowable in the applicable zoning district subject to the approval of a Conditional Use Permit or Administrative Use Permit.
- C. Application filing and processing.** An application for a Conditional Use Permit or Administrative Use Permit shall be filed and processed in compliance with Division 36.400 (Application Filing and Processing).
- D. Review authority.**

 - 1. **Planning Commission.** The Commission may grant a Conditional Use Permit for any use listed in Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) as requiring a Conditional Use Permit.
 - 2. **Planning Director.** The Director may grant an Administrative Use Permit for any use listed in Article 2 as requiring an Administrative Use Permit, or may choose to instead refer the matter to the Commission for review, hearing, and decision.
- E. Project review, notice, and hearing.**

 - 1. **Project review.** Each application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this Section. The Director shall submit a staff report and recommendation on Conditional Use Permit applications to the Commission for their consideration.
 - 2. **Concurrent review.** An Administrative Use Permit for a project that requires Commission review and discretionary approval requiring a public hearing shall be considered by the Commission concurrently with the discretionary zoning approval.
 - 3. **Notice and hearing..**

 - a. **Conditional Use Permits.** The Commission shall conduct a public hearing in compliance with Division 36.630 (Public Hearings) on an application for a Conditional Use Permit. Notice of the public hearing shall be provided in compliance with Division 36.630
 - b. **Administrative Use Permits.** A public hearing shall not be required for the approval of an Administrative Use Permit if the Director follows the procedure in this subsection and receives no request for a public hearing. If a public hearing is requested, the Director shall conduct a public hearing and provide notice of the public hearing in compliance with Division 36.630 (Public Hearings).

 - (1) Posted Notice Required.** Public notice of a requested Administrative Use Permit shall be provided by posting at the project site of the requested Administrative Use Permit, with a minimum 11- by 17-inch legal notice, containing the information required by the Director. The notice shall be continuously posted for 10 days before the Director's action. The applicant shall be responsible for posting the notice, ensuring the notice will be on the project site for all ten days, and shall provide a photograph of the posting with a signed declaration under penalty of perjury confirming posting of the notice to the Director.
 - (2) Notice distribution.** A notice shall be mailed or delivered, at least 10 days before the Director's scheduled action date through the United States mail with postage prepaid, to:

 - i. The owners of the property being considered or the owner's agent, and the applicants;
 - ii. Each local agency expected to provide water, sanitation, utility, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;

- iii. All owners of real property as shown on the County’s latest equalized assessment roll and all legal occupants located within a 300-foot radius of the subject parcel. The 300-foot radius shall be measured from the exterior boundaries of the subject parcel to the exterior boundaries of neighboring parcels within the 300-foot radius, without reference to structures existing on the parcels.
- iv. Any person who has filed a written request for notice with the Director.

(3) Notice to Property Owners & Occupants. All required notices shall be provided at the sole cost of the applicant subject to the City Council’s approved fee schedule. The above-referenced notice shall contain the following:

- i. **Application information.** The name of the applicant; the City’s file number assigned to the application; a general explanation of the matter to be considered; a general description, in text and/or by diagram, of the location of the property that is the subject of the notice;
- ii. **Action.** A brief description of the action to be taken by the Director, the date of the scheduled action, and information for method of requesting a public hearing prior to the scheduled action date. The notice shall state that the Director will take action on the requested Administrative Use Permit if no public hearing request is received within 10 calendar days from the postage date on the notice. The notice shall include the phone number and street address of the Department where an interested person could call or visit to obtain additional information;
- iii. **Environmental Review.** A statement explaining compliance with California Environmental Quality Act.

F. Findings and decision. The Commission or Director, as applicable, may approve, conditionally approve, or disapprove an application for a Conditional Use Permit or Administrative Use Permit, and shall record the decision and the findings upon which the decision is based. The review authority may approve the permit only after first making all of the following findings, and any additional findings required for the approval of specific land uses by Division 36.350 (Standards for Specific Land Uses).

- 1. The proposed use is allowed with Conditional Use Permit or Administrative Use Permit approval within the applicable zoning district and complies with all applicable provisions of this Zoning Code;
- 2. The proposed use is consistent with the General Plan and any applicable specific plan;
- 3. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;
- 4. The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City;
- 5. The subject site is adequate in terms of size, shape, topography, and circumstances and has sufficient access to streets and highways which are adequate in width and pavement type to carry the quantity and quality of traffic expected to be generated by the proposed use; and
- 6. The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of aesthetics, character, scale, impacts on neighboring properties.

G. Conditions of approval. In approving a Conditional Use Permit or Administrative Use Permit, the review authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Subsection F. (Findings and decision), above, and to preserve the public health, safety, and general welfare.

(Ord. No. 2108 § 1.)

36.410.065 Hillside Development Permits.

- A. Purpose. Hillside Development Permits provide a review process for the City to consider the appropriateness of proposed development on hillside parcels, to ensure that proposed projects minimize their visual and environmental impacts.
- B. Applicability.
 - 1. A Hillside Development Permit is required to authorize any proposed construction of new primary dwelling unit that is subject to the requirements of Division 36.340 (Hillside Protection).
 - 2. A Minor Hillside Development Permit is required to authorize any other proposed development that is subject to the requirements of Division 36.340 (Hillside Protection).
- C. Application filing and processing.
 - 1. A Preliminary Review application under Section 36.410.040.E (Preliminary Review) and an application under Division 36.400 (Application Filing and Processing) is required for a Hillside Development Permit or Minor Hillside Development Permit.
- D. Review authority.
 - 1. Hillside Development Permits may be approved or disapproved by the Planning Commission.
 - 2. Minor Hillside Development Permit may be approved or disapproved by the Design Review Board (DRB), DRB Chair, or Planning Director in accordance with Section 36.410.040.
- E. Project review, notice, and hearing.
 - 1. Each application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this Section. The Director shall submit a staff report and recommendation to the Commission for their consideration of a Hillside Development Permit.
 - 2. The Commission shall conduct a public hearing on an application for a Hillside Development Permit prior to the approval or disapproval of the permit.
 - 3. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Division 36.630 (Public Hearings).
- F. Findings and decision. The review authority may approve the permit only after first finding that:
 - 1. The proposed use complies with the requirements of Division 36.340 (Hillside Protection) and all other applicable provisions of this Zoning Code.
 - 2. The proposed use is consistent with the General Plan and any applicable specific plan;
 - 3. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;
 - 4. The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City; and
 - 5. The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of aesthetics, character, scale, and view protection.
- G. Conditions of approval. In approving a Hillside Development Permit or Minor Hillside Development Permit, the review authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Subsection F, and to preserve the public health, safety, and general welfare.

36.420.040 Time Limits and Extensions.

A. Time limits.

1. Unless conditions of approval or other provisions of this Zoning Code establish a different time limit, any Zoning Approval granted in compliance with Division 36.410 (Zoning Approval or Disapproval) that is not exercised within 12 months of its approval shall expire and become void, except where an extension of time is approved in compliance with Subsection B of this Section.
2. The Zoning Approval shall not be deemed “exercised” until the permittee has submitted construction plans to the Building Official for plan review and paid the requisite fees for plan check. The Zoning Approval for a project that requires construction shall remain valid provided that the plan review process remains active in the Building Division. The plan review process shall be considered active for no more than 18 months from the date construction plans are submitted to the Building Official and the requisite plan check fees are paid until a Building Permit is issued. The Zoning Approval shall expire at the end of the aforementioned 18 months, if a building permit has not been issued or an extension granted pursuant to the procedures set forth herein. If no construction is required, the Zoning Approval shall be deemed “exercised” when the permittee has actually commenced the allowed use on the subject site in compliance with the conditions of approval.
3. Zoning Approval shall remain valid after it has been exercised as long as a Building Permit is active for the project, or a final building inspection or Certificate of Occupancy has been granted. A Building Permit issued by the Building Official remains active provided it has not expired pursuant to the Building Code.
4. If a project is to be developed in approved phases, each subsequent phase shall be exercised within 12 months from the date that the previous phase was exercised, unless otherwise specified in the Zoning Approval, or the Zoning Approval shall expire and be deemed void. If the project also involves the approval of a Tentative Map, the phasing shall be consistent with the Tentative Map and the Zoning Approval shall be exercised before the expiration of the Tentative Map, or the Zoning Approval shall expire and be deemed void.

B. Extensions of time. Upon request by the applicant, the review authority may extend the time for a Zoning Approval to be exercised as follows.

1. **Application Filing.** The applicant shall file a written request for an extension of time with the Department at least 10 days before the expiration of the Zoning Approval, together with the filing fee required by the Council’s Fee Resolution.
2. **Burden of Proof.** The burden of proof is on the permittee to establish with substantial evidence that the Zoning Approval should be extended.
3. **Administrative Approval:** The Director may grant no more than one administrative time extension for a period not to exceed 12 months from the expiration date of the Zoning Approval provided that the Director finds that:
 - a. The project has not changed and there have been no material changes to the surrounding neighborhood;
 - b. The permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner;
 - c. The proposed extension is consistent with the General Plan, and any applicable specific plan and the overall project remains consistent with those plans as they exist at the time the extension request is being considered; and
 - d. There are adequate provisions for public services and utilities, e.g., access, drainage, fire protection, sewers, water, etc., to ensure that the proposed change would not endanger, jeopardize, or otherwise

constitute a hazard to the public health, safety, or general welfare, or be injurious to the property or improvements in the vicinity and applicable zoning district.

e. Use of the Zoning Approval is likely to or has been delayed by causes outside the applicant's control, e.g., project complexities, legal challenges, an economic downturn, requirements imposed by other governmental agencies.

4. **Review Authority.** The Review Authority which originally approved the Zoning Approval may extend the time for a Zoning Approval beyond 12 months and up to a maximum of 36 months from the effective date of original approval, provided that the applicant meets the requirements for time limits and extensions as required in this Subsection and the Review Authority makes the findings in Subsection B.3.

a. **Hearing on extension.** The Review Authority which originally approved the Zoning Approval shall hold a hearing on any proposed extension, in compliance with Division 36.630 (Public Hearings).

(Ord. No. 2108 § 1; Ord. No. 2227 § 3, 2012.)

36.600.050 Design Review Board (DRB).

A. Establishment. The Design Review Board, referred to in this Zoning Code as the DRB, is hereby established.

B. Appointment. The DRB members shall be appointed by the Mayor, with the approval of the Council.

C. Membership.

1. The DRB shall consist of five members, each being a resident elector of the City. To the greatest extent feasible, they shall represent the following professions/occupations:
 - a. At least two members shall be State licensed architects, or retired from that status;
 - b. At least one member shall be State licensed as a contractor or landscape architect, or retired and/or inactive from that status;
 - c. At least one lay member who has demonstrated special interest, competence, experience, or knowledge in urban design.

D. Terms of office.

1. All members shall be appointed to a term of office of three years or until their respective successors are appointed and qualify.
2. A person that was appointed to serve a partial term may be appointed to serve not more than two consecutive full terms thereafter.
3. Each member shall not serve more than two consecutive full terms. A DRB member may be re-appointed after at least a twelve-month absence from the DRB.
4. Any vacancy on the DRB shall be filled by the Mayor, with the approval of the Council.

E. Organization. The DRB shall elect its chairperson from among its appointed members for a term of one year and, subject to other provisions of law, may create and fill the other offices as it may deem necessary, subject to the approval of the Council.

F. Compensation. The DRB members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in the performance of their duties.

G. Quorum. Three members of the DRB shall constitute a quorum. No action of the DRB shall be valid without the affirmative vote of at least three members.

H. Authority.

1. Decision making responsibility. The DRB shall be the final review authority for projects only requiring Design Review that are not subject to Design Review by the Planning Commission or Cultural Heritage Commission, unless its determination is appealed to the Commission.

I. Limits of responsibility. The DRB may not:

1. Determine the location or appropriateness of a land use, if the use is in compliance with this Zoning Code;
2. Restrict development beyond the development standards identified in this Zoning Code, except as specifically provided herein; or
3. Authorize a sign prohibited by Section 36.320.040 (Prohibited Signs).

- J. Delegation of responsibility.** In order to allow the DRB flexibility in performing its duties in as efficient a manner as possible, the DRB may adopt criteria under which the Chairperson, acting alone, or a subcommittee of the full DRB, may implement and administer the policies of the DRB on a case-by-case basis for specified review, of an aspect of a project, an entire specific project, or a category of projects or aspects thereof. The criteria shall be the same for both DRBs and be subject to the approval of the Council.
- K. Term of Chairperson.** The person selected as Chairperson shall serve no more than two consecutive one-year terms as Chairperson. A Chairperson may be re-elected as Chairperson after at least a 12-month vacancy from that position.
- L. DRB secretary.** The Planning Director shall act as secretary to the DRB, shall record all actions, and shall provide written communications to the applicants.

(Ord. No. 2108 § 1; Ord. No. 2176, § 2, 2008.)

36.610.050 Appeal Filing, Processing, and Decisions.

A. Timing and form of appeal.

1. An appeal application shall be submitted in writing, within 15 calendar days after the date of the decision of the Director, DRB, or Commission, as applicable, that is being appealed.
2. An appeal application addressed to the Commission shall be filed with the Department, while an appeal addressed to the Council shall be filed with the City Clerk.
3. An appeal application shall:
 - a. Specifically identify the grounds upon which the appeal will be taken and summarize the facts and points of law in support of the appeal. Additional facts or points of law may be presented at the hearing;
 - b. Be accompanied by the information identified in the Department handout for appeal applications; and
 - c. Be accompanied by the filing fee established by the Council's Fee Resolution.

B. Delay of proceedings. The filing of an appeal shall delay (or suspend) the effective date of the Director, DRB, or Commission action until the date the decision on appeal becomes final or the appeal is withdrawn.

C. Withdrawal. An appeal may be withdrawn by the appellant before the scheduled public hearing.

D. Joining an appeal.

1. Only those persons who file an appeal within the specified appeal period shall be considered appellants of the matter under appeal.
2. Any person who wishes to join an appeal shall follow the same procedures for an appellant.
3. A person shall not be allowed to join an appeal after the end of the specified appeal period.

E. Action on appeals. Notice and hearing of an appeal shall be given in the same manner as any hearing required for the action being appealed. If no notice was required, then the appeal body shall give notice as it deems fair and appropriate.

1. Scope of review and decision. When reviewing an appeal the review authority may:
 - a. Consider any issues associated with the decision being appealed, in addition to the specific grounds for the appeal. The review authority shall also consider any environmental determination applicable to the zoning approval or decision being appealed;
 - b. By resolution, uphold, uphold in part, or reverse the action, the determination, or decision that is the subject of the appeal; or
 - c. Adopt additional conditions of approval deemed reasonable and necessary.
2. New evidence. If new or different evidence, related only to the subject of the appeal, is presented during the appeal hearing, the Commission or Council, may refer the matter back to the Director, DRB, or Commission, as applicable, for a report on the new or different evidence before a final decision on the appeal.
3. Findings. The appeal body shall be governed by the same criteria which governed the action being appealed.

4. Time limits. Unless otherwise specified by law, including this Zoning Code, the appeal body shall render its decision on the appeal within 30 days after the closing of the hearing for the appeal.

F. Mailing of resolution. Within five days after a decision on an appeal is rendered, notice of the decision shall be mailed to the person who filed the appeal and to any person who received notice of the action that was appealed.

(Ord. No. 2108 § 1.)

Division 36.630. Public Hearings

Sections:

- 36.630.010 Purpose of Division.
- 36.630.020 Notice of Hearing.
- 36.630.030 Scheduling of Hearing.
- 36.630.040 Review Authority Decision and Notice.
- 36.630.050 Recommendation by Commission.
- 36.630.060 Effective Date of Decision.
- 36.630.070 Hearing Procedures.

36.630.010 Purpose of Division.

This Division establishes procedures for public hearings before the Director, DRB, Commission, and Council. When a public hearing is required by this Zoning Code, public notice shall be given and the hearing shall be conducted as provided by this Division.

(Ord. No. 2108 § 1.)

36.630.020 Notice of Hearing.

When a zoning approval or other matter requires a public hearing, the public shall be provided notice of the hearing in compliance with State law (Government Code Sections 65090, 65091, 65094, and 66451.3, and Public Resources Code 21000 et seq.), and as required by this Division.

A. **Contents of notice.** Notice of a public hearing shall include:

1. **Hearing information.** The date, time, and place of the hearing and the name of the hearing body; a brief description of the City's general procedure concerning the conduct of hearings and decisions; and the phone number and street address of the Department, where an interested person could call or visit to obtain additional information;
2. **Application information.** The name of the applicant; the City's file number assigned to the application; a general explanation of the matter to be considered; a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing;
3. **Statement on environmental document.** If a draft Negative Declaration or Environmental Impact Report has been prepared for the project in compliance with the South Pasadena Environmental Review Guidelines, the hearing notice shall include a statement that the hearing body will also consider approval of the draft Negative Declaration or certification of the final Environmental Impact Report; and
4. **Effect of City action.** The following statements, which are intended to alert the recipient to the possible effects that could result from the City approving the subject amendment:
 - a. **General Plan or specific plan.** A General Plan or specific plan amendment could result in a change in the manner (e.g., a change from residential to commercial, commercial to business park, or commercial or business park to residential) in which the subject parcels may be used or in the allowed intensity or density of the project.
 - b. **Zoning Code.** A Zoning Code amendment could modify any allowable land use, standard, requirement, or procedure applicable to construction of a project within the City.
 - c. **Zoning Map.** A Zoning Map amendment could have the effect of rezoning property from one zoning district to another (e.g., a change from residential to commercial, commercial to business park, or commercial or business park to residential) or in the allowed intensity or density of the project.

B. **Method of notice distribution.** Notice of a public hearing required by this Division for an amendment, appeal, or entitlement shall be given as follows, as required by State law:

1. **Mailing.**
 - a. Notice shall be mailed, or delivered, at least 10 days before the hearing, through the United States mail with postage prepaid, to:

- (1) The owners of the property being considered or the owner's agent, and the applicants;
- (2) Each local agency expected to provide schools, water, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;
- (3) All owners of real property as shown on the County's latest equalized assessment roll and all legal occupants located within a 300-foot radius of the subject parcel. The 300-foot radius shall be measured from the exterior boundaries of the subject parcel to the exterior boundaries of neighboring parcels within the 300-foot radius, without reference to structures existing on the parcels; and
- (4) Any person who has filed a written request for notice with the Director.

b. The 300-foot radius shall be measured from the exterior boundaries of the subject parcel to the exterior boundaries of the neighboring parcels within the 300-foot radius, without reference to structures existing on either parcels.

2. Additional required notice. In addition to the mailing or delivery identified in Subsection B.1, the notice shall also be published at least once in a local newspaper of general circulation within the City at least 10 days before the hearing.

C. Alternative to mailing. If the number of property owners to whom notice would be mailed in compliance with Subsection B.1 above is more than 1,000, the Director may choose to provide the alternative notice allowed by State law (Government Code Section 65091(a)(3)).

D. Additional optional notice. In addition to the types of notice required by Subsection B. and C., above, the Director may provide additional notice with content or using a distribution method as the Director determines is necessary or desirable (e.g., use of a greater radius for notice, on the Internet, etc.).

(Ord. No. 2108 § 1.)

36.630.030 Scheduling of Hearing.

After the completion of the public comment period for an environmental document required by the California Environmental Quality Act (CEQA) and the South Pasadena Environmental Review Guidelines, the matter shall be scheduled for public hearing on a Director, DRB, CHC, Commission, or Council agenda (as applicable) at the earliest available date after the end of the public notification period in compliance with Section 36.630.020 (Notice of Hearing).

(Ord. No. 2108 § 1.)

36.630.040 Review Authority Decision and Notice.

A. Decision.

1. The review authority (Director, DRB, CHC, Commission, or Council, as applicable) may announce and record their decision on the matter being considered at the conclusion of a scheduled hearing, defer action and continue the matter to a later meeting agenda in compliance with Section 36.630.070 (Hearing Procedure), or, in the case of the Director, take the matter under advisement.
2. The Director or Chair may instead refer the matter to the Planning Commission or Design Review Board for determination. A referral will require a new noticed hearing before the Planning Commission or Design Review Board.
3. The action of the Planning Commission shall be by resolution, adopted by the affirmative vote of not less than three members.

B. Notice of decision. The notice of decision identified in Subsection A., above, shall contain any conditions of approval, and reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the City.

C. Mailing of the notice.

1. Within five business days following the date that the final decision or recommendation is rendered by the review authority, notice of the decision shall be mailed to the applicant at the address shown on the application.
2. A copy of the notice of decision shall also be sent to the property owner, if different from the applicant, to all other persons who have filed a written request for notice, and to each member of the Council.

D. Planning Commission or Cultural Heritage indecision. When, for any reason, the Planning Commission or Cultural Heritage Commission rereis unable to reach a decision within 40 days after the close of the public hearing, the matter shall be deemed automatically appealed to the Council, without decision by the Commission. The City Clerk shall place the matter on the Council's agenda and a de novo public hearing shall be held by the Council.

(Ord. No. 2108 § 1.)

36.630.050 Recommendation by Planning Commission.

- A. Planning Commission action. At the conclusion of any public hearing on an amendment (e.g., General Plan, Zoning Map, or Zoning Code), a development agreement, or a specific plan the Commission shall forward a recommendation, including all required findings, to the Council for final action.
- B. Mailing of recommendation. Within five business days following the hearing, a copy of the Commission's recommendation shall be mailed to the applicant at the address shown on the application.

(Ord. No. 2108 § 1.)

36.630.060 Effective Date of Decision.

A decision of the Director, DRB, CHC, or Commission (other than a recommendation in compliance with Section 36.630.050) is final and effective at the end of the business day on the 15th day following the decision, unless an appeal is filed in compliance with Division 36.610 (Appeals).

(Ord. No. 2108 § 1.)

36.630.070 Hearing Procedures.

- A. Holding of hearings. Hearings shall be held at the date, time, and place described in the public notice required by this Division.
- B. Continuances. If a hearing cannot be completed on the scheduled date, the presiding Councilperson or Commissioner, before the adjournment or recess of the hearing, may continue the hearing by publicly announcing the date, time, and place to which the hearing will be continued. Additional notice for a continued hearing is not required.

(Ord. No. 2108 § 1.)

ATTACHMENT 2
Redlines of Proposed Zoning Code Amendment Sections

Division 36.340. Hillside Protection

Sections:

- 36.340.010 Purpose of Division.
- 36.340.020 Applicability.
- 36.340.030 Permit and Application Requirements.
- 36.340.040 Hillside Development Design Guidelines.
- 36.340.050 Hillside Project Development Standards.

36.340.010 Purpose of Division.

The standards of this Division are intended to:

- A. Preserve the City’s scenic resources by encouraging retention of natural topographic features and vegetation;
- B. Acknowledge that as the slope of a development site increases so does the potential for environmental degradation including slope failure, increased erosion, sedimentation and stormwater run-off; and
- C. Encourage grading practices that are appropriate in hillside areas; and
- D. Encourage structures on hillside parcels to be designed with scale, massing, architectural design and detailing appropriate to maintain hillsides in a natural, open character.

(Ord. No. 2108 § 1.)

36.340.020 Applicability.

- A. Sloping sites. The standards in this Division apply to subdivisions, uses, structures, and to all other development on sites with an average of slope of 20 percent or greater.
- B. Exceptions. The provisions of Section 36.340.050 (Hillside Project Development Standards) shall not apply to parcels within the AM (Altos de Monterey) overlay zone, which are instead subject to the requirements of Section 36.250.030 (Altos de Monterey (AM) Overlay District).
- C. Determination of average slope. Average slope shall be determined by applying the following formula.

$$\text{Average Slope Formula: } S = \frac{100 (I \times L)}{A}$$

Where:

S = Average natural slope in percent.

I = Contour interval in feet, at not more than 10 foot intervals, resulting in at least five contour lines being shown on the contour map.

L = The sum of the length of all the contour lines across the parcel in scale feet. See Figure 3-25.

A = The gross area of the building site in square feet.

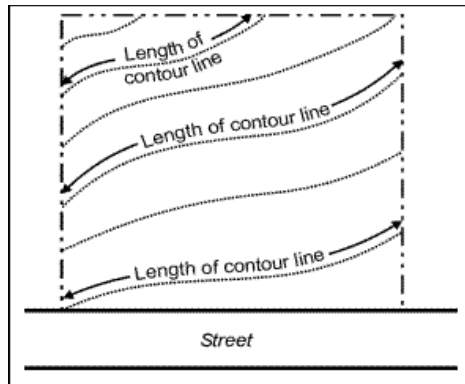


Figure 3-25. Measurement of Contour Line Length to Determine “L” in Slope Formula

- D. Guest parking spaces. Section 36.340.050H applies only to properties located on the following streets in the Southwest Monterey Hills area of the city: Hanscom Drive, Peterson Avenue, Illinois Drive, Hill Drive, Harriman Avenue, Randolph Avenue, Hulbert Avenue, Elkins Street, Moffatt Street.

(Ord. No. 2108 § 1 Ord. No. 2166, § 1, 2007.)

36.340.030 Permit and Application Requirements.

Development that is subject to this Division shall require a Hillside Development Permit (Section 36.410.065) and Design Review ~~by the Planning Commission~~ (Section 36.410.040). The application shall include:

- A. Basic application contents. All information and materials required by Section 36.400.040 (Application Preparation and Filing), and all additional materials required by the application contents handout provided by the Department for hillside development; and
- B. Geotechnical report. A preliminary geotechnical report that identifies and proposes mitigation measures for any soils or geological problems that may affect site stability or structural integrity. Depending upon the site characteristics and project design, a final geotechnical report may also be required as part of a subsequent Building Permit application.
- C. Constraints analysis. For properties that have sensitive environmental resources including endangered plants and animals, or a wildlife corridor designated by the City, a qualified professional approved by the Director shall prepare a site constraints analysis in compliance with Section 36.380.030. The report shall include proposed mitigation measures to effectively protect important biological features identified.

(Ord. No. 2108 § 1; Ord. No. 2183 § 15, 2009.)

36.340.040 Hillside Development Design Guidelines.

Proposed hillside development should satisfy as many of the following objectives as feasible, as determined through the Design Review process.

- A. Terrain alteration. The project should be designed to fit the terrain rather than altering the terrain to fit the project. Development patterns that form visually protruding horizontal bands or steeply cut slopes for roads or lots shall be avoided. Large-scale slope terracing, cribwalls, or significant slope modification is discouraged. Where alteration of the terrain is necessary, contour grading techniques should be utilized to help achieve a natural appearing slope. (See Section 36.340.050.F and Figure 3-33.)
- B. Street layout. Any new streets should follow the natural contours of the terrain to minimize the need for grading. Cul-de-sacs and loop roads are encouraged where necessary to fit the natural topography, subject to the approval of the City Engineer and Fire Chief.
- C. Location of structures. Structures should be located in the most accessible, least visually prominent, and most geologically stable portion or portions of the site. They should also be oriented with the natural contours of the

site. Siting structures in the least visually prominent locations is especially important on open hillsides where the prominence of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features.

D. Site layout and structure design. Building and site design should utilize varying setbacks and structure heights, split-level foundations, and low retaining walls to blend structures into the terrain.

E. Architectural design.

1. Form. Building forms should complement the character of the hillsides and avoid massive structures that dominate views of the hills.
2. Scale and windows—Infill lots. The scale of homes proposed on infill lots should be compatible with buildings on adjacent parcels. Where feasible, windows, balconies, and outdoor living areas should be located to protect the privacy of adjacent homes and yards.
3. Exterior wall surfaces. The apparent size of exterior wall surfaces visible from off the site should be minimized through the use of single story elements, setbacks, overhangs, roof pitches, landscaping, and/or other means of horizontal and vertical articulation to create changing shadow lines and break up massive forms.
4. Roofs. Roof pitches should generally be placed to follow the angle of the slope; but with variations to avoid a monotonous appearance. See Figure 3-26.

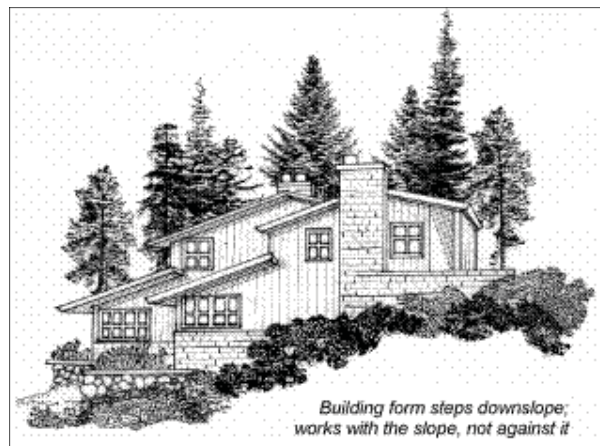


Figure 3-26. Design Sensitive to Terrain

Note: This diagram is intended to provide an example of building form, and is not intended to show a preferred architectural style.

5. Support structures. Support structures (for example, columns, pilings, etc.) below the lowest floor on the downhill side of a house, should be enclosed unless visible structural members are an integral feature of the architectural design. Support structure wall surfaces shall not exceed six feet in height.

F. View protection. New construction should not block views from other properties.

1. Where feasible, new structures and tall landscaping should not be placed directly in the view of the primary living areas on a neighboring parcel.
2. New structures should be placed on the lower areas of a hillside site.

3. Mechanical equipment may be placed on rooftops or below a deck only if the equipment is not visible from off the site, except for unobtrusive solar collectors that are compatible with the roof line and architecturally integrated with the structure.

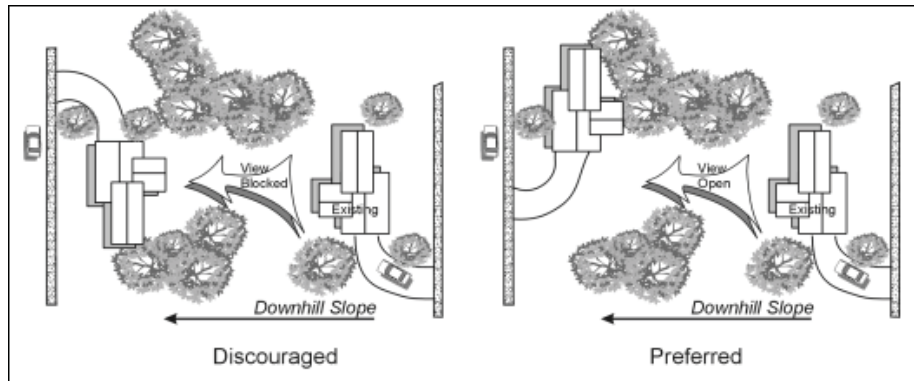


Figure 3-27. View Protection

- G. Colors and materials. A mixture of materials, color, and forms should be used to blend structures with the natural appearance of the hillsides:
 1. Based upon the graphic principle that dark colors are less noticeable than light colors, darker tones, including earth tones should be used for building walls and roofs on highly-visible sites so that buildings appear to blend in with the natural terrain.
 2. Surface materials should be appropriate for the architectural style of the structure and compatible with the hillside environment.
- H. Exterior lighting. Night views of the hillsides should not be dominated by bright lights. Lighting within high-visibility areas should be properly shielded to avoid glare and the spill of light to surrounding areas. Low-level lighting and the use of multiple low profile fixtures is encouraged, as opposed to the use of fewer, but taller fixtures.
- I. Retaining walls. Large retaining walls in a uniform plane shall be avoided. Retaining walls shall be divided into terraces with variations in plane and include landscaping to break up the length of walls and to screen them from view. No retaining wall shall be higher than six feet, and should incorporate a three foot recessed offset feature every 30 feet, or other methods of articulation. Retaining walls more than three feet high that are visible from off the site should be screened with landscaping. See Figure 3-28.

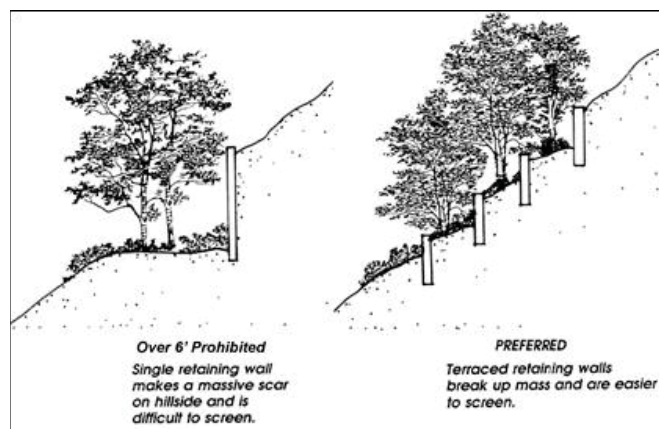


Figure 3-28. Retaining Wall Design

(Ord. No. 2108 § 1.)

36.340.050 Hillside Project Development Standards.

A. Setbacks. Hillside developments shall comply with the following setback requirements, and with the limitations on the allowable uses of setbacks in Section 36.300.030.E.3.

TABLE 3-10. HILLSIDE SETBACKS	
Property Setback	Setback Distance
Front	10 ft.
Side	10% of width, minimum 4 ft., maximum 10 ft.
Corner Side	10% of width, minimum 10 ft., maximum 15 ft.
Ridgeline (1)	50 vertical feet from ridgeline. Also see 36.340.050.C, and Figure 3-31.
Notes: (1) New structures or additions are prohibited within 50 feet of a ridgeline unless this restriction precludes development of the property. An exception may be granted if the review authority finds the following: a. There are no site development alternatives that avoid ridgeline development; b. The density has been reduced to the minimum standards consistent with the General Plan density range; c. No new subdivision of parcels is created that will result in ridgeline development; and d. The proposed development will not have significant adverse visual impacts due to modifications in structural design including height, bulk, size, foundation, siting, and landscaping that avoid or minimize the visual impacts of the development.	

B. Setbacks between structures and toes/tops of slopes. On adjacent lots having a difference in vertical elevation of three feet or more, the required side yard shall be measured from the nearest toe or top of slope to the structure, whichever is closer. See Figure 3-29.

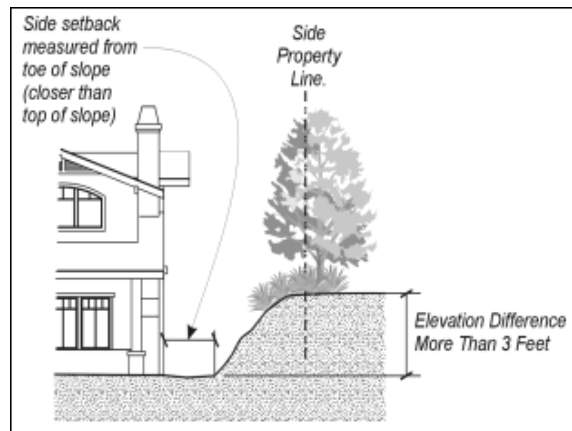


Figure 3-29. Side Setback Measurement

C. Height limitations. The maximum height for structures with a roof pitch of 3:12 or greater shall be 28 feet. If a roof pitch is less than 3:12, the maximum height shall be 24 feet.

1. Siting restrictions. Structures shall not be placed so that they appear silhouetted against the sky when viewed from a public street, except where the review authority determines that the only feasible building site cannot comply with this standard. See Figure 3-30.

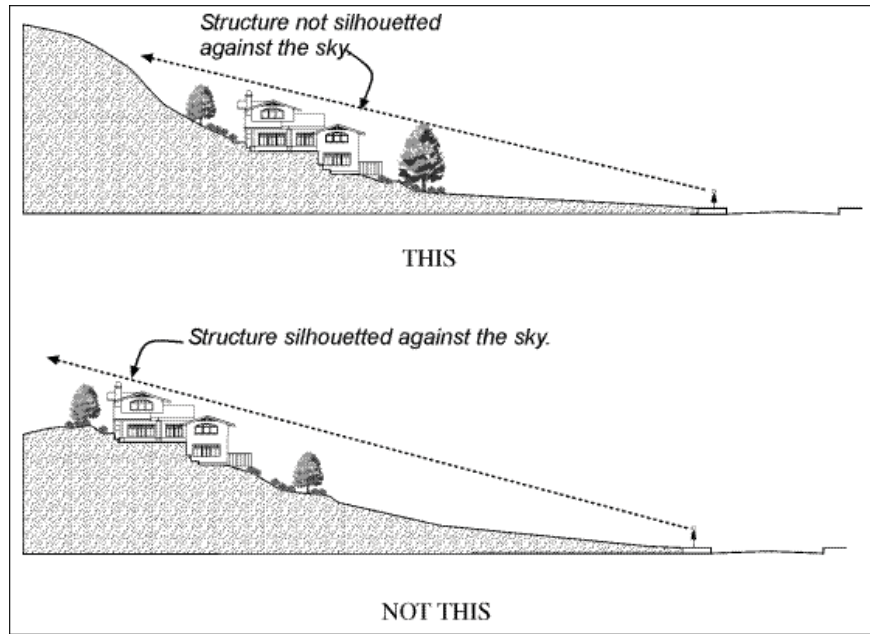


Figure 3-30. Silhouetted Structures

2. Placement below ridgeline. Except as provided by Subsection C.3, structures shall be located so that a vertical separation of at least 50 feet is provided between the top of the structure and the top of the ridge or knoll to maintain the natural appearance of the ridge. Grading should also be avoided within 50 vertical feet of the top of a ridge or knoll. Placement of structures should also take advantage of existing vegetation for screening, and should include the installation of additional native plant materials to augment existing vegetation, where appropriate. See Figure 3-31.

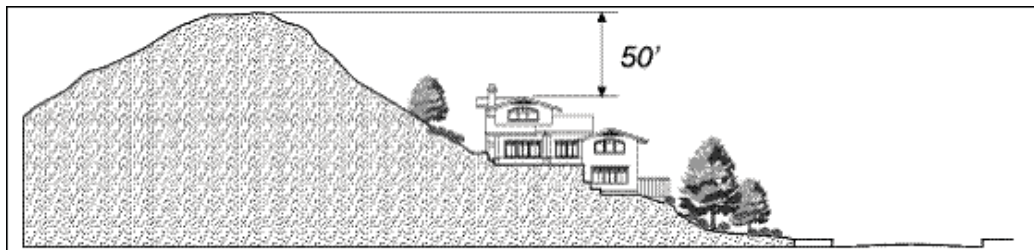


Figure 3-31. Location of Structures Below Ridgelines

3. Height limit above ridgeline. Where the review authority determines that a parcel contains no feasible building site other than where a structure will extend above the ridgeline, proposed structures shall not exceed a height of 16 feet above the highest point on the ridgeline or hilltop within 100 feet of the proposed structure.
4. Height of lowest floor level. The vertical distance between the lowest point where the foundation meets grade and the lowest floor line of the structure shall not exceed six feet.
5. Downhill building walls. No single building wall on the downhill side of a house shall exceed 15 feet in height above grade. Additional building height on a downhill side may be allowed in 15-foot increments, where each increment is stepped-back from the lower wall a minimum of 10 feet (see Figure 3-32).

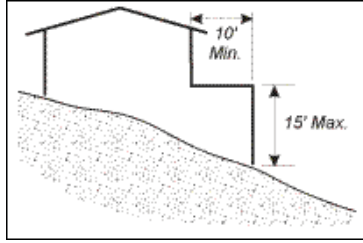


Figure 3-32. Height Limit for Downhill Building Walls

- D. Decks. No portion of the walking surface of a deck with visible underpinnings shall exceed a height of six feet above grade. Decks should be integrated into the architecture of the house, not appearing as an “add-on” to the primary building mass.
- E. Driveways. The ramp to any garage or carport shall not have a grade steeper than five percent within 10 feet of the garage or carport entry. The finished grade of driveways shall not exceed an average of 15 percent.
- F. Natural state. A minimum of 25 percent of the lot area plus the percentage figure of the average slope must be remediated to its natural state in terms of slope and vegetation.
- G. Grading. Grading plans shall be prepared in compliance with the Municipal Code, and the General Plan, ~~which prohibits~~ Grading on slopes over 30 percent shall be permitted when sufficient technical information has been provided to support the determination that such development would have no negative impacts on the subject property, adjacent properties, or on the safety and welfare of the public. Grading shall utilize landform grading techniques. See Figure 3-33.

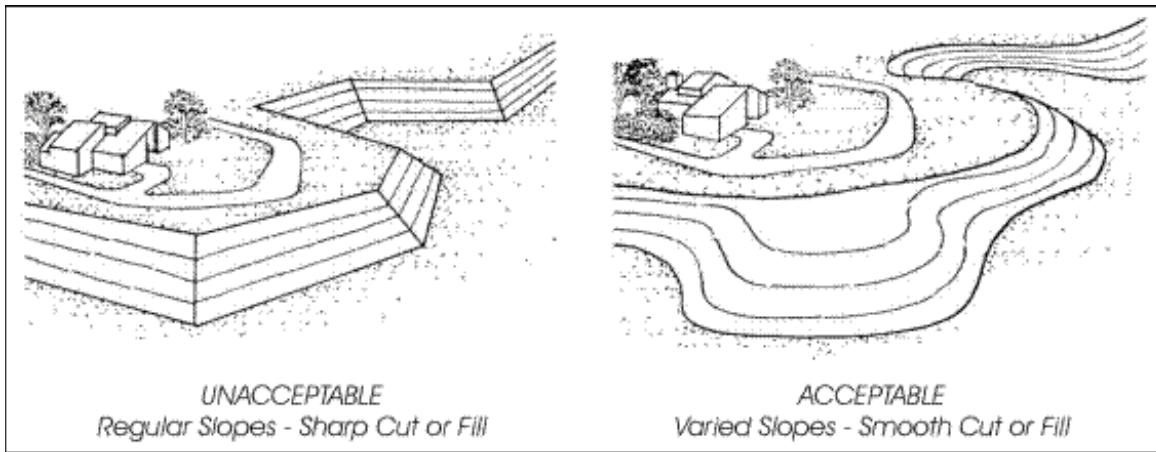


Figure 3-33. Appropriate Grading

- H. Southwest Monterey Hills guest parking spaces. The following guest parking space standards apply only to hillside properties (as defined in Section 36.340.020A) in the Southwest Monterey Hills area as defined by Section 36.340.020D.
 - 1. Required off-street guest parking spaces shall be provided in accordance with Section 36.310.040, Table 3-6 (Parking Requirements by Land Use). An application for a new house, or addition to an existing house that lacks the required off-street parking, shall provide details on the location and dimensions of required guest parking space/s, which shall be located perpendicular (or as close as possible to 90 degrees) to the right-of-way, and within or partially within the required front setback. If physical constraints preclude this location, the applicant shall provide written documentation of these constraints and provide the required off-street guest parking in the following order of preference:

- a. Parallel to the street and at least 10 feet wide by 24 feet deep. Access to a parallel parking space shall not be impeded by landscaping, trees, retaining walls, fences, the alignment of the right-of-way, or any other obstacle. Clear access shall be permanently retained; or
 - b. Other locations as approved by the Director. (The onus is placed on the applicant to demonstrate to the satisfaction of the Director that such a location will be functional and allow vehicles to be parked with no portion encroaching into the right-of-way.)
2. Paving limits. Front yard paving limits as listed in Section 36.300.030E.3.c (Setback Measurement and Exceptions) shall be observed, except when the required guest parking space/s can only be located in the front yard.
3. Slope. The slope of uncovered parking space/s shall comply with the standards in Sections 36.310.080G.2 (Parking Design Standards) and 36.340.050E (Hillside Project Development Standards).
4. Dimensions. Uncovered perpendicular spaces shall be at least 9 feet wide by 18 feet deep. Uncovered parallel spaces shall be at least 10 feet wide by 24 feet deep.
5. Allowable materials. Parking space materials shall conform to the standards listed in 36.310.090C.2 (Driveways and Site Access).

(Ord. No. 2108 § 1; Ord. No. 2166, 2007.)

Division 36.400. Application Filing and Processing

Sections:

- 36.400.010 Purpose of Division.
- 36.400.020 Authority for Land Use and Zoning Decisions.
- 36.400.030 Concurrent Permit Processing.
- 36.400.040 Application Preparation and Filing.
- 36.400.050 Application Fees.
- 36.400.060 Application Review.
- 36.400.070 Environmental Assessment.

36.400.010 Purpose of Division.

This Division provides procedures and requirements for the preparation, filing, and processing of applications for the zoning approvals (e.g., Administrative Modifications, Conditional Use Permits, Home Occupation Permits, Temporary Use Permits, Variances, etc.) required by this Zoning Code.

(Ord. No. 2108 § 1.)

36.400.020 Authority for Land Use and Zoning Decisions.

Table 4-1 (Review Authority) identifies the City official or body responsible for reviewing and making decisions on each type of application, land use permit, and other approvals required by this Zoning Code.

TABLE 4-1. REVIEW AUTHORITY						
Type of Decision	Procedure is in Section:	Role of Review Authority (1)				
		Director	DRB (2)	CHC (3)	Planning Commission	City Council
<i>Administrative and Amendments</i>						
Affordable Housing Review	36.370				Decision	Appeal
Density Bonus Review	36.370	Decision				
Development Agreement	36.430				Recommend	Decision
General Plan amendment	36.620				Recommend	Decision
<u>Zoning Code Interpretation</u>	36.110	Decision (4)			Appeal	Appeal
Specific Plan	36.440				Recommend	Decision
Zoning Map amendment	36.620				Recommend	Decision
Zoning Text amendment	36.620				Recommend	Decision
<i>Zoning Approvals</i>						
Administrative Modification	36.410.070	Decision (4)			Appeal	Appeal
Administrative Use Permit	36.410.060	Decision (4)			Appeal	Appeal
Certificate of Appropriateness	See Municipal Code			Decision (9)		Appeal
Conditional Use Permit	36.410.060				Decision	Appeal
<u>CEQA/EIR Certification/Adoption</u>	36.400.070			<u>Certify (5)</u>	Certify (5)	Certify (5)
Emergency Shelters	36.350.250	Decision				

TABLE 4-1. REVIEW AUTHORITY

Type of Decision	Procedure is in Section:	Role of Review Authority (1)				
		Director	DRB (2)	CHC (3)	Planning Commission	City Council
Hillside Development Permit – <u>New structures</u>	36.410.065				Decision	Appeal
<u>Minor Hillside Development Permit – Modifications to existing structures</u>	<u>36.410.065</u>		<u>Decision</u>		<u>Appeal</u>	<u>Appeal</u>
Home Occupation Permit	36.410.030	Issued				
Valet Parking Use Permit	36.310.111				Decision	Appeal
Parking Use Permit	36.410.090	Decision			Appeal	Appeal
Planned Development Permit	36.410.100				Decision	Appeal
Planning Clearance	36.410.020	Issued				
Reasonable Accommodation	36.400.110	Decision			Appeal	Appeal
Sign Permit	36.320		Decision		Appeal	Appeal
Single Room Occupancy	36.350.260	Decision				
Temporary Use Permit	36.410.050	Issued				
Variance	36.410.080				Decision	Appeal
<u>Design Review</u>						
<u>Administrative Modification</u>		<u>Decision (4)</u>			<u>Appeal</u>	<u>Appeal</u>
<u>Administrative Use Permit</u>		<u>Decision (4)</u>			<u>Appeal</u>	<u>Appeal</u>
<u>Certificate of Appropriateness</u>	<u>See Municipal Code</u>			<u>Decision</u>		<u>Appeal</u>
<u>Conditional Use Permit</u>					<u>Decision</u>	<u>Appeal</u>
Design Review (6)	36.410.040		Decision		Appeal	Appeal
Design Review for <u>Mixed-Use or Multi-Family of 7 dwelling units or more units</u> , or Not-Exempt from CEQA (7)	36.410.040		<u>Subcommittee (10)</u>		Decision	Appeal
<u>Minor Design Review</u>	<u>36.410.040</u>	<u>Decision (8)</u>			<u>Appeal</u>	<u>Appeal</u>
<u>Hillside Development Permit</u>					<u>Decision</u>	<u>Appeal</u>
<u>Planned Development Permit</u>					<u>Decision</u>	<u>Appeal</u>

TABLE 4-1. REVIEW AUTHORITY						
Type of Decision	Procedure is in Section:	Role of Review Authority (1)				
		Director	DRB (2)	CHC (3)	Planning Commission	City Council
Sign Permit			Decision		Appeal	Appeal
Variance					Decision	Appeal

Notes:

(1) "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Division 36.610 (Appeals); and "Issued" means the nondiscretionary permit shall be granted by the Director.

(2) "DRB" means the Design Review Board. (See Section 36.410.040.)

(3) "CHC" means the Cultural Heritage Commission. (See Municipal Code.)

(4) The Director may defer action on zoning approval applications and refer the items to the Commission for the final decision. In a similar manner, the Director may defer action on a Design Review application and refer the item to the DRB for the final decision.

(5) The Planning Commission and Cultural Heritage Commission shall certify/approve the Environmental/CEQA documents-Impact Report, except in those instances where the Council has final review authority for the application, in which case the Planning Commission and/or Cultural Heritage Commission provide recommendation on the CEQA documents to City Council. When a Certificate of Appropriateness is part of a project that requires Planning Commission approval, the Cultural Heritage Commission is the recommending body to the Planning Commission for the Certificate of Appropriateness and associated CEQA and technical documents relating to historic resources. -

(6) Design Review of all structures is required pursuant to Section 36.410.040.

(7) CEQA means the California Environmental Quality Act.

(8) Decision is by the Planning Director or Chair of the Design Review Board

(9) If a Certificate of Appropriateness is associated with an application requiring approval by the Planning Commission, the Cultural Heritage Commission shall be the recommending body to the Planning Commission for the Certificate of Appropriateness and the associated environmental and technical documents relating to historic resources (see Section 36.400.030).

(10) A subcommittee (two members) of the Design Review Board shall work with staff in reviewing the design component of the project.

(Ord. No. 2108 § 1; Ord. No. 2183 § 18, 2009; Ord. No. 2185 § 1, 2009; Ord. No. 2246 § 5, 2013; Ord. No. 2248 § 3, 2013; Ord. No. 2251 § 8, 2013; Ord. No. 2252 § 3, 2013; Ord. No. 2253 § 4, 2013; Ord. No. 2297 § 3, 2016.)

36.400.030 Concurrent Zoning Approval Processing.

When a single project incorporates different land uses or features so that this Zoning Code requires more than one zoning approval, the Director may determine that all of the applications should be reviewed, and approved or disapproved, by the highest level review authority identified by Table 4-1 as having authority over the separate approvals required. This action shall not be interpreted as bypassing the applicable review authority identified by Table 4-1, but rather to have their action take the form of a recommendation to the highest level of review authority identified by Table 4-1. (For example, a project that requires a Zoning Map amendment and a Conditional Use Permit should be reviewed and approved by the Council, where a Conditional Use Permit application by itself may be reviewed and acted upon by the Commission.)

A. Certificate of Appropriateness. If a Certificate of Appropriateness is associated with an application requiring approval by the Planning Commission, the Cultural Heritage Commission shall be the recommending body to the Planning Commission for the Certificate of Appropriateness and associated environmental and technical documents relating to historic resources. If during the review of the project, the Planning Commission finds that the recommendation from the Cultural Heritage Commission cannot be supported or if the Commission would like to see changes to the project that could affect the historic component of the project, or the applicant requested changes that could affect the historic component, the Planning Commission shall take one of the following actions:

1. Refer the project back to the Cultural Heritage Commission for reconsideration; or

~~1.~~ 2. Conduct a joint meeting of the Planning Commission and the Cultural Heritage Commission. The Cultural Heritage Commission remains as the recommending body for the Certificate of Appropriateness.

(Ord. No. 2108 § 1.)

36.400.040 Application Preparation and Filing.

The preparation and filing of applications for zoning approvals, amendments (e.g., General Plan, Zoning Code, Zoning Map, and specific plan), and other matters pertaining to this Zoning Code shall comply with the following requirements.

A. Pre-application review.

1. A prospective applicant or agent is strongly encouraged to request a pre-application review with the Department before completion of project design and the formal submittal of a zoning approval application.
 - a. If the project is for development on slopes greater than 30%, a pre-application review is required prior to applying for the Hillside Development Permit.
2. A ~~request by an applicant for~~ pre-application review, accompanied by preliminary project plans and designs and the required filing fee, will be reviewed by affected City departments and other selected agencies.
3. The reviewing City staff members will inform the applicant of requirements as they apply to the proposed project, provide a preliminary list of issues that will likely be of concern during formal application review, suggest possible alternatives or modifications to the project, and identify any technical studies that may be necessary for the environmental review process when a formal application is filed.
4. Neither the pre-application review nor information and/or pertinent policies provided by the Department shall be construed as a Department recommendation for approval or disapproval of the application or project.

B. Application contents and fee. Applications shall include the forms provided by the Department, and all information and materials required by the application content requirements handout provided by the Department for the specific type of application (e.g., Conditional Use Permit, Variance, or others), and the filing fee required by the Council's Fee Resolution.

C. Eligibility, filing. All zoning approval and other applications required by this Zoning Code shall be filed with the Department. Applications may be made by:

1. The owner of the subject property; or
2. Any agent or representative, with the written consent of the property owner.

D. Filing date. The filing date of an application shall be the date on which the Department receives the last submission, map, plan, or other material required as a part of that application by Subsection A., in compliance with Section 36.400.060 (Application Review) and deemed complete by the Director.

(Ord. No. 2108 § 1.)

36.400.050 Application Fees.

A. Filing fees required. The Council shall, by resolution, establish a schedule of fees for amendments, zoning approvals, and other matters pertaining to this Code, referred to as the Council's Fee Resolution. The schedule of fees may be changed from time to time only by resolution of the Council.

B. Fee waivers. The Council may waive any of the fees required by the Council's Fee Resolution for sufficient cause being demonstrated by the applicant. The determination of what shall constitute "sufficient cause" shall be at the discretion of the Council.

C. Refunds and withdrawals.

1. Recognizing that filing fees are utilized to cover City costs of public hearings, mailing, posting, transcripts, and staff time involved in processing applications, no refunds due to a disapproval of an application are allowed.
2. In the case of an application withdrawal, the Director may authorize a partial refund based upon the pro-rated costs to-date and determination of the status of the application at the time of withdrawal.

(Ord. No. 2108 § 1.)

36.400.060 Application Review.

All applications filed with the Department in compliance with this Zoning Code shall be initially processed as follows.

- A. **Completeness review.** No application will be scheduled for review until deemed complete in compliance with the following requirements.
 - 1. **Notification of applicant.** The applicant shall be informed in writing within 30 days of submittal, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the letter, shall be provided. All additional information needed shall be identified in the letter providing notice of an incomplete application.
 - 2. **Environmental information.** The Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with Section 36.400.070 (Environmental Assessment), below.
 - 3. **Second notification.** If no response to the first letter is received by the Director within 30 days, a second letter shall be sent to the applicant giving an additional 30 days in which to provide the information specified in the first letter.
 - 4. **Withdrawal of application.** The Director may deem the application withdrawn if the specified information is not provided within 30 days from the date of the second letter, unless, at a minimum, the applicant submits a letter requesting a mutually agreed upon appointment with the Director to discuss the establishment of a schedule for submittal of the specified information. Application processing shall not resume thereafter until a new application is filed, including fees, plans, exhibits, and other materials that are required for any project on the same site.
 - 5. **Criteria for acceptance.** An application shall not be accepted as complete unless or until the Director determines that it:
 - a. Includes all information and materials required by Section 36.400.040.B (Application contents and fees);
 - b. Includes any other technical studies or supplemental information deemed necessary by the Director; and
 - c. Is accompanied by the application fee, or a deposit if appropriate, in compliance with the Council’s Fee Resolution.
- B. **Referral of application.** At the discretion of the Director, or where otherwise required by this Zoning Code, State, or Federal law, any application filed in compliance with this Zoning Code may be referred to any public agency that may be affected by or have an interest in the proposed land use activity.

(Ord. No. 2108 § 1.)

36.400.070 Environmental Assessment.

After acceptance of a complete application, the project shall be reviewed as required by the California Environmental Quality Act (CEQA) and the South Pasadena Environmental Review Guidelines.

(Ord. No. 2108 § 1.)

36.410.040 Design Review.

A. Purpose. This Section establishes procedures for the City's review of the design aspects of proposed development (for example, building design, landscaping, site planning and development, and signs). These procedures are not intended to restrict imagination, innovation, or variety in design, but rather to focus on design issues and solutions that will have the greatest effect on community character and aesthetics, to encourage imaginative solutions and high-quality urban design. The purposes of this Section are to:

1. Recognize the interdependence of land values and aesthetics and encourage the varied, yet orderly and harmonious appearance of:
 - a. Most publicly perceived structures and property within South Pasadena; and
 - b. Associated facilities (e.g., landscaping, open space areas, parking, and signs);
2. Ensure that new uses and structures enhance their sites and are compatible with the highest standards of improvement in the surrounding neighborhoods;
3. Better protect the increasing values, standards, and importance of land and development in the community;
4. Retain and strengthen the visual quality of the community;
5. Assist project developers in understanding the public's concerns for the aesthetics of development;
6. Ensure that development complies with all applicable City standards and design guidelines, and does not result in an adverse affect on the City's aesthetics, architectural, health, and safety related qualities of adjoining properties or upon the City in general; and
7. Foster attainment of the actions, goals, objectives, policies, and programs of the General Plan and any applicable specific plan by preserving the particular character and unique assets of South Pasadena.

B. Applicability.

1. **Required review.** The exterior impacts of all projects within the following categories are subject to Design Review.
 - a. Residential development. Any single-family and multi-family residential project that requires a Building Permit for any exterior construction or modification ~~(except re-roofing where no structural modifications are required).~~
 - b. Commercial and industrial development. Any project involving the construction of, or exterior change to, any structure, landscaping, or permanent signs on a parcel or lot zoned commercial and/or industrial.
2. **Exemption from review.** All projects within the following categories shall be exempt from the provisions of this Section.
 - a. All construction, work, or labor on structures or for replacement or repair, which uses the same materials and colors and which does not alter the design of the structure, including re-roofing of like-for-like material and where no structural modifications are required;
 - b. Emergency shelters;
 - c. Single room occupancy;
 - d. ~~Second dwelling units.~~

C. Application filing and processing.

- ~~1.~~ **Submittal requirements.** Application for consideration of Design Review shall be made to the Planning Director on the application form provided by Planning Division, shall be accompanied by the required filing fee, and shall include such information and documents required in the Design Review Submittal Checklist form provided by the Planning

~~Director. Design Review Submittal Checklist form provided by the Planning Division, shall be accompanied by the required filing fee, and shall include such information and documents as may be required by the Planning Director. The following materials shall be required for Design Review. Separately listed requirements may be combined if not detrimental to the clear understanding of the Design Review action.~~

- ~~2. A site or plot plan reflecting the proposed project, including existing and proposed topography, property lines, and all recorded and proposed easements and public rights of way, at an appropriate scale.~~
- ~~3. Structure floor plans and elevations, at a scale of at least one eighth inch equals one inch, specifying all exterior materials with critical vertical dimensions clearly indicated.~~
- ~~4. A landscaping plan which shall accurately and clearly display the following:~~
- ~~5. Existing trees on the project site that are subject to this City's adopted Tree Ordinance;~~
- ~~6. Species of all trees, and their appropriate trunk diameter, height, and condition;~~
- ~~7. Final disposition of all existing trees;~~
- ~~8. The extent of proposed vegetation;~~
- ~~9. Species and planting sizes of all proposed landscaping along with the provisions for irrigation and ongoing maintenance;~~
- ~~10. Irrigation plan; and~~
- ~~11. Indication of all hardscape along with the exterior of all structures and amenities, including colors and materials keyed to a materials and colors board as appropriate.~~
- ~~12. Photographs of the site and its surroundings, including the use of the site and adjacent properties for a distance of 300 feet from each end of the principal street frontage, as well as properties opposite the subject and adjacent properties. The photos shall be mounted color prints, supplied from continuous views along the principal streets, along with a key map provided indicating the relationship of all views to the parcels, streets, and related features.~~
- ~~13. Materials, colors, and finishes clearly indicated on elevation drawings and keyed to a materials and colors board including light reflectance values (LRVs), a clear indication of the appearance, location, and light effects of all exterior lighting fixtures, and a two point perspective rendering showing proposed structures with profile drawings of the adjoining structures from an eye level elevation.~~
- ~~14. Although not a mandatory requirement, it is strongly recommended for a complete understanding of the proposal, that a three dimensional scale model of the projects site, on site erection of a full scale mockup (either balloons denoting the structure's corners or a story pole frame), perspective view, or other similar types of graphic information also be provided.~~
- ~~15. A statement indicating the manner and extent in which the proposed project is consistent with the adopted design guidelines.~~
- ~~16.1. _____ Additional materials may be required as part of the DRB submittal, as determined to be necessary by the Director or DRB.~~
- ~~17.2. _____ Retention of materials. All application materials shall be retained by the City to ensure full compliance with all formal Design Review DRB actions/decisions.~~

D. Design Review Authority.

1. **Planning Commission review.** The Planning Commission will be responsible for the Design Review of the following developments:

- a. As identified in Subsection B (Applicability) of this Section, all developments which require a Hillside Development Permit, a Conditional Use Permit, a Variance, a Planned Development Permit;
- b. Multi-family developments containing seven or more units;
- c. Multi-family developments containing six or fewer units not exempt from CEQA; or
- d. Any other application in which the Planning Commission is the Review Authority.

2. Cultural Heritage Commission (CHC) review. The CHC will be responsible for the Design Review of the following:

- a. All of the developments identified in Subsection B (Applicability) of this Section, which require a Certificate of Appropriateness as required by Chapter 2.58A Article IVH (Cultural Heritage Commission) of the Municipal Code; -
- b. All In addition, the CHC will be responsible for Design Review of pproperties within a designated historic district; -
- c. Where a proposed project is subject to a Certificate of Appropriateness from the CHC and also requires an application in which the Planning Commission is the Review Authority, the CHC shall review take action first on the Certificate of Appropriateness and provide recommendations to the and may provide the Planning Commission for the Certificate of Appropriateness and may also provide with recommendations on the subject zoning approval portion of the application in which the Planning Commission is the Review Authority.

3. DRB review. The DRB will be responsible for the Design Review of all of the developments identified in Subsection B (Applicability) of this Section, which are not subject to Design Review by the Planning Commission, or the CHC, DRB Chair, or Planning Director as specified in SPMC Section 36.410.040.

- a. A subcommittee consisting of two members of the Design Review Board shall be formed to work with staff for the Design Review of Mixed-Use or Multi-Family of seven (7) dwelling units or more, or not-exempted from CEQA, as listed in Table 4-1 (Review Authority).

~~2. (D)(1) and (D)(2). The Chair of the DRB may be responsible for the Design Review in compliance with SPMC Section 36.600.050(4) (Delegation of Responsibility).~~

4. DRB Review Authority Chair review. ~~DRB Review Authority Chair review~~ shall be responsible for Minor Design Review for projects that do not change the architectural design style of existing structures. These projects are as follows:

~~3. eligible for only the following minor projects. A proposed project shall not be:~~

- a. ~~Above the first story of the subject structure;~~
- b. ~~Readily visible from the street or prominently visible to any adjoining properties;~~
- a. Exterior modifications to all elevations of existing structures that would not change the architectural design style of the structures. This includes elevations that are visible to the street and/or above the first floor. Exterior modifications include new and different siding materials, new windows, new roofing materials, and replacement of existing front porch posts, balcony railing, and other similar changes as determined by the Planning Director and/or DRB Chair to not change the architectural design style of the existing structures.
- e.b. Additions of no Mmore than 500 square feet in area, or more than 25 percent of the existing structure, whichever is less, for an outdoor structure or a habitable space that is not visible to street. Such The additions are allowed above the first on the second floor as long as they are not visible to the street, and do not exceed the height of the existing structure.;

~~d. Subject to a Hillside Development Permit in accordance with Division 36.340 (Hillside Protection);~~

c. Subject to a Certificate of Appropriateness from the Cultural Heritage Commission in accordance with Sections 2.58 through 2.68 of the South Pasadena Municipal Code.

~~d. Not subject to a Planning Commission review in accordance with this Division and Division 36.340 (Hillside Protection).~~

5. **Planning Director.** The Planning Director shall be responsible for Minor Design Review for projects that involve minor modifications or additions to only the first floor of an existing structure, are not visible to the street, and does not change the architectural design style of the structures. These minor projects are as follows:

a. Exterior modifications to existing structures that are not visible from the street or prominently visible to any adjoining properties, and not above the first floor of the structure. Exterior modifications include new siding materials, windows, and new roofing materials.

b. Additions of no more than 500 square feet in area, or no more than 25 percent of the existing structure, whichever is less for an outdoor structure or a habitable space that is not visible to the street or not above the first floor, except for development subject to a Minor Hillside Development Permit.;

c. Modifications to existing graded and/or improved outdoor areas on a property subject to Division 36.340 (Hillside Protection), such as installation of an in-ground swimming pool, spa, patio covers, accessory structures less than 500 square feet, and similar feature not visible to the street.

d. Not subject to a Certificate of Appropriateness from the Cultural Heritage Commission in accordance with Sections 2.58 through 2.68 of the South Pasadena Municipal Code.

~~a-e.~~ Not on a hillside area with a slope of 30% or greater in accordance with Division 36.340 (Hillside Protection) of the South Pasadena Municipal Code.

E. **Preliminary Review.** Applicants are encouraged to consult with the City's planning staff as early as possible in the formulation of a schematic design. At the City's discretion, a preliminary review may be required to determine the level of information to be required from the applicant for Design Review. No final or binding decisions shall result at the preliminary review stage.

F. Scheduling of Design Review.

1. **Design Review.** Once an application is deemed complete, the Director shall schedule an application for Design Review at the earliest available date following the required public notice period, concurrently with any Zoning Approval applications that may be required.

~~1.2.~~ **Minor Design Review.** Minor Design Review by the DRB Chair or Planning Director shall be considered approved administratively without conducting a public hearing or providing public notice prior to taking action.

~~F.G.~~ **Public notice.** Not less than 10 days before the hearing, the City shall give notice to the applicant, to owners of the subject property, ~~and~~ to site occupants if the owner does not occupy the property, in compliance with Division 36.630 (Public Hearings), for all Design Review, with the exception of Minor Design Review, and as follows:

1. 300-foot radius notice. The following projects shall require that all owners of real property as shown on the County's latest equalized assessment roll and all legal occupants located within a 300-foot-radius of the proposed project received public notification of the hearing. The 300-foot radius shall be measured from the exterior boundaries of the subject parcel to the exterior boundaries of neighboring parcels within the 300-foot radius, without reference to structures existing on the parcels. ;

a. Any project in which Design Review will occur as part of a Zoning Approval for which the Planning Commission or Design Review Board is the designated Review Authority;

- b. Any project in which Design Review will occur as part of a Zoning Approval for which the Cultural Heritage Commission is the designated Review Authority;
- c. Any demolition of an existing structure that does not qualify for Minor Design Review;
- d. The construction of a new house or non-residential ~~or other~~ structures;
- e. A change from the existing architectural design (e.g., replacement of all existing windows with a different window style, removal and replacement of all existing exterior with different materials, a roof reconfiguration, or similar construction which alters the existing style);
- f. An additional story to an existing structure;
- g. Additions that are not subject to Minor Design Review. A 50 percent increase to the existing structure or 500 square feet, whichever is less.

~~2. 100-foot notice. A project that does not meet the criteria in Subsection (G)(1) shall require a 100-foot radius public notification.~~

~~3.2.~~ Designated historic districts. In addition to the public noticing requirements of Subsection (G)(1), when a project is located within a designated historic district the City shall give notice to all properties within the historic district.

G.H. Design Review action. The following actions may be taken relating to any application in compliance with this Section.

- 1. Approval or disapproval. The Review Authority may approve or disapprove an application. Application approval may be subject to conditions as may be deemed reasonable and necessary to ensure that the findings required by Subsection (I) (Required findings), and all City development standards are met.
- 2. Continuance. The Review Authority may continue consideration of an application for a period of time not to exceed 90 days. The Director may extend this period to a total of 120 days, if the applicant has made material progress and can show good cause for the extension. Should the DRB not take an affirmative action, the matter shall automatically be referred to the Planning Commission.

H.I. Required findings. In order to approve a Design Review application, the Review Authority shall first find that the design and layout of the proposed development:

- 1. Is consistent with the General Plan, any adopted design guidelines and any applicable design criteria for specialized areas (e.g., designated historic or other special districts, plan developments, or specific plans);
- 2. Will adequately accommodate the functions and activities proposed for the site, will not unreasonably interfere with the use and enjoyment of neighboring, existing, or future developments, and will not create adverse pedestrian or traffic hazards;
- 3. Is compatible with the existing character of the surrounding neighborhood and that all reasonable design efforts have been made to maintain the attractive, harmonious, and orderly development contemplated by this Section, and the General Plan; and
- 4. Would provide a desirable environment for its occupants and neighbors, and is aesthetically of good composition, materials, and texture that would remain aesthetically appealing with a reasonable level of maintenance and upkeep.

I.J. Appeal of a Review Authority action. A decision of the Review Authority may be appealed within 15 days of the decision, in compliance with Division 36.610 (Appeals).

J.K. Effect of Review Authority action.

- 1. No final inspection or Occupancy Permit shall be granted unless the completed work fully complies with the plans approved and the conditions required by the Review Authority.

2. The materials and design shall be in compliance with the approved plans and shall be so maintained, unless otherwise approved by the Review Authority.

K.L. Amendments. The Review Authority may amend the terms and/or conditions originally approved by the Review Authority upon the written request of the applicant, or the Review Authority, after a duly noticed meeting has been conducted in compliance with this Section.

L.M. Expiration. ~~Expiration- The time limits and extensions set forth in per Section 36.420.040 (Time Limits and Extensions) shall apply to this Section of this Code.~~

- ~~1. The Review Authority may extend the time limit in compliance with Section 36.420.040 (Time Limits and Extensions).~~
- ~~2. Alternatively, the Director may grant no more than one administrative extension for a period not to exceed 12 months if the project has not changed and if there have been no material changes to the surrounding neighborhood in compliance with Section 36.420.040 (Time Limits and Extensions).~~

M.N. Enforcement. Failure to comply with an approval granted by the Review Authority is a violation of this Zoning Code in compliance with Division 36.640 (Enforcement). An approval may be revoked or modified in compliance with Section 36.640.070 (Zoning Approval Revocation or Modification).

(Ord. No. 2108 § 1; Ord. No. 2183 § 19, 2009; Ord. No. 2185 § 2, 2009; Ord. No. 2246 § 6, 2013; Ord. No. 2251 § 9, 2013; Ord. No. 2253 § 5, 2013.)

36.410.060 Conditional Use Permits and Administrative Use Permits.

- A. **Purpose.** Conditional Use Permits and Administrative Use Permits are intended to allow for activities whose effect on a site and its surroundings can only be determined after the review of the configuration, design, location, and potential impacts of the proposed use and the suitability of the use to the site.
- B. **Applicability.** A Conditional Use Permit or Administrative Use Permit is required to authorize proposed land uses and activities identified by Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) as being allowable in the applicable zoning district subject to the approval of a Conditional Use Permit or Administrative Use Permit.
- C. **Application filing and processing.** An application for a Conditional Use Permit or Administrative Use Permit shall be filed and processed in compliance with Division 36.400 (Application Filing and Processing).

D. Review authority.

- 1. **Planning Commission.** The Commission may grant a Conditional Use Permit for any use listed in Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) as requiring a Conditional Use Permit.
- ~~1.2.~~ **Planning Director.** The Director may grant an Administrative Use Permit for any use listed in Article 2 as requiring an Administrative Use Permit, or may choose to instead refer the matter to the Commission for review, hearing, and decision.

~~D.E.~~ Project review, notice, and hearing.

- 1. **Project review.** Each application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this Section. The Director shall submit a staff report and recommendation on Conditional Use Permit applications to the Commission for their consideration.
- ~~1.2.~~ **Concurrent review.** An Administrative Use Permit for a project that requires Commission review and discretionary approval requiring a public hearing shall be considered by the Commission concurrently with the discretionary zoning approval.
- ~~2.3.~~ **Notice and hearing.** ~~A decision to approve or deny an application for a Conditional Use Permit or Administrative Use Permit shall follow a public hearing conducted in compliance with Division 36.630 (Public Hearings), and as follows. Notice of the public hearing shall be provided in compliance with Division 36.630.~~
 - a. **Conditional Use Permits.** The Commission shall conduct a public hearing in compliance with Division 36.630 (Public Hearings) on an application for a Conditional Use Permit. ~~Notice of the public hearing shall be provided in compliance with Division 36.630~~
 - b. **Administrative Use Permits.** A public hearing shall not be required for the approval of an Administrative Use Permit if the ~~Planning~~ Director follows the procedure in this subsection and receives no request for a public hearing. If a public hearing is requested, the ~~Planning~~ Director shall provide conduct a public hearing and provide notice of the public hearing in compliance with Division 36.630 (Public Hearings).
- (1) Posted Notice Required.** ~~The Director shall conduct a public hearing on an application for an Administrative Use Permit.~~ Public notice of a requested Administrative Use Permit shall be provided by posting at the project site of the requested Administrative Use Permit, with a minimum 11- by 17-inch legal notice, containing the information required by the Director. The notice shall be continuously posted for 10 days before the Director's action. The applicant shall be responsible for posting the notice, ensuring the notice will be on the project site for all ~~seventen~~ days, and shall

provide a photograph of the posting with a signed ~~affidavit~~ declaration under penalty of perjury confirming posting of the notice to the Director.

(2) Notice distribution. A notice shall be mailed or delivered, at least 10 days before the Director's scheduled action date through the United States mail with postage prepaid, to:

- i. The owners of the property being considered or the owner's agent, and the applicants;
- ii. Each local agency expected to provide ~~schools,~~ water, sanitation, utility, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;
- iii. All owners of real property as shown on the County's latest equalized assessment roll and all legal occupants located within a 300-foot radius of the subject parcel. The 300-foot radius shall be measured from the exterior boundaries of the subject parcel to the exterior boundaries of ~~the neighboring parcels~~ within the 300-foot radius, without reference to structures existing on ~~the either~~ parcels.
- iv. Any person who has filed a written request for notice with the Director.

(3) Notice to Property Owners & Occupants. All required notices shall be provided at the sole cost of the applicant subject to the City Council's approved fee schedule. The above-referenced A-notice shall ~~be provided to all property owners and occupants with a 300-foot radius of the project site~~ containing the following:

- i. **Application information.** The name of the applicant; the City's file number assigned to the application; a general explanation of the matter to be considered; a general description, in text and/or by diagram, of the location of the property that is the subject of the notice;
- ii. **Action.** A brief description of the action to be taken by the ~~Planning~~ Director, the date of the scheduled action, and information for method of requesting a public hearing prior to the scheduled action date. The notice shall state that the ~~Planning~~ Director will take action on the requested Administrative Use Permit if no public hearing request is received within 10 calendar days from the postage date on the notice. The notice shall include the phone number and street address of the Department where an interested person could call or visit to obtain additional information;
- iii. **Environmental Review.** A statement explaining compliance with California Environmental Quality Act.

E.F. Findings and decision. The ~~Following a public hearing,~~ the Commission or Director, as applicable, may approve, conditionally approve, or disapprove an application for a Conditional Use Permit or Administrative Use Permit, and shall record the decision and the findings upon which the decision is based. The review authority may approve the permit only after first making all of the following findings, and any additional findings required for the approval of specific land uses by Division 36.350 (Standards for Specific Land Uses).

1. The proposed use is allowed with Conditional Use Permit or Administrative Use Permit approval within the applicable zoning district and complies with all applicable provisions of this Zoning Code;
2. The proposed use is consistent with the General Plan and any applicable specific plan;

3. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;
4. The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City;
5. The subject site is adequate in terms of size, shape, topography, and circumstances and has sufficient access to streets and highways which are adequate in width and pavement type to carry the quantity and quality of traffic expected to be generated by the proposed use; and
6. The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of aesthetics, character, scale, impacts on neighboring properties.

F.G. Conditions of approval. In approving a Conditional Use Permit or Administrative Use Permit, the review authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Subsection F. (Findings and decision), above, and to preserve the public health, safety, and general welfare.

(Ord. No. 2108 § 1.)

36.410.065 Hillside Development Permits.

A. Purpose. Hillside Development Permits provide a review process for the City to consider the appropriateness of proposed development on hillside parcels, to ensure that proposed projects minimize their visual and environmental impacts.

B. Applicability.

1. ~~A Hillside Development Permit is required to authorize any proposed construction of new primary dwelling unit new development that is subject to the requirements of Division 36.340 (Hillside Protection).~~

~~—A Minor Hillside Development Permit is required to authorize any other proposed development that is subject to the requirements of Division 36.340 (Hillside Protection).~~

~~+2.~~

C. Application filing and processing.

1. ~~A Preliminary Review application under Section 36.410.040.E (Preliminary Review) n application for and an application under Division 36.400 (Application Filing and Processing) is required for a Hillside Development Permit or Minor Hillside Development Permit. shall be filed and processed in compliance with Division 36.400 (Application Filing and Processing). An applicant whose property has a slope greater than 30 percent must submit a Preliminary Hillside Application in addition to an application for a Hillside Development Permit or Minor Hillside Development Permit.~~

D. Review authority.

1. ~~Hillside Development Permits may be ~~The Commission may~~ approved or disapproved by the Planning Commission. , or approve a Hillside Development Permit subject to conditions of approval, in compliance with this Section.~~

2. ~~Minor Hillside Development Permit may be approved or disapproved by the Design Review Board (DRB), DRB Chair, or Planning Director in accordance with Section 36.410.040.~~

1. ~~The Director of Planning and Community Development may approve, disapprove, or approve a Minor Hillside Development Permit subject to conditions of approval, in compliance with this Section.~~

B.E. Project review, notice, and hearing.

1. Each application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this Section. The Director shall submit a staff report and recommendation to the Commission for their consideration of a Hillside Development Permit.

2. The Commission shall conduct a public hearing on an application for a Hillside Development Permit prior to the approval or disapproval of the permit.

3. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Division 36.630 (Public Hearings).

C.E.F. Findings and decision. ~~Following a public hearing, the Commission may approve, conditionally approve, or disapprove the application, and shall record the decision and the findings upon which the decision is based.~~ The review authority may approve the permit only after first finding that:

1. The proposed use complies with the requirements of Division 36.340 (Hillside Protection) and all other applicable provisions of this Zoning Code.

2. The proposed use is consistent with the General Plan and any applicable specific plan;

3. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;
4. The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City; and
5. The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of aesthetics, character, scale, and view protection.

D.G. Conditions of approval. In approving a Hillside Development Permit or Minor Hillside Development Permit, the review authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Subsection F, and to preserve the public health, safety, and general welfare.

36.420.040 Time Limits and Extensions.

A. Time limits.

1. Unless conditions of approval or other provisions of this Zoning Code establish a different time limit, any Zoning Approval granted in compliance with Division 36.410 (Zoning Approval or Disapproval) that is not exercised within 12 months of its approval shall expire and become void, except where an extension of time is approved in compliance with Subsection B of this Section.
2. The Zoning Approval shall not be deemed “exercised” until the permittee has submitted construction plans to the Building Official for plan review and paid the requisite fees for plan check. The Zoning Approval for a project that requires construction shall remain valid provided that the plan review process remains active in the Building Division. The plan review process shall be considered active for no more than 18 months from the date construction plans are submitted to the Building Official and the requisite plan check fees are paid until a Building Permit is issued. The Zoning Approval shall expire at the end of the aforementioned 18 months, if a building permit has not been issued or an extension granted pursuant to the procedures set forth herein. If no construction is required, the Zoning Approval shall be deemed “exercised” when the permittee has actually commenced the allowed use on the subject site in compliance with the conditions of approval.
3. Zoning Approval shall remain valid after it has been exercised as long as a Building Permit is active for the project, or a final building inspection or Certificate of Occupancy has been granted. A Building Permit issued by the Building Official remains active provided it has not expired pursuant to the Building Code.
4. If a project is to be developed in approved phases, each subsequent phase shall be exercised within 12 months from the date that the previous phase was exercised, unless otherwise specified in the Zoning Approval, or the Zoning Approval shall expire and be deemed void. If the project also involves the approval of a Tentative Map, the phasing shall be consistent with the Tentative Map and the Zoning Approval shall be exercised before the expiration of the Tentative Map, or the Zoning Approval shall expire and be deemed void.

B. Extensions of time. Upon request by the applicant, the review authority may extend the time for a Zoning Approval to be exercised as follows.

1. **Application Filing.** ~~1.~~—The applicant shall file a written request for an extension of time with the Department at least 10 days before the expiration of the Zoning Approval, together with the filing fee required by the Council’s Fee Resolution.
2. **Burden of Proof.** ~~2.~~—The burden of proof is on the permittee to establish with substantial evidence that the Zoning Approval should be extended.
3. **Administrative Approval:** ~~The If the Planning Director review authority may grant no more than one administrative time extension for a period not to exceed 12 months from the expiration date of the Zoning Approval provided that the Planning Director finds that:~~
 - a. ~~The project has not changed and there have been no material changes to the surrounding neighborhood;~~
 - b. ~~The permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner;~~
 - a. ~~determines that the permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner, the review authority may grant a time extension for up to an additional 12 months from the effective date of approval to extend the Zoning Approval, provided that the review authority first finds that:~~

~~b.c. a.~~—The proposed extension is consistent with the General Plan, and any applicable specific plan and the overall project remains consistent with those plans as they exist at the time the extension request is being considered; and

~~e.d. b.~~—There are adequate provisions for public services and utilities, e.g., access, drainage, fire protection, sewers, water, etc., to ensure that the proposed change would not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or be injurious to the property or improvements in the vicinity and applicable zoning district.

~~2. e.~~—~~Use Exercise of the Zoning Approval is likely to or has been will be delayed by causes outside the applicant's control, e.g., project complexities, legal challenges, an economic downturn, requirements imposed by other governmental agencies.~~

~~e.~~

~~3.4. Review Authority. 3.~~—The ~~R~~review ~~A~~authority ~~which originally approved the Zoning Approval~~ may extend the time for a Zoning Approval beyond 12 months ~~and (up to a maximum of 36 months)~~ from the effective date of ~~original~~ approval, provided that the applicant meets the requirements for time limits and extensions as required in this Subsection and the ~~R~~review ~~A~~authority makes the ~~following findings in Subsection B B b. 3.:~~

~~d. a.~~—~~The findings set forth in subsection (B)(2) of this section; and~~

~~a. b.~~—~~Exercise of the Zoning Approval will be delayed by causes outside the applicant's control, e.g., project complexities, legal challenges, an economic downturn, requirements imposed by other governmental agencies.~~

~~b.a. C.~~—~~Hearing on extension.~~ The ~~applicable R~~review ~~A~~authority ~~which originally approved the Zoning Approval~~ shall hold a hearing on any proposed extension ~~of a Zoning Approval~~, in compliance with Division 36.630 (Public Hearings).

(Ord. No. 2108 § 1; Ord. No. 2227 § 3, 2012.)

36.600.050 Design Review Board (DRB).

A. Establishment. The Design Review Board, referred to in this Zoning Code as the DRB, is hereby established.

B. Appointment. The DRB members shall be appointed by the Mayor, with the approval of the Council.

C. Membership.

1. The DRB shall consist of five members, each being a resident elector of the City. To the greatest extent feasible, they shall represent the following professions/occupations:
 - a. At least two members shall be State licensed architects, or retired from that status;
 - b. At least one member shall be State licensed as a contractor or landscape architect, or retired and/or inactive from that status;
 - c. At least one lay member who has demonstrated special interest, competence, experience, or knowledge in urban design.

D. Terms of office.

1. All members shall be appointed to a term of office of three years or until their respective successors are appointed and qualify.
2. A person that was appointed to serve a partial term may be appointed to serve not more than two consecutive full terms thereafter.
3. Each member shall not serve more than two consecutive full terms. A DRB member may be re-appointed after at least a twelve-month absence from the DRB.
4. Any vacancy on the DRB shall be filled by the Mayor, with the approval of the Council.

E. Organization. The DRB shall elect its chairperson from among its appointed members for a term of one year and, subject to other provisions of law, may create and fill the other offices as it may deem necessary, subject to the approval of the Council.

F. Compensation. The DRB members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in the performance of their duties.

G. Quorum. Three members of the DRB shall constitute a quorum. No action of the DRB shall be valid without the affirmative vote of at least three members.

H. Authority.

~~1. Advisory responsibility. The DRB is advisory to the Commission with regard to projects requiring Commission approval and has the responsibility to review all plans in compliance with the adopted guidelines.~~

2.1. Decision making responsibility. The DRB shall be the final review authority for projects only requiring Design Review that are not subject to Design Review by the Planning Commission or Cultural Heritage Commission, unless its determination is appealed to the Commission.

I. Limits of responsibility. The DRB may not:

1. Determine the location or appropriateness of a land use, if the use is in compliance with this Zoning Code;

2. Restrict development beyond the development standards identified in this Zoning Code, except as specifically provided herein; or
3. Authorize a sign prohibited by Section 36.320.040 (Prohibited Signs).

J. Delegation of responsibility. In order to allow the DRB flexibility in performing its duties in as efficient a manner as possible, the DRB may adopt criteria under which the Chairperson, acting alone, or a subcommittee of the full DRB, may implement and administer the policies of the DRB on a case-by-case basis for specified review, of an aspect of a project, an entire specific project, or a category of projects or aspects thereof. The criteria shall be the same for both DRBs and be subject to the approval of the Council.

K. Term of Chairperson. The person selected as Chairperson shall serve no more than two consecutive one-year terms as Chairperson. A Chairperson may be re-elected as Chairperson after at least a 12-month vacancy from that position.

L. DRB secretary. The [Planning](#) Director shall act as secretary to the DRB, shall record all actions, and shall provide written communications to the applicants.

(Ord. No. 2108 § 1; Ord. No. 2176, § 2, 2008.)

36.610.050 Appeal Filing, Processing, and Decisions.

A. Timing and form of appeal.

1. An appeal application shall be submitted in writing, ~~within prior to the~~ 15th calendar days after the date of the decision of the Director, DRB, or Commission, as applicable, that is being appealed.
2. An appeal application addressed to the Commission shall be filed with the Department, while an appeal addressed to the Council shall be filed with the City Clerk.
3. An appeal application shall:
 - a. Specifically identify the grounds upon which the appeal will be taken and summarize the facts and points of law in support of the appeal. Additional facts or points of law may be presented at the hearing;
 - b. Be accompanied by the information identified in the Department handout for appeal applications; and
 - c. Be accompanied by the filing fee established by the Council's Fee Resolution.

B. Delay of proceedings. The filing of an appeal shall delay (or suspend) the effective date of the Director, DRB, or Commission action until the date the decision on appeal becomes final or the appeal is withdrawn.

C. Withdrawal. An appeal may be withdrawn by the appellant before the scheduled public hearing.

D. Joining an appeal.

1. Only those persons who file an appeal within the specified appeal period shall be considered appellants of the matter under appeal.
2. Any person who wishes to join an appeal shall follow the same procedures for an appellant.
3. A person shall not be allowed to join an appeal after the end of the specified appeal period.

E. Action on appeals. Notice and hearing of an appeal shall be given in the same manner as any hearing required for the action being appealed. If no notice was required, then the appeal body shall give notice as it deems fair and appropriate.

1. Scope of review and decision. When reviewing an appeal the review authority may:
 - a. Consider any issues associated with the decision being appealed, in addition to the specific grounds for the appeal. The review authority shall also consider any environmental determination applicable to the zoning approval or decision being appealed;
 - b. By resolution, uphold, uphold in part, or reverse the action, the determination, or decision that is the subject of the appeal; or
 - c. Adopt additional conditions of approval deemed reasonable and necessary.
2. New evidence. If new or different evidence, related only to the subject of the appeal, is presented during the appeal hearing, the Commission or Council, may refer the matter back to the Director, DRB, or Commission, as applicable, for a report on the new or different evidence before a final decision on the appeal.
3. Findings. The appeal body shall be governed by the same criteria which governed the action being appealed.

4. Time limits. Unless otherwise specified by law, including this Zoning Code, the appeal body shall render its decision on the appeal within 30 days after the closing of the hearing for the appeal.

F. Mailing of resolution. Within five days after a decision on an appeal is rendered, notice of the decision shall be mailed to the person who filed the appeal and to any person who received notice of the action that was appealed.

(Ord. No. 2108 § 1.)

Division 36.630. Public Hearings

Sections:

- 36.630.010 Purpose of Division.
- 36.630.020 Notice of Hearing.
- 36.630.030 Scheduling of Hearing.
- 36.630.040 Review Authority Decision and Notice.
- 36.630.050 Recommendation by Commission.
- 36.630.060 Effective Date of Decision.
- 36.630.070 Hearing Procedures.

36.630.010 Purpose of Division.

This Division establishes procedures for public hearings before the Director, DRB, Commission, and Council. When a public hearing is required by this Zoning Code, public notice shall be given and the hearing shall be conducted as provided by this Division.

(Ord. No. 2108 § 1.)

36.630.020 Notice of Hearing.

When a zoning approval or other matter requires a public hearing, the public shall be provided notice of the hearing in compliance with State law (Government Code Sections 65090, 65091, 65094, and 66451.3, and Public Resources Code 21000 et seq.), and as required by this Division.

A. Contents of notice. Notice of a public hearing shall include:

1. **Hearing information.** The date, time, and place of the hearing and the name of the hearing body; a brief description of the City's general procedure concerning the conduct of hearings and decisions; and the phone number and street address of the Department, where an interested person could call or visit to obtain additional information;
2. **Application information.** The name of the applicant; the City's file number assigned to the application; a general explanation of the matter to be considered; a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing;
3. **Statement on environmental document.** If a draft Negative Declaration or Environmental Impact Report has been prepared for the project in compliance with the South Pasadena Environmental Review Guidelines, the hearing notice shall include a statement that the hearing body will also consider approval of the draft Negative Declaration or certification of the final Environmental Impact Report; and
4. **Effect of City action.** The following statements, which are intended to alert the recipient to the possible effects that could result from the City approving the subject amendment:
 - a. **General Plan or specific plan.** A General Plan or specific plan amendment could result in a change in the manner (e.g., a change from residential to commercial, commercial to business park, or commercial or business park to residential) in which the subject parcels may be used or in the allowed intensity or density of the project.
 - b. **Zoning Code.** A Zoning Code amendment could modify any allowable land use, standard, requirement, or procedure applicable to construction of a project within the City.
 - c. **Zoning Map.** A Zoning Map amendment could have the effect of rezoning property from one zoning district to another (e.g., a change from residential to commercial, commercial to business park, or commercial or business park to residential) or in the allowed intensity or density of the project.

B. Method of notice distribution. Notice of a public hearing required by this Division for an amendment, appeal, or entitlement shall be given as follows, as required by State law:

1. Mailing.

a. Notice shall be mailed, or delivered, at least 10 days before the hearing, through the United States mail with postage prepaid, to:

- (1) The owners of the property being considered or the owner's agent, and the applicants;
- (2) Each local agency expected to provide schools, water, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;
- (3) All owners of real property as shown on the County's latest equalized assessment roll and all legal occupants located within a 300-foot radius of the subject parcel. The 300-foot radius shall be measured from the exterior boundaries of the subject parcel to the exterior boundaries of neighboring parcels within the 300-foot radius, without reference to structures existing on the parcels; and
- (4) Any person who has filed a written request for notice with the Director.

b. The 300-foot radius shall be measured from the exterior boundaries of the subject parcel to the exterior boundaries of the neighboring parcels within the 300-foot radius, without reference to structures existing on either parcels.

~~2.~~—Additional required notice. In addition to the mailing or delivery identified in Subsection B.1, the notice shall also ~~either be:~~

~~a.2. All public hearings except DRB.~~Published at least once in a local newspaper of general circulation within the City at least 10 days before the hearing. ~~for all except DRB matters; or~~

~~b. DRB hearings only. Posted, at least 10 days before the hearing, in at least three public places in the City, in compliance with the Department's handout on public hearing requirements for DRB matters.~~

C. Alternative to mailing. If the number of property owners to whom notice would be mailed in compliance with Subsection B.1 above is more than 1,000, the Director may choose to provide the alternative notice allowed by State law (Government Code Section 65091(a)(3)).

D. Additional optional notice. In addition to the types of notice required by Subsection B. and C., above, the Director may provide additional notice with content or using a distribution method as the Director determines is necessary or desirable (e.g., use of a greater radius for notice, on the Internet, etc.).

(Ord. No. 2108 § 1.)

36.630.030 Scheduling of Hearing.

After the completion of the public comment period for an environmental document required by the California Environmental Quality Act (CEQA) and the South Pasadena Environmental Review Guidelines, the matter shall be scheduled for public hearing on a Director, DRB, CHC, Commission, or Council agenda (as applicable) at the earliest available date after the end of the public notification period in compliance with Section 36.630.020 (Notice of Hearing).

(Ord. No. 2108 § 1.)

36.630.040 Review Authority Decision and Notice.

A. Decision.

1. The review authority (Director, DRB, CHC, Commission, or Council, as applicable) may announce and record their decision on the matter being considered at the conclusion of a scheduled hearing, defer action and continue the matter to a later meeting agenda in compliance with Section 36.630.070 (Hearing Procedure), or, in the case of the Director, take the matter under advisement.
 2. The Director or Chair may instead refer the matter to the Planning Commission or Design Review Board for determination. A referral will require a new noticed hearing before the Planning Commission or Design Review Board.
 3. The action of the Planning Commission shall be by resolution, adopted by the affirmative vote of not less than three members.
- B. Notice of decision. The notice of decision identified in Subsection A., above, shall contain any conditions of approval, and reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the City.
- C. Mailing of the notice.
1. Within five business days following the date that the final decision or recommendation is rendered by the review authority, notice of the decision shall be mailed to the applicant at the address shown on the application.
 2. A copy of the notice of decision shall also be sent to the property owner, if different from the applicant, to all other persons who have filed a written request for notice, and to each member of the Council.
- D. Planning Commission or ~~and~~ Cultural Heritage indecision. When, for any reason, the Planning Commission or Cultural Heritage Commission ~~re~~is unable to reach a decision within 40 days after the close of the public hearing, the matter shall be deemed automatically appealed to the Council, without decision by the Commission. The City Clerk shall place the matter on the Council's agenda and a de novo public hearing shall be held by the Council.

(Ord. No. 2108 § 1.)

36.630.050 Recommendation by Planning Commission.

- A. Planning Commission action. At the conclusion of any public hearing on an amendment (e.g., General Plan, Zoning Map, or Zoning Code), a development agreement, or a specific plan the Commission shall forward a recommendation, including all required findings, to the Council for final action.
- B. Mailing of recommendation. Within five business days following the hearing, a copy of the Commission's recommendation shall be mailed to the applicant at the address shown on the application.

(Ord. No. 2108 § 1.)

36.630.060 Effective Date of Decision.

A decision of the Director, DRB, CHC, or Commission (other than a recommendation in compliance with Section 36.630.050) is final and effective at the end of the business day on the 15th day following the decision, unless an appeal is filed in compliance with Division 36.610 (Appeals).

(Ord. No. 2108 § 1.)

36.630.070 Hearing Procedures.

- A. Holding of hearings. Hearings shall be held at the date, time, and place described in the public notice required by this Division.
- B. Continuances. If a hearing cannot be completed on the scheduled date, the presiding Councilperson or Commissioner, before the adjournment or recess of the hearing, may continue the hearing by publicly announcing the date, time, and place to which the hearing will be continued. Additional notice for a continued hearing is not required.

(Ord. No. 2108 § 1.)

ATTACHMENT 3
PC Resolution
(Click Here)

PC Staff Report & Attachments
(Click Here)

PC Additional Document
(Click Here)



City Council Agenda Report

ITEM NO. 16

DATE: August 5, 2020

FROM: Stephanie DeWolfe, City Manager

PREPARED BY: Joanna Hankamer, Planning & Community Development Director
Lucy Demirjian, Assistant to the City Manager

SUBJECT: **Consideration of Ballot Measures for the November 3, 2020 General Municipal Election; Approval of Resolution for the Submission of Proposed Ordinance; and Approval of Language for the Ballot Measure**

Recommendation

It is recommended that the City Council consider ballot measures for the General Municipal Election on Tuesday, November 3, 2020; approve the resolution submitting a ballot measure to the voters; and approve language for the ballot measure. Staff recommends the following:

- 1) The UUT measure be placed on the ballot at the current rate of 7.5% and without a sunset date, but rather language that states it will remain in place until repealed by the voters;
- 2) The Transit Occupancy Tax measure be delayed until the November 2022 ballot as the urgency for this item has been removed by the pandemic impacts to the hospitality industry and the generally preferred standard of not placing multiple tax measures on the same ballot;
- 3) The Planning Commission has recommended against a November 2020 ballot measure to increase height limits, deferring consideration of such a measure until after more analysis and outreach has been conducted.

Executive Summary

The City Council considered three ballot measures at their July 15, 2020 meeting and provided feedback to staff. The three measures were 1) renewal of the UUT which will sunset in June of 2022, 2) creation of a new TOT which would apply to hotel rooms and short term rentals such as AirBnB, and 3) changes to the City's building height limits as a means to comply with State housing mandates as required by October of 2021. The November 3, 2020 regular municipal election for the City of South Pasadena will be a consolidated election with the County of Los Angeles. The City Council must call and give notice to the regular municipal election for the purposes of placing a measure on the ballot before the August 7 deadline.

Planning Commission Recommendation

Planning Commission held a Special Meeting on July 21, 2020 where staff presented preliminary findings from the Housing Element Sites Analysis to receive feedback from the community and commission. Staff recommended a series of strategies for future City Council consideration to

meet the City's RHNA obligations, including a strategy to ask permission from the South Pasadena voters in November 2020 to increase the building height envelope on five (5) specific housing opportunity sites up to between seven and fifteen (7 - 15) feet. While the Commission generally agreed with the strategy to include targeted height increases rather than allowing multi-family housing in single-family neighborhoods or allowing housing to be built on existing open spaces, the Commissioners were unanimous in their discussion that it is too soon in the analysis to ask the voters to consider a height increase this November. The Special Planning Commission Meeting had to be concluded before the Commissioners had completed related discussions in order to accommodate another City commission meeting. Before concluding, the Commission voted unanimously to recommend against putting a ballot measure on the November 2020 ballot but wanted to continue a discussion on height increases on the five proposed sites. Some Commissioners were open to the idea of placing a ballot measure on a future special election if height increases are needed to meet the City's RHNA obligations; and all Commissioners wanted to keep all options open until more analysis is available and after the community has more time to consider the alternatives. The Planning Commission continued the rest of the Housing Element item discussion and deliberation to its next regularly scheduled meeting on August 11, 2020. Staff concurs with Planning Commission to defer consideration but still recommends strategic and limited height increases as the best tool to address the City's remaining affordable housing unit shortfall for the 6th cycle Housing Element.

In addition to receiving feedback from the Planning Commission on July 21, 2020, Staff received 22 public comments on the item (included in Attachment 3), including nine in support of raising height limits if necessary to meet the City's RHNA obligation and 12 opposed to a height increase ballot measure. One of the emailed public comments opposing a height increase was also submitted by voicemail and referenced the names of 81 additional people who concurred with the author's opposition.

See Attachment 3 for the July 21, 2020, Planning Commission Staff Report, Presentation and Public Comments.

Discussion/Analysis

Utility Users Tax (UUT)

With the economic uncertainties resulting from the COVID-19 pandemic, the City will face significant financial challenges in the coming years. Additionally, the City's UUT is set to expire on June 30, 2022 furthering the impacts to the City's budget. As the City explores ways to manage its resources in the midst of a pandemic, this revenue source continues to be critical to delivery of core city services, including public safety, fire and paramedic services, youth and senior services, library and maintenance of streets and parks. The renewal of the UUT is essential to the City's financial sustainability and to preserve critical core services.

In placing the measure on the ballot, the Council must also determine the rate and term of the tax. It is recommended that the ballot language to be submitted to the voters for the renewal of the UUT not specify a sunset date, rather identify that the tax will remain in place until the voters choose to repeal it. Experience from other agencies indicates that voters prefer tax measures that

remain in place with voter control, rather than short term sunset dates that require ongoing ballot measures.

The Council can also consider an increase to the tax rate above the current 7.5%. In other cities, the UUT rate is as high as 10% (Attachment 2: List of Los Angeles County Cities with UUTs). For each 0.5% increase in tax rate, approximately \$225,000 would be generated to the General Fund. Since the UUT is a diminishing source of revenue for the City, an increase or escalator may be considered to maintain the contribution to the General Fund. The UUT rate can also be increased at a later date if placed on a future ballot.

UUT ballot measure rate and term:

Option 1. Renew UUT at current rate for X years

Option 2. Renew UUT at current rate, no sunset, until repealed by voters (*Recommended*)

Option 3. Renew UUT with rate increase to X%, no sunset, until repealed by voters

Building Height Limit

The City's state-mandated Regional Housing Needs Assessment (RHNA) obligations require policy action to accommodate 2,062 new housing units within the next eight years. The City does not need to build these units, and Staff is skeptical that so many units could be built in that timeframe, but the City must plan for these 2,062 units or face costly consequences including loss of state grant funding. Timing is critical in providing the community and City Council with options to accommodate these additional housing units in order to prepare the Housing Element in compliance with State law by October 2021.

Timing

The current building height limit in South Pasadena of 45 feet was set by voter initiative. Therefore, for the City to consider a limited height increase as one of the potential strategies to meet the City's RHNA obligation, a future ballot measure would need to be included either on the November 2020 ballot or on a special election ballot in March 2021, and a majority of voters would need to support the height increase. Placing a local measure on the November 2020 ballot measure would cost the City approximately \$10,000 to \$15,000 compared to holding a special election in March 2021 at an estimated cost of \$100,000 or more. Regarding timing, placing a measure on the ballot in November 2021 would keep the draft General Plan (GP) and Downtown Specific Plan (DTSP) on schedule for adoption in mid-2021. If limited height increases are to be considered but the vote is deferred to March 2021, the GP and DTSP plans will be delayed by four months, with required additional consultant costs. The deadline for City Council to approve a ballot on the November 2020 election is August 7th.

Whether taken to the voters in November 2020 or March 2021, based on preliminary analysis, Staff still recommends that a limited height increase ballot measure be designed and considered, among other housing-production tools, to meet the City's RHNA obligations. The ability to allow a height increase on a few identified housing opportunity sites, which can be chosen for appropriateness, is one of only a few tools available to satisfy the RHNA requirement for affordable housing units. Precluding the use of this tool will limit the City's ability to avoid other less desirable alternatives of rezoning open space for multi-family housing or to increase

density in single-family neighborhoods to 30 dwelling units per acre to accommodate multi-family housing.

Preliminary Housing Element Sites Analysis and Proposed Limited Height Increase

Upon completion of the first phase of the required Housing Element Sites Analysis, PlaceWorks has calculated an existing capacity for the City to meet 1,136 of the required 2,062 RHNA units under existing or proposed zoning following the Draft General Plan Update and Downtown Specific Plan and including Accessory Dwelling Units (ADUs). The 926 unit shortfall is regarding units within the categories of Low, Very Low, and Extremely Low Income, the most difficult unit types to accommodate, even with an Inclusionary Housing policy and an aggressive ADU production policy, both of which are in development and assumed to be essential to meeting the City's affordable housing goals.

To avoid undesirable alternatives such as rezoning open space or single-family neighborhoods, Staff has recommended the following limited and specific height increases, as needed, to provide options for how the City could meet its RHNA obligation.

For mixed-use projects with housing as the predominant or only use, increase the following height limits:

- From 45 feet to 52 feet on the following three (3) sites:
 - Gold Line Storage site on Mission Street, adjacent to the Gold Line
 - Vons' site on Fair Oaks, between Oxley and Monterey
 - Tyco site on Pasadena Avenue
 - From 45 feet to 60 feet on the following two (2) sites*:
 - Ralphs's site on Huntington, on the border of South Pasadena and Alhambra
 - Vacant site at 123 Pasadena Ave, in the Ostrich Farm adjacent to Multi-Family
- *Note: Should the voters approve a height of 60 feet at these two sites, Staff and the City's housing consultant would continue to exhaust all other options before implementing 60 feet if such maximum height is not necessary to meet the RHNA obligation; or if the City's RHNA obligation is reduced through the appeals process.

Staff also recommended the following height increases as presented to the Planning Commission on May 12, 2020:

- From 45 feet to 52 feet for 4-story buildings in the Fair Oaks Zone of the Downtown to allow for best design practices for mixed-use buildings, with an additional requirement of height variation to provide appropriate transitions to adjacent buildings. The proposed height increase would apply only to mixed-use projects with housing as the predominant or only use and would be required to include affordable housing units in its unit mix.

Please see Attachment 3, the July 21, 2020, Planning Commission Staff Report and Presentation for more information about the Sites Analysis and Staff's recommendations.

Following feedback from the July 21, 2020 Special Planning Commission, Staff will continue to refine the Sites Analysis; study alternatives to height increases including increased density in single-family neighborhood through potential zoning changes and incentives for site aggregation and/or small lot development; and further develop limited height increase options for potential

consideration in a March 2021 special election. Staff anticipates that discussions of potential strategies to meet the City's RHNA allocation will continue over the next several months at Planning Commission meetings and additional community workshops.

Appealing the RHNA Allocation and Consequences of Not Complying with State Law

The City has joined numerous cities who have opposed the RHNA allocations. The appeal period has been extended by 6 months, with a final determination anticipated in February 2021; however, indications from both the State, including the steady increase in affordable housing legislation, and the Southern California Council of Governments (SCAG) strongly suggest that the allocations will not be reduced. As well, for SCAG to reduce the City's RHNA allocation they would need to increase another jurisdiction's allocation. Adjacent cities are facing similar increases in their RHNA allocations. The following are the RHNA allocation for nearby cities: Pasadena (9,409); Alhambra (6,810); San Marino (398); San Gabriel (3,017); Rosemead (4,604); Temple City (2,183); Arcadia (3,205).

Staff has heard several calls in the community for the City to fight the RHNA allocation of 2,062 housing units just as the City fought the 710 Freeway project. However, based on the high costs of legal challenges, significant evidence that the City will lose such a fight and additional high costs of non-compliance (including loss of local control over development approvals), Staff does not recommend fighting SCAG or the State on the City's RHNA allocation.

The impact of non-compliance with the City's state-mandated RHNA obligation in our 2021 Housing Element state law is far-reaching. The consequences could include:

- loss of eligibility for state funding of transportation and infrastructure improvements, affordable housing, and other municipal programs;
- a penalty of costly updates to the Housing Element every four years rather than every eight years at the City's expense;
- the unmet RHNA obligation would be added to the next cycle, overburdening future policy-making; and
- costly legal challenges. The state has begun to take legal action against non-compliant jurisdictions for failure to comply with California Government Code legislation for Housing (Title 7, Division 1, Chapter 3, Article 10.6 and Chapter 12)

But perhaps most importantly, not having a certified Housing Element can have domino effects leading to a loss of local control over development approvals. Because a jurisdiction's Housing Element must be certified (by HCD) to enable a General Plan to meet the legal test of adequacy; and because all local plans and projects must establish consistency with the jurisdiction's General Plan, the city would be extremely vulnerable to legal challenges from either the state or a third party without a compliant Housing Element in place by the October 2021 deadline. In addition to filing suit against the City of Huntington Beach for noncompliance with the Housing Accountability Act, the state has most recently put the City of Simi Valley on notice for non-compliance and has threatened to take over planning and building approvals. Therefore, while Staff will continue to appeal the RHNA allocation, Staff recommends that the City continue to develop its Housing Element to comply with state law.

Transient Occupancy Tax (TOT)

The City Council also considered a Transient Occupancy Tax (TOT), which is charged for hotel rooms and other short term rentals. Staff recommendation is to defer this measure to the next municipal election to allow for additional research and public outreach.

Background

Utility Users Tax

The City's Utility Users Tax (UUT) is the second largest revenue source (\$3.4 million) or 12% of the General Fund. The UUT will sunset in 2022 unless renewed by voters on the ballot in 2020. The loss of these dollars, combined with the continuing loss in revenue from the pandemic, would disable the City. If revenues remain at current levels in future years and are compounded by the loss of the UUT, total loss to the City would be more than 23% of the City's operating budget. With more than 50% of the annual budget allocated to fire and paramedic services and public safety, the remaining budget would not be sufficient for the City to comply with State mandates for core operations such as finance, planning, and public works.

Residents of South Pasadena currently pay a UUT for water, gas, electricity, telephone and cable television service. The current rate is 7.5%. The UUT is a general tax, where revenues are paid into the City's General Fund. General Fund revenues are budgeted by the City Council annually for general City services, such as police and fire protection, 9-1-1 emergency response, paramedics, parks, libraries, youth and senior programs and street maintenance and repairs.

UUT is a locally controlled tax, with 100% of the tax revenue retained by the City. Property taxes, in comparison, are controlled by the County and only 24% of what is collected from South Pasadena is received by the City. UUT tax revenue can also be used to support all government programs, it is not restricted to particular uses.

The City of South Pasadena is one of fewer than 25% of California cities that provide a full range of municipal services within their boundaries, including police, fire, library, streets, and parks and recreation. UUT revenue helps the City pay for local services rather than rely on other agencies to provide these services.

Building Height Limits

In 1983, a voter initiative established that no commercial, office, manufacturing, or residential building in South Pasadena shall exceed a height of 45 feet, and no Conditional Use Permit or Variance shall be granted to exceed 45 feet. The current Zoning Code states that Residential Estates, Residential Single Family, and Residential Medium Density properties cannot exceed 35 feet. Residential High Density and Commercial properties cannot exceed 45 feet. Currently, the only way to pierce the local height limits is through the California State Density Bonus Law which allows up to a 35 percent increase in density, including the height to accommodate such density, depending on the amount of affordable housing that is provided.

The California State Density Bonus Law has been effective in incentivizing the production of more affordable units within the state, but the State Housing and Community Development

Department (HCD) that certifies Housing Elements does not allow cities to assume in their RHNA calculations that the State Density Bonus Law will be utilized by developers. Also, it may be preferable for South Pasadena to incentivize affordable housing through alternative tools such as an Inclusionary Housing Policy and strategically located but limited height increases to provide a preferred path for developers to design affordable housing projects that would allow the City to maintain more control over a project's design. However, in order to change the height restriction established by the 1983 voter initiative, the City would need to place a measure on the ballot, and the measure would need to pass with a majority of votes.

In accordance with State law, the City is required to update its Housing Element of the General Plan every eight years with new housing units that must be planned for within the city. For the 6th Cycle of the Regional Housing Needs Assessment (RHNA), the State and Southern California Association of Governments allocated 2,062 housing units to the City of South Pasadena; and while the number of required units may still be revised downward due to budgetary and political pressures from cities like South Pasadena, the decrease is not anticipated to be much. The City is participating in SCAG's appeals process, which has been extended to conclude in February 2021. See Attachment 4 for letters submitted by the City of South Pasadena opposing the City's RHNA allocation. The new RHNA allocation is significantly higher than previous years (over 3,000 percent increase from the previous RHNA allocation) and accommodating over 2,000 units will be the greatest challenge for the Housing Element Update planning effort. The current 6th cycle of the Housing Element Update is due by October 15, 2021.

The City kicked off the Housing Element Update with two public workshops (May 30 and June 2), and engaged the community in discussions of how to accommodate over 2,000 state-mandated housing units, and introduced numerous strategies including concentrating new housing units in limited areas, and/or spreading the units across the city. At a July 21, 2020 Special Meeting of the Planning Commission, Staff presented an update on the Housing Element and recommended several potential strategies to address the City's RHNA high allocation, including a ballot measure on the November 2020 ballot to minimally raise building height limits on five strategically located housing opportunity sites to accommodate future zoning changes if needed. Staff's recommendations included specific height increases ranging between seven and fifteen (7 - 15) feet on five specific sites so that the ballot language could be clear and voters would know what they are voting for or against. Please see Attachment 3 for the July 21, 2020 Planning Commission Staff Report and Presentation. Although the Planning Commission continued the majority of the Housing Element item to its next regularly scheduled Planning Commission meeting, the Commission voted unanimously against the recommendation to ask City Council to place a ballot measure for height increases on the November 2020 ballot. While many commissioners agreed in concept with minimal height increases to address the RHNA allocation and want to discuss the sites and alternatives further, they all felt that the analysis and recommendation were too rushed to meet the early August deadline for placing an item on the November ballot.

Alternatives

The Council could choose to defer placing a measure on a subsequent ballot. The next General Municipal Election is scheduled for November 2022, which would be too late for the height limit to be factored in the Housing Element due in October of 2021. Further, the UUT will expire on June 20, 2022, several months prior to the next regular election. A height limit ballot measure could be considered at a special election in March 2021, which would be just in time to meet the October 2021 Housing Element deadline but would delay the adoption of the General Plan and Downtown Specific Plans by about four months. The cost for calling a special election in March or November of 2021 is based on the number of participating jurisdictions in that election and is estimated to exceed \$100,000.

Next Steps

1. Once the resolution is adopted, Staff will forward fully executed copies to the Los Angeles County Registrar of Voters.
2. The Notice of Election will be published in the South Pasadena Review along with the required languages of Korean, Spanish, and Chinese in The Korea Times, La Opinion, and World Journal.

Legal Review

The City Attorney has reviewed this item.

Fiscal Impact

The Los Angeles County Registrar-Recorder/County Clerk will provide a cost estimate for the election, which is contingent upon the number of measures from participating jurisdictions. The elections budget, account number 101-1020-1022-8170, does include funds for the purpose of the General Municipal Election on November 3, 2020 in the proposed FY 2020-21 budget.

Environmental Analysis

This item is exempt from any California Environmental Quality Act (CEQA) analysis.

Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website and/or notice in the *South Pasadena Review* and/or the *Pasadena Star-News*.

Attachments:

1. Resolution Calling for a General Municipal Election on November 3, 2020 and Submitting the UUT measure to the voters
2. List of Los Angeles County cities with UUTs
3. July 21, 2020 Planning Commission Staff Report, Presentation, Public Comments
4. RHNA Letters

ATTACHMENT 1
Resolution Calling Election and
Placing UUT Measure on the Ballot

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISION OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND FOR THE SUBMISSION TO THE VOTERS AN ORDINANCE EXTENDING **AND MODIFYING** THE CITY'S UTILITY USERS' TAX.

WHEREAS, on July 1, 2020, pursuant to Resolution ____, and under the provisions of the laws relating to general law cities in the State of California, the City Council called a General Municipal Election to be held on November 3, 2020, for the election of three City Council seats:

- Councilmember, 1st District, Full Term (Four (4) Years)
- Councilmember, 2nd District, Full Term (Four (4) Years)
- Councilmember, 3rd District, Full Term (Four (4) Years)

WHEREAS, the City Council now desires to submit to the voters at the General Municipal Election, a question relating to the extension and modification of the Utility User's Tax.

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

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of South Pasadena, California, on Tuesday, November 3, 2020, a General Municipal Election (consolidated with the Statewide General Election) for the purpose of electing three Members of the City Council for the full term of four years; and

SECTION 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

UTILITY USER'S TAX MEASURE	
To maintain City services, such as Public Safety, Paramedic and Library services, shall an Ordinance be adopted to:	YES
<p style="padding-left: 40px;">Extend and Increase the City's Utility User Tax to a maximum of __% for all utilities, to be effective on January 1, 2021 and remain in effect until otherwise terminated by majority vote of the electorate in South Pasadena?</p>	
	NO

SECTION 3. That the proposed complete text of the Ordinance submitted to the voters is attached as Exhibit A.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the Board of Supervisors of the County of Los Angeles is hereby authorized and respectfully requested to authorize and permit the Registrar-Recorder/County Clerk of the County of Los Angeles to:

- a) Print and supply ballots for said City of South Pasadena General Municipal Election;
- b) Mail the City’s sample ballots and candidate statements of qualifications to the electors of the City of South Pasadena as part of the same material that will be mailed to the voters of the Statewide General Election to be held in the County of Los Angeles;
- c) Perform such other services as may be required for the consolidation and conduct of said City of South Pasadena General Municipal Election with said Statewide General Election to be held in the County of Los Angeles.

SECTION 6. The vote centers for the election shall be open as required during the identified voting period pursuant to California Elections Code sections 4007 and 14401.

SECTION 7. The City shall reimburse the County of Los Angeles in full for the services performed on behalf of the City upon the presentation of a bill by the County.

SECTION 8. The City Clerk is hereby directed to deliver a certified copy of this resolution to the Board of Supervisors of the County of Los Angeles and to transmit an electronic copy to the Board of Supervisors and the Registrar-Recorder/County Clerk of the County of Los Angeles.

SECTION 10. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED on this 5th day of August, 2020.

Robert S. Joe, Mayor

ATTEST:

APPROVED AS TO FORM:

Evelyn G. Zneimer, City Clerk

Teresa L. Highsmith, City Attorney

I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 5th day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Evelyn G. Zneimer, City Clerk
(seal)

EXHIBIT A
ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SOUTH PASADENA,
CALIFORNIA, AMENDING CHAPTER 34B ("UTILITY
TAX") OF THE SOUTH PASADENA MUNICIPAL CODE
REGARDING THE UTILITY USERS' TAX **TO INCREASE**
AND EXTEND THE RATE STRUCTURE TO PRESERVE
AND FUND IMPORTANT CITY SERVICES**

WHEREAS, the City of South Pasadena has collected a Utility Users Tax (UUT) since 1983; and

WHEREAS, in November 2011, the voters approved reducing the rate from 8% to 7.5% beginning on July 1, 2012, and extending the tax until June 30, 2022;

WHEREAS, the only major sources of general fund revenues, which pay for police, fire and paramedics, library, and community services are property taxes, sales tax, the recently approved 0.75% transaction and use tax, and the UUT; and

WHEREAS, the current 7.5% UUT revenues collected equals approximately \$3.4 million and represents approximately 12% of the City's general fund revenues; and

WHEREAS, the UUT contributed as much as 16% to the City's general fund and has seen a steady decrease due to conservation efforts and change in the demand for utilities.

WHEREAS, each .5% of UUT revenues collected equals approximately \$225,000 of the City's general fund budget; and

WHEREAS, the renewal of the UUT is essential to the City's financial sustainability and to preserve critical core services, including public safety, fire and paramedic services, youth and senior services, library and maintenance of streets and

parks. and

WHEREAS, after much consideration, the City Council reached consensus to support a [REDACTED] % UUT to remain in place until revised or repealed by majority vote of the electorate; and

WHEREAS, the City Council continues to work on ways to increase the financial stability of the general fund; although some amount of the revenue generated by even a [REDACTED] % UUT is likely to be lost over time due to market erosion, changing technology and other factors, setting the UUT at [REDACTED] % will substantially help stabilize the current budget and current level of essential services.

NOW, THEREFORE, the People of the City of South Pasadena do ordain, as follows:

SECTION 1. Chapter 34B (Utility Tax) is amended to read as follows:

34B.1 Purpose.

In order to meet the financial concerns of the city and to pay for its usual and current expenses in each fiscal year hereafter, a utility users tax is imposed.

34B.2 Definitions.

The following words and phrases whenever used in this chapter shall be construed as defined in this section.

- (a) "Ancillary Telecommunications Services" shall mean services that are associated with or incidental to the provision, use or enjoyment of Communications Services.
- (b) "City" means the city of South Pasadena.
- (c) "**Communications Services**" shall mean the transmission, conveyance, or routing of voice, audio, video communications, data or any other communications

information or signals to a point, or between or among points, whatever the technology used, and whether or not that information is transmitted through interconnected service with the public switched network, or through fiber optic, coaxial cable, power line transmission, broadband, digital subscriber line or other wireless transmission. The term "Communications Services" includes transmission, conveyance, or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmission, conveyance or routing without regard to whether those services are referred to as voice over internet protocol (VoIP) services or are classified by the Federal Communications Commission as enhanced or value added, and includes video and/or data services that are functionally integrated with "Communications Services". "Communications Services" include, but are not limited to the following services, regardless of the manner or basis on which those services are calculated or billed: central office and custom calling features (including but not limited to call waiting, call forwarding, caller identification and three-way calling); local number portability; text messaging; instant messaging; Ancillary Telecommunications Services; prepaid and post-paid telecommunications services (including but not limited to prepaid calling cards); mobile telecommunications services; Private Communications Services; paging services; and 800 services (or any other toll-free numbers designated by the Federal Communications Commission). "Communications Services" does not include either digital downloads, such as downloads of books, music, ringtones, games and similar digital products, or that portion of cable or video television services subject to a cable or video television franchise fee.

- (d) "Month" means a calendar month.
- (e) "Person" means any domestic or foreign corporation, firm, association, syndicate, joint stock company, partnership of any kind, joint venture, club, Massachusetts business or common law trust, society, individual, or municipal corporation.
- (f) "Service supplier" means a utility provider that collects taxes paid and remits same to the city as required by this chapter.

- (g) "Service user" means a person required to pay a tax imposed by this chapter.
- (h) "State" means the state of California.
- (i)) "Tax administrator" means the finance director of the city.

34B.3 Exemptions and procedures for exemptions.

(a) Nothing in this chapter shall be construed as imposing a tax upon any person when imposition of such tax upon that person would be in violation of the Constitution of the United States or that of the state, such as public schools and exempted churches and religious organizations.

(b) There is exempted from the tax imposed by this chapter, all service users who have an income, adjusted for family size, at or below eighty percent of the area median income as determined under the Section 8, Income Limits for Los Angeles County, as published by the U.S. Department of Housing and Urban Development and applicable to the Community Development Block Grant Programs.

(c) There is exempted from the tax imposed by this chapter, all service users who are veterans who have a one hundred percent disability as verified by the Veterans Administration.

(d) The city council reserves the power to, by order or resolution, establish other classes of persons or classes of utility service otherwise subject to payment of a tax imposed by this chapter and provide that such classes or persons or service shall be exempt, in whole or in part, from such tax.

(e) The tax administrator shall prepare a list of the persons exempt from the provisions of this chapter by virtue of this section and furnish a copy thereof to each service supplier.

(f) The tax administrator shall adopt rules and regulations not inconsistent with the provisions of this chapter to carry out any grant of exemption authorized by the city council pursuant to this section. The tax administrator shall require such information as necessary, including, but not limited to, personal identification and verified federal and state income tax returns, to qualify a service user for such exemption.

(g) This exemption shall not apply retroactively. Service users shall only be entitled to an exemption after filing the required information and the receipt of notification of exemption from the tax administrator.

34B.4 Communications users tax.

(a) There is imposed a tax on the amounts paid for any intrastate, interstate, or international communications services by every person with a billing or service address in the city using such services. The tax imposed by this section shall be at the rate of [REDACTED] percent of the charges made for such services and shall be paid by the person paying for such services.

(b) As used in this section, the term “charges” does not include charges for services paid for by inserting coins in coin-operated telephones, except that where such coin-operated service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be included in the base for computing the amount of tax due. The communications users tax is intended to, and does, apply to the charges billed to a telephone account having situs in the city, irrespective of whether a particular communication service originates and/or terminates within the city.

(c) The tax imposed by this section shall be collected from the service user by the person providing the communications services, or the person receiving payment for such services. The amount of the tax collected in one month shall be remitted to the tax administrator on or before the last day of the following month.

34B.5 Electricity users tax.

(a) There is imposed a tax upon every person in the city using electrical energy in the city. The tax imposed by this section shall be at the rate of [REDACTED] percent of charges made for such energy and shall be paid by the person paying for such energy.

“Charges,” as used in this section, include charges made for:

- (1) Metered energy; and

(2) Minimum charges for service, including but not limited to customer charges, service charges, demand charges, standby charges and annual and monthly charges, and fuel costs adjustments.

(b) As used in this section, the term “using electrical energy” shall not be construed to mean the storage of such energy by a person in a battery owned or possessed by him or her for use in an automobile or other machinery or device apart from the premises upon which the energy was received; provided, however, that the term shall include the receiving of such energy for the purpose of using it in the charging of batteries; nor shall the term include electricity used and consumed by an electric public utility; nor shall the term include the mere receiving of such energy by an electric public utility or governmental agency at a point within the city for resale; or the use of such energy in the production or distribution of water by a public utility or a governmental agency.

(c) The tax imposed in this section shall be collected from the service user by the person supplying such energy. The amount of tax collected in one month shall be remitted to the tax administrator on or before the last day of the following month.

34B.6 Gas users tax.

(a) There is imposed a tax upon every person using gas in the city, that is delivered through mains and pipes. The tax imposed by this section shall be at the rate of percent of the charges made for such gas and shall be paid by the person paying for such gas. “Charges” as used in this section shall include minimum charges for such services, including but not limited to customer charges, service charges, demand charges, standby charges, and annual and monthly charges.

(b) There shall be excluded from the base on which the tax imposed in this section is computed the following:

(1) Charges made for gas which is to be resold and delivered through mains and pipes;

(2) Charges made for and sold for use in the generation of electrical energy or for the production or distribution of water by a public utility or governmental agency;

(3) Charges made by a gas utility for gas used and consumed in the conduct of the business of gas public utilities;

(c) The tax imposed by this section shall be collected from the service user by the person selling the gas. The person selling the gas shall, on or before the twentieth day of each calendar month, commencing on the twentieth day of the calendar month after the effective date of this part, make a return to the tax administrator stating the amount of taxes billed during the preceding calendar month. At the time such returns are filed, the person selling the gas shall remit tax payments to the tax administrator in accordance with the schedules established or approved by the tax administrator.

34B.7 Water users tax.

(a) There is imposed a tax upon every person in the city using water which is delivered through mains or pipes. The tax imposed by this section shall be at the rate of ____ percent of charges made for such water and shall be paid by the person paying for such water. "Charges" as used in this section shall include

minimum charges for service, including customer charges, service charges, demand charges, standby charges and all other annual and monthly charges.

(b) There shall be excluded from the base on which the tax imposed in this section is computed charges made for water which is to be resold and delivered through mains or pipes; and charges made by a municipal water department, public utility or a county or municipal water district for water used and consumed by such department, utility or district.

(c) The tax imposed in this section shall be collected from the service user by the person supplying the water. The amount collected in one month shall be remitted to the tax administrator on or before the last day of following month.

34B.8 Cable television users tax.

(a) There is imposed a tax upon every person in the city using cable television service in the city. The tax imposed by this section shall be at the rate of [REDACTED] percent of the total charges made for such service, and shall be paid by the person paying for such service.

(b) As used in this section, the term “charges” includes, but is not limited to, charges for installation and programming, whether the programming is a cable transmission of broadcast channels, transmission of cable-only programming, or “pay-per-view” programming.

(c) The tax imposed by this section shall be collected from the service user by the person providing the cable television service, or the person receiving payment for such services. The amount of the tax collected in one month shall be remitted to the tax administrator on or before the last day of the following month.

34B.9 Interest and penalty.

(a) Taxes collected from the service user which are not remitted to the tax administrator on or before the dates provided in this chapter are delinquent.

(b) Interest and penalty shall accrue on delinquent accounts at the then maximum legal rate; nonpayment when due shall constitute a misdemeanor enforceable under the provisions of the city municipal code.

(c) Interest and penalties for delinquency in remittance of any tax collected, or any deficiency determination regarding uncollected tax, shall attach and be paid by the person required to collect and remit the tax.

(d) All penalties and interest imposed under this chapter shall become a part of the tax required to be paid, collected, and remitted to the city.

34B.10 Actions to collect.

Any tax required to be paid by a service user under the provisions of this chapter shall be deemed a debt owed by the service user to the city. Any such tax collected from a

service user that has not been remitted to the tax administrator shall be deemed a debt owed to the city by the person required to collect and remit. Any person owing money to the city under the provisions of this chapter shall be liable to an action brought in the name of the city for the recovery of such amount, including, but not limited to, the award by a competent court of attorneys' fees and court costs.

34B.11 Duty to collect—Procedures.

The duty to collect and remit the taxes imposed by this chapter shall be performed as follows: Notwithstanding the provisions of section 34B.6(c) of this chapter, the tax shall be collected insofar as practicable at the time and along with the charges made in accordance with the regular billing practices of the service supplier. Where the amount paid by a service user to a service supplier is less than the full amount of the charge and tax which has accrued for the billing period, a proportionate share of both the charge and the tax shall be deemed to have been paid.

34B.12 Additional powers and duties of tax administrator.

- (a) The tax administrator shall have the power and duty, and is directed to enforce each and all of the provisions of this chapter.
- (b) The tax administrator shall have the power to adopt rules and regulations not inconsistent with the provisions of this chapter for the purpose of carrying out and enforcing the payment, collection and remittance of the taxes imposed by this chapter. A copy of such rules and regulations shall be on file in the office of the tax administrator and available to the public during regular business hours.
- (c) The tax administrator may, from time to time, issue administrative agreements or rulings identifying those services or persons that are subject the requirements imposed under this chapter, deferring implementation or enforcement of requirements imposed under this chapter, or interpreting the provisions of this chapter. To the extent that the tax administrator or City Attorney determines that the tax imposed under this chapter shall not be collected in full for any period of time from any particular service supplier or service user, that determination shall be considered an exercise of the city's discretion to settle disputes and shall not constitute a change in methodology for purposes of

Government Code section 53750 or otherwise. Neither the tax administrator nor the City Attorney is authorized to amend the city's methodology for purposes of Government Code section 53750 or otherwise, and the city does not abrogate or waive its ability to impose the taxes set forth under this chapter in full as a result of promulgating administrative rulings or entering into settlement agreements.

(d) The tax administrator shall determine the eligibility of any person who asserts a right to exemption from the tax imposed by this chapter. The tax administrator shall provide the service supplier with the name of any person who the tax administrator determines is exempt from the tax imposed by this chapter, together with the address and account number in which service is supplied to any such exempt person. The tax administrator shall notify the service supplier of the termination of any person's right to exemption under this chapter, or the change of any address to which service is supplied to any exempt person.

34B.13 Assessment—Administrative remedy.

(a) The tax administrator may make any assessment for taxes not remitted by a person required to remit.

(b) Whenever the tax administrator determines that a service user has deliberately withheld the amount of the tax owed by him or her from the amounts remitted to a person required to collect the tax, or that a service user has refused to pay the amount of tax to such person, or whenever the tax administrator deems it in the best interest of the city, the tax administrator may relieve such person of the obligation to collect taxes due under this chapter from certain named service users for specified billing periods.

(c) If the tax administrator relieves a person required to collect the tax of this obligation under subdivision (b), the tax administrator shall notify the service user that he or she has assumed responsibility to collect the taxes due for the stated periods and demand payment of such taxes. The notice shall be served on the service user by handing it to him or her personally or by deposit of the notice in the United States mail, postage prepaid thereon, addressed to the service user at the address to which billing was made by the person required to collect the tax; or, should the service user have

changed address, to the last known address. If a service user fails to remit the tax to the tax administrator within fifteen days from the date of service of the notice, which shall be the date of the mailing if service is not accomplished in person, a penalty of twenty-five percent of the amount of the tax set forth in the notice shall be imposed, but not less than five dollars. The penalty shall become part of the tax required to be paid.

34B.14 Records.

It shall be the duty of every person required to collect and remit to the city any tax imposed under this chapter to keep and preserve, for a period of three years, all records necessary to determine the amount of such tax. The city shall have the right to inspect such records at all reasonable times.

34B.15 Segregation of Taxable and Non-taxable Charges.

If a non-taxable service and a taxable service are billed together under a single charge, the entire charge shall be deemed taxable unless the service supplier or taxpayer reasonably identifies actual charges for services not subject to tax. The service supplier or taxpayer seeking a reduction has the burden of proving the proper valuation and apportionment of taxable and non-taxable charges based upon books and records that are kept in the regular course of business and in a manner consistent with generally accepted accounting principles.

34B.16 Refunds

(a) Whenever the amount of any tax has been overpaid or paid more than once or has been erroneously or illegally collected or received by the tax administrator under this chapter, it may be refunded as provided in this section.

(b) Notwithstanding the provisions of subsection (a) of this section, a service supplier may claim a refund or take as credit against taxes collected and remitted, the amount overpaid, paid more than once, or erroneously or illegally collected or received, when it is established that the service user from whom the tax has been collected did not owe the tax; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the service user or credited

to charges subsequently payable by the service user to the person required to collect and remit. A service supplier that has collected any amount of tax in excess of the amount of tax imposed by this chapter and actually due from a service user, may refund such amount to the service user and claim a credit for such overpayment against the amount of tax which is due upon any other monthly returns; provided, such credit is claimed in a return dated no later than three years from the date of overpayment.

(c) No refund shall be paid under the provisions of this section unless the claimant establishes his or her right thereto by written records showing entitlement thereto; provided, however, that neither a refund nor a credit shall be issued to a service supplier unless the amount refunded or credited has either been refunded to the service user or credited to charges subsequently payable by the service user to the service supplier.

(d) Notwithstanding other provisions of this section, whenever a service supplier, pursuant to an order of the California Public Utilities Commission or a court of competent jurisdiction, makes a refund to service users of charges for past utility services, the taxes paid pursuant to this chapter on the amount of such refund charges shall also be refunded to the service users, and the service supplier shall be entitled to claim a credit for such refunded taxes against the amount of tax which is due upon the next monthly returns.

34B.17 Change in State or Federal Law

To the extent that the city's authorization to impose or collect the taxes imposed under this chapter is expanded or limited as a result of changes in state or federal law, no amendment or modification of this chapter shall be required to conform such taxes to those changes, and taxes shall be imposed and collected to the full extent of the City's authorization.

34B.15 Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter or part thereof. The

city council declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one of more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

34B.16 Effective date.

The percent utility user's taxes levied by this chapter shall apply on January 1, 2021 and remain in effect until modified or terminated by action of a majority of qualified electors voting at any regular or special municipal election for the city..

34B.17 Report and review.

After the effective date of this chapter and prior to the adoption by the city council of the budget of the city for each next succeeding fiscal year, the tax administrator shall annually provide a report to the city council of the revenues generated by the taxes imposed under this chapter. The city council shall review such annual report in light of the proposed budget and the limitation on the city's revenues as provided under Article XIII B of the California Constitution and Government Code Section 7910 (the Gann limits) to determine the necessity for continuance of such taxes to meet the usual and current expenses of the city.

Section 2. Majority Approval. This Ordinance shall be effective only if approved by a majority of the voters voting thereon (50% + 1) and shall go into effect ten (10) days after the vote is declared by the City Council.

Section 3. Severability. If any section, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining sections, sentences, clauses, phrases, or portions of this Ordinance shall nonetheless remain in full force and effect. The people of the City of South Pasadena hereby declare that they would have adopted each section, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, sentences, clauses, phrases, or portions of this Chapter be declared invalid or unenforceable and, to that end, the provisions of this Ordinance are

severable.

Section 4. **Execution.** The Mayor is hereby authorized to attest to the adoption of this Ordinance by signing where indicated below.

ATTACHMENT 2
UUT Rates in
LA County Cities

Utility Users Tax Rates in Los Angeles County Cities

City	Water	Video (TV)	Telephone	Electric	Gas	KEY
Alhambra	5% N	5% R&N	5% R&N	5% N	5% N	R= residential N= non-residential
Arcadia	7%		5%	7%	7%	
Azusa	4%R 8%N			4%R 8%N	4%R 8%N	
Baldwin Park	3%	3%	3%	3%	3%	
Bell	10%		10%	10%	10%	
Bellflower			5%	5%	5%	
Burbank			7%	7%	7%	
Calabasas			5%	5%	5%	
Carson				2%	2%	
Claremont	5.50%	5.50%	5.50%	5.50%	5.50%	
Compton	10%		8.50%	10%	10%	
Covina	6%		6%	6%	6%	
Cudahy	4%R 8%N		3.75%R 8%N	4%R 8%N	4%R 8%N	
Culver City	11%	11%	11%	11%	11%	
Downey			4.80%	5%	5%	
El Monte			6.50%	7%	7%	
El Segundo	3%N		2%N	3%N	3%N	
Gardena	5%		5%	5%	5%	
Glendale	7%	6.5%	6.5%	7%	7%	
Hawthorne	5%	5%	5%	5%	5%	
Hermosa Beach	6%	5.5%	5.5%	6%	6%	
Huntington Park	9.75%		9.25%	9.75%	9.75%	
Inglewood	10%	8%	8%	10%	10%	
Irwindale	7.5%	7.5%	7.5%	7.5%	7.5%	
La Verne			5.75%	6%	6%	
Lakewood	3%		3%	3%	3%	
Lawndale	5.5%	5.5%	5.5%	5.5%	5.5%	
Long Beach	5%		5%	5%	5%	
Los Angeles			9%	10%	10%	
Lynwood	9%		9%	9%	9%	
Malibu			4.50%	5%	5%	
Maywood	4%R 7%N		4%R 7%N	4%R 7%N	4%R 7%N	
Monterey Park			3% R 5.5% N	3% R 5.5% N	3% R 5.5% N	
Norwalk			5.5%	5.5%	5.5%	
Paramount			5.5%	5.5%	5.5%	
Pasadena	7.67%	9.40%	8.28%	7.7%	7.9%	
Pico Rivera		4.5%	4.5%	4.5%	4.5%	
Pomona	9%		9%	9%	9%	
Rancho Palos Verdes	3%		3%	3%	3%	
Redondo Beach	4.75%	4.75%	4.75%	4.75%	4.75%	
San Gabriel	8%		8%	8%	8%	
San Marino	5%	5%	5%	5%	5%	
Santa Fe Springs			5%	5%	5%	
Santa Monica	10%	10%	10%	10%	10%	
Sierra Madre	9%	10%	10%	10%	10%	
South Pasadena	7.50%	7.5%	7.5%	7.5%	7.5%	
Torrance	6%	6.5%	6.5%	6.5%	6.5%	
Vernon	6% N	6% N	6% N	6% N	6% N	
Whittier	5%	5%	5%	5%	5%	

ATTACHMENT 3
July 21, 2020 Planning Commission Staff Report,
Presentation and Public Comments

Due to the large size of the file please click on the following link to
download the files:

<https://www.dropbox.com/s/h9nd6rupns8erp/PC%20Staff%20Report%20-%20Housing%20Element%20Sites%20Analysis%20with%20Attachments.pdf?dl=0>

ATTACHMENT 4
RHNA Letters



CITY OF SOUTH PASADENA

OFFICE OF THE MAYOR

1414 MISSION STREET, SOUTH PASADENA, CA 91030

TEL: (626) 403-7210 • FAX: (626) 403-7211

WWW.SOUTHPASADENACA.GOV

February 27, 2020

Kome Ajise, Executive Director
Southern California Association of Governments
900 Wilshire Boulevard, Suite 1700
Los Angeles, CA 90017

RE: Request to the Southern California Association of Governments to Amend the Regional Housing Needs Assessment Methodology for the 6th Cycle

Dear Mr. Ajise,

The City of South Pasadena respectfully requests that the Southern California Association of Governments (SCAG) amend the Regional Housing Needs Assessment (RHNA) methodology to reinstate local input as a factor in the existing need. The City of Cerritos recently submitted a proposal dated February 4, 2020, which recommends that household growth forecasts be reintroduced back into the calculations for the existing need as follows: household growth (33.3%), job accessibility (33.3%), and population within high quality transit areas (33.3%). These household growth projections are an important factor in that it takes into consideration the unique characteristics of each jurisdiction. Moreover, these growth projections more closely aligns the RHNA with the development pattern established within Connect SoCal (Draft 2020 Regional Transportation Plan) as required by state statute. Finally, as stated in the staff-recommended RHNA methodology staff report for the November 7, 2019, Regional Council meeting, the reintroduction of household growth into the existing need would further the five objectives of state housing law.

Furthermore, we are also requesting that SCAG object again to the Department of Housing and Community Development (HCD) in that they did not follow state law with the regional determination [see Government Code Section 65584.01(a)]. Even the Department of Finance recently updated its population projections and show a significant decrease since their previous forecast. Governor Newsom has also stated that his commitment to building 3.5 million homes by 2025 was a “stretch goal” and that the state would soon be releasing a more pragmatic estimate of the housing needs by region. The regional determination of 1.34 million housing units combined with an inequitable RHNA methodology are setting up local jurisdictions for failure to comply with state housing law.

We request that the SCAG RHNA Subcommittee; Community, Economic, and Human Development Committee; and Regional Council consider these two recommendations prior to the adoption of the RHNA. We recognize that there are time constraints established by state law;

however, the RHNA will have significant impacts on jurisdictions over the next decade. Therefore, it is imperative that the RHNA be finalized in a way that is equitable and attainable in responding to the housing crisis.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert S. Joe".

Robert S. Joe
Mayor of South Pasadena

cc: South Pasadena City Council
Stephanie DeWolfe, City Manager
Teresa L. Highsmith, City Attorney





CITY OF SOUTH PASADENA

OFFICE OF THE MAYOR

1414 MISSION STREET, SOUTH PASADENA, CA 91030

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WWW.SOUTHPASADENACA.GOV

March 24, 2020

Chris Holden, Assemblymember
41st Assembly District
State Capitol, P.O. Box 942849
Sacramento, CA 94249-0041

**RE: Objection to Department of Housing and Community Development (HCD)
Determination on Regional Housing Needs Assessment, 6th Cycle**

Dear Assemblymember Holden,

The City of South Pasadena respectfully requests your assistance in objecting to the Department of Housing and Community Development (HCD) Regional Housing Needs Assessment (RHNA) determination. The City recently submitted a letter to the Southern California Association of Governments (SCAG) requesting SCAG to consider the following two recommendations prior to the adoption of the final RHNA allocations.

- 1. Incorporate Local Input in the RHNA Methodology:** The City recommends that SCAG amend the RHNA methodology to reinstate local input as a factor in the existing need. The City of Cerritos recently submitted a proposal dated February 4, 2020, which recommends that household growth forecasts be reintroduced back into the calculations for the existing need as follows: household growth (33.3%), job accessibility (33.3%), and population within high quality transit areas (33.3%). Government Code section 65584.01, subdivision (b)(1)(A), expressly makes “anticipated household growth associated with projected population increases” a factor in the determination. It is important because it takes into consideration the unique demographics of each jurisdiction. Moreover, these growth projections more closely align the RHNA with the development pattern established within Connect SoCal (Draft 2020 Regional Transportation Plan) as required by Government Code section 65584.01, subdivision (c)(1). Finally, as stated in the staff-recommended RHNA methodology staff report for the November 7, 2019, Regional Council meeting, the reintroduction of household growth into the existing need would further the five objectives of state housing law:

- Increase housing supply;
- Promote infill development and socioeconomic equity;

- Promoting an improved intraregional relationship between jobs and housing;
- Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category; and
- Affirmatively furthering fair housing.

2. **Contest the HCD Allocation to SCAG:** The City recommends that SCAG submit an objection to HCD regarding its failure to follow state law in reaching its regional determination. Government Code section 65584.01, subdivision (a), states, “The department’s determination shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments.” However, HCD appears to have based its decision on Governor Newsom’s campaign goal of building 3.5 million homes by 2025. Since then, even Governor Newsom has acknowledged such an objective is a “stretch goal” and that the state would soon be releasing a more pragmatic estimate of the housing needs by region. The Department of Finance recently updated its population projections to show a significant decrease since their previous forecast. The Southern California regional determination of 1.34 million housing units combined with an inequitable RHNA methodology are setting up local jurisdictions like South Pasadena for failure. Government Code section 65584.01, subdivision (c)(1), makes clear that “The region’s existing and projected housing need shall reflect the achievement of a feasible balance between jobs and housing within the region” South Pasadena’s allocation of over 2,000 units is infeasible.

We request that you support the City’s recommendations to SCAG and HCD. We recognize there are time constraints established by state law. However, the RHNA will have significant impacts on jurisdictions over the next decade. Therefore, it is imperative that the RHNA be finalized in a way that is equitable and attainable in responding to the housing crisis.

Sincerely,



Robert S. Joe
Mayor of South Pasadena

cc: South Pasadena City Council
Stephanie DeWolfe, City Manager
Teresa L. Highsmith, City Attorney





CITY OF SOUTH PASADENA

OFFICE OF THE MAYOR

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WWW.SOUTHPASADENACA.GOV

March 24, 2020

Anthony J. Portantino, Senator
25th Senate District
State Capitol, Room 3086
Sacramento, CA 95814

**RE: Objection to Department of Housing and Community Development (HCD)
Determination on Regional Housing Needs Assessment, 6th Cycle**

Dear Senator Portantino,

The City of South Pasadena respectfully requests your assistance in objecting to the Department of Housing and Community Development (HCD) Regional Housing Needs Assessment (RHNA) determination. The City recently submitted a letter to the Southern California Association of Governments (SCAG) requesting SCAG to consider the following two recommendations prior to the adoption of the final RHNA allocations.

- 1. Incorporate Local Input in the RHNA Methodology:** The City recommends that SCAG amend the RHNA methodology to reinstate local input as a factor in the existing need. The City of Cerritos recently submitted a proposal dated February 4, 2020, which recommends that household growth forecasts be reintroduced back into the calculations for the existing need as follows: household growth (33.3%), job accessibility (33.3%), and population within high quality transit areas (33.3%). Government Code section 65584.01, subdivision (b)(1)(A), expressly makes “anticipated household growth associated with projected population increases” a factor in the determination. It is important because it takes into consideration the unique demographics of each jurisdiction. Moreover, these growth projections more closely align the RHNA with the development pattern established within Connect SoCal (Draft 2020 Regional Transportation Plan) as required by Government Code section 65584.01, subdivision (c)(1). Finally, as stated in the staff-recommended RHNA methodology staff report for the November 7, 2019, Regional Council meeting, the reintroduction of household growth into the existing need would further the five objectives of state housing law:

- Increase housing supply;
- Promote infill development and socioeconomic equity;

- Promoting an improved intraregional relationship between jobs and housing;
- Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category; and
- Affirmatively furthering fair housing.

2. **Contest the HCD Allocation to SCAG:** The City recommends that SCAG submit an objection to HCD regarding its failure to follow state law in reaching its regional determination. Government Code section 65584.01, subdivision (a), states, “The department’s determination shall be based upon population projections produced by the Department of Finance and regional population forecasts used in preparing regional transportation plans, in consultation with each council of governments.” However, HCD appears to have based its decision on Governor Newsom’s campaign goal of building 3.5 million homes by 2025. Since then, even Governor Newsom has acknowledged such an objective is a “stretch goal” and that the state would soon be releasing a more pragmatic estimate of the housing needs by region. The Department of Finance recently updated its population projections to show a significant decrease since their previous forecast. The Southern California regional determination of 1.34 million housing units combined with an inequitable RHNA methodology are setting up local jurisdictions like South Pasadena for failure. Government Code section 65584.01, subdivision (c)(1), makes clear that “The region’s existing and projected housing need shall reflect the achievement of a feasible balance between jobs and housing within the region” South Pasadena’s allocation of over 2,000 units is infeasible.

We request that you support the City’s recommendations to SCAG and HCD. We recognize there are time constraints established by state law. However, the RHNA will have significant impacts on jurisdictions over the next decade. Therefore, it is imperative that the RHNA be finalized in a way that is equitable and attainable in responding to the housing crisis.

Sincerely,



Robert S. Joe
Mayor of South Pasadena

cc: South Pasadena City Council
Stephanie DeWolfe, City Manager
Teresa L. Highsmith, City Attorney





City Council Agenda Report

ITEM NO. 17

DATE: August 5, 2020

FROM: Stephanie DeWolfe, City Manager

PREPARED BY: Maria Ayala, Chief City Clerk
Tamara Binns, Executive Assistant

SUBJECT: **Resolution Affirming the City of South Pasadena’s Commitment to Diversity and to Safeguarding Civil Rights, Safety and Dignity of all of our Citizens**

Recommendation

It is recommended that the City Council adopt a resolution entitled “A Resolution Affirming the City of South Pasadena’s Commitment to Diversity and to Safeguarding Civil Rights, Safety and Dignity of all of our Citizens.”

Background

On July 15, 2020, Councilmember Michael Cacciotti requested that staff to prepare a resolution reaffirming the City of South Pasadena’s (City) stance against hate crimes and discrimination for City Council’s consideration at the City Council Meeting of August 5, 2020, seconded by Mayor Robert Joe.

Discussion/Analysis

On July 7, 2020, the South Pasadena Police Department issued a press release to the public, advising the Detective Bureau of the South Pasadena Police Department was investigating nine incidents where small nails have been dispersed on the property of South Pasadena residents. Although these individual incidents occurred over a multi-day period, most locations had Black Lives Matters signs visibly displayed somewhere on their property. The Police Department is diligently and thoroughly investigating these incidents using all available resources due to the implications regarding the possible motivation behind these incidents. The Police Department will not tolerate any criminal acts motivated by hate or bias and will use all available resources to thoroughly investigate and prosecute to the full extent of the law any case that meets the criteria. At the July 15, 2020, council meeting, several residents also submitted public comments to the City Council expressing concerns about nails left in the driveways of residences that displayed support for the Black Lives Matter Movement.

Resolution Affirming the City of South Pasadena's Commitment to Diversity and to Safeguarding Civil Rights, Safety and Dignity of all of our Citizens
August 5, 2020
Page 2 of 2

Legal Review

The City Attorney has reviewed this item.

Fiscal Impact

No fiscal impact associated with this item.

Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website and/or notice in the *South Pasadena Review* and/or the *Pasadena Star-News*.

Attachments:

1. Resolution of Diversity, Safeguarding Civil Rights, and Safety and Dignity of All Citizens
2. Resolution 7491 Commitment to be a Welcoming, Inclusive, and Safe Community

ATTACHMENT 1

**Resolution: Affirming the City of South Pasadena's
Commitment to Diversity and to Safeguarding Civil
Rights, Safety and Dignity of all of our Citizens**

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,
AFFIRMING THE CITY OF SOUTH PASADENA'S
COMMITMENT TO DIVERSITY AND TO SAFEGUARDING
THE CIVIL RIGHTS, SAFETY AND DIGNITY OF
ALL OF OUR RESIDENTS**

WHEREAS, on December 21, 2016, the City adopted Resolution 7491, asserting the City of South Pasadena belief that diversity of backgrounds, perspectives, and experiences of the American people – native and immigrant – makes our nation, communities, bonds between neighbors, and economies richer and stronger; and

WHEREAS, the City of South Pasadena supports citizens' rights under the First Amendment to peacefully protest and to express their viewpoint, without fear of reprisal; and

WHEREAS, the City of South Pasadena will not tolerate hate crimes of any kind, including, but not limited to, actions taken to repress or intimidate the expression of the viewpoints of others; and

WHEREAS, the City of South Pasadena does not tolerate hate crimes, harassment, or assault, and believes each person is naturally and legally entitled to live a life without harassment, discrimination, persecution, or assault, whether perpetrated by individuals, groups, businesses, or governments; and

WHEREAS, the City of South Pasadena will oppose any attempts to undermine the safety, security, and rights of members of our community and will work proactively to ensure the rights and privileges of everyone in the City, regardless of race, ethnicity, religion, country of birth, immigration status, disability, gender, sexual orientation, or gender identity; and

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

SECTION 1. The City of South Pasadena reaffirms the public policy of the City to be inclusive and to respect the inherent worth of every person, without regard to a person's race, color, religion, national origin, sex, gender identity, immigration status, disability, housing status, economic status, political affiliation, or cultural practices. Acts of discrimination and crimes motivated by hatred toward a person's affiliation with any protected classification, their viewpoint or its expression have no place in our community and will not be tolerated by the City.

SECTION 2. 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 August, 2020.

Robert Joe, Mayor

ATTEST:

APPROVED AS TO FORM:

Evelyn G. Zneimer, City Clerk
(seal)

Teresa L. Highsmith, City Attorney

I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 5th day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Evelyn G. Zneimer, City Clerk
(seal)

ATTACHMENT 2

Resolution 7491: Re-affirming the City of South Pasadena's commitment to being a welcoming, inclusive, and safe community

RESOLUTION NO. 7491**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,
AFFIRMING THE CITY OF SOUTH PASADENA'S
COMMITMENT TO DIVERSITY AND TO SAFEGUARDING
THE CIVIL RIGHTS, SAFETY AND DIGNITY OF
ALL OF OUR RESIDENTS**

WHEREAS, the City of South Pasadena believes that diversity of backgrounds, perspectives, and experiences of the American people – native and immigrant – makes our nation, communities, bonds between neighbors, and economies richer and stronger; and

WHEREAS, the City of South Pasadena is committed to protecting the civil rights and liberties of all of our residents, partnering with our community leaders to foster a positive dialogue and to speak against human injustices and abuses, and welcoming immigrants to our community; and

WHEREAS, the City of South Pasadena values all of its residents and recognizes the rights of individuals to live their lives with dignity, free of discrimination and intimidation because of their race, color, religion, national origin, sex, gender identity, immigration status, disability, housing status, economic status, or other social status; and

WHEREAS, the City Council stands firm with all our residents and will work with community to protect against acts of violence, intimidation and discrimination that are rooted in fear, ignorance, prejudice, and hate; and

WHEREAS, fostering a relationship of trust, respect, and open communication between City officials and residents is essential to the City's mission of delivering efficient public services in partnership with our community which ensures public safety, a prosperous economic environment, opportunities for our youth, and a high quality of life for all residents.

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

SECTION 1. The City of South Pasadena declares it the public policy of the City to be inclusive and to respect the inherent worth of every person, without regard to a person's race, color, religion, national origin, sex, gender identity, immigration status, disability, housing status, economic status, political affiliation, or cultural practices.

SECTION 2. 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.

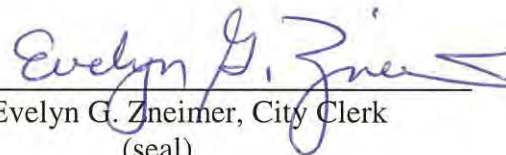
PASSED, APPROVED AND ADOPTED ON this 21st day of December, 2016.



Michael A. Cacciotti, Mayor

ATTEST:

APPROVED AS TO FORM:



Evelyn G. Zneimer, City Clerk
(seal)



Teresa L. Highsmith, City Attorney

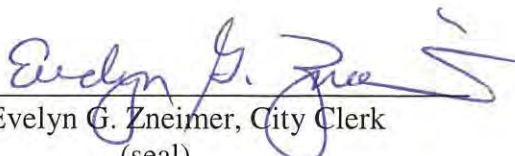
I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 21st day of December, 2016, by the following vote:

AYES: Joe, Khubesrian, Mahmud, Schneider, and Mayor Cacciotti

NOES: None

ABSENT: None

ABSTAINED: None



Evelyn G. Zneimer, City Clerk
(seal)



City Council Agenda Report

ITEM NO. 18

DATE: August 5, 2020

FROM: Joanna Hankamer, Director of Planning and Community Development
Margaret Lin, Manager of Long Range Planning and Economic Development

SUBJECT: **Al Fresco Dining and Retail Pilot Program – Update and Potential Expansion**

Recommendation

It is recommended that the City Council:

1. Receive an update regarding the Al Fresco Dining and Retail Pilot Program, including review of potential funding sources and a review of what other cities are doing;
2. Approve waiving the application fee for Sidewalk Dining Permits and approve the temporary designation of limited public off-street parking spaces as replacement or ADA parking spaces for the Al Fresco program as authorized by the August 5, 2020, Local Emergency Declaration Resolution;
3. Authorize Staff to issue Requests for Proposals for traffic control plans and traffic studies associated with Phase 2 of the program; and
4. Direct Staff to return during the August 19, 2020, City Council meeting with additional recommendations and associated funding requests based on Al Fresco applications received through August 7, 2020, for use of parking lanes, temporary parklets, and associated traffic and/or pedestrian safety studies for any proposed lane and/or street closures.

Executive Summary

In response to the recent re-closures and to continue to support local businesses during the pandemic, Staff recommends expanding Phase 1 of the Al Fresco Dining and Retail Pilot Program to include the expedited processing and fee waiver of Sidewalk Dining Permits; and the temporary designation of limited public off-street parking spaces as replacement or ADA parking. Staff from all departments have been coordinating interdepartmentally to expedite the review and approval of the TUP, Encroachment, and Sidewalk Dining Permits. Staff will return to City Council on August 19th with additional near term and longer term recommendations to implement Phase 2 of the Al Fresco Dining and Retail Pilot Program to utilize spaces within the public right of way based on applications received through July 31, 2020. In order to move forward expeditiously with longer term improvements in the roadway, Staff is requesting authorization to issue Requests for Proposals for traffic control plans and traffic studies. These consultant services are needed to establish the necessary safety measures when considering the closure of certain travel lanes for outdoor dining and retail purposes.

Commission Review and Recommendation

On July 21, 2020, the COVID-19 Mobility and Transportation Related Matters Ad Hoc Committee of the Mobility, Transportation and Infrastructure Commission (MTIC) provided a commission-led presentation and discussion on temporary potential right of way improvements to accommodate Al Fresco Dining and Retail. The Commission provided general support for possible parking or travel lane closures on Mission Street and the use of concrete barriers along the length of any street or lane closures. Based on anticipated new applications from businesses by July 31, 2020, Staff may request that the MTIC hold a special meeting prior to Staff returning to City Council on August 19, 2020 with additional recommendations.

Discussion/Analysis

On May 20, 2020, the City Council directed Staff to provide recommendations of how the City could support local businesses during the Coronavirus pandemic. On June 17, 2020, the City Council authorized Phase 1 of the Al Fresco Dining and Retail Pilot Program including temporarily relaxation of the existing Temporary Use Permit (TUP), Encroachment Permit, parking requirements, and associated fees to facilitate the use of private outdoor areas for dining and retail purposes while maintaining the necessary social distancing protocols. The temporary relaxation of TUP and parking requirements is valid for 90-days following the City Council’s proclamation to terminate the emergency declaration. Application forms for Phase 1 of the Al Fresco Dining and Retail can be found on the Economic Development webpage located here: <https://www.southpasadenaca.gov/government/departments/management-services/economic-development>.

The first phase of the Al Fresco Pilot Program focused on businesses that are interested in utilizing the parking lane in front of their business to provide a designated curb-side pick-up area; or utilizing their off-street parking or other private spaces for outdoor dining or retail purposes. Some businesses are also taking advantage of an existing Sidewalk Dining Permit to add tables and chairs, as space permits, in front of their restaurants. The existing Sidewalk Dining Permit can be used by businesses if sufficient sidewalk space exists in front of their businesses to maintain 4 feet clearance to meet ADA requirements. Staff recommends that City Council expand Phase 1 of the program by temporarily waiving the Sidewalk Dining Permit fees and directing Staff to expedite Sidewalk Dining Permits. Also as part of a Phase 1 expansion, Staff recommends that the City Council authorize Staff to review and approve the use of limited public off-street and alleyway parking facilities for replacement or ADA parking, on a case-by-case basis as approved by the Public Works Director, to support existing and future Al Fresco Program applications.

Proposed Expansion of Phase 1	Implementation & Program Review Requirements
	Staff Recommends approval of Phase 1 Expansion on August 5th
Sidewalk Dining	<ul style="list-style-type: none"> • Planning and Public Works Departments review of site plans to ensure adequate space for ADA access and social distancing • Public Works Department’s review of site plans to ensure the parkway is leveled prior to placement of the tables.
Limited Use of Public	<ul style="list-style-type: none"> • Planning and Public Works Departments review and approval

Al Fresco Dining and Retail Pilot Program - Phase 2

August 5, 2020

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Proposed Expansion of Phase 1	Implementation & Program Review Requirements
Off-Street Parking Spaces for Replacement ADA Parking	<ul style="list-style-type: none"> • Requires applicant to provide temporary striping and signage, as needed. • Requires applicant to provide a deposit to cover the cost of reinstalling the original striping once the temporary use has expired

Staff recommends that Phase 2 of the Al Fresco Dining and Retail Program focus on use of outdoor spaces within the public right-of-way by local businesses. As the pandemic continues, the outdoor spaces in the public right of way could become essential to local businesses. City Staff has been working with the Chamber of Commerce to continue to outreach to local businesses in order to develop Phase 2 program recommendations. While Staff and the Chamber have heard from numerous residents and businesses that local businesses need City support, few formal requests or applications have been made to the City. Therefore, Staff has updated the Al Fresco Program Checklist (see Attachment 1) to solicit more feedback and to encourage more applications; and the Chamber of Commerce has been guiding businesses through the checklist to clarify their needs to provide Staff with sufficient information to make program recommendations to City Council. As of July 28, 2020, five (5) Al Fresco Program applications have been received and have been approved or are being processed, and twenty-one (21) other businesses have expressed interest in the program. Of the twenty-one additional interested businesses, seventeen (17) are interested in participating in the program but may have logistical challenges due to the location of their business; and another four (4) have indicated that they support the program concept but have not determined if or how they can use it.

The program for Phase 2 is proposed below in two phases for Council authorization. The phasing recommendation, as 2A and 2B, is based on degree of ease of implementation and interest from local businesses. If approved, Phase 2 of the Al Fresco Dining and Retail Program could enable businesses to utilize the public right-of-way, potentially including parking lanes, or travel lanes/side streets, for additional outdoor dining and retail. Phase 2 of the Al Fresco Dining and Retail Program would require Staff reviews, as described below, of each application prior to approval.

Phase 2 Components	Implementation & Program Review Requirements
Phase 2A	Staff Recommendations to be presented for City Council consideration on August 19th based on applications received by July 31, 2020
Sidewalk Retail	<ul style="list-style-type: none"> • Planning and Public Works Departments review of site plans to ensure adequate space for ADA access and social distancing • Public Works Department’s review of site plans to ensure the parkway is leveled prior to placement of the tables.
Parking Lane Dining or Retail	<ul style="list-style-type: none"> • Planning and Public Works Departments review of site plans to ensure adequate space for ADA access and social distancing • Traffic Control Plan to establish the location of barricades and other applicable safety measures
Side Street Dining or Retail* <i>*on street segments that</i>	<ul style="list-style-type: none"> • Planning and Public Works Departments review of site plans to ensure driveway access, adequate space for ADA access and social

Al Fresco Dining and Retail Pilot Program - Phase 2

August 5, 2020

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Phase 2 Components	Implementation & Program Review Requirements
<i>could be readily closed without negatively impacting traffic flow or pedestrian safety</i>	distancing <ul style="list-style-type: none"> ● Public Works Department review of the Traffic Control Plan to ensure proper barricades and signs are placed to detour the traffic.
Phase 2B	Future recommendations by Staff to be based on applications received and associated studies required for implementation.
Other Lane or Street Dining and Retail** ** <i>on streets or lanes requiring traffic control and/or pedestrian safety studies</i>	<ul style="list-style-type: none"> ● Traffic Control Plan to establish the location of barricades and other applicable safety measures ● Traffic Study to analyze the traffic impacts and establish appropriate mitigation measures ● Planning and Public Works Departments review of site plans to ensure adequate space for ADA access and social distancing; and driveway access ● Staff to procure barricades, striping and/or other applicable safety measures

Summary of Other Similar Programs

City	Program
Alhambra	Temporarily allows outdoor dining on public right-of-way (front, side or rear sidewalk or alleyway) and on private property (parking lots). These temporary permits are valid for 90 days and can be renewed for additional periods. Does not include the use of public roadways.
Glendale	Temporarily allows outdoor dining on private parking lots or within the public right-of-way including sidewalks and pre-designated city street parklets. Glendale provides barriers, tables, chairs, umbrellas, and planters. Permits are effective until December 31, 2020 and can be renewed upon approval by the Planning Division.
Pasadena	Temporarily allows outdoor dining on private property, sidewalks, alleys, on-street, and parklets. On-street dining is spread out along approximately nine blocks on Colorado Boulevard and Green Street. Pasadena utilizes water filled barriers and bike barriers to separate vehicular traffic from outdoor dining uses. Pasadena authorized the appropriation of \$275,000 of Off-Street Parking, Parking Meter, and General Fund to support their on-street dining and parklet program.
Sierra Madre	Temporarily allows outdoor dining on private parking lots. Sierra Madre is also creating temporary fenced patios (Sierra Madre provides the wood platforms, metal railings, and planters) located within the parking lane along specific sections of West Sierra Madre Boulevard and North Baldwin Avenue to accommodate additional outdoor dining.

Potential Funding

Approximately \$50,000 in Proposition C Local Return can be used immediately to purchase barriers for the Al Fresco Program. Staff is currently working with the Los Angeles County Metropolitan Transportation Authority (Metro) to determine if additional funding can be reallocated from the City’s existing Open Streets grant award to fund additional elements of the Al Fresco Program.

For all Al Fresco Program components approved the City Council, Staff will review applications and enforce subsequent use of the program for conformance to the following priorities and requirements:

Public Safety for Temporary Improvements in the Public Right of Way

Public safety access, as determined by the Public Works and Fire Departments must be maintained at all times; no obstructions to fire lanes, fire hydrants, building entrances/exits, or public utilities will be allowed. In addition, all uses must maintain at least 6 feet distance from pedestrian paths and transit stops. As determined by the Public Works Director, concrete barriers or other traffic control devices will be required of the entire length of all approved dining and retail uses located within the roadway to ensure vehicles are physically separated from people. Staff has evaluated alternative forms of barriers and determined that concrete barriers are the most appropriate form of barricade to minimize risk and ensure public safety in the event of a vehicular collision. The estimated cost of the concrete barricades is \$10,000 per month for both sides of a city block. Staff is researching potential funding sources for the barricades; upon availability, Staff will recommend funding and barricade locations for City Council's consideration.

Americans with Disabilities Act (ADA)

All approved applications and subsequent operations must comply with all minimum requirements of the ADA. Sidewalks and pedestrian paths must be unobstructed and allow for a minimum of four feet clearance. Any ADA parking spaces that are removed as a part of any Al Fresco Dining and Retail Program application must be replaced.

Street Furniture and Lighting

Temporary landscaping and furniture, provided by the business owners, are permissible if they do not block pedestrian paths or prevent the ability to maintain 6 feet for social distancing. Applicants must provide a site plan in their Al Fresco application illustrating the location and placement of their street furniture. Appropriate lighting is required if operations are outside of daytime hours. Temporary shade structures, provided by the business owners, including canopies, tents, and umbrellas are permissible if they are securely weighted (i.e., 5-gallon buckets, 40-pound sandbags, etc.); no staking of tents will be permitted within the public right-of-way. Tents cannot have closed walls in place while open to the public and all sides should be open for air flow. All structures must be secured at the end of the night; any vandalism or theft will be the sole responsibility of the business owner.

Operations and Maintenance

The Al Fresco uses for each business shall not exceed their existing hours of operation. No food preparation, storage, or display shall be allowed within the public right-of-way. Business owners shall be responsible of the ongoing maintenance and cleanliness of their designated Al Fresco areas.

Program Implementation

Staff continues to work with businesses on applications for Phase 1 of the Al Fresco Dining and

Retail Program and with the Chamber of Commerce to outreach to businesses to understand their needs. Staff will evaluate applications on a case-by-case basis to try to accommodate each individual business. Staff will attempt to cluster requests to use the roadway to ensure the most efficient use of the concrete barricades, minimize traffic impacts and maintain pedestrian safety.

Next Steps

1. Staff to continue working with the businesses on a case-by-case basis to review and approve applications for Phase 1 and all subsequent phases approved by City Council
2. Review new applications for Al Fresco Dining and Retail Program; and return to City Council on August 19th Council to consider Phase 2 proposals.
3. Identify applicable funding sources and grant opportunities to help offset the cost of the concrete barricades, traffic control plans, and traffic studies. Staff will return to the Council for approval prior to the issuance of any contracts.
 - a. Based on business applications, Staff may issue a Request for Proposals for a traffic control plan consultant, concrete barricades, and other applicable traffic control measures
 - b. Based on business applications, Staff may issue a Request for Proposals for traffic analysis consultant
4. Approvals for Al Fresco Dining and Retail will expire 90 days after the City Council declares the end of the local emergency declaration.
5. Based on further outreach and lessons learned from the Al Fresco Dining and Retail Program, Staff will propose recommendations for City Council to consider modifying the temporary use of selected on-street parking spaces into a permanent parklet program.

Background

On March 4, 2020, Governor Gavin Newsom declared a state of emergency to exist in California as a result of COVID-19. The same day, the State of California and Los Angeles County Department of Public Health declared health emergencies. On March 18, 2020, the City Council adopted a Resolution proclaiming a local emergency due to the COVID-19 outbreak and authorized the City Manager to take all necessary actions as the Director of Emergency Services.

Legal Review

The City Attorney has reviewed this item.

Fiscal Impact

During the temporary relaxation of TUP and temporary encroachment permit requirements, no fees would be required for a TUP, Temporary Encroachment Permit, and Sidewalk Dining Permit. This would include the \$461 for the TUP application, \$105 for a Temporary Encroachment Permit, and \$124 for a Sidewalk Dining Permit.

Staff has identified \$50,000 in Proposition C Local Return funding that can be used to purchase barriers for the Al Fresco Program. In addition, Staff is currently working with Metro to determine if additional funding can be reallocated from the City's Open Streets grant award to funding additional elements of the Al Fresco Program including traffic control management and

traffic studies. If studies are ineligible for Metro funding, approximately \$25,000 will need to be designated from the General Fund to complete the traffic management plan and studies.

Attachments:

1. Al Fresco Dining and Retail Pilot Program Checklist, Updated to include Phase 2 Requests
2. Al Fresco Dining and Retail Pilot Program Temporary Use Permit, Encroachment Permit, Parking, and Sidewalk Dining Permit Requirements

ATTACHMENT 1
Al Fresco Dining and Retail Pilot Program Checklist

PROPERTY IDENTIFICATION

Address: _____, South Pasadena, CA 91030

Assessor's Parcel Number: _____ - _____ - _____

REQUESTER'S INFORMATION

Name: _____

Email: _____

Telephone: _____

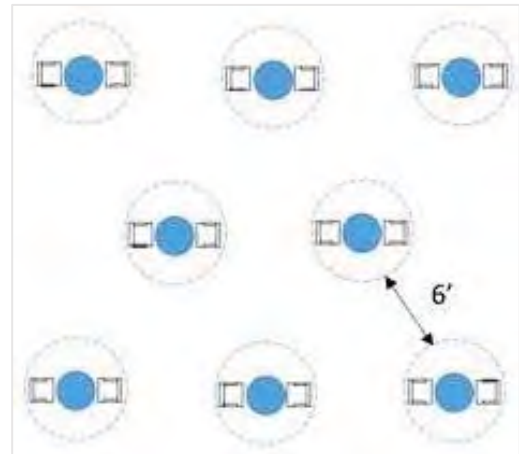
REQUESTED AL FRESCO DINING AND RETAIL PROGRAM USE

- | | |
|---|--|
| <input type="checkbox"/> Designated curb-side pick-up location in front of business | <input type="checkbox"/> Utilizing the adjacent sidewalk |
| <input type="checkbox"/> Existing off-street parking or other private space | <input type="checkbox"/> Utilizing the adjacent parking lane |
| | <input type="checkbox"/> Utilizing the adjacent side street |
| | <input type="checkbox"/> Utilizing other parts of the City's Right-of-Way as described |

APPLICATION FILES

- Temporary Use Permit*
- Encroachment Permit* (if proposed uses will be within the Public Right of Way)
- Sidewalk Dining Permit*
- Existing Outdoor Site Plan (including parking and ADA spaces)
- Proposed Outdoor Site Plan (including relocation of ADA spaces, social distancing accommodations, and seating/retail layout)
- Operations Plan (including hours of operations for the proposed outdoor dining area, circulation to and from business, physical barriers, etc.)
- Commitment to comply with the Los Angeles County Health Orders and Protocols

* Permit fees will be waived



Example: Seating layout demonstrating 6-foot social distancing protocols

OTHER REQUESTS _____

OFFICE USE ONLY	
Date Received: _____	Received By: _____

ATTACHMENT 2

Al Fresco Dining and Retail Pilot Program: Temporary Use Permit, Encroachment Permit, and Parking Requirements

Al Fresco Dining and Retail Pilot Program: Temporary Use Permit, Encroachment Permit, Parking and Sidewalk Dining Permit Requirements

The Planning Director, of their designee, shall review and approve a Temporary Use Permit (TUP) for temporary outdoor dining and retail display in accordance with South Pasadena Municipal Code (SPMC) Section 36.410.059. The Public Works Director, of their designee, shall review and approve all sidewalk dining permits. All temporary outdoor dining and retail uses in association with the Coronavirus shall adhere to the appropriate social distancing protocols established by the Los Angeles County Department of Public Health and may be established within existing on-site parking or other private spaces. The TUP may be issued until the March 18, 2020 Local Emergency Declaration has been lifted. Use of on-street parking or street closures will be subject to a temporary encroachment permit.

Parking and Loading Spaces Reduction

A temporary reduction of up to 50% of existing parking or loading spaces, or as approved by the Planning Director, to accommodate additional outdoor dining or retail space under this program.

Outdoor Dining

- A. Review requirement. A temporary outdoor dining or seating area for restaurants or other establishments with a public eating license in association with the Coronavirus shall require approval of a Temporary Use Permit, and shall be developed in compliance with an approved site plan which indicates the areas dedicated for outdoor dining and the maximum seating capacity for the outdoor dining area in accordance with the appropriate social distancing protocols. The following standards from SPMC Section 36.350.130 (Outdoor Dining) as modified shall be followed:
- B. Location requirements.
 1. Patron tables and other outdoor dining area components shall be located on the same site as the other facilities of the restaurant or within nearby public right-of-way.
 2. All seating shall ensure enough space to adhere to the appropriate social distancing protocols.
 3. If any portion of the outdoor dining area is to be located within a public right-of-way, an Encroachment Permit shall be obtained in compliance with the Municipal Code concurrent with the approval of a Temporary Use Permit for the outdoor dining area; or if the outdoor dining area is to be located within a sidewalk a Sidewalk Dining Permit shall be obtained.
 4. When located immediately adjacent to a residential use, provisions shall be made to minimize noise, light, and odor impacts on the residential use.
- C. Hours of operation. The hours and days of operation of the outdoor dining area shall be the same as the hours and days of operation of the primary business and shall be identified in the approved Temporary Use Permit.
- D. Lighting. Illuminated outdoor dining areas shall incorporate lighting which shall be installed to prevent glare onto, or direct illumination of, any residential property or use, in compliance with Section 36.300.090 (Outdoor Lighting).

- E. Alcoholic beverage sales. A restaurant that proposes to serve alcoholic beverages within an outdoor dining area shall comply with the standards established by the State Department of Alcoholic Beverage Control. The dining area shall be:
 - 1. Physically defined and clearly a part of the restaurant it serves; and
 - 2. Supervised by a restaurant employee to ensure compliance with laws regarding the on-site consumption of alcoholic beverages.
- F. Operating requirements.
 - 1. Clean-up facilities and maintenance. Outdoor dining areas shall be kept in a clean condition and free of litter and food items which constitute a nuisance to public health, safety, and welfare.
 - 2. Outdoor cooking. Cooking within an outdoor dining area may occur only with Administrative Use Permit approval.
 - 3. Placement of tables. Tables shall be placed only in the locations shown on the approved site plan.
- G. Design compatibility. The following standards are intended to ensure compatibility with surrounding uses and a high standard of design quality wherever possible.
 - 1. Outdoor dining areas and associated structural elements, awnings, covers, furniture, umbrellas, or other physical elements which are visible from the public rights-of-way, shall be compatible with the overall design of the main structures.
 - 2. The use of awnings, plants, umbrellas, and other human scale elements is encouraged to enhance the pedestrian experience.
 - 3. The relationship of outdoor dining areas to churches, hospitals, public schools, and residential uses shall be considered by the Director. Proper mitigation measures should be applied to eliminate potential impacts related to glare, light, loitering, and noise.
 - 4. Outdoor dining areas shall maintain adequate vehicular or pedestrian traffic flow.
- H. Additional standards. At the discretion of the Director, the following additional standards may apply to outdoor dining areas. The applicability of these standards shall be specified in the permit approving the outdoor seating area.
 - 1. Amplified sound and music may be prohibited within the outdoor dining area.
 - 2. A sound buffering, acoustic wall may be required along property lines adjacent to the outdoor dining area. The design and height of the wall shall be approved by the Director.

Outdoor Display and Retail Activities.

- A. Accessory outdoor display. Outdoor displays incidental and complementary to an allowed use on commercially or publicly zoned parcels shall be subject to the approval of a Temporary Use Permit approved by the Director, and all of the following standards, as modified from SPMC Section 36.350.140.
 - 1. Outdoor displays shall be:
 - a. Compliant with to the appropriate social distancing protocols established by the Los Angeles County Department of Public Health.
 - b. Approved with a defined fixed location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, or parking spaces. Displays shall not obstruct traffic safety sight areas or otherwise create hazards for vehicle or pedestrian traffic. They

- shall also be placed so that the clear space for the passage of pedestrians upon the sidewalk is not reduced to less than six feet on minor arterials and eight feet on major arterials. All placement within the public right-of-way shall require the approval of an encroachment from the Public Works Director.
- c. Directly related to a business occupying a permanent structure on the same site, and shall display only goods of the primary business on the same site, provided that display may extend into or enter over any public sidewalk by a maximum of two feet, where authorized by an Encroachment Permit issued by the Public Works Director;
 - d. Limited to the hours of operation of the business, be portable and removed from public view at the close of each business day.
 - e. Managed so that display structures and goods are maintained at all times in a clean and neat condition, and in good repair;
 - f. All temporary displays shall ensure enough space to adhere to the appropriate social distancing protocols; and
 - g. Placed to not block structure entrances and on-site driveways.
2. Outdoor displays shall not be:
- a. Placed within 100 feet of any residential dwelling, except for mixed-use projects; or
 - b. Placed so as to impede or interfere with the reasonable use of the store front windows for display purposes.