



NOTE: Agenda Amended to Add  
Agenda Item No. 22

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

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

**September 16, 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 September 16, 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](http://www.spectrumstream.com/streaming/south_pasadena/live.cfm)).

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 for City Council consideration, by one of the following options:

**Option 1:**

1. Dial (626) 322-2344 and leave a recording of your public comment. Please state your name; if you are providing public comment for open or closed session; and, the agenda item number. If no agenda item number is provided, your public comment will automatically be played under the general public comment portion of the open session meeting. The cutoff time for public comment to be submitted via phone recording is 4 p.m. the day of the Council Meeting.

**Option 2:**

2. Email your public comments to [ccpubliccomment@southpasadenaca.gov](mailto:ccpubliccomment@southpasadenaca.gov). Public Comments received in writing will not be read aloud at the meeting. Written public comments will be announced at the meeting and become part of the meeting record. Written public comments will be uploaded online for public viewing under Additional Documents. There is no word limit on

emailed Public Comment. Please make sure to indicate: 1) your name, and 2) what agenda item you are submitting public comment on.

**CALL TO ORDER:** Mayor Robert S. Joe  
**ROLL CALL:** Councilmembers Stephen E. Rossi, Michael A. Cacciotti, and Richard D. Schneider, M.D.; Mayor Pro Tem Diana Mahmud; and Mayor Robert S. Joe

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Diana Mahmud

**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. If you would like to comment on an agenda item, members of the public may submit their comments for City Council consideration by one of the following options:  
Option 1:  
1. Dial (626) 322-2344 and leave a recording of your public comment. Please state your name; if you are providing public comment for open or closed session; and, the agenda item number. If no agenda item number is provided, your public comment will automatically be played under the general public comment portion of the open session meeting. The cutoff time for public comment to be submitted via phone recording is 4 p.m. the day of the Council Meeting.  
Option 2:  
2. Email your public comments to [ccpubliccomment@southpasadenaca.gov](mailto:ccpubliccomment@southpasadenaca.gov). Public Comments received in writing will not be read aloud at the meeting. Written public comments will be announced at the meeting and become part of the meeting record. Written public comments will be uploaded online for public viewing under Additional Documents. There is no word limit on emailed Public Comment. Please make sure to indicate: 1) your name, and 2) what agenda item you are submitting public comment on.  
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 August 5, 2020**
- 7. **Minutes of the Special City Council Meeting on August 19, 2020**
- 8. **Minutes of the Regular City Council Meeting on August 19, 2020**
- 9. **Approval of Prepaid Warrants in the Amount of \$371,272.07; Prepaid Warrant Voids in the Amount of (\$121,171.69); General City Warrants in the Amount of \$913,079.29; Supplemental ACH Payments in the Amount of \$490,298.58.**

Recommendation

It is recommended that the City Council approve the Warrants as presented.

- 10. **Monthly Investment Reports for July 2020**

Recommendation

It is recommended that the City Council receive and file the monthly investment reports for July 2020.

- 11. **Designate Romine Funds for Library Fused Glass Public Artwork**

Recommendation

It is recommended that the City Council designate \$9,022.00 from the unrestricted Romine Funds toward the Ray Bradbury-themed fused glass artwork to be installed in the Library's Ray Bradbury Conference Room.

**12. Second Reading and Adoption of an Ordinance Approving Zoning Code Amendment for Streamline Planning Review and Minor Clean-up**

Recommendation

Staff recommends that the City Council conduct the Second Reading and 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).

**13. Adoption of a Resolution Updating the City’s Conflict of Interest Code**

Recommendation

It is recommended that the City Council adopt a resolution amending the City’s Conflict of Interest Code.

**14. Appointment of Voting Delegate and Alternate to Represent the City of South Pasadena at the 2020 League of California Cities’ Annual Business Meeting**

Recommendation

It is recommended that the City Council appoint Mayor Pro Tem Diana Mahmud as the City of South Pasadena’s (City) voting delegate and Councilmember Stephen Rossi as the alternate for the League of California Cities’ (League) 2020 Annual Business Meeting on Friday, October 9, 2020, to be held virtually.

**15. Approval of the Recommended City Position for the 2020 League of California Cities Resolutions**

Recommendation

It is recommended that the City Council authorize the City delegate to vote in support of the resolution being considered at the upcoming League of California Cities’ (League) Annual Business Meeting being held during the League’s Annual Conference (virtually).

**PUBLIC HEARING**

**16. Request For Review By the City Council of the Cultural Heritage Commission’s Decision to Approve Project No. 2238-COA – Certificate of Appropriateness**

Recommendation

Staff recommends that the City Council uphold the Cultural Heritage Commission’s approval of Project No. 2238-COA, Certificate of Appropriateness for 1030 Brent Avenue based on the findings and conditions of approval contained in the July 16, 2020 Cultural Heritage Commission staff report.

**ACTION/DISCUSSION ITEMS**

**17. Adoption of a Resolution Confirming the Fire Department’s Compliance with Mandated Inspection Duties**

Recommendation

It is recommended that the City Council adopt the resolution acknowledging the receipt of the Fire Department’s annual report of compliance for mandated inspection duties.

**18. Ratify Appointments for the Regional Housing Needs Assessment Appeal Ad Hoc Committee**

Recommendation

It is recommended that the City Council:

1. Review and provide comments regarding the City’s Regional Housing Needs Assessment (RHNA) allocation appeal efforts;
2. Ratify the appointment of two members of the Planning Commission and a minimum of two (and a maximum of five) residents to participate in the temporary RHNA Appeal Ad Hoc Committee (Committee) to assist Staff on matters related to the City’s RHNA allocation appeal.

**19. Approval of Option for Continued Virtual Public Commission Meetings**

Recommendation

It is recommended that the City Council:

1. Review the options as presented to continue virtual public commission meetings; and
2. Select Option 1 as the designated commission meeting virtual format.

**20. Adopt a Resolution authorizing a CalPERS Early Retirement Incentive Program**

Recommendation

It is recommended that the City Council adopt the proposed resolution authorizing an early retirement incentive program under CalPERS.

**21. Formation of Finance Ad Hoc Committee**

Recommendation

It is recommended that the City Council:

1. Provide direction on the scope of work to be assigned to a Finance ad hoc committee, the composition of such an ad hoc committee, and the process for assembling such a committee.
2. Provide direction on the composition of the proposed ad hoc committee and resulting process for filling ad hoc committee positions.

**Action/Discussion Item Added to Agenda:**

**22. Consideration of Employment Agreement and a Resolution for Post-Retirement Employment of Elaine Aguilar for the Position of Interim Assistant City Manager**

**Recommendation**

It is recommended that the City Council approve:

1. The Resolution of the City of South Pasadena Requesting Approval of Public Employee's Retirement System (PERS) for Hiring of Annuitant for Temporary Appointment to Position of Interim Assistant City Manager Pursuant to Government Code Sections 21221(h) and 7522.56(f)(1) and
2. Approve the Employment Agreement with Elaine Aguilar for the Position of Interim Assistant City Manager during the absence of Finance Director, Karen Aceves and/or the recruitment process for a new full time City Manager.

**ADJOURNMENT**

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

October 7, 2020	Regular City Council Meeting	Council Chamber	7:30 p.m.
October 21, 2020	Regular City Council Meeting	Council Chamber	7:30 p.m.
November 4, 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 and any agenda related documents are available online for public inspection on the City website: <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.

Currently, regular meetings are streamed live via the internet at:  
[http://www.spectrumstream.com/streaming/south\\_pasadena/live.cfm](http://www.spectrumstream.com/streaming/south_pasadena/live.cfm)

**AGENDA NOTIFICATION SUBSCRIPTION**

Individuals can be placed on an email notification list to receive forthcoming agendas by emailing [CityClerk@southpasadenaca.gov](mailto: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](mailto: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.*

9/13/2020

/s/

Date

Maria E. Ayala  
Chief City Clerk



**Wednesday, August 5, 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, August 5, 2020, at 7:45 p.m., in the Council Chamber, located at 1424 Mission Street, South Pasadena, California.

A brief introduction was provided 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 Stephanie 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**

Councilmember Khubesrian deferred the flag salute to Tamara Binns, Executive Assistant to the City Manager.

Executive Assistant to the City Manager Binns led the flag salute.

Following the Pledge of Allegiance, Mayor Joe briefly spoke on the City's Code of Ethics and Conduct policy.

Mayor Joe made a motion directing the City Manager to bring back a future agenda item to discuss City Councilmembers conduct under the City Code of Ethics and Conduct policy. A second was provide by Councilmember Cacciotti.



## 1. CLOSED SESSION ANNOUNCEMENTS

### A. 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, Mobilitie, SBA Communications, Tilson, TowerPoint, Tower Ventures, and Wireless Propco.

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

### B. 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; Terri Highsmith, City Attorney

City Attorney Highsmith reported the following:

Item A – City Council received a briefing by the City's Real Property Negotiator regarding an offer to enter into a master lease with multiple negotiating parties for the wireless facilities located at 701 La Portada Street, 815 Mission Street, 614 Stoney Drive, and 1055 South Lohman, South Pasadena. No action was taken by City Council, but direction was provided to City's Real Property Negotiator.

Item B – 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. No action was taken by City Council, but direction was provided to City's Labor Negotiator.

## 2. Public Comments - General

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

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

Public Comments:

- Ben Oswald – Expressed concern for the trees located near the proposed extension of E. Moffat St.
- Rachel Orfila – Expressed the need for more affordable housing in the City and suggested the City seek creative ways to support developments for it.
- Rick Chen – Expressed support for challenging the City’s RHNA requirement.
- Josh Betta – Expressed comments regarding the City’s financial transparency.
- Jan Marshall – Provided various questions and comments regarding the status of the City’s financial audit.
- Delaine Shane – Provided various questions and comments regarding the status of the City’s financial audit.
- Ian Sokolowski – Expressed support for the use of Measure M funds on bicycle improvement projects.
- Mary Urquhart – Expressed the need for City Council to take action on various matters including the financial audit, Josh Betta’s financial report, City Manager DeWolfe, and a City Councilmember conduct.
- Ron Rosen – Expressed comments regarding Councilmember Khubesrian’s misconduct.
- Sheila Rossi – Expressed comments regarding City Council taking action on public affairs, financial audits, and the City Clerk and Planning Departments.
- Anne Bagasao – Expressed concern for the City’s transparency regarding the City’s financial audit.
- Alan Ehrlich – Expressed comments regarding the City’s financial audit, payroll conversion to ADP, and consulting services.
- Mariana Huerta Jones – Expressed support for an inclusionary zoning ordinance and implementation of more affordable housing
- Steve Zikman – Expressed concerns regarding Councilmember Khubesrian’s misconduct and provided various suggestions to City Council regarding the matter.

## COMMUNICATIONS

### 3. Councilmembers Communications

Councilmember Schneider provided comments on the following: commended the South Pasadena High School students in the Anti-Bias Club for their proposal of a Black Lives Matter mural; reported on a Mobility and Transportation Infrastructure Commission meeting; rank-choice voting in future elections; Al Fresco dining; reported on a Design Review Board meeting; etc.

Councilmember Schneider motioned to invite the South Pasadena High School Anti-Bias club to present their proposal for a Black Live Matter mural. A second was provided by Councilmember Cacciotti.

Councilmember Schneider requested the Mobility and Transportation Infrastructure Commission review/discuss a permanent plaza between El Centro St. and Mission St. (A second was received by Councilmember Khubesrian).

Councilmember Schneider requested City Attorney Highsmith provide a memo with suggestions regarding rank-choice voting.

Mayor Pro Tem Mahmud provided comments on the following: Clean Power Alliance and Southern California Edison income qualified discounted rates; reported on an Emergency League of California Cities Board of Director meeting and updated charter amendments; reminded the community to wear face masks; etc.

Councilmember Cacciotti provided comments on the following: volunteering to serve senior meals; City's financial audit; complaints regarding the City Park's garbage cans not being emptied; reminded the community to wear face masks; provided an update on the Metro Gold Line Foothill Extension Construction Authority's construction projects; etc.

Councilmember Cacciotti requested a presentation be made by the City's contracted auditing firm at the August 19<sup>th</sup> City Council meeting, to speak on the status of the City's financial audit. A second provided by Mayor Joe.

Councilmember Khubesrian provided comments on the following: the South Pasadena High School Anti-Bias Club; having the Public Arts Commission review the Black Lives Matter mural; various ways to encourage the use of face mask; youth/student liaison for the Mobility and Transportation Infrastructure and Public Safety Commissions; and announced her decision to not run for reelection for the November election. Councilmember Khubesrian continued to express the various challenges and difficulties she has faced recently while serving as a Councilmember, and her concern for the future of South Pasadena.

Councilmember Khubesrian motioned to move the balance of her discretionary fund to contribute towards the Black Lives Matter mural. (A second was received by Councilmember Schneider).

Mayor Joe did not provide comments.

**4. City Manager Communications**

City Manager DeWolfe provide comments on the following: a COVID-19 update on the Fire, Police, and Community Services departments, a City overview, and brief Los Angeles County update; an update on the status of the City’s financial Audit; the City’s Budget/revenues and expenses; community engagement and outreach processes; etc.

Mayor Pro Tem Mahmud had questions regarding community engagement.

City Manager DeWolfe answered questions accordingly.

**5. Reordering of and Additions to the Agenda**

There was no reordering of agenda items for this meeting.

**CONSENT CALENDAR**

Chief City Clerk Ayala announced there were Additional Documents for agenda Item Nos. 11, 14, and 18.

Councilmember Cacciotti pulled Item Nos. 11 and 13 for individual discussion.

Mayor Pro Tem Mahmud pulled Item No. 14 for individual discussion.

Chief City Clerk Ayala announced public comments were received for Item Nos. 8 and 11.

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY MAYOR PRO TEM MAHMUD, CARRIED 5-0, to approve Consent Calendar Items Nos. 6, 7, 9, 10 and 12.

**6. Minutes of the Regular City Council Meeting on June 10, 2020**

City Council approved the minutes of the Regular City Council Meeting on June 10, 2020 as presented.

**7. Minutes of the Regular City Council Meeting on June 17, 2020**

City Council approved the minutes of the Regular City Council Meeting on June 17, 2020 as presented.

**9. Approval of Resolution No. 7670 Appointing Delegates, Representatives, and Alternates to Various Agencies and Organizations to Clarify the Term for the San Gabriel Valley Mosquito and Vector Control District**

City Council adopted **Resolution No. 7670** 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 No. 7671 Approving the Annual Auditor's Report and Authorizing the Collection of the Library Special Tax for Fiscal Year 2020-21**

City Council adopted the attached **Resolution No. 7671** approving the Annual Auditor's Report for the levy of the Fiscal Year (FY) 2020-21 Library Special Tax (Tax).

**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**

City Council:

1. Accepted a proposal dated June 18, 2020, from Great Match Consulting to provide supplemental staffing on an as-needed basis; and
2. Authorized 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.

**ITEMS PULLED FROM CONSENT**

**8. Minutes of the Special City Council Meeting on June 24, 2020**

Chief City Clerk Ayala read the public comments aloud.

Public Comment:

- Steven Rossi – Expressed concern for corrections needed on the minutes regarding City Council's direction on the City's 2018-2019 audit.
- Richard Cheney – Expressed concern for corrections needed on the minutes regarding City Council's direction on the City's 2018-2019 audit.

City Council held a discussion regarding potential changes to the minutes of the Special City Council Meeting on June 24, 2020.

MOTION BY MAYOR PRO TEM MAHMUD, SECOND BY COUNCILMEMBER KHUBESRIAN, CARRIED 5-0, to approve the minutes of the Special City Council Meeting on June 24, 2020 as presented.

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

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

Public Comment:

- Andy Au – Expressed support for using Measure M funds to implement the City’s Master Bicycle Plan.
- Joel Dauten – Expressed support for using Measure M funds to implement the City’s Master Bicycle Plan.
- Terence Patrick – Expressed support for using Measure M funds to implement the City’s Master Bicycle Plan.
- Juliana Fong – Expressed support for using Measure M funds to implement the City’s Master Bicycle Plan.
- Topher Mathers – Expressed support for using Measure M funds to implement the City’s Master Bicycle Plan.
- Kim Hughes – Expressed concern for the lack of input by the Mobility and Transportation Infrastructure Commission on the projects presented.
- Bin Lee – Expressed support for the implementation of the City’s Master Bicycle Plan.
- Cathy Lee – Expressed support for using Measure M funds to implement the City’s Master Bicycle Plan.
- Samuel Zneimer – Expressed support for using Measure M funds to implement the City’s Master Bicycle Plan.
- Madeline Di Giorgi – Expressed support for using Measure M funds to implement the City’s Master Bicycle Plan.
- David Diaz – On behalf of Active SGV, expressed support for using Measure M funds to implement the City’s Master Bicycle Plan.
- Rona Bortz – Expressed support for the implantation of more bikeways and walkways.
- Michelle Hammond – Expressed recommendations to the City’s Bikeway Improvement Project and to consider the City Master Bicycle Plan.
- Cheryl Auger – Expressed support for the implementation of more bikeways.

City Council had questions and comments regarding: projects outside the City’s jurisdiction; competing interests on Measure M funds; updated Active Transportation Plan; bikeway improvements; future Mobility and Transportation Infrastructure Commission meetings for project reviews; costs and conditions on bike lane projects; etc.

City Manager DeWolfe and Shahid Abbas, Director of Public Works, answered all questions accordingly.

MOTION BY COUNCILMEMBER SCHNEIDER, SECOND BY MAYOR PRO TEM MAHMUD, CARRIED 5-0, to approve directing staff to bank and repurpose the available Measure M Multi Sub-regional Program (MSP) dollars for Reallocation in Next Year's Project Cycle.

Addition Documents were considered with the motion to include a letter from the Mobility and Transportation Infrastructure Commission regarding Measure M MSP Projects.

**13. Adoption of a Resolution No. 7668 Authorizing Submittal of a Grant Application to Participate in the Used Oil Payment Program**

Councilmember Cacciotti asked staff to briefly describe the details regarding the program for the public.

Director Abbas provide a brief comments on the programs purpose and procedures to participate.

MOTION BY MAYOR PRO TEM MAHMUD, SECOND COUNCILMEMBER KHUBESRIAN, CARRIED 5-0, to:

1. Adopt a **Resolution No. 7668** 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 Resolution No. 7669 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**

Mayor Pro Tem Mahmud announced the Additional Documents for the item and asked they be considered in the motion.

MOTION BY MAYOR PRO TEM MAHMUD, SECOND COUNCILMEMBER KHUBESRIAN, CARRIED 5-0, to approve the attached **Resolution No. 7669**:

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.

Additional Documents were considered in the motion to provided clarification on edits to the resolution and accompanying attachments:

- Recitals in Resolution updated to reflect most current Los Angeles County Public Health Officer Order from July 18 , 2020
  - Deleted Attachment A1 and renamed Attachment A2 to Attachment A
- Section 8 “Guidance for religious gatherings” Added language to comply with County Health orders
- Section 9 “Protection of affected tenants” Updated to reflect the most current Los Angeles County Board of Supervisor’s (LABOS) action of July 21, 2020
  - New Attachment B
- Section 13 “Al Fresco Dining and Retail Program”
  - New Attachment C (redlined)
- Section 14 “Capping Fees on Third-Party Delivery Services” Updated to reflect the date of adoption of the LABOS ordinance, August 4, 2020
- Section 18 “Review” Added date of when order needs to be reviewed/extended: October 4, 2020

## **PUBLIC HEARING**

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

Kanika Kith, Planning Manager, provided a PowerPoint presentation.

Mayor Pro Tem Mahmud had questions and comments regarding: Cultural Heritage Commission CEQA analysis; potential litigation; etc.

City Attorney Highsmith, Joanna Hankamer, Director of Planning and Community Development, and Manager Kith answered all questions according.

Mayor Joe opened to public hearing at 9:53 p.m.

Chief City Clerk Ayala announced no public comments were received for the item.

Mayor Joe closed the public hearing at 9:54 p.m.

MOTION BY MAYOR PRO TEM MAHMUD, SECOND COUNCILMEMBER CACCIOTTI, CARRIED 5-0, to approve 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**

Lucy Demirjian, Assistant to the City Manager, provided a PowerPoint presentation on the Utility Users Tax measure.

City Council had questions and comments regarding: proposed building height increases on various housing opportunity sites; March 2021 special election; LA County election submission deadlines; community meetings and outreach; zoning modification maps; delays in the City's General Plan; etc.

Director Hankamer answered all questions accordingly.

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

#### **Public Comments:**

- Samuel Hernandez – Expressed support for including a measure to increase the existing 45-foot height limit on the November 2020 election ballot.
- Erin Coleman and John Guevarra – Expressed support for including a measure to increase the existing 45-foot height limit on the November 2020 election ballot
- Laurie Wheeler – Expressed support for including a measure to increase the existing 45-foot height limit on the November 2020 election ballot.
- Casey and Jessica Law – Expressed support for including a measure to increase the existing 45-foot height limit on the November 2020 election ballot.
- Andrew Berk – Expressed support for including a measure to increase the existing 45-foot height limit on the November 2020 election ballot.
- Ed Donnelley – Expressed support for including the Utility Users Tax measure on the November 2020 elections ballot. (signed by 14 individuals)
- Andrew Nam – Expressed support for including a measure to increase the existing 45-foot height limit on the November 2020 election ballot.
- Joanne Nuckols and Jan Marshall – Expressed opposition for including a measure to increase the existing 45-foot height limit on the November 2020 elections ballot. (signed by 87 individuals)

- Brandon Yung – Expressed support for including a measure to increase the existing 45-foot height limit on the November 2020 election ballot.
- Ella Hushagen and Bill Kelly – Expressed support for including a measure to increase the existing 45-foot height limit on the November 2020 election ballot. (signed by 53 individuals)
- Dominic Marziali – Expressed support for increasing the existing 45-foot building height limits.

City Council held significant discussion regarding: the inability to place the increase of building height limits measure on the November 2020 ballot; Governor Newsom’s affordable housing projections/goals; November 2020 election turnout; expenses for a March 2021 special election; etc.

MOTION BY MAYOR PRO TEM MAHMUD, SECOND COUNCILMEMBER CACCIOTTI, CARRIED 5-0, to approve ballot measures for the General Municipal Election on Tuesday, November 3, 2020; approved the **Resolution No. 7672** submitting a ballot measure to the voters; and approved language for the ballot measure:

- 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;

**17. Resolution No. 7673 Affirming the City of South Pasadena’s Commitment to Diversity and to Safeguarding Civil Rights, Safety and Dignity of all of our Citizens**

Chief City Clerk Ayala read the public comment aloud.

Public Comment:

- Josh Atlas – Expressed that the resolution does not solve the problems the City has and does not promote the safety, well-being, and dignity of the residents.

Councilmember Schneider provided of brief response regarding the City’s Police Department policy changes.

- Elana Mann – Expressed support for the adoption of the resolution.

Councilmember Cacciotti thanked Mayor Joe, City staff, and community members for contributing and bringing this resolution to City Council.

Councilmember Khubesrian spoke about the Anti-Racism Committee (ARC) of South Pasadena’s mission, and provided a brief update on the City’s community forums regarding policing.

MOTION BY COUNCILMEMBER KHUBESRIAN, SECOND COUNCILMEMBER CACCIOTTI, CARRIED 5-0, to approve adopt a **Resolution No. 7673** 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.”

Mayor Joe requested the resolution be able on the City's website.

### **18. Al Fresco Dining and Retail Pilot Program – Update and Potential Expansion**

Margaret Lin, Manager of Long Range Planning and Economic Development, provide a PowerPoint presentation.

City Council had various questions and comments regarding: locations for outside dining; COVID-19 CDBG funds; Al Fresco dining and retail applications received; coordinating a Retail fair; etc.

Director Hankamer and Manager Lin answered all questions accordingly.

Chief City Clerk Ayala read the public comments aloud.

Public Comment:

- Josh Alberkton – Expressed that costs for reinstalling the original stripping once the temporary permits have expired should be waved since business are having financial difficulties.
- Samuel Hernandez – Expressed support for the Al Fresco Dining and Retail program.
- Sam Zneimer – Expressed support for the Al Fresco Dining and Retail program and suggested using parking lanes to further expand retail space and seating for dining.

MOTION BY COUNCILMEMBER KHUBESRIAN, SECOND MAYOR PRO TEM MAHMUD, CARRIED 5-0, to:

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.

Additional Documents we considered in the motion providing clarification edits to Attachment 2: Permit Requirements.

## **INFORMATION REPORTS**

### **19. Discussion of Fremont Avenue Traffic Calming**

City Council reached a consensus to continue the item to the August 19<sup>th</sup> City Council meeting.

## **ADJOURNMENT**

Mayor Joe announced a next Regular City Council meeting on August 19<sup>th</sup>.

There being no further business, at 11:19 p.m. Mayor Joe adjourned the meeting.

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Evelyn G. Zneimer  
City Clerk

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Robert S. Joe  
Mayor



**Wednesday, August 19, 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, August 19, 2020, at 7:36 p.m., in the Council Chamber, located at 1424 Mission Street, South Pasadena, California.

Mayor Joe opened the meeting by announcing that due to technical difficulties experienced with the City's equipment for live broadcasting of the meeting. Mayor Joe also announced the following: Councilmember Khubesrian's resignation; a brief description of the agenda items for the meeting; briefly described the new procedures set in place for public comments submitted; and the procedures in place in an effort to prevent the spread of COVID-19.

**ROLL CALL**

**Present via Zoom:** Councilmembers Cacciotti, 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**

Councilmember Cacciotti led the flag salute.

**ACTION/DISCUSSION**

**1. Acknowledgment of Councilmember Resignation**

Mayor Joe provided a brief description of the item and its procedures.

City Council reached a concurrence to receive and file Dr. Marina Khubesrian's resignation from City Council effective August 18, 2020, as recommended by staff.

Chief City Clerk Ayala announced the public comments received and played a recording of the read comments.

Public Comments:

- Sam Burgess – Expressed a few words regarding Marina Khubesrian’s resignation and made suggestions regarding an appointment to the Councilmember vacancy.
- Patricia and Shalimar Duff – Expressed concern over unethical actions of the former City Councilmember, and asked City Council to conduct an independent investigation to promote the City transparency.

Mayor Pro Tem Mahmud expressed a few words regarding former Councilmember Khubesrian’s contributions to the City.

**3. Approval of Updated Mayor’s List of City Council Liaison and Regional Group Appointments and Adoption of Updated Resolution No. 7674 Appointing Delegates, Representatives, and Alternates to Various Agencies and Organizations**

City Council took this item out of order.

Chief City Clerk Ayala read the Mayor’s list of City Council Liaisons and Regional Groups appointments aloud.

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND COUNCILMEMBER SCHNEIDER, CARRIED 4-0, to:

1. Approve the Mayor’s updated list of City Council Liaison and Regional Group Appointments to various commission, boards, and committees; and
2. Adopt updated **Resolution No. 7674** appointing delegates, representatives, and alternates as official representatives of the City of South Pasadena.

**4. Review and Reaffirm Commitment to Code of Ethics and Conduct Policy**

City Council took this item out of order.

Mayor Joe presented the item.

All four Councilmembers reached a consensus to review and reaffirm their commitment to the City’s Code of Ethics and Conduct Policy.

Chief City Clerk Ayala announced the public comment received and played their audio recording.

Public Comment:

- Ron Rosen – Provided suggestions on community members who would be a good fit for the City Council vacancy.

## 2. Procedure and Options for Filling City Council Vacancy

Matthew T. Summers, Assistant City Attorney, provided the staff report (City Attorney Highsmith was experiencing technical difficulties).

During City Council's discussion on the item, questions and comments regarding the following were shared: procedures and options to filling the District 2 Councilmember vacancy; legal requirements to fill the vacancy; concerns regarding the length of the appointment; potential appointments to the vacancy; agreeable qualities of the appointees; appointees accountability during term; etc.

City Attorney Highsmith answered all questions accordingly.

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND COUNCILMEMBER SCHNEIDER, CARRIED 3-1, to staff start the notification process tonight to inform the residents of South Pasadena, specifically those of District 2, that there a Council Vacancy exists, and that the City will be accepting applications for a decision to be made at the September 2<sup>nd</sup> City Council meeting for filling the remainder of former Councilmember Khubesrian's term ending December 2, 2020.

### Recommendation:

~~It is recommended that the City Council direct staff to bring back for Council consideration a procedure for appointment of a City Council member to an unexpired City Council term when a vacancy occurs.~~

## ADJOURNMENT

Mayor Joe announced the next Regular City Council meeting on August 19<sup>th</sup>.

There being no further business, Mayor Joe adjourned the meeting at 8:29 p.m.

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Evelyn G. Zneimer  
City Clerk

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Robert S. Joe  
Mayor



**Wednesday, August 19, 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, August 19, 2020, at 8:30 p.m., in the Council Chamber, located at 1424 Mission Street, South Pasadena, California.

**ROLL CALL**

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

**Absent:** None

**City Staff Present:** City Manager Stephanie 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**

Given that a Special City Council Meeting immediately preceded this Regular Meeting, the Pledge of Allegiance was not repeated, as it was conducted at the beginning of the Special Meeting.

Mayor Joe made brief announcements of the changes in procedures of how public comment will be conducted during the meeting.

**5. Reordering of and Additions to the Agenda**

Mayor Joe proposed to consider reordering the following agenda items to be heard at the beginning of the meeting:

- Agenda Item No. 25 will be heard first
- Agenda Item No. 24 will be heard second

Mayor Joe also announced that Agenda Item No. 13 will be removed from the agenda and not considered at this time.

City Council concurred.



## INFORMATION REPORTS

### **25. Audit Presentation By Rogers, Anderson, Malody & Scott LLP**

Karen Aceves, Finance Director, provided an introduction for the item.

Brianna Schultz, representatives of Rogers, Anderson, Malody & Scott LLP (RAMS), provided a verbal report on the current status of the City's 2018-19 Fiscal Year audit.

City Council had various questions and comments regarding: Management Discussion & Analysis (MD&A); account balances; RAMS years of service with the City; reasons for audit delays; future presentations; management comment report; ADP implementation; order of operations following the audit competition; concerns regarding financial controls; RAMS field work; etc.

Director Aceves and Representative Schultz answered all questions accordingly.

Chief City Clerk Ayala played the public comment audio recording.

Public Comment:

- Ron Rosen – Expressed concerns regarding the City's audit and provided suggestions for City Council to consider.
- Patricia and Shalimar Duff – Expressed concerns for the delays on the City's audit and finances.

### **24. Presentation Regarding Black Lives Matter Mural**

Margaret Lin, Manager of Long Range Planning and Economic Development, provided an introduction for the item.

A presentation was provided by the South Pasadena High School Anti-Bias Club.

City Council had various questions and comments regarding: the location of the mural; maintenance and preservation of the mural; City commission and board approval; contract with mural artist; fundraising and donations; etc.

City Attorney Highsmith, Manager Lin, Noah Kuhn and Lulu Talesnick, South Pasadena High School Students, answered all questions accordingly.

Chief City Clerk Ayala played the public comment audio recording.

Public Comment:

- Josh Atlas – Expressed comments regarding the City’s issues on racial injustice and inequality.
- Josh Albrektson – Expressed support for the item and provided comments regarding the City’s history of racial injustice and inequality.

**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; Terri Highsmith, City Attorney

**B. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION**

Pursuant to Government Code Section 54956.9(d)(2)

*Significant Exposure: A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.*

**C. Initiation of Litigation**

CONFERENCE WITH LEGAL COUNSEL—Initiation of Litigation, Pursuant to Government Code Section 54956.9(d)(4):

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. No action was taken by City Council, but direction was provided to City’s Labor Negotiator.

Item B – City Council received a briefing form Legal Counsel regarding a matter of Anticipated Litigation. No action was taken by City Council, but direction was provided to City Staff.

Item C – City Council received a briefing form Legal Counsel regarding a matter of Initiation of Litigation. No action was taken by City Council, but direction was provided to City Staff.

Mayor Pro Tem Mahmud asked the City Council to consider moving Item Nos. 2, 3, and 4 to the end of the meeting for purposes of time.

City Council concurred.

## CONSENT CALENDAR

Mayor Pro Tem Mahmud announced Additional Documents for agenda Item Nos. 6, 12, and 18.

Councilmember Cacciotti pulled Item Nos. 10 and 14 for individual discussion.

Chief City Clerk Ayala announced public comments were received for Item Nos. 8, 10, and 14.

MOTION BY COUNCILMEMBER SCHNEIDER, SECOND BY COUNCILMEMBER CACCIOTTI, CARRIED 4-0, to approve Consent Calendar Items Nos. 6-9, 11, 12, and 15-17.

6. **Approval of Prepaid Warrants in the Amount of \$177,866.96; General City Warrants in the Amount of \$2,604,430.88; General City Warrant Voids in the Amount of (\$49,029.71); Supplemental ACH Payments in the Amount of \$156,778.25**

City Council approved the Warrants as presented.

An Additional Document was considered in the motion of the breakdown of the credit card payments for the August 2020 Umpqua Statement.

7. **Monthly Investment Reports for June 2020**

City Council received and filed the monthly investment reports for June 2020.

8. **Award of Contract to RKA Consulting Group for the Engineering Design, Construction Management and Inspection Services of Fiscal Year 2019-20 Street Improvement Projects in an Amount Not-to-Exceed \$202,636**

Chief City Clerk Ayala played and audio recording of the public comment.

Public Comment:

- Patricia and Shalimar Duff – Expressed concern for City’s amount of spending considering that the City has not approved a budget. (This comment was also submitted for Item Nos. 9-14, 16, 19, and 20.)

City Council:

1. Accepted a proposal dated April 17, 2020, from RKA Consulting Group for the Engineering Design, Construction Management and Inspection Services of Fiscal Year (FY) 2019-20 Street Improvement Projects; and
2. Authorized the City Manager to execute the agreement and any amendments with RKA Consulting Group for a not-to-exceed amount of \$202,636 (\$184,215 for the proposal amount and \$18,421 for 10% contingency); and
3. Rejected all other proposals received.

**9. Award of Contract to Interwest Consulting Group, Inc. for the On-Call Public Works Engineering Plan Checking Services Starting in Fiscal Year 2020-21 in an Amount Not-to-Exceed \$55,000**

City Council:

1. Accepted a proposal dated June 29, 2020, from Interwest Consulting Group, Inc. for the On-Call Public Works Engineering Plan Checking Services Starting in Fiscal Year (FY) 2020-21; and
2. Authorized the City Manager to execute the agreement and any amendments with Interwest Consulting Group, Inc. for a not-to-exceed amount of \$55,000 (\$50,000 for the proposal amount and \$5,000 for 10% contingency); and
3. Rejected all other proposals received; and
4. Authorized Interwest Consulting Group, Inc. to provide the on-call “Deputy Inspector” services in accordance with the Southwest Monterey Hills Construction Regulations which are pass through costs to the City paid by the project developers through deposits provided by the City.

**11. Execution of the Fund Transfer Agreement to Receive Safe Clean Water Program’s Fiscal Year 2020-21 Municipal Fund**

City Council authorized the City Manager to execute the Fund Transfer Agreement with the Los Angeles County Flood Control District to receive Safe Clean Water Program’s Fiscal Year 2020-21 Municipal Fund.

**12. Adoption of Resolution No. 7675 Approving Application for Urban Counties Per Capita Grant Funds and Approval of Memorandum of Understanding (MOU) with City of Pasadena**

City Council:

1. Adopted **Resolution No. 7675** approving application for Urban Counties Per Capita Grant Program; and
2. Approved and authorize the City Manager to execute a Memorandum of Understanding (MOU) with the City of Pasadena; and
3. Authorized the fund transfer of \$200,000 from Arroyo Golf Course/Bike Trail Reserve Fund and \$237,500 from Renewable Energy Source Reserve Fund to Measure W –

Stormwater Operations and Maintenance – Special Department Services (239-6010-6011-8020).

An Additional Document was considered in the motion to provide additional information about the FY21/22 Safe Clean Water Program (SCWP) project.

**13. Discretionary Fund Request from Councilmember Khubesrian in the Amount of \$3,870 for a Black Lives Matter Mural**

Recommendation

~~It is recommended that the City Council approve the Discretionary Fund request by Councilmember Khubesrian to allocate \$3,870 for the creation and installation of a Black Lives Matter mural by the South Pasadena High School Anti-Bias Club.~~

Agenda Item No. 13 was pulled from the City Council agenda and not considered as announced by Mayor Joe.

**15. Adoption of Resolution No. 7676 for Summary Vacation of an Existing Slope Easement at 1230 Kolle Avenue**

City Council approved **Resolution No. 7676** (see Attachment 1) to summarily vacate an existing slope easement at 1230 Kolle Avenue.

**16. Resolution No. 7677 Initiating the Salary Reopener Provision Contained in the 2019-2022 Memorandums of Understanding with the South Pasadena Police Officers' Association, South Pasadena Firefighters' Association, and the South Pasadena Public Service Employees' Association**

City Council approved the proposed **Resolution No. 7677**, to initiate the salary reopener provision of the 2019-2022 Memorandums of Understanding (MOUs) for the South Pasadena Police Officers' Association, South Pasadena Firefighters' Association, and South Pasadena's Public Service Employees' Association.

**17. Adoption of Resolution No. 7678 Continuing the Proclamation of a Local Emergency Due to the Outbreak of COVID-19, Authorizing the Expansion of the Al Fresco Dining and Retail Program to Include the Use of the Public Right-of-Way, and Authorizing the City Manager to Take All Necessary Actions as the Director of Emergency Services**

City Council approved the attached **Resolution No. 7678**:

1. Continuing the proclamation of a local emergency due to the outbreak of COVID-19; and
2. Authorizing the expansion of the Al Fresco Dining and Retail Program to include the use of the public right-of-way for outdoor dining and retail; and

3. Authorizing the City Manager to take all necessary actions as the Director of Emergency Services.

## ITEMS PULLED FROM CONSENT

### **10. Award of Purchase Contract with Long Beach BMW for Three (3) Fully Outfitted BMW RT-P Police Motorcycles in the Amount of \$114,338**

Chief City Clerk Ayala played an audio recording of the public comment.

#### Public Comment:

- Helen Tran and Ella Hushagen – Expressed opposition for the item and provided various reasons for the opposition. (Signed by 73 individuals)
- Sam Burgess – Expressed concerns for the City’s traffic issues and traffic enforcement.

City Council had various questions and comments regarding: the luxury model; City’s low emissions policy; traffic issues/enforcement; grants funding purchase; electric motorcycles; vehicles used by traffic enforcement; concerns on emissions; etc.

Joe Ortiz, Police Chief, answered all questions accordingly.

MOTION BY MAYOR PRO TEM MAHMUD, SECOND BY COUNCILMEMBER SCHNEIDER, CARRIED 3-1 (CACCIOTTI), to:

1. Award the purchase contract to Long Beach BMW in response to specification for three (3) police patrol motorcycles in the amount of \$92,657; and
2. Award the purchase contract to Motorola Solutions for three digital police radios in the amount of \$21,270; and
3. Award the purchase contract to Prime Graphix for the installation of police graphics in the amount of \$410.

### **14. Acceptance and Approval of the San Gabriel Valley Council of Governments Homelessness Grant Award in the Amount of \$165,000 for the City’s Homeless Plan Implementation and the Development and Implementation of a Prevention and Diversion Program to Prevent City Residents from Becoming Homeless**

Chief City Clerk Ayala played an audio recording of the public comment.

#### Public Comment:

- Helen Tran and Ella Hushagen – Expressed opposition for the item and provided various reasons for the opposition. (Signed by 75 individuals)

City Council had various comments and questions regarding: City's Police Department homeless assistance services; integrating mental health professionals; housing services; etc.

Chief Ortiz, Randy Wise (Police Corporal), and Marisol Romero (Management Analyst), provided information on the services the grant would fund and the categories those funds can be allocated towards.

City Council held a discussion regarding the dollar amounts in the categories provided on the MOA.

MOTION BY MAYOR PRO TEM MAHMUD, SECOND BY COUNCILMEMBER CACCIOTTI, CARRIED 4-0, to authorize the City Manager to execute a Memorandum of Agreement (MOA) with the San Gabriel Valley Council of Governments (SGVCOG) for \$165,000 for the following programs:

- 1) Implementation of the City's Homeless Plan in the amount of \$150,000.
- 2) Development and implementation of a Prevention and Diversion Program to prevent City residents from becoming homeless in the amount of \$15,000.

An amendment by Councilmember Cacciotti was considered in the motion to allocate an additional \$10,000 from the Non-Enforcement Homeless Outreach category to the Housing Navigator Services.

## **PUBLIC HEARING**

### **18. Public Hearing for First Reading and Introduction of an Ordinance to Add Article IX (Pool Maintenance) to Chapter 17 (Health and Sanitation) of the South Pasadena Municipal Code**

A staff report was provided by Manager Lin.

MOTION BY MAYOR PRO TEM MAHMUD, SECOND BY COUNCILMEMBER CACCIOTTI, CARRIED 4-0, to: conduct a public hearing for first reading and introduction of an Ordinance to add Article IX (Pool Maintenance) to Chapter 17 (Health and Sanitation) of the South Pasadena Municipal Code (SPMC).

An Additional Document was considered in the motion providing a revised ordinance and details of the modifications.

## **ACTION/DISCUSSION ITEMS**

### **19. Master Lease of Seven Wireless Facilities by Tower Ventures**

Sheila Pautsch, Community Services Director, provided a PowerPoint presentation.

City Council had various questions and comments regarding: number of tower sites; City's revenue; current market conditions; new cell tower installment; various offers received; acquiring streetlights; new tower locations; etc.

Director Pautsch and Matthew Summers, Assistant City Attorney, answered all questions accordingly.

MOTION BY COUNCILMEMBER SCHNEIDER, SECOND BY MAYOR PRO TEM MAHMUD, CARRIED 4-0, to: approve the proposed Master Lease and Escrow Agreement with Tower Ventures and direct the City Manager to execute all necessary documents to complete the transaction.

An Additional Document was considered in the motion providing a revised red lined Lease Agreement – TVT and City of South Pasadena, and details of the modifications.

## **20. Al Fresco Dining and Retail Pilot Program - Phase 2**

Manager Lin provided a PowerPoint presentation.

City Council had various questions and comments regarding: number of applications; purchase of used K-Rails; painting and decorating K-rails; number of K-rails being used for the program; Proposition C funds; Public Art Commission involvement in the program; etc.

Joanna Hankamer, Director of Planning and Community Development, Shahid Abbas, Director of Public Works, and Manager Lin answered all questions accordingly.

Chief City Clerk Ayala played an audio recording of the public comment.

Public Comment:

- Erin Mascho – Expressed support for the item and the importance of the program to local businesses.

MOTION BY MAYOR PRO TEM MAHMUD, SECOND BY COUNCILMEMBER CACCIOTTI, CARRIED 4-0, to:

1. Approve Phase 2 of the Al Fresco Dining and Retail Pilot Program (Program) authorizing Staff to review and approve applications for use of parking lanes, where feasible, in the public right of way; and
2. Approve the use of up to \$50,000 of Proposition C Local Return Funds to implement concrete barriers for the roll-out of the Phase 2 parking lane closures; and
3. Authorize the City Manager to execute an on-call contract with Right-of-Way, Inc. in an amount not to exceed \$50,000 to implement concrete barriers for Phase 2 parking lane closures.

An amendment by Councilmember Schneider was considered in the motion to consult the Public Arts Commission on improvements to the aesthetic of the K-rails being implemented, without any delay to the implementation of the Al Fresco program.



**21. Authorize Statement of Revenues and Expenditures for Fiscal Year 2020-2021 in Accordance with Government Code Section 53901 and Provide Direction on Budget Process**

Director Aceves provided an introduction of the item and a PowerPoint presentation.

City Council held a brief discussion regarding: public comment/input; Finance Department priorities; Finance Commission input; etc.

MOTION BY COUNCILMEMBER CACCIOTTI, SECOND BY COUNCILMEMBER SCHNEIDER, CARRIED 4-0, to: authorize the submittal of the anticipated statement of revenues and expenditures for Fiscal Year (FY) 2020/21 in accordance with government code section 53901 and provide direction on budget process.

**INFORMATION REPORTS**

**22. Discussion of Fremont Avenue Traffic Calming**

Director Abbas provided a PowerPoint Presentation.

City Council had various questions and comments regarding: raised intersection locations; parking; short-term improvements; etc.

Director Abbas answered all questions accordingly.

Chief City Clerk Ayala played an audio recording of the public comment.

Public Comment:

- Families on Fremont – Expressed support for the plans Director Abbas has for Fremont Ave. (Signed by 23 individuals)
- Josh Albrektson – Expressed comments regarding street improvements needed on Mission St.

**23. Discussion of Meridian Traffic Calming Measures**

Director Abbas provided a PowerPoint Presentation.

City Council has various questions and comments regarding: speeding vehicles; pedestrian safety; stop sign analysis; slowing traffic down; slow street signs; etc.

City Manager DeWolfe, and Director Abbas answered all questions accordingly.

Chief City Clerk Ayala played an audio recording of the public comment.

Public Comment:

- Delaine Shane and Susan Sulsky – Expressed comments regarding traffic concerns and possible solutions, on behalf of SMART Families.
- Lawrence Abelson – Expressed concerns regarding the stop sign analysis previously conducted.

City Council provided direction to staff to proceed work on traffic flow improvements and obtain a bid on needed street signs.

## **2. Public Comments - General**

Chief City Clerk Ayala played an audio recording of the public comments received.

Public Comments:

- William Kelly – Expressed concern regarding the delay of the city’s financial reports and provided suggestions for City Council to consider.
- Stephen Rossi – Expressed comments regarding the City Manager’s leadership and the City Attorney’s fiduciary.
- Anne and Bill Michel, Josefina and Danny Johnson, and Brian and Meg Aldrich – Expressed concerns for traffic/pedestrians on Arroyo Drive and provided suggestions for City Council to consider.
- Josh Albrektson – Expressed concerns regarding the number of ADU’s the City will be producing as part of the Housing Element.
- Delaine Shane – Asked City Council to consider placing Agenda Item No. 25 “Audit Presentation By Rogers, Anderson, Malody & Scott LLP” before the consent calendar.
- Ella Hushagen and Helen Tran – Expressed comments regarding the City’s Cooling Centers. (Signed by 68 individuals)
- Anne Bagasao – Expressed comments regarding a former councilmember, and the City’s public comments during City Council meetings.
- Tom Williams – Expressed concerns regarding the Planning Commission’s approval of the Moffat Private Street Extension.
- Patricia and Shalimar Duff – Expressed comments regarding the City’s current litigation discussions during the Closed Session meeting.

- Micah Haserjian – Expressed concerns regarding the Planning Commission’s approval of the Moffat Private Street Extension.
- Alan Ehrlich – Expressed concerns for current records destruction policy and asked City Council to consider a moratorium all records destruction.

## COMMUNICATIONS

### 3. Councilmembers Communications

Mayor Joe provided brief comments regarding the length of the City Council meeting.

### 4. City Manager Communications

No City Manager communications were made.

## ADJOURNMENT

Mayor Joe announced a next Regular City Council meeting on September 2<sup>nd</sup>.

There being no further business, at 12:45 a.m., August 20, 2020, Mayor Joe adjourned the meeting.

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Evelyn G. Zneimer  
City Clerk

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Robert S. Joe  
Mayor



# City Council Agenda Report

ITEM NO. 9

**DATE:** September 16, 2020

**FROM:** Stephanie DeWolfe, City Manager

**PREPARED BY:** Karen Aceves, Finance Director

**SUBJECT:** **Approval of Prepaid Warrants in the Amount of \$371,272.07; Prepaid Warrant Voids in the Amount of (\$121,171.69); General City Warrants in the Amount of \$913,079.29; Supplemental ACH Payments in the Amount of \$490,298.58.**

### Recommendation Action

It is recommended that the City Council approve the Warrants as presented.

### Fiscal Impact

Prepaid Warrants:

Warrant # 311293-311330	\$	61,352.36
ACH	\$	310,374.71
Voids	\$	(121,171.69)

General City Warrants:

Warrant # 311331-311366	\$	639,028.09
ACH	\$	274,051.20
Voids	\$	0

Wire Transfers (LAIF)	\$	0
Wire Transfers (RSA)	\$	0
Wire Transfers (Acct # 2413)	\$	0
Wire Transfers (Acct # 1936)	\$	0
Supplemental ACH Payment	\$	490,298.58

RSA:

Prepaid Warrants	\$	0
General City Warrants	\$	0

Total	\$	<u>1,653,933.25</u>
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### Commission Review and Recommendation

This matter was not reviewed by a Commission.

### Legal Review

The City Attorney has not reviewed this item.

Approval of Warrants

September 16, 2020

Page 2 of 2

**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.

Attachments:

1. Warrant Summary
2. Prepaid Warrant List
3. General City Warrant List
4. Supplemental ACH Payments
5. Voids

**ATTACHMENT 1**  
**Warrant Summary**

**City of South Pasadena  
Demand/Warrant Register  
Recap by fund**

Date 09.16.2020

Fund No.	Amounts	
	Prepaid	Written
101	202,417.76	52,122.43
103	3,400.82	-
104	-	-
105	-	-
205	53,151.40	4,297.66
207	2,141.44	688.88
208	-	-
210	68,815.07	4,205.01
211	-	-
215	2,748.99	5,662.13
217	-	-
218	-	-
220	-	-
223	-	-
226	-	-
228	1,392.78	141.10
230	85.81	4,200.15
232	-	-
233	-	-
236	-	-
237	-	155,980.74
238	-	-
239	-	6,718.00
241	-	-
242	-	-
245	-	-
248	-	-
249	-	-
255	-	-
260	7,990.20	-
270	-	-
272	-	-
274	-	-
275	-	-
277	-	-
295	-	-
310	-	-
500	20,664.90	678,065.79
503	-	-
505	-	-
510	-	-
550	-	-
700	8,917.90	997.40
		-
<b>Column Totals:</b>	<b>371,727.07</b>	<b>913,079.29</b>

Fund No.	Amounts	
	Prepaid	Written
227	-	-
<b>RSA Report Totals:</b>	<b>-</b>	<b>-</b>
<b>City Report Totals:</b>		<b>1,284,806.36</b>

Wire Transfer - LAIF	
Wire Transfer - RSA	
Wire Transfer - Acct # 2413	
Wire Transfer - Acct # 1936	
Supplemental ACH Payments	490,298.58
Voids - Prepaid	(121,171.69)
Voids - General Warrant	-

**Grand Report Total: 1,653,933.25**

Robert Joe, Mayor

Karen Aceves, Finance Director

**ATTACHMENT 2**  
**Prepaid Warrant List**



# Accounts Payable

## Checks by Date - Detail by Check Date

User: ealvarez  
Printed: 9/10/2020 4:20 PM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
ACH	CFLC8272	Clean Fuel Connection	08/31/2020	
	9097	CNG Station Upgrade Project FY2017-04		62,142.50
	9097	CNG Station Upgrade Project FY2017-04		36,774.65
	9098	CNG Station Upgrade Project FY2017-04		16,376.75
Total for this ACH Check for Vendor CFLC8272:				115,293.90
Total for 8/31/2020:				115,293.90
Report Total (1 checks):				115,293.90

# Accounts Payable

## Checks by Date - Detail by Check Date

User: ealvarez  
Printed: 9/10/2020 4:22 PM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
ACH	OVDR8011	OverDrive Inc.	09/03/2020	
	01148CO20232882	eBooks / AudioBooks (Re-Issue)		516.46
	01148CO20251764	eBooks / AudioBooks (Re-Issue)		1,396.69
	01148CO20255075	eBooks / AudioBooks		420.68
Total for this ACH Check for Vendor OVDR8011:				2,333.83
311293	DBEL5010 1281	DB Electronics Equipment Maint. & Troubleshoot RA-81 (Re-Is	09/03/2020	150.00
Total for Check Number 311293:				150.00
Total for 9/3/2020:				2,483.83
Report Total (2 checks):				2,483.83

# Accounts Payable

## Checks by Date - Detail by Check Date

User: ealvarez  
 Printed: 9/10/2020 4:28 PM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
ACH	AIR6010 9973656946	Airgas USA LLC Oxygen Cylinder Rental - August 2020	09/10/2020	229.80
Total for this ACH Check for Vendor AIR6010:				229.80
ACH	CDW5246 WGK1642 WGK1650 WPL8259 XVH5457	CDW Government LLC MS GSA Office Pro Plus MS GSA Office Pro Plus MS Surface Pro Dock TRIPP 6IN Displayport to VGA Adapter - 20 Ur	09/10/2020	386.56 386.56 314.67 486.64
Total for this ACH Check for Vendor CDW5246:				1,574.43
ACH	CEAP7000 August 2020	South Pasadena Part Time Employees Assn Union Dues - August 2020	09/10/2020	376.00
Total for this ACH Check for Vendor CEAP7000:				376.00
ACH	CRDA1021 RS4608291	Corodata Records Management City-Wide Record Mgmt. Services for June 2020	09/10/2020	370.00
Total for this ACH Check for Vendor CRDA1021:				370.00
ACH	CSAC2012 21500117 21500117 21500117	CSAC Excess Insurance Authority Property Insurance FY20-21 Property Insurance FY20-21 Property Insurance FY20-21	09/10/2020	20,006.10 40,012.20 6,668.70
Total for this ACH Check for Vendor CSAC2012:				66,687.00
ACH	CWNC2501 2000241-2000556 2001700-2001705	Carl Warren & Company Liability Claims Administration April 2020 Liability Claims Administration June 2020	09/10/2020	1,905.24 251.40
Total for this ACH Check for Vendor CWNC2501:				2,156.64
ACH	DDL8010 2097 2098 2153 2160 2162 2163 2174 2180 2181 2182 2185 2193 2195 2196	Dr. Detail Ph.D Fleet Cleaning and Sanitizing for Dial-a-Ride Vel Fleet Cleaning and Sanitizing for Dial-a-Ride Vel Sanitization of 13 Vehicles Fleet Cleaning and Sanitizing for Dial-a-Ride Vel Fleet Cleaning and Sanitizing for Dial-a-Ride Vel Fleet Cleaning and Sanitizing for Dial-a-Ride Vel Fleet Cleaning and Sanitizing for Dial-a-Ride Vel Sanitization of 17 Vehicles Sanitization of Record Room, Floors, Det. Burea Fleet Cleaning and Sanitizing for Dial-a-Ride Vel Fleet Cleaning and Sanitizing for Dial-a-Ride Vel Fleet Cleaning and Sanitizing for Dial-a-Ride Vel Fleet Cleaning and Sanitizing for Dial-a-Ride Vel Credit Memo Fleet Cleaning and Sanitizing for Dial-a-Ride Vel	09/10/2020	350.00 225.00 325.00 175.00 385.00 175.00 175.00 425.00 315.00 175.00 175.00 -315.00 -400.00 385.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
Total for this ACH Check for Vendor DDLP8010:				2,570.00
ACH	ITCR2501 76-006853	Intercare Holdings Insurance Svcs Workers Compensation Claims Admin July 2020	09/10/2020	1,244.18
Total for this ACH Check for Vendor ITCR2501:				1,244.18
ACH	LCW7456 1500410-1500419 1502625-1502633 1504361-4370	Liebert Cassidy Whimore Personnel Matters - May 2020 Personnel Matters - June 2020 Personnel Matters - July 2020	09/10/2020	24,893.00 46,197.70 32,970.66
Total for this ACH Check for Vendor LCW7456:				104,061.36
ACH	OFF4011 I-01772137 I-01772138 I-01773821 I-01779834 I-01781065	Office Solutions PD Office Supplies PD Office Supplies COVID-19 PD Office Supplies (COVID-19) PD Office Supplies PD Office Supplies	09/10/2020	245.41 211.68 322.53 211.68 152.11
Total for this ACH Check for Vendor OFF4011:				1,143.41
ACH	PEDS6010 S1381881.001 S1386675.001 S1388776.001 S1396377.001 S1398486.001 S1405820.001 S1406769.001 S1408537.001	Prime Electric Distributors City Electrical Supplies City Electrical Supplies City Electrical Supplies City Electrical Supplies City Electrical Supplies City Electrical Supplies City Electrical Supplies City Electrical Supplies	09/10/2020	394.00 278.68 459.62 22.11 527.99 130.55 490.56 437.74
Total for this ACH Check for Vendor PEDS6010:				2,741.25
ACH	POS5265 1287945 1287945	Post Alarm Systems WMB & Orange Grove Bldg. Monitoring Fee WMB & Orange Grove Bldg. Monitoring Fee	09/10/2020	51.74 51.74
Total for this ACH Check for Vendor POS5265:				103.48
ACH	POSU8132 52354273 52354273 52354274 52354274 52354275 52354275 52354275 52354275 52354275 52354275	Prudential Overall Supply Public Works Uniform Supply Public Works Uniform Supply Public Works Scraper Mats Public Works Scraper Mats Public Works Scraper Mats Public Works Scraper Mats Public Works Scraper Mats Public Works Scraper Mats Public Works Scraper Mats Public Works Scraper Mats	09/10/2020	27.43 40.30 6.23 6.24 3.87 3.87 3.87 3.87 3.87 3.87
Total for this ACH Check for Vendor POSU8132:				99.55
ACH	PUWA8020 202019171	Pure Water Department Supplies - September	09/10/2020	87.39
Total for this ACH Check for Vendor PUWA8020:				87.39
ACH	SOU5230 August 2020	S.P.Firefighters L-3657 Union Insurance - August 2020	09/10/2020	147.42

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	August 2020	Union Rec Fees - August 2020		90.00
	August 2020	Union Dues - August 2020		2,175.00
Total for this ACH Check for Vendor SOU5230:				2,412.42
ACH	SOU5435	S.P.P. O. A.	09/10/2020	
	August 2020	Union Dues - August 2020		2,530.00
	August 2020	Union Ins.- August 2020		2,129.48
Total for this ACH Check for Vendor SOU5435:				4,659.48
ACH	SOU5451	S.P.Public Srvc Empl. Ass'n	09/10/2020	
	August 2020	Union Dues - August 2020		1,470.00
Total for this ACH Check for Vendor SOU5451:				1,470.00
ACH	STA5219	Staples Business Advantage	09/10/2020	
	3450327626	10 Wireless Ergo keyboard / mouse		562.16
	3451854988	COVID-19 Cleaning Supplies		198.43
Total for this ACH Check for Vendor STA5219:				760.59
311294	ADPLC818	ADP, LLC	09/10/2020	
	563866172	FY20-21 ADP, LLC Payroll Services P/E: 07/25		10,743.51
Total for Check Number 311294:				10,743.51
311295	AMDA6710	Jose L. Almeda	09/10/2020	
	05/15/2020	Mileage Reimb. (05/15/2020)		27.76
	05/15/2020	Mileage Reimb. (05/15/2020)		27.76
	05/16/2020	Mileage Reimb. (05/16/2020)		27.76
	06/27/2020	Mileage Reimb. (06/27/2020)		28.29
	06/27/2020	Mileage Reimb. (06/27/2020)		28.29
Total for Check Number 311295:				139.86
311296	AT&T5006	AT & T U-Verse	09/10/2020	
	130464796	Internet Service Account # 130464796 (08/18-07		33.75
	284743823	Internet Service Account # 284743823 (07/26-08		236.40
Total for Check Number 311296:				270.15
311297	AT&T5011	AT&T	09/10/2020	
	248 134-6100	Account # 248 134-6100 2100 5 (08/01-08/31/20		38.56
	331 841-0756	Account # 331 841-0756 343 2 (08/07-09/06/20		32.85
	626 405 0051	Account # 626 405-0051 017 5 (08/13-09/12/20		2,197.63
	626 441-6497	Account # 626 441-6497 (08/13-09/12/2020)		1,104.89
	626 577 6657	Account # 626 577-6657 213 7 (PD Livescan)		120.57
Total for Check Number 311297:				3,494.50
311298	ATCN9011	AT&T	09/10/2020	
	00001508886	Account # CLAPDSOPAS (06/27-07/26/2020)		635.12
	000015090540	Account # 9391036943 (06/27-07/26/2020)		658.13
	000015213955	Account # 9391062308 (07/20-08/19/2020)		6,423.49
	000015232618	Account # 9391036942 (07/27-08/26/2020)		749.57
	000015232619	Account # 9931036943 (07/27-08/26/2020)		420.20
Total for Check Number 311298:				8,886.51
311299	CIN4011	AT&T --Cingular Wireless	09/10/2020	
	287014917916x08	07/09-08/08/2020 Police Mobile Devices		1,447.26

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	287269956155x08	08/07-09/06/2020 (Fire & Police Mobile Device:		676.45
	287299554301x08	07/20-08/19/2020 (City Clerk & Comm. Svcs. M		112.16
			Total for Check Number 311299:	2,235.87
311300	BT4U8180 0720-3319	Better 4 You Meals Meals for Onsite Program July 2020	09/10/2020	7,990.20
			Total for Check Number 311300:	7,990.20
311301	CBSE6010 69055568 69156590	Cell Business Equipment Community Services & 825 Mission Street (07/0 Community Services Copier (07/01-07/31/2020)	09/10/2020	536.83 22.48
			Total for Check Number 311301:	559.31
311302	CCAC1020 8206 8207	City Clerk's Assoc. of CA City Clerks Assn. Renewal for Deputy Clerk Kei City Clerks Assn. Renewal for City Clerk Maria	09/10/2020	55.00 130.00
			Total for Check Number 311302:	185.00
311303	CRSR2010 DN 1253301 DN 1256700 DN 1260259 DN 1263888	Corodata Shredding Inc. City-Wide Shredding Services March 2020 City-Wide Shredding Services January 2020 City-Wide Shredding Services February 2020 City-Wide Shredding Services March 2020	09/10/2020	34.87 231.22 75.11 61.11
			Total for Check Number 311303:	402.31
311304	DSP0755 8765	D & S Printing Tree Plaque for Council Member Diana Mahmuc	09/10/2020	209.48
			Total for Check Number 311304:	209.48
311305	DWTG4010 176	David Window Tinting Re-Issue Payment for Window Tinting PD Chief	09/10/2020	200.00
			Total for Check Number 311305:	200.00
311306	DTV5012 37726077668	DIRECTV EOC Communications 08/28-09/27/2020	09/10/2020	87.70
			Total for Check Number 311306:	87.70
311307	DUN1111 9000-4288-2902	Daniel Dunn Fire Strike Team Reimb. Car Rental	09/10/2020	308.26
			Total for Check Number 311307:	308.26
311308	FED1109 7-075-05190	FedEx PD Postage Charges	09/10/2020	21.60
			Total for Check Number 311308:	21.60
311309	GALL5011 016060364 016080930	Galls, LLC 100 Police Officer Soft Patches Edwards' Men's Gi Performance Shirts for Lieute	09/10/2020	220.50 125.90
			Total for Check Number 311309:	346.40
311310	RYAN 05/09/2020	Garcia Mileage Reimb. 05/09/2020	09/10/2020	13.34

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 311310:	13.34
311311	GLSUS 4170304	GLS US Express Delivery Services PW	09/10/2020	9.96
			Total for Check Number 311311:	9.96
311312	STHL6410	Stephen Houlemard	09/10/2020	
	03/17/2020	Mileage Reimbursement (03/17/2020)		3.68
	03/18/2020	Mileage Reimbursement (03/18/2020)		3.68
	03/19/2020	Mileage Reimbursement (03/19/2020)		3.68
	03/27/2020	Mileage Reimbursement (03/27/2020)		3.68
	04/24/2020	Mileage Reimbursement (04/24/2020)		3.68
	04/24/2020	Mileage Reimbursement (04/24/2020)		3.68
	04/25/2020	Mileage Reimbursement (04/25/2020)		3.68
	04/26/2020	Mileage Reimbursement (04/26/2020)		3.68
	05/12/2020	Mileage Reimbursement (05/12/2020)		3.68
	05/17/2020	Mileage Reimbursement (05/17/2020)		3.68
	05/22/2020	Mileage Reimbursement (05/22/2020)		3.68
	05/23/2020	Mileage Reimbursement (05/23/2020)		3.68
	05/23/2020	Mileage Reimbursement (05/23/2020)		3.68
	05/24/2020	Mileage Reimbursement (05/24/2020)		3.68
	05/25/2020	Mileage Reimbursement (05/25/2020)		3.68
	05/29/2020	Mileage Reimbursement (05/29/2020)		3.68
	06/14/2020	Mileage Reimbursement (06/14/2020)		3.68
	06/15/2020	Mileage Reimbursement (06/15/2020)		3.68
	06/16/2020	Mileage Reimbursement (06/16/2020)		3.68
			Total for Check Number 311312:	69.92
311313	HRCS2011	Housing Rights Center	09/10/2020	
	#10	Fair Housing Program April 2020		567.90
	#11	Fair Housing Program May 2020		0.00
	#12	Fair Housing Program June 2020		824.88
			Total for Check Number 311313:	1,392.78
311314	JCRS5011 48183	Jones Coffee Roasters Fire Department Supplies	09/10/2020	139.05
			Total for Check Number 311314:	139.05
311315	MKLK5010 046688	Mike Larkin Strike Team Reimb. Fuel	09/10/2020	55.20
			Total for Check Number 311315:	55.20
311316	KVMC6710	Kelvin Machado	09/10/2020	
	04/11/2020	Mileage Reimbursement (04/11/2020)		18.17
	04/12/2020	Mileage Reimbursement (04/12/2020)		18.17
			Total for Check Number 311316:	36.34
311317	OLNP8010 09773	Outlook Newspaper Notice of Weed Abatement (07/03/2020)	09/10/2020	105.00
			Total for Check Number 311317:	105.00
311318	RARO6710	Rafael Rodriguez	09/10/2020	
	03/17/2020	Mileage Reimbursement (03/17/2020)		16.22
	03/21/2020	Mileage Reimbursement (03/21/2020)		16.22

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 311318:	32.44
311319	TIMR6116	Tim Rodriguez	09/10/2020	
	03/01/2020	Mileage Reimbursement (03/01/2020)		25.30
	05/18/2020	Mileage Reimbursement (05/18/2020)		13.28
	05/22/2020	Mileage Reimbursement (05/22/2020)		30.02
			Total for Check Number 311319:	68.60
311320	SGV5685 856832	S.G.V. Medical Center Blood Alcohol Withdrawal Martinez, Jonathan	09/10/2020	48.00
			Total for Check Number 311320:	48.00
311321	SGVM2010 FY20-21	San Gabriel Valley CM Association Annual Membership: Stephanie DeWolfe City M	09/10/2020	55.00
			Total for Check Number 311321:	55.00
311322	SAN4958 17191 17191	San Marino Security System Security at Eddie Park, Garfield Youth House, W Security at Eddie Park, Garfield Youth House, W	09/10/2020	1,035.00 207.00
			Total for Check Number 311322:	1,242.00
311323	SCF1400 1605770-IN 1659260-IN	SC Fuels Gasoline for PW Fueling Station Gasoline for PW Fueling Station	09/10/2020	3,236.77 3,832.94
			Total for Check Number 311323:	7,069.71
311324	SCAT6710 15242 15258	Scott's Automotive Repair Unit # 0213 Remove and Replace Fuel T; Repair Unit # 1703 Oil Change	09/10/2020	204.00 53.45
			Total for Check Number 311324:	257.45
311325	TIM4011 0012005072920 0029763072720 0070193080120 0269985071720 0311688081120 0311704081120 0311712081120 0345504082120 0355990080220	Time Warner Cable Account # 8448 30 008 0012005 (06/30-07/29/21 Account # 8448 20 899 0029763 (PD Departmer Account # 8448 30 008 0070193 (08/01-08/31/21 Account # 8448 30 008 0269985 (08/17-09/16/21 Account # 8448 30 008 0311688 (08/11-09/10/21 Account # 8448 30 008 0311704 (08/11-09/10/21 Account # 8448 30 008 0311712 (08/11-09/10/21 Account # 8448 30 008 0345504 (08/21-09/20/21 Account # 8448 30 008 0355990 (08/02-09/01/21	09/10/2020	8.41 257.35 236.85 179.37 1,236.22 1,249.44 1,190.00 360.00 814.40
			Total for Check Number 311325:	5,532.04
311326	ADTR5011 08.19.2020	Adam Tregenza Reimburse Paramedic Licenses Renewal	09/10/2020	225.00
			Total for Check Number 311326:	225.00
311327	VERW6711 571839627-00001 571839627-00001 71539432 71568701 9859532229	Verizon Wireless Account # 571839627-00001 (07/24-07/23/2020 Account # 571839627-00001 (07/24-07/23/2020 Account # SV193519 (Verizon Account Confere Account # SV193519 (Verizon Account Confere Account # 270619951-00002 (06/24-07/24/2020	09/10/2020	16.03 32.06 255.42 280.99 501.89



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	9859532229	Account # 270619951-00002 (06/24-07/24/2020)		38.01
	9859582230	Account # 270619951-00004 (06/27-07/26/2020)		506.58
	9860972067	Fire Mobile Account # 842311063-00001 (07/18)		592.99
Total for Check Number 311327:				2,223.97
311328	VTMS4011	Vital Medical Services	09/10/2020	
	1006-01	South Pasadena Medical Clearance		560.00
	1006-02	South Pasadena Medical Clearance		280.00
	1006-03	South Pasadena Medical Clearance		280.00
	1027	South Pasadena Medical Clearance		120.00
Total for Check Number 311328:				1,240.00
311329	XRXF5010	Xerox Financial Svcs	09/10/2020	
	2205468	1414 Mission Street Model # c8035 Xerox Paym		325.80
	2229954	Contract # 010-0061587-001 Xerox Contract Pay		4,195.47
	2236029	Garfield Plant Copier Xerox Payment		550.10
Total for Check Number 311329:				5,071.37
311330	YTH1023	Y Tire Complete Auto	09/10/2020	
	14732	Mount and Balance Unit 1201		234.53
Total for Check Number 311330:				234.53
Total for 9/10/2020:				253,949.34
Report Total (55 checks):				253,949.34

**ATTACHMENT 3**  
**General City Warrant List**

# Accounts Payable

## Checks by Date - Detail by Check Date

User: ealvarez  
 Printed: 9/10/2020 5:59 PM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
ACH	ATGC8530	Acorn Technology Services	09/16/2020	
	2218	CO # 219		40.00
	2220	CO # 142		140.00
	2221	CO # 239		62.50
	2223	CO # 238		50.00
	2224	CO # 205		100.00
	2229	CO # 241		40.00
	2230	Managed IT Service Server Monitoring		237.50
	2230	General - City (Tix/Chrgs Summ)		15,418.75
	2230	Managed IT Computer Monitoring		525.00
	2231	CO # 236		2,692.50
	2232	CO # 210		81.25
	5377	IT Onsite Hours - Adjust		228.75
Total for this ACH Check for Vendor ATGC8530:				19,616.25
ACH	BLHT5270	Heather Bland	09/16/2020	
	111595	Refund WMB Reservation COVID-19		400.00
Total for this ACH Check for Vendor BLHT5270:				400.00
ACH	CAEN9297	Carollo Engineers	09/16/2020	
	0190067	Preparation of City's Integrated Water & Wastew		19,221.39
	0190067	Preparation of City's Integrated Water & Wastew		925.95
Total for this ACH Check for Vendor CAEN9297:				20,147.34
ACH	GEBR9280	Gentry Brothers Inc.	09/16/2020	
	3	Alpha and Camino Del Sol Street Improv. Projec		155,980.74
	3	Alpha and Camino Del Sol Street Improv. Projec		67,260.00
Total for this ACH Check for Vendor GEBR9280:				223,240.74
ACH	NGSI6010	Natural Gas Systems Inc.	09/16/2020	
	6324	Monthly Maint. for July 2020		375.00
Total for this ACH Check for Vendor NGS16010:				375.00
ACH	OFF4011	Office Solutions	09/16/2020	
	1-01787548	Assorted Band Aids for First Aid Kit Police Dep		43.12
Total for this ACH Check for Vendor OFF4011:				43.12
ACH	POSU8132	Prudential Overall Supply	09/16/2020	
	52354276	Public Works Uniform Supply		28.57
	52354276	Public Works Uniform Supply		9.65
	52354276	Public Works Uniform Supply		11.45
	52354276	Public Works Uniform Supply		9.65
	52354276	Public Works Uniform Supply		14.38
	52356400	Public Works Uniform Supply		40.30
	52356400	Public Works Uniform Supply		27.43

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	52356401	Public Works Scraper Mats		6.23
	52356401	Public Works Scraper Mats		6.24
	52356402	Public Works Scraper Mats		3.87
	52356402	Public Works Scraper Mats		3.87
	52356402	Public Works Scraper Mats		3.87
	52356402	Public Works Scraper Mats		3.87
	52356402	Public Works Scraper Mats		3.87
	52356403	Public Works Uniform Supply		9.65
	52356403	Public Works Uniform Supply		9.65
	52356403	Public Works Uniform Supply		14.38
	52356403	Public Works Uniform Supply		11.45
	52356403	Public Works Uniform Supply		28.57
	52358489	Public Works Uniform Supply		27.43
	52358489	Public Works Uniform Supply		40.30
	52358490	Public Works Scraper Mats		6.23
	52358490	Public Works Scraper Mats		6.24
	52358491	Public Works Scraper Mats		3.87
	52358491	Public Works Scraper Mats		3.87
	52358491	Public Works Scraper Mats		3.87
	52358491	Public Works Scraper Mats		3.87
	52358491	Public Works Scraper Mats		3.87
	52358492	Public Works Uniform Supply		28.57
	52358492	Public Works Uniform Supply		9.65
	52358492	Public Works Uniform Supply		14.38
	52358492	Public Works Uniform Supply		11.45
	52358492	Public Works Uniform Supply		9.65
	52371605	Public Works Uniform Supply		27.43
	52371605	Public Works Uniform Supply		40.30
	52371606	Public Works Scraper Mats		6.24
	52371606	Public Works Scraper Mats		6.23
	52371608	Public Works Uniform Supply		28.57
	52371608	Public Works Uniform Supply		14.38
	52371608	Public Works Uniform Supply		11.45
	52371608	Public Works Uniform Supply		9.65
	52371608	Public Works Uniform Supply		9.65
	52373846	Public Works Uniform Supply		40.30
	52373846	Public Works Uniform Supply		27.43
	52373847	Public Works Scraper Mats		6.24
	52373847	Public Works Scraper Mats		6.23
	52373848	Public Works Scraper Mats		3.87
	52373848	Public Works Scraper Mats		3.87
	52373848	Public Works Scraper Mats		3.87
	52373848	Public Works Scraper Mats		3.87
	52373848	Public Works Scraper Mats		3.87
	52373849	Public Works Uniform Supply		9.65
	52373849	Public Works Uniform Supply		9.65
	52373849	Public Works Uniform Supply		14.38
	52373849	Public Works Uniform Supply		28.57
	52373849	Public Works Uniform Supply		11.45
	52376087	Public Works Uniform Supply		40.30
	52376087	Public Works Uniform Supply		27.43
	52376088	Public Works Scraper Mats		6.24
	52376088	Public Works Scraper Mats		6.23
	52376089	Public Works Scraper Mats		3.87
	52376089	Public Works Scraper Mats		3.87
	52376089	Public Works Scraper Mats		3.87
	52376089	Public Works Scraper Mats		3.87
	52376089	Public Works Scraper Mats		3.87
	52376089	Public Works Scraper Mats		3.87
	52376090	Public Works Uniform Supply		28.57

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	52376090	Public Works Uniform Supply		11.45
	52376090	Public Works Uniform Supply		14.38
	52376090	Public Works Uniform Supply		9.65
	52376090	Public Works Uniform Supply		9.65
	52378184	Public Works Uniform Supply		40.30
	52378184	Public Works Uniform Supply		27.43
	52378185	Public Works Scraper Mats		6.23
	52378185	Public Works Scraper Mats		6.24
	52378186	Public Works Scraper Mats		3.87
	52378186	Public Works Scraper Mats		3.87
	52378186	Public Works Scraper Mats		3.87
	52378186	Public Works Scraper Mats		3.87
	52378186	Public Works Scraper Mats		3.87
	52378187	Public Works Uniform Supply		11.45
	52378187	Public Works Uniform Supply		14.38
	52378187	Public Works Uniform Supply		9.65
	52378187	Public Works Uniform Supply		28.57
	52378187	Public Works Uniform Supply		9.65
	52380556	Public Works Uniform Supply		27.43
	52380556	Public Works Uniform Supply		40.30
	52380557	Public Works Scraper Mats		6.23
	52380557	Public Works Scraper Mats		6.24
	52380558	Public Works Scraper Mats		3.87
	52380558	Public Works Scraper Mats		3.87
	52380558	Public Works Scraper Mats		3.87
	52380558	Public Works Scraper Mats		3.87
	52380558	Public Works Scraper Mats		3.87
	52380559	Public Works Uniform Supply		28.57
	52380559	Public Works Uniform Supply		9.65
	52380559	Public Works Uniform Supply		11.45
	52380559	Public Works Uniform Supply		9.65
	52380559	Public Works Uniform Supply		14.38
		Total for this ACH Check for Vendor POSU8132:		1,267.10
ACH	SGMC2013 100629.0	St. George's Medical Clinic Medical & Psychological Examination	09/16/2020	120.00
		Total for this ACH Check for Vendor SGMC2013:		120.00
ACH	STA5219 3446672782 3446672782 3449345551 3449566164 3449751100 3450396637 7312391005 7312391005	Staples Business Advantage Community Services Supplies Community Services Supplies Supplies for Engineering Divison Supplies for Engineering Divison Supplies for Engineering Divison Supplies for Engineering Divison Cooling Center Supplies Cooling Center Supplies	09/16/2020	38.15 44.60 165.39 20.70 24.20 15.92 38.73 137.96
		Total for this ACH Check for Vendor STA5219:		485.65
ACH	WES4152 162335 162335	West Coast Arborists, Inc. Park Maint. Contract Services Street Tree Maint. Contract Services	09/16/2020	4,000.00 4,356.00
		Total for this ACH Check for Vendor WES4152:		8,356.00
311331	3DCHEM 17225	3D Chemical & Equipment Balance Due on Inv # 17225	09/16/2020	3.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 311331:	3.00
311332	AMCC2984 122165-3	American Civil Constructors West Coast LI Reimb. Unused Funds for Temp. Construction M	09/16/2020	2,367.23
			Total for Check Number 311332:	2,367.23
311333	AMST8020 6960	Armstrong Lock & Safe Service Call for Locks to Cell Tower Site	09/16/2020	125.00
			Total for Check Number 311333:	125.00
311334	CIN4011 287288006612x06 287288006612x06 287288006612x06 287288006612x06 287297984615x08	AT&T --Cingular Wireless PW Cell Phone Charges - July 2020 PW Cell Phone Charges - July 2020 PW Cell Phone Charges - July 2020 PW Cell Phone Charges - July 2020 Fire Foundation Account # 58961540	09/16/2020	309.32 284.43 783.93 91.96 658.32
			Total for Check Number 311334:	2,127.96
311335	ATH0292 8502908 8651304	Athens Services Bus Stop Barrel Pickup May 2020 Bus Stop Barrel Pickup June 2020	09/16/2020	2,148.83 2,148.83
			Total for Check Number 311335:	4,297.66
311336	AXON4010 SI-1664692 SI-1665804	Axon Enterprise Inc. Axon Body Cameras - PD Dept. Axon Body Cameras - PD Dept.	09/16/2020	2,593.08 4,623.90
			Total for Check Number 311336:	7,216.98
311337	BGKPRS 325517-3	Bergman KPRS LLC Reimb. Unused Funds from Temporary Water M	09/16/2020	1,759.53
			Total for Check Number 311337:	1,759.53
311338	BLWT4011 3421	Black & White Emergency Vehicles Add on items for Unit # 1501	09/16/2020	72.00
			Total for Check Number 311338:	72.00
311339	WDFD6116 607463	Bob Wondries Ford Repairs to Unit # 1703 - Replaced Washer Pump	09/16/2020	252.30
			Total for Check Number 311339:	252.30
311340	CPC4011 15188	CA Police Chiefs Ass'n Membership Renewal for D/C Brian Solinsky	09/16/2020	145.00
			Total for Check Number 311340:	145.00
311341	CMME4011 0238705-IN	Commline Inc. Service Maint. for Dial-a-Ride	09/16/2020	425.00
			Total for Check Number 311341:	425.00
311342	KBJI1021 1255	Lucy Demirjian Reimburse IT Equip. for COVID-19	09/16/2020	105.71

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 311342:	105.71
311343	FFCA8060 2020-2021	Foothill Fire Chiefs Association PD Dues & Memberships 2020-2021	09/16/2020	75.00
			Total for Check Number 311343:	75.00
311344	THR5910 4374	George L.Throop Co. Purchas of Construction Materials, Concrete, To	09/16/2020	1,159.20
			Total for Check Number 311344:	1,159.20
311345	GRSD2920 111608	Sandra Gurrola Refund Security Deposit WMB COVID-19	09/16/2020	500.00
			Total for Check Number 311345:	500.00
311346	JHA307 SOPASNO420 SOPASNP0520	John L. Hunter Associates, Inc. Professional Services for City's MS4 NPDES Stc Professional Services for City's MS4 NPDES Stc	09/16/2020	3,036.75 3,681.25
			Total for Check Number 311346:	6,718.00
311347	VCMA6710 07/15/2020	Victor Magana Mileage Reimb. for 07/15/2020	09/16/2020	23.69
			Total for Check Number 311347:	23.69
311348	MSG6711 2019-2020	Main San Gabriel Basin Watermaster FY 2019-2020 Groundwater Production Assessn	09/16/2020	554,145.90
			Total for Check Number 311348:	554,145.90
311349	MBFEC106 22042	Marx Bros. Fire Extinguisher Co. WMB - Semi-Annual Inspection of Anusl R-102	09/16/2020	90.00
			Total for Check Number 311349:	90.00
311350	NTSG6115 140720	National Time & Signal Mission/ Meridian Street Clock Replacement Mc	09/16/2020	438.37
			Total for Check Number 311350:	438.37
311351	TRA2010 20037	Norman A. Traub Assoc. Police Investigation	09/16/2020	7,082.56
			Total for Check Number 311351:	7,082.56
311352	NTJF5220 PW208	Jeff Nott Refund Duplicate Payment Plan Check Fees	09/16/2020	516.29
			Total for Check Number 311352:	516.29
311353	PEG4590 00091334467 00091334467	NUFIC Employee Voluntary ADD Coverage Employee Only Basic ADD Coverage	09/16/2020	790.40 207.00
			Total for Check Number 311353:	997.40
311354	PWP4465 80176-1 80176-1	Pasadena Water & Power Water Purchase Account # 80176-1 (05-12-06/1 Water Purchase Account # 80176-1 (04/13-5/12/	09/16/2020	7,889.36 7,151.65

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 311354:	15,041.01
311355	PHOE4610 072020184	Phoenix Group Information Systems Citations Processed for 07/20	09/16/2020	3,605.53
			Total for Check Number 311355:	3,605.53
311356	PBGF8031 3104055470 3104055470 3104055470 3104055470	Pitney Bowes Global Fin. Svc LLC Postage Meter Lease Account # 0010106647 Postage Meter Lease Account # 0010106647 Postage Meter Lease Account # 0010106647 Postage Meter Lease Account # 0010106647	09/16/2020	64.42 64.42 62.00 62.00
			Total for Check Number 311356:	252.84
311357	PDI417 PD-46043	Plumbers Depot Inc. Sewer Maint. Supplies & Materials	09/16/2020	257.98
			Total for Check Number 311357:	257.98
311358	KTRC2920 111496	Kathy Recinos Refund Security Deposit WMB COVID-19	09/16/2020	500.00
			Total for Check Number 311358:	500.00
311359	RIPU8540 15917	Roadline Products Inc. USA Purchase of Misc. Items for Street Department	09/16/2020	1,031.94
			Total for Check Number 311359:	1,031.94
311360	SCAT6710 15146 15287	Scott's Automotive FY19-20 Water Division Vehicle Maint. Unit # 1 Repairs to Unit # 198 (Lube and Clean Break Ha	09/16/2020	158.47 140.18
			Total for Check Number 311360:	298.65
311361	SCRR4010 740A	Superior Court of CA, County of LA July 2020 Court Fees	09/16/2020	4,263.50
			Total for Check Number 311361:	4,263.50
311362	USCAD INV43810 INV43810	U.S. CAD Bluebeam License, Support & Maint. Bluebeam License, Support & Maint.	09/16/2020	2,828.70 2,828.70
			Total for Check Number 311362:	5,657.40
311363	UPP7789 2020Q3	Upper S.G.Mun. Water Dist. 3rd Qtr. MWD Capacity Charge for Peak Water	09/16/2020	13,860.00
			Total for Check Number 311363:	13,860.00
311364	VUL6601 72672444	Vulcan Materials Co. & Affiliates Purchase Order for Asphalt, Emulstion, Concrete	09/16/2020	1,757.23
			Total for Check Number 311364:	1,757.23
311365	WLHD8020 14300890 14300898 14300909 14300911	Westlake Hardware Public Works Supplies Public Works Supplies (COVID-19) Public Works Supplies Public Works Supplies (COVID-19)	09/16/2020	141.10 55.07 51.33 27.53



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	14300917	Public Works Supplies		143.31
	14300921	Public Works Supplies (COVID-19)		244.72
	14300923	Public Works Supplies (COVID-19)		44.06
	14300924	Public Works Supplies		509.21
	14300940	Public Works Supplies (COVID-19)		67.23
	70006126	PPE & Cleaning Supplies for PW Dept.		79.18
Total for Check Number 311365:				1,362.74
311366	YTI1023	Y Tire Complete Auto	09/16/2020	
	0014857	PW Unit # 08 Repair of Flat Tire		20.00
	0014903	Purchase 2 Tires & Mount and Balance 1 Tire fo		475.49
Total for Check Number 311366:				495.49
Total for 9/16/2020:				913,079.29
Report Total (46 checks):				913,079.29

**ATTACHMENT 4**  
**Supplemental ACH**  
**Payments**



<b>ACH Payment Log</b>			
<b>Date</b>	<b>Vendor</b>	<b>Amount</b>	<b>Description</b>
9/2/2020	So Cal Edison	\$14,969.80	Wire Payment for So Cal Edison Customer Account # 2-0-389-4264
9/2/2020	Wells Fargo	\$473,328.78	2013 Water Revenue Bond Wire Payment
9/8/2020	Pitney Bowes	\$2,000.00	Reimb. Postage Meter Account
<b>Total:</b>		<b>\$490,298.58</b>	

**ATTACHMENT 5**  
**Prepaid & General Warrant Voids**

**Stop Payment Request - Confirmation**

**Stop Payments Submitted**

Total submitted: 1

[View Status Definitions](#)

Account	Duration	Check Range	Issue Date	Payee	Amount	Reason
.CITY OF SOUTH PASADENA PAYROLL	6 Months	542079		Esther Delinko	8.66	Stale Dated

**Disclosure Information**

**Important Disclosure:** Stop payment requests submitted on the WebDirect Stop Payment Initiation screen apply **ONLY** to paper checks and not electronic payments. The exact check number and exact amount of the item written are required information. If any of the information you provide concerning the check is not provided or is incorrect (including your failure to give the exact amount of the item, correct to the penny), the stop payment will not be effective. This stop payment will not be effective if the Bank has already paid or committed to paying the check. If you have any questions, please refer to the WebDirect User Guide or contact Cash Management Customer Service at 800-400-2781 or your assigned representative.

# Accounts Payable

## Void Check Proof List

User: ealvarez  
 Printed: 08/31/2020 - 2:55PM



Account Number	Amount	Invoice No	Inv Date	Description	Reference	Task Label	Type	PONumber	Close PO?	Line Item
Vendor: CFLC8272	Clean Fuel Connection									
Check No: 311095	Check Date: 08/19/2020									
205-8030-8024-8520-000	36,774.65	9097	11/20/2020	CNG Station Upgrade Project FY2017				19485	No	4
205-8030-8024-8520-000	16,376.75	9098	12/16/2020	CNG Station Upgrade Project FY2017				19485	Yes	4
205-8030-8024-8520-000	62,142.50	9097	11/20/2020	CNG Station Upgrade Project FY2017				19485	No	3
210-6010-6501-8520-000										
Check Total:	115,293.90									
Vendor Total:	115,293.90									
Report Total:	115,293.90									

# Accounts Payable

## Void Check Distribution List

User: ealvarez  
 Printed: 8/31/2020 - 2:56 PM



	DR Amount	CR Amount	Acct Number	Description	Vendor
Section 1:205Local Transit Return "A"					
	53,151.40	0.00	205-0000-0000-1000-000	Cash & Cash Equivalents	
	0.00	16,376.75	205-8030-8024-8520-000	Machinery & Equipment	CFLC8272
	0.00	36,774.65	205-8030-8024-8520-000	Machinery & Equipment	CFLC8272
Total for Section 1:205	53,151.40	53,151.40			
Section 1:210Sewer					
	62,142.50	0.00	210-0000-0000-1000-000	Cash & Cash Equivalents	
	0.00	62,142.50	210-6010-6501-8520-000	Machinery and Equipment	CFLC8272
Total for Section 1:210	62,142.50	62,142.50			
Grand Total:	115,293.90	115,293.90			

**Stop Payment Request - Confirmation**

**Stop Payments Submitted**

Total submitted: 1

[View Status Definitions](#)

Account	Duration	Check Range	Issue Date	Payee	Amount	Reason
.CITY OF SOUTH PASADENA OPERATING	6 Months	311095		Clean Fuel Connection	115,293.90	Lost

**Disclosure Information**

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# Accounts Payable

## Void Check Proof List

User: ealvarez  
 Printed: 08/31/2020 - 4:58PM



Account Number	Amount	Invoice No	Inv Date	Description	Reference	Task Label	Type	PONumber	Close PO?	Line Item
Vendor: NEOF8011				Quadient Finance USA, Inc.						
Check No: 311145				Check Date: 08/19/2020						
	115.60	July 2020	07/16/2020	Library Postage FY20-21 - Equipment					No	0
101-8010-8011-8110-000										
	-49.15	July 2020	07/16/2020	Library Postage FY20-21 - previous b					No	0
101-8010-8011-8010-000										
	400.00	July 2020	07/16/2020	Library Postage FY20-21 - SOUTHPA					No	0
101-8010-8011-8010-000										
Check Total:	466.45									
Vendor Total:	466.45									
Report Total:	466.45									

# Accounts Payable

## Void Check Distribution List

User: ealvarez  
 Printed: 8/31/2020 - 4:58 PM



	DR Amount	CR Amount	Acct Number	Description	Vendor
Section 1:101General Fund					
	466.45	0.00	101-0000-0000-1000-000	Cash & Cash Equivalents	
	49.15	0.00	101-8010-8011-8010-000	Postage	NEOF8011
	0.00	400.00	101-8010-8011-8010-000	Postage	NEOF8011
	0.00	115.60	101-8010-8011-8110-000	Equipment Maintenance	NEOF8011
Total for Section 1:101	515.60	515.60			
Grand Total:	515.60	515.60			

**Stop Payment Request - Confirmation**

**Stop Payments Submitted**

Total submitted: 1

[View Status Definitions](#)

Account	Duration	Check Range	Issue Date	Payee	Amount	Reason
.CITY OF SOUTH PASADENA OPERATING	6 Months	311145		Quadient Finance USA, Inc.	466.45	Check Cancelled

**Disclosure Information**

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# Accounts Payable

## Void Check Proof List

User: ealvarez  
 Printed: 09/03/2020 - 3:07PM



Account Number	Amount	Invoice No	Inv Date	Description	Reference	Task Label	Type	PONumber	Close PO?	Line Item
Vendor: DBEL5010	DB Electronics									
Check No: 311251	Check Date:	09/02/2020								
	150.00	1281	08/04/2020	Equipment Maint. & Troubleshoot MI					No	0
101-5010-5011-8110-000										
	150.00	1281	08/25/2020						No	0
101-5010-5011-8110-000										
Check Total:	300.00									
Vendor Total:	300.00									
Vendor: OVDR8011	OverDrive Inc.									
Check No: 0	Check Date:	09/02/2020								
	516.46	01148CO2023:	08/27/2020	eBooks / AudioBooks				3058	No	1
101-8010-8011-8083-000										
	420.68	01148CO2025:	08/27/2020	eBooks / AudioBooks				3058	No	1
101-8010-8011-8083-000										
	1,396.69	01148CO2025	08/27/2020	eBooks / AudioBooks				3058	No	1
101-8010-8011-8083-000										
	2,768.85	01148CO2022:	08/26/2020	eBooks / Audiobooks				3056	Yes	1
101-8010-8011-8083-000										
Check Total:	5,102.68									
Vendor Total:	5,102.68									
Report Total:	5,402.68									

# Accounts Payable

## Void Check Distribution List

User: ealvarez  
 Printed: 9/3/2020 - 3:08 PM



	DR Amount	CR Amount	Acct Number	Description	Vendor
Section 1:101General Fund					
	300.00	0.00	101-0000-0000-1000-000	Cash & Cash Equivalents	
	5,102.68	0.00	101-0000-0000-2100-000	Accounts Payable	
	0.00	150.00	101-5010-5011-8110-000	Equipment Maintenance	DBEL5010
	0.00	150.00	101-5010-5011-8110-000	Equipment Maintenance	DBEL5010
	0.00	2,768.85	101-8010-8011-8083-000	E-Books	OVDR8011
	0.00	516.46	101-8010-8011-8083-000	E-Books	OVDR8011
	0.00	1,396.69	101-8010-8011-8083-000	E-Books	OVDR8011
	0.00	420.68	101-8010-8011-8083-000	E-Books	OVDR8011
	<hr/>	<hr/>			
Total for Section 1:101	5,402.68	5,402.68			
	<hr/>	<hr/>			
Grand Total:	5,402.68	5,402.68			
	<hr/>	<hr/>			

**Stop Payment Request - Confirmation**

**Stop Payments Submitted**

Total submitted: 1

[View Status](#) [Definitions](#)

Account	Duration	Check Range	Issue Date	Payee	Amount	Reason
CITY OF SOUTH PASADENA OPERATING	6 Months	311251		DB Electronics	300.00	Duplicate Check

**Disclosure Information**

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# City Council Agenda Report

ITEM NO. 10

**DATE:** September 16, 2020  
**FROM:** Stephanie DeWolfe, City Manager  
**PREPARED BY:** Albert Trinh, Finance Manager  
**SUBJECT:** Monthly Investment Reports for July 2020

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## **Recommendation Action**

It is recommended that the City Council receive and file the monthly investment reports for July 2020.

## **Commission Review and Recommendation**

This matter was not reviewed by a commission.

## **Discussion/Analysis**

The City's investments have shown some modest gains from prior month. The market value of the investments held at Morgan Stanley increased by \$27k from prior month. The recent increase in market value of the investments are due to the decrease in Federal interest rates. The bonds currently held in the City's portfolio have higher interest rates than what is currently available, thus increasing their overall value. Eventually the Federal interest rates will reach its' lower limit, thus the market value will likely level off when that happens.

While the City plans ahead and prepares for the potential economic downturn, the investments are held in a strategic manner where significant money is held in LAIF. The liquidity with LAIF is one business day-- this allows the City to access funds as needed.

## **Background**

As required by law, a monthly investment report, including water bond funds, is presented to the City Council disclosing investment activities, types of investments, dates of maturities, amounts of deposits, rates of interest, and securities with a maturity of more than 12 months at current market values.

The reports reflect all investments at the above-referenced date and are in conformity with the City Investment Policy as stated in Resolution No. 7635. A copy of the Resolution is available at the City Clerk's Office.

## **Legal Review**

The City Attorney has not reviewed this item.

**Fiscal Impact**

The investments herein provide sufficient cash flow liquidity to meet the estimated expenditures, as required in the investment policy.

**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: City Investment Reports for July 2020



**ATTACHMENT 1**  
City Investment Reports for July 2020

**Exhibit A**

**City of South Pasadena**

**INVESTMENT REPORT  
July 31, 2020**

**Investment Balances at Month End**

INSTITUTION NAME	MATURITY DATE	YIELD TO CALL OR MATURITY	PERCENT OF PORTFOLIO	COST	CURRENT MARKET VALUE *
<b>LOCAL AGENCY INVESTMENT FUND:</b>					
LAIF City	ON DEMAND	1.648%	55.83%	21,607,487.84	21,607,487.84
SUBTOTAL			55.83%	<b>21,607,487.84</b>	<b>21,607,487.84</b>
<b>MORGAN STANLEY SMITH BARNEY</b>					
Government Securities	See Exhibit B-1	1.84%	31.23%	12,085,957.10	12,524,239.88
Corporate Bonds	See Exhibit B-1	2.56%	12.94%	5,005,814.02	5,177,831.03
SUBTOTAL			44.17%	<b>17,091,771.12</b>	<b>17,702,070.91</b>
<b>TOTAL INVESTMENTS</b>			<b>100.00%</b>	<b>\$38,699,258.96</b>	<b>\$39,309,558.75</b>

**BANK ACCOUNTS:**

Bank of the West Account Balance:	\$3,934,545.81
Morgan Stanley Uninvested Cash Balance:	\$114,850.84
Morgan Stanley Unsettled Transactions	-
BNY Mellon Uninvested Cash Balance	158,349.16

Required Disclosures:

Average weighted maturity of the portfolio 397 DAYS

Average weighted total yield to maturity of the portfolio 1.829%

The City's investment liquidity is sufficient for it to meet its expenditure requirements for the next 180 days.

All investments are in conformity with the City Investment Policy.

\* Current market valuation is required for investments with maturities of more than twelve months.

**Exhibit B-1**  
**Funds and Investments**  
**Held by Contracted (Third) Parties**  
**July 31, 2020**

**Morgan Stanley Investments**

<b>Investment Type</b>	<b>Issuer</b>	<b>CUSIP</b>	<b>Par Value</b>	<b>Adjusted Premium</b>	<b>Adjusted Cost</b>	<b>Market Value</b>	<b>Current YTM</b>	<b>Unrealized Gain/Loss</b>
1 Gov't. Securities	U.S. Treasury Note	912828B90	736,000.00	100.103	736,759.01	743,992.96	1.970%	7,233.95
2 Gov't. Securities	U.S. Treasury Note	912828B90	26,000.00	100.206	26,053.64	26,282.36	1.970%	228.72
3 Gov't. Securities	U.S. Treasury Note	912828B90	25,000.00	101.043	25,260.71	25,271.50	1.970%	10.79
4 Gov't. Securities	U.S. Treasury Note	9128287F1	427,000.00	100.115	427,489.63	433,840.54	1.720%	6,350.91
5 Gov't. Securities	U.S. Treasury Note	9128287F1	599,000.00	100.201	600,202.97	608,595.98	1.720%	8,393.01
6 Gov't. Securities	U.S. Treasury Note	912828F96	494,000.00	100.100	494,491.84	505,441.04	1.950%	10,949.20
7 Gov't. Securities	U.S. Treasury Note	912828F96	437,000.00	100.490	439,140.15	447,120.92	1.950%	7,980.77
8 Gov't. Securities	U.S. Treasury Note	912828F96	25,000.00	102.260	25,565.02	25,579.00	1.950%	13.98
9 Gov't. Securities	U.S. Treasury Note	912828YZ7	258,000.00	100.065	258,166.93	263,433.48	1.590%	5,266.55
10 Gov't. Securities	U.S. Treasury Note	912828YZ7	259,000.00	100.250	259,647.13	264,454.54	1.590%	4,807.41
11 Gov't. Securities	U.S. Treasury Note	9128287C8	426,000.00	100.319	427,359.36	439,512.72	1.690%	12,153.36
12 Gov't. Securities	U.S. Treasury Note	9128287C8	426,000.00	100.386	427,643.40	439,512.72	1.690%	11,869.32
13 Gov't. Securities	U.S. Treasury Note	9128287C8	33,000.00	100.489	33,161.36	34,046.76	1.690%	885.40
14 Gov't. Securities	U.S. Treasury Note	912828P38	423,000.00	99.723	421,827.02	440,186.49	1.680%	18,359.47
15 Gov't. Securities	U.S. Treasury Note	912828P38	2,000.00	100.641	2,012.81	2,081.26	1.680%	68.45
16 Gov't. Securities	U.S. Treasury Note	912828P38	383,000.00	100.544	385,084.54	398,561.29	1.680%	13,476.75
17 Gov't. Securities	U.S. Treasury Note	912828S35	434,000.00	96.477	418,708.44	449,801.94	1.320%	31,093.50
18 Gov't. Securities	U.S. Treasury Note	9128285P1	730,000.00	103.756	757,420.77	796,357.00	2.630%	38,936.23
19 Gov't. Securities	U.S. Treasury Note	912828W71	719,000.00	99.168	713,017.92	770,789.57	1.980%	57,771.65
20 Gov't. Securities	U.S. Treasury Note	912828X70	1,010,000.00	100.962	1,019,712.04	1,079,599.10	1.870%	59,887.06
21 Gov't. Securities	U.S. Treasury Note	912828ZF0	529,000.00	100.649	532,433.22	536,337.23	0.490%	3,904.01
22 Gov't. Securities	Fed. Home Loan Bank	3130A8QS5	665,000.00	99.305	660,378.25	671,370.70	1.110%	10,992.45
23 Gov't. Securities	Fed Home Ln Mtg Corp Med Term Note	3137EADB2	511,000.00	102.957	526,108.64	527,408.21	2.300%	1,299.57
24 Gov't. Securities	Fed. National Mtg. Assn.	3135G0U43	225,000.00	100.807	226,814.87	243,443.25	2.650%	16,628.38
25 Gov't. Securities	Fed. National Mtg. Assn.	3135G0U43	140,000.00	101.563	142,188.09	151,475.80	2.650%	9,287.71
26 Gov't. Securities	Fed. National Mtg. Assn.	3135G0V34	833,000.00	100.526	837,385.36	897,915.69	2.310%	60,530.33
27 Gov't. Securities	Fed. National Mtg. Assn.	3135G0ZR7	535,000.00	103.950	556,135.02	586,450.95	2.390%	30,315.93
28 Gov't. Securities	Fed. Home Ln Mth Corp	3137EAEP0	681,000.00	103.640	705,788.96	715,376.88	1.420%	9,587.92
<b>Subtotal Gov't. Securities</b>			<b>11,991,000.00</b>		<b>12,085,957.10</b>	<b>12,524,239.88</b>	<b>1.841%</b>	<b>438,282.78</b>
29 Corporate Bond	State Street Corp.	857477AS2	54,000.00	100.036	54,019.39	54,046.44	1.270%	27.05
30 Corporate Bond	State Street Corp.	857477AS2	24,000.00	100.037	24,008.90	24,020.64	1.270%	11.74
31 Corporate Bond	The Walt Disney Co.	25468PDE3	60,000.00	100.019	60,011.36	60,127.20	1.070%	115.84
32 Corporate Bond	The Walt Disney Co.	25468PDE3	20,000.00	100.105	20,020.92	20,042.40	1.070%	21.48

**Exhibit B-1**

**Funds and Investments  
Held by Contracted (Third) Parties  
July 31, 2020**

**Morgan Stanley Investments**

Investment Type	Issuer	CUSIP	Par Value	Adjusted Premium	Adjusted Cost	Market Value	Current YTM	Unrealized Gain/Loss
33 Corporate Bond	Bank of America	06051GFT1	163,000.00	100.066	163,107.06	163,808.48	1.300%	701.42
34 Corporate Bond	Coca-Cola Co.	191216BT6	62,000.00	100.074	62,045.85	62,231.88	0.930%	186.03
35 Corporate Bond	Coca-Cola Co.	191216BT6	19,000.00	100.108	19,020.43	19,071.06	0.930%	50.63
36 Corporate Bond	Chubb INA Holdings Inc	00440EAT4	61,000.00	100.116	61,070.80	61,198.86	1.140%	128.06
37 Corporate Bond	Chubb INA Holdings Inc	00440EAT4	62,000.00	100.088	62,054.81	62,202.12	1.140%	147.31
38 Corporate Bond	Chevron Corp. (Callable)	166764AY6	55,000.00	100.180	55,099.14	55,238.70	1.200%	139.56
39 Corporate Bond	Chevron Corp. (Callable)	166764AY6	25,000.00	100.196	25,049.06	25,108.50	1.200%	59.44
40 Corporate Bond	VISA	92826CAB8	162,000.00	100.078	162,125.81	162,871.56	1.090%	745.75
41 Corporate Bond	Exxon Mobil Corp. (Callable)	30231GAV4	162,000.00	100.300	162,485.94	163,534.14	2.200%	1,048.20
42 Corporate Bond	Home Depot Inc.	437076AW2	81,000.00	101.270	82,028.91	82,370.52	4.320%	341.61
43 Corporate Bond	JP Morgan Chase	46625HHZ6	151,000.00	101.790	153,703.63	155,990.55	4.470%	2,286.92
44 Corporate Bond	JP Morgan Chase	46625HHZ6	20,000.00	103.215	20,642.98	20,661.00	4.470%	18.02
45 Corporate Bond	Charles Schwab Corp	437076AW2	83,000.00	101.057	83,877.30	84,765.41	3.180%	888.11
46 Corporate Bond	Pepsico Inc	713448BW7	82,000.00	101.264	83,036.23	84,370.62	2.910%	1,334.39
47 Corporate Bond	Praxair Inc	74005PAZ7	82,000.00	101.205	82,988.06	84,395.22	2.910%	1,407.16
48 Corporate Bond	3M Co. (Callable)	88579YAU5	65,000.00	100.029	65,018.61	65,933.40	1.600%	914.79
49 Corporate Bond	3M Co. (Callable)	88579YAU5	17,000.00	99.207	16,865.19	17,244.12	1.600%	378.93
50 Corporate Bond	Prudential Financial Inc	74432QBT1	80,000.00	103.097	82,477.86	84,196.00	4.270%	1,718.14
51 Corporate Bond	American Express Credit (Callable)	0258M0EG0	162,000.00	100.757	163,226.49	167,866.02	2.600%	4,639.53
52 Corporate Bond	American Express Credit (Callable)	0258M0EG0	10,000.00	103.209	10,320.92	10,362.10	2.600%	41.18
53 Corporate Bond	Burlington North Santa Fe (Callable)	12189LAH4	79,000.00	101.422	80,123.66	81,975.93	2.930%	1,852.27
54 Corporate Bond	US Bancorp	91159HHC7	165,000.00	101.260	167,078.63	171,840.90	2.880%	4,762.27
55 Corporate Bond	Intel Corp (Callable)	458140BB5	169,000.00	100.260	169,439.94	174,882.89	2.270%	5,442.95
56 Corporate Bond	Apple Inc.	037833BF6	160,000.00	101.047	161,674.45	166,571.20	2.590%	4,896.75
57 Corporate Bond	Apple Inc.	037833BF6	10,000.00	104.418	10,441.76	10,410.70	2.590%	(31.06)
58 Corporate Bond	Oracle Corp.	68389XBB0	81,000.00	100.645	81,522.30	83,852.01	2.410%	2,329.71
59 Corporate Bond	Bristol-Myers Squibb Co	110122AT5	170,000.00	100.295	170,501.69	175,229.20	1.940%	4,727.51
60 Corporate Bond	Gilead Sciences Inc	375558BC6	164,000.00	100.096	164,156.97	172,979.00	3.080%	8,822.03
61 Corporate Bond	Intercontinental Exchange Inc	45866FAE4	168,000.00	98.558	165,577.44	174,896.40	2.250%	9,318.96
62 Corporate Bond	Lockheed Martin Corp	539830BG3	82,000.00	102.611	84,140.76	87,244.72	2.910%	3,103.96
63 Corporate Bond	Bank of New York Mellon Corp	06406RAE7	168,000.00	99.109	166,503.12	178,303.44	2.770%	11,800.32
64 Corporate Bond	Amazon	023135AW6	125,000.00	98.568	123,210.00	131,363.75	2.280%	8,153.75
65 Corporate Bond	General Dynamics Corp	369550BD9	163,000.00	101.089	164,775.33	176,149.21	3.120%	11,373.88
66 Corporate Bond	Cisco Systems Inc.	17275RBH4	84,000.00	97.479	81,882.36	88,471.32	2.080%	6,588.96
67 Corporate Bond	John Deere Capital Corp.	24422EUM9	161,000.00	102.713	165,367.33	177,251.34	3.310%	11,884.01
68 Corporate Bond	Intercontinental Exchange Inc	45866FAA2	80,000.00	103.301	82,640.76	88,739.20	3.620%	6,098.44

**Exhibit B-1**  
**Funds and Investments**  
**Held by Contracted (Third) Parties**  
**July 31, 2020**

**Morgan Stanley Investments**

Investment Type	Issuer	CUSIP	Par Value	Adjusted Premium	Adjusted Cost	Market Value	Current YTM	Unrealized Gain/Loss
69 Corporate Bond	State Street Corp.	857477AM5	80,000.00	105.150	84,120.08	88,788.80	3.330%	4,668.72
70 Corporate Bond	Caterpillar Financial Services Corp	14912L5X5	79,000.00	104.444	82,510.72	87,501.19	3.410%	4,990.47
71 Corporate Bond	Truist Financial Corp	05531FBF9	121,000.00	101.814	123,195.33	133,057.65	3.230%	9,862.32
72 Corporate Bond	Metlife Inc	59156RBH0	80,000.00	105.473	84,378.67	89,000.00	3.230%	4,621.33
73 Corporate Bond	Comcast Corp	20030NCR0	159,000.00	107.167	170,396.22	176,995.62	3.320%	6,599.40
74 Corporate Bond	Texas Instruments Inc	882508BB9	166,000.00	102.235	169,710.08	179,177.08	2.430%	9,467.00
75 Corporate Bond	UnitedHealth Group Inc	91324PDR0	83,000.00	106.603	88,480.67	89,088.05	2.210%	607.38
76 Corporate Bond	UnitedHealth Group Inc	91324PDR0	123,000.00	106.994	131,602.36	132,022.05	2.210%	419.69
77 Corporate Bond	United Parcel Service Inc	911312BT2	84,000.00	101.496	85,256.46	89,179.44	2.070%	3,922.98
78 Corporate Bond	PNC Financial Service Group Inc	693475AY1	170,000.00	101.660	172,821.28	181,203.00	2.060%	8,381.72
Subtotal Corporate Bonds			<b>4,936,000.00</b>		<b>5,005,814.02</b>	<b>5,177,831.03</b>	<b>2.557%</b>	<b>172,017.01</b>
Money Market	Liquid Asset Fund		-					
Uninvested Cash			-			114,850.84		
Accrued Interest								
Subtotal Cash & Cash Equivalents					-	<b>114,850.84</b>		
Grand Totals			<b>16,927,000.00</b>		<b>17,091,771.12</b>	<b>17,816,921.75</b>	<b>2.037%</b>	<b>610,299.79</b>
Unsettled Transactions						0.00		
Subtotal Unsettled Transactions			-		-	-		
Totals incl. Unsettled Transactions			16,927,000.00		17,091,771.12	17,816,921.75		610,299.79
Totals per Bank Statement			<b>16,927,000.00</b>		<b>17,091,771.12</b>	<b>17,816,921.75</b>		<b>610,299.79</b>

**Exhibit B-2**

**Funds and Investments  
Held by Contracted (Third) Parties  
July 31, 2020**

**2016 Water Revenue Bonds**

Investment Type	Issuer	Settlement Date	Par Value	Coupon Rate	Market Value	Current YTM	Maturity Date	Days to Maturity	CUSIP Account Number
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**BNY Mellon Project Fund**

1	Cash		65.71	0.010%	65.71	0.010%		1	
2	Morgan Stanley Treasury Portfolio		158,283.45	0.250%	158,283.45	0.250%		1	
<b>Subtotal Cash &amp; Cash Equivalents</b>			<b>158,349.16</b>	<b>0.250%</b>	<b>158,349.16</b>	<b>0.250%</b>		1	
<b>Total Project Fund</b>			<b>158,349.16</b>	<b>0.250%</b>	<b>158,349.16</b>	<b>0.250%</b>		1	

**Exhibit C**

**City of South Pasadena  
Investment Report**

**Summary of Invested Funds -- Last Day of the Month**

MONTH	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
JULY	11,604,558	14,003,563	17,332,153	20,958,651	26,306,572	28,541,631	74,033,803	33,187,829	34,119,395	39,309,559
AUGUST	11,595,476	13,043,563	17,330,985	12,658,088	26,294,151	28,405,544	73,122,925	31,258,493	34,245,197	
SEPTEMBER	11,582,026	11,783,420	16,331,557	19,715,369	22,058,959	27,049,892	70,952,657	31,219,168	34,211,588	
OCTOBER	10,575,907	11,795,960	13,841,158	17,221,779	22,325,114	27,023,005	70,917,973	26,989,542	30,424,551	
NOVEMBER	8,992,178	11,800,260	13,836,635	17,221,849	22,287,418	73,246,265	26,547,176	26,916,772	30,394,571	
DECEMBER	10,185,282	11,805,140	16,837,192	20,603,990	22,253,300	71,499,585	28,949,643	27,028,835	30,398,333	
JANUARY	9,186,793	11,816,031	18,846,359	26,309,319	27,399,997	71,229,735	32,878,042	35,305,506	30,183,446	
FEBRUARY	9,184,331	13,818,580	18,845,663	26,260,788	30,108,605	71,084,575	33,013,420	34,571,287	35,784,459	
MARCH	9,126,552	13,319,038	13,145,894	26,315,158	28,939,924	72,604,964	32,833,141	32,568,840	35,894,036	
APRIL	11,130,863	17,327,604	13,153,853	26,326,876	28,276,276	75,018,330	33,064,100	32,242,202	36,081,161	
MAY	11,128,155	19,327,983	23,452,878	26,310,240	28,429,928	76,053,277	32,879,674	36,925,478	34,133,626	
JUNE	10,275,475	19,323,510	22,452,628	29,289,712	26,594,581	75,918,587	33,102,349	38,922,757	34,218,755	



# City Council Agenda Report

ITEM NO. 11

**DATE:** September 16, 2020  
**FROM:** Stephanie DeWolfe, City Manager  
**PREPARED BY:** Cathy Billings, Library Director  
**SUBJECT:** **Designate Romine Funds for Library Fused Glass Public Artwork**

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## **Recommendation**

It is recommended that the City Council designate \$9,022.00 from the unrestricted Romine Funds toward the Ray Bradbury-themed fused glass artwork to be installed in the Library's Ray Bradbury Conference Room.

## **Commission Review and Recommendation**

This matter was reviewed by the Library Board of Trustees meeting on November 14, 2019. The Board voted to recommend using Romine Funds "for the Ray Bradbury Fused Glass Art Project in an amount not to exceed \$24,000".

## **Community Outreach**

Community members had many opportunities to learn about the project at public meetings. The proposed artwork was discussed at several public meetings of the Library Board of Trustees prior to November 2019. It was presented to and approved by the Public Art Commission at their June 18, 2019 meeting, and City Council voted on November 6, 2019 to approve the proposed Ray Bradbury Fused Glass Window project for the Ray Bradbury Conference Room in the South Pasadena Public Library. In addition, information about the project has been shared on the Library's social media accounts and website.

## **Discussion/Analysis**

The three panel Ray Bradbury-themed fused glass artwork, titled "Live Forever", will be installed in the Library's Ray Bradbury Conference Room. The work will be fabricated at Judson Studios in South Pasadena. Honoring Bradbury at the library is fitting, since he was a prolific and beloved author a life-long user of libraries and an outspoken and articulate public library advocate. The library has a Ray Bradbury Collection comprised of ephemera, photos, first edition Bradbury books, and vintage paperbacks. With the designation of \$9,022.00 from the Romine Funds all monies needed to complete the project will be secured.

## **Alternatives Considered**

No alternatives were considered because it is a site-specific artwork.



### **Next Steps**

1. Enter into a contract with Judson Studios to fabricate and install the art work.

### **Background**

In the spring of 2018 South Pasadena-based artist Tim Carey approached the library with a proposal for a Ray Bradbury-themed fused glass artwork, titled “Live Forever”, to be installed in the Ray Bradbury Conference Room. The artist formally presented his proposal and design to the Library Board of Trustees at their meeting on June 14, 2018. The artist is donating the time spent on the design of the work. The total cost of the project is \$24,720.00. The funds to complete the projected have been secured from the following sources: \$1,500.00 designated discretionary funds from Mayor Pro Tem Diana Mahmud; \$4,000.00 designated discretionary funds from Councilmember Richard D. Schneider; \$243.00 from Judson Studios/Library event fundraiser; \$9,925.00 donated by Friends of the South Pasadena Public Library; \$9,022.00 from Romine Funds (pending Council approval).

### **Legal Review**

The City Attorney has reviewed this item.

### **Fiscal Impact**

There is no fiscal impact, as the funds were an unrestricted donation to the Library, received from the Romine Family Trust in 2008. Of the \$44,890.00 donated, \$39,090.00 remains unspent.

### **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:** September 16, 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:** **Second Reading and Adoption of an Ordinance Approving Zoning Code Amendment for Streamline Planning Review and Minor Clean-up**

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## **Recommendation**

Staff recommends that the City Council conduct the Second Reading and 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).

## **City Council/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.

On August 5, 2020, the City Council held a public hearing for the first reading of the Ordinance to adopt the proposed Zoning Code Amendment.

## **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 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 1<sup>st</sup> 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 16<sup>th</sup> day of September 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 16<sup>th</sup> day of September, 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.

$$\text{Average Slope Formula: } S = \frac{100 (I \times L)}{A}$$

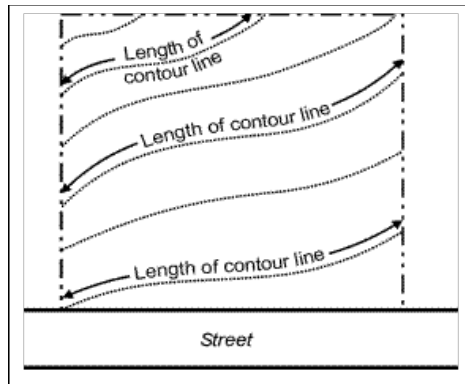
Where:

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.

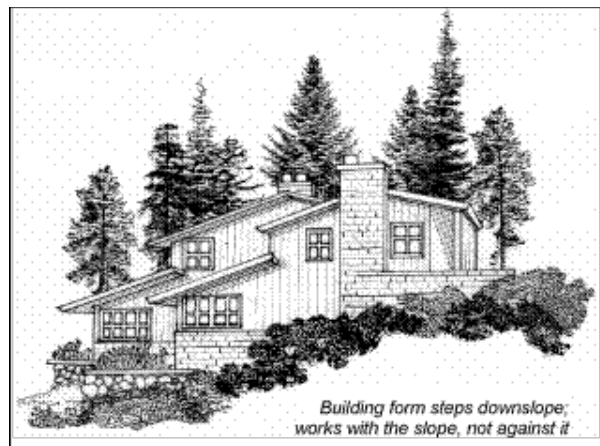


Figure 3-26. Design Sensitive to Terrain

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.

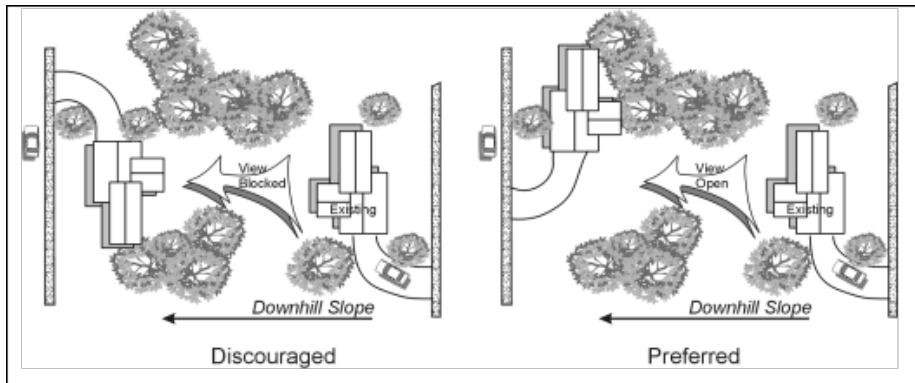


Figure 3-27. View Protection

- 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.

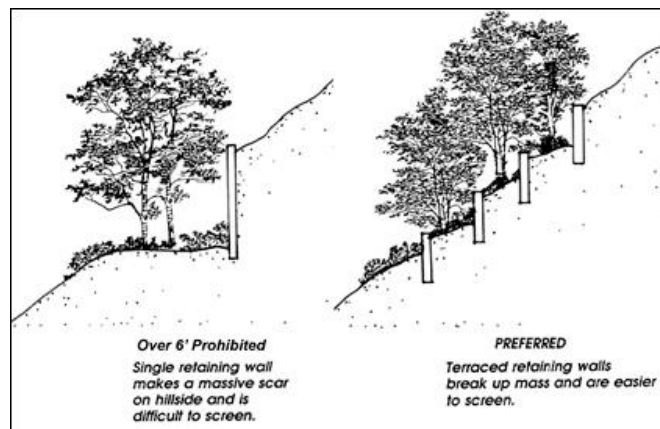


Figure 3-28. Retaining Wall Design

(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.

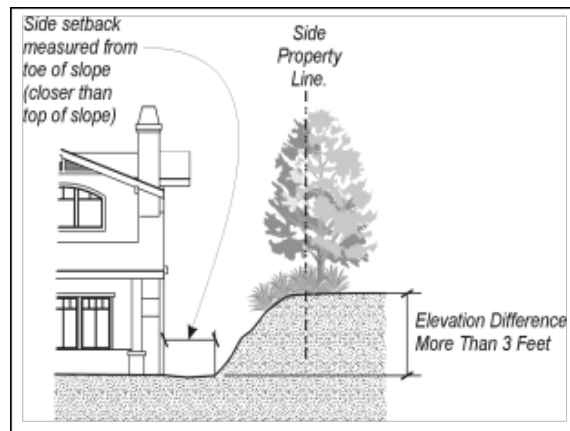


Figure 3-29. Side Setback Measurement

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.

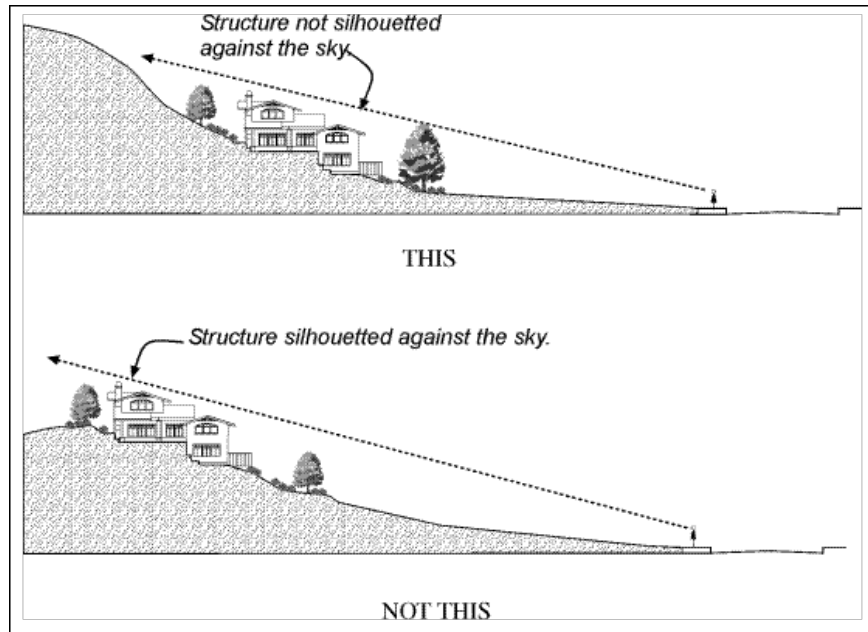


Figure 3-30. Silhouetted Structures

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.

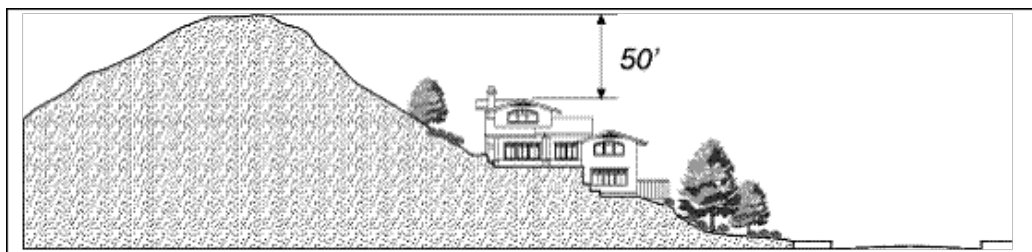


Figure 3-31. Location of Structures Below Ridgelines

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).

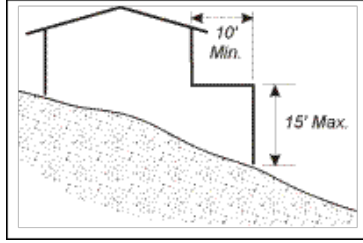


Figure 3-32. Height Limit for Downhill Building Walls

- 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.

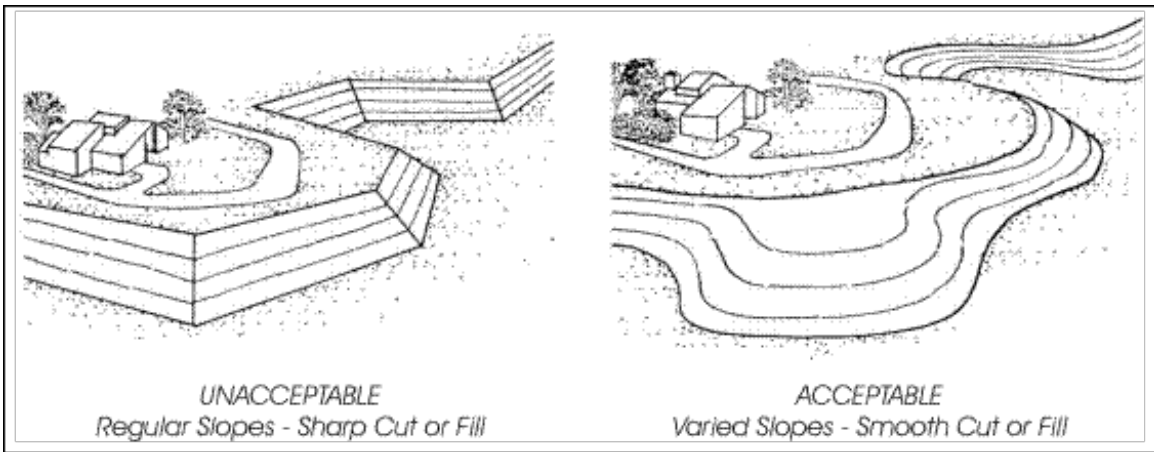


Figure 3-33. Appropriate Grading

- 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.

$$\text{Average Slope Formula: } S = \frac{100 (I \times L)}{A}$$

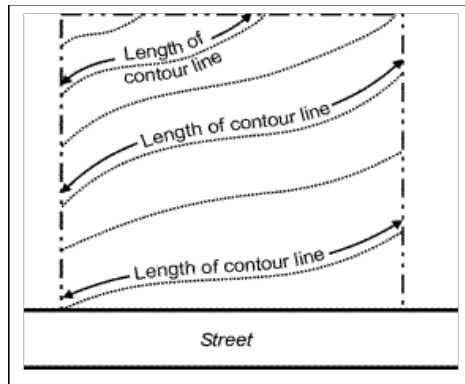
Where:

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.

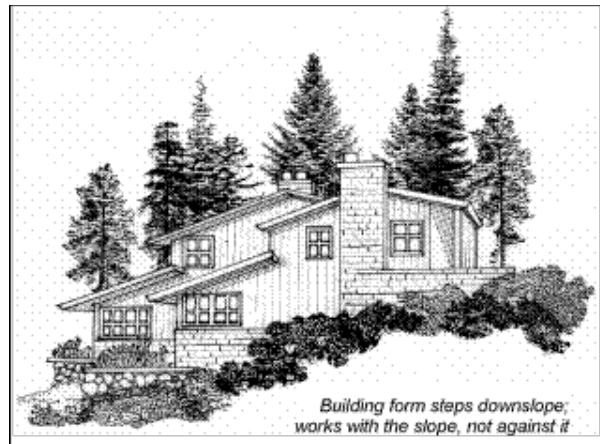


Figure 3-26. Design Sensitive to Terrain

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.

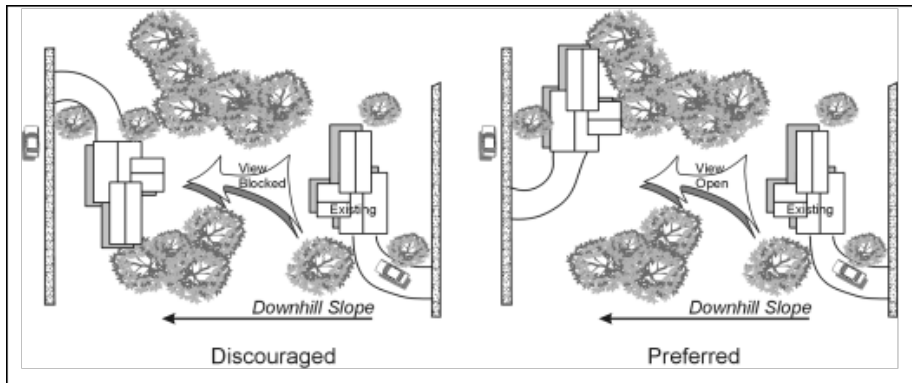


Figure 3-27. View Protection

- 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.

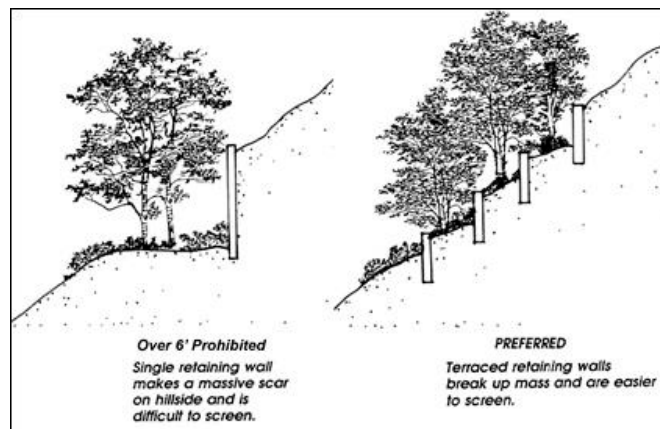


Figure 3-28. Retaining Wall Design

(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.

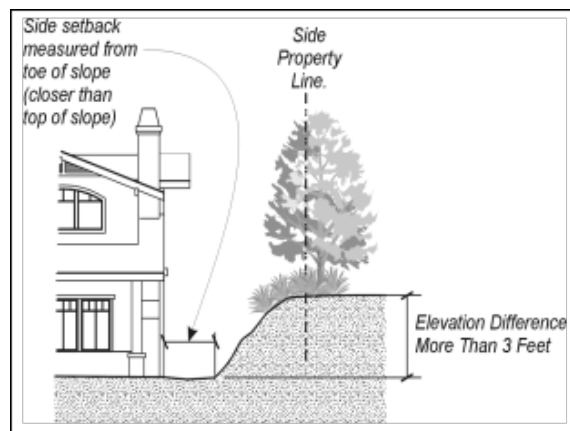


Figure 3-29. Side Setback Measurement

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.



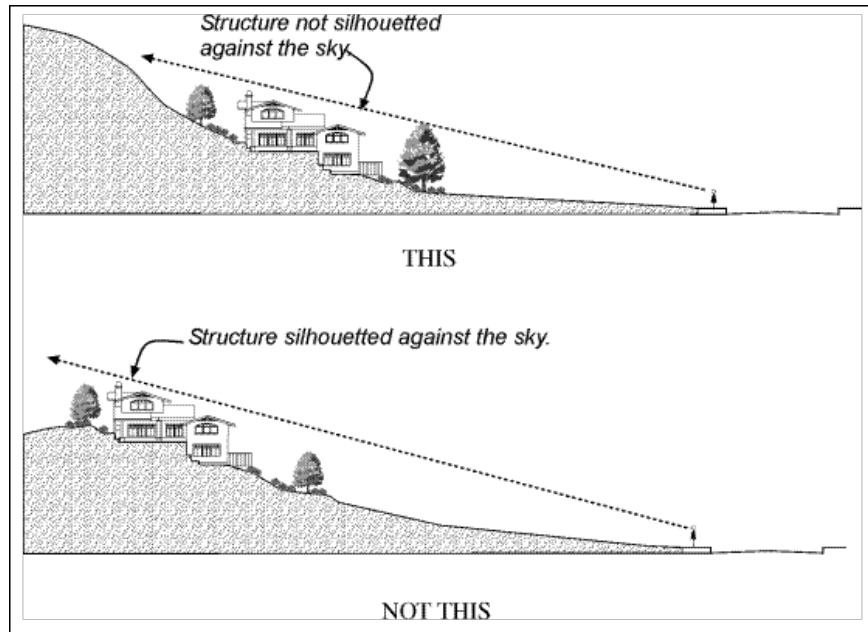


Figure 3-30. Silhouetted Structures

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.

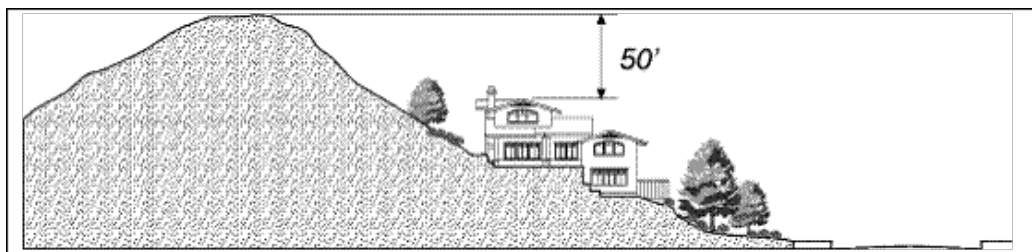


Figure 3-31. Location of Structures Below Ridgelines

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).

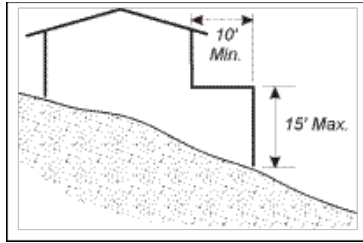


Figure 3-32. Height Limit for Downhill Building Walls

- 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.

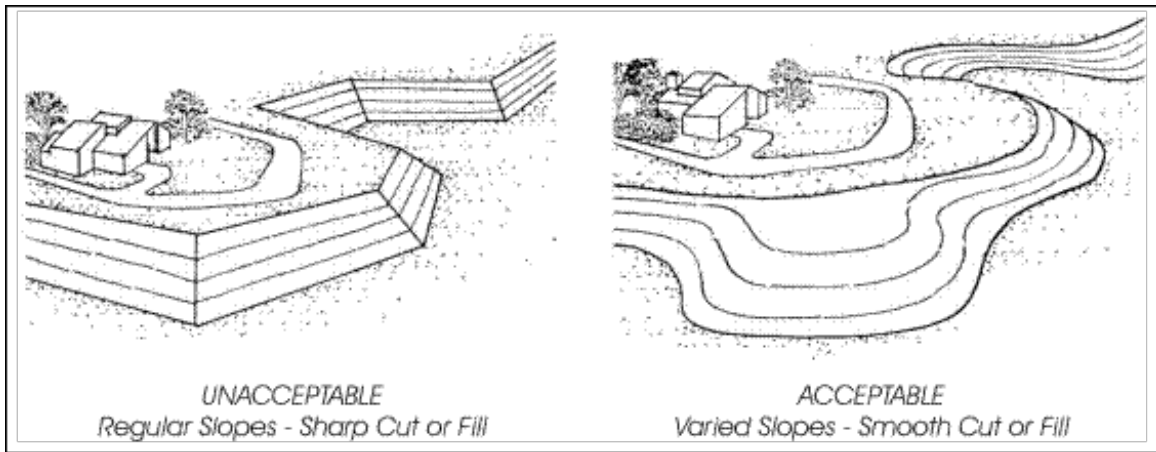


Figure 3-33. Appropriate Grading

- 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
<del>CEQA/EIR</del> Certification/ <u>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

+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 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 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(1) (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 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 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.
- ~~+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.
- ~~+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) ~~is an 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.F.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 Bb.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~~ 15<sup>th</sup> 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. p~~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

[\(Click Here\)](#)

**ATTACHMENT 3**  
PC Staff Report & Attachments  
(Click Here)

PC Additional Document  
(Click Here)



# City Council Agenda Report

ITEM NO. 13

**DATE:** September 16, 2020

**FROM:** Stephanie DeWolfe, City Manager

**PREPARED BY:** Maria E. Ayala, Chief City Clerk

**SUBJECT:** **Adoption of a Resolution Updating the City's Conflict of Interest Code**

---

## **Recommendation Action**

It is recommended that the City Council adopt a resolution amending the City's Conflict of Interest Code.

## **Discussion/Analysis**

The Political Reform Act (California Government Code 81000) controls conflicts of interest of public officials through disclosure of financial interest and prohibitions on participation in the making of decisions in which the official knows or has reason to know he or she has financial interest. Pursuant to California Government Code 87306, each City is required to have a conflict of interest code, review its code biennially, and make amendments, if necessary. The City is required to designate employees who must disclose certain investments, income, interests in real property, and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

The proposed amendments are only to the list of designated positions that have either been added, deleted, or modified.

## **Background**

California Government Code Sections 87306 and 87306.5 state the conflict of interest code must be reviewed every two years and amended when circumstances change, such as when new positions are created or duties of existing positions change. The code must be consistent with the minimum requirements of the Political Reform Act. As a result of the current review, staff is recommending that the current list of designated position be amended to incorporate the updated positions that are required to file Fair Political Practices Commission (FPPC) Form 700 Statement of Economic Interest.

## **Next Steps**

Notify staff whose positions that have been added, deleted, or modified from the updated list of designated positions.



**Legal Review**

The City Attorney has reviewed this item.

**Fiscal Impact**

There is no fiscal impact associated with the biennial review and update of the City's Conflict of Interest Code.

**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*.

**Attachment:**

1. Draft Resolution with "Exhibit A" Proposed Amended Conflict of Interest Code (redlined version included)

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,  
AMENDING THE CITY'S CONFLICT OF INTEREST CODE  
AND RESCINDING RESOLUTION NO. 7577**

**WHEREAS**, the Political Reform Act (Government Code Section 81000 et seq.) requires all public agencies to adopt and promulgate a Conflict of Interest Code (Code); and

**WHEREAS**, the City Council previously amended its Code by adopting Resolution No. 7577 on September 19, 2018, as set forth in Section 18730 of the California Code of Regulations; and

**WHEREAS**, the Political Reform Act requires that the City Council review its Code biennially to determine whether amendments are required; and

**WHEREAS**, a staff level review of City's Code reveals that amendments may be necessary to the Disclosure Categories as well as the List of Designated Positions; and

**WHEREAS**, a public meeting was held upon the proposed amended Code at a regular meeting of the City Council on September 16, 2020, at which all present were given the opportunity to be heard on the proposed amended Code.

**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 does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto as "Exhibit A".

**SECTION 2.** Resolution Nos. 7577 is hereby rescinded.

**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 16<sup>th</sup> day of September, 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 16<sup>th</sup> day of September, 2020, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

\_\_\_\_\_  
Evelyn G. Zneimer, City Clerk  
(seal)

**“EXHIBIT A”**  
**(Redlined Version)**  
**CONFLICT OF INTEREST CODE OF THE**  
**CITY OF SOUTH PASADENA, CALIFORNIA**  
**(Amended September 16, 2020)**

The Political Reform Act (Government Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted regulation (2 California Code of Regulations Section 18730), which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference in an agency’s code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the Conflict of Interest Code of the City of South Pasadena.

Individuals holding designated positions shall file their statements of economic interests with the Chief City Clerk who will make the statements available for public inspection and reproduction (Government Code § 81008) during regular business hours, at 1414 Mission Street, South Pasadena, CA 91030.

The City’s Code does not establish any disclosure obligation for Members of the City Council and Planning Commission, City Treasurer, City Manager, and City Attorney, as Government Code Section 87200 et seq., requires disclosure for those positions as a matter of state law. An official who holds a position specified in Government Code Section 87200 is not required to file statements under this Code for any agency that has the same or a smaller jurisdiction.

**CONFLICT OF INTEREST CODE  
CITY OF SOUTH PASADENA, CALIFORNIA**

APPENDIX A  
DISCLOSURE CATEGORIES  
(Amended September 16, 2020)

CATEGORY 1 (Full Disclosure)

Must disclose all investments, business positions in business entities, and sources of income (including gifts, loans, and travel payments); and all interests in real property located in or within two miles of the jurisdiction of the City.

CATEGORY 2 (Disclosure Related to Procurement, Real Property)

Must disclose all investments, business positions in business entities, sources of income (including gifts, loans, and travel payments) if the source is of a type which provides, manufactures, or supplies goods, materials, equipment, machinery, or services (including training or consulting services) of the type utilized by the department in which the person is employed; and all interests in real property located in or within two miles of the jurisdiction of the City.

CATEGORY 3 (Disclosure Related to Procurement)

Must disclose all investments, business positions in business entities, and sources of income (including gifts, loans, and travel payments) if the source is of a type which provides, manufactures, or supplies goods, materials, equipment, machinery, or services (including training or consulting services) of the type utilized by the department in which the person is employed.

CATEGORY 4 (Disclosure Related to Regulatory/Licenses/Permits, Real Property)

Must disclose all investments, business positions in business entities, sources of income (including gifts, loans, and travel payments) if the source is of a type that is subject to the regulatory, permit, or licensing authority of the City; and all interests in real property located in or within two miles of the jurisdiction of the City.

CONSULTANTS

Those consultants that will make, participate in the making, or act in a staff capacity for governmental decisions shall file statements of economic interests and such disclosure requirements shall conform to the range of duties. The City Manager shall make such determinations in writing to be filed with and retained in the same manner as the City's Conflict of Interest Code.

**CONFLICT OF INTEREST CODE  
CITY OF SOUTH PASADENA, CALIFORNIA**

APPENDIX B  
LIST OF DESIGNATED POSITIONS

<b><u>DESIGNATED POSITIONS</u></b>	<b><u>DISCLOSURE CATEGORY</u></b>
<u>Government Code Section 87200 Filers</u>	
City Attorney	Govt. Code §87200
City Manager	Govt. Code §87200
City Treasurer	Govt. Code §87200
Members of the City Council	Govt. Code §87200
Members of the Planning Commission	Govt. Code §87200
 <u>Boards/Commissions/Committees</u>	
Members of the Cultural Heritage Commission	4
Members of the Design Review Board	4
Members of the Finance Commission	1
Members of the Library Board of Trustees	2
Members of the Public Works Commission	2
<u>Members of Natural Resources and Environmental Commission</u>	<u>2</u>
<u>Members of Public Art Commission</u>	<u>2</u>
 <u>Management Services Department</u>	
Assistant City Manager	1
Assistant to the City Manager	1
<del>Assistant City Attorney</del>	<del>1</del>
Chief City Clerk	3
City Clerk	1
Deputy City Clerk	3
Executive Assistant	3
Human Resources Manager	3
Principal Management Analyst <del>(Public Information Officer)</del>	2
Principal Management Analyst <del>(Transportation Planning)</del>	2
<u>Management Analyst</u>	<u>2</u>
 <u>Community Services Department</u>	
Community Services Director	1
Community Services Supervisor	3

**DESIGNATED POSITIONS****DISCLOSURE CATEGORY**Fire Department

Deputy Fire Chief	1
Fire Chief	1
<del>Fire Prevention Specialist</del>	<del>4</del>
<del>Operations Division Chief</del>	<del>1</del>
<del>Fire Division Chief</del>	<del>1</del>

Finance Department

<del>Assistant Finance Director</del>	<del>1</del>
<del>Film Liaison</del>	<del>4</del>
Finance Director	1
<del>Principal Management Analyst (Grants)</del>	<del>2</del>
<del>Accounting Manager</del>	<del>3</del>

Library Services Department

Assistant Library Director	1
Administrative Secretary	3
Director of Library, Arts, and Culture	1
<del>Senior Librarian</del>	<del>3</del>
<del>Library Support Services Manager</del>	<del>3</del>
<del>Library Public Services Manager</del>	<del>3</del>

Planning and Building Department

<del>Assistant Planner</del> <u>Planning Interns</u>	4
Associate Planner	4
Building Inspector	4
Building Official	4
Building Supervisor	4
Community Improvement Coordinator	4
<del>Film Liaison</del>	<del>4</del>
Planning and Building Director	1
<del>Senior Planner</del> <u>Principal Management Analyst (Current Planning)</u>	1
<u>Principal Management Analyst (Long-Range Planning)</u>	1
<del>Permit Technician</del>	<del>4</del>

Police Department

Police Captain	3
Police Chief	1
<del>Police Lieutenant</del>	<del>3</del>

<u>Deputy Police Chief</u>	<u>1</u>
<u>Public Works Department</u>	
Deputy Director of Public Works	1
Facilities Supervisor	3
Public Works Director	1
Public Works Operations Manager	2
Water Operations Manager	2
<del>Water Projects Manager</del>	<del>2</del>
<u>Associate Civil Engineer</u>	<u>3</u>
<u>Street &amp; Sewer Supervisor</u>	<u>3</u>
<u>Parks Supervisor</u>	<u>3</u>
<u>Plan Check Services and Construction Management</u>	<u>3</u>
<u>Transportation Project Management</u>	<u>3</u>





# City Council Agenda Report

ITEM NO. 14

**DATE:** September 16, 2020

**FROM:** Stephanie DeWolfe, City Manager

**PREPARED BY:** Lucy Demirjian, Assistant to the City Manager

**SUBJECT:** **Appointment of Voting Delegate and Alternate to Represent the City of South Pasadena at the 2020 League of California Cities' Annual Business Meeting**

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## **Recommendation Action**

It is recommended that the City Council appoint Mayor Pro Tem Diana Mahmud as the City of South Pasadena's (City) voting delegate and Councilmember Stephen Rossi as the alternate for the League of California Cities' (League) 2020 Annual Business Meeting on Friday, October 9, 2020, to be held virtually.

## **Discussion/Analysis**

The City received a request from the League to designate a voting delegate and up to two alternates to represent the City at the League's 2020 Annual Business Meeting scheduled on October 9, 2020. According to the League's bylaws, the City is required to designate one voting delegate and up to two alternate voting delegates to the League in order for the City Official to vote during the Annual Business Meeting. The General Assembly will be held virtually on Friday, October 9 at 11:00 a.m.

To ensure that the City is represented at the League's Annual Business Meeting, City Council action is required no later September 30, 2020.

## **Legal Review**

The City Attorney has not reviewed this item.

## **Fiscal Impact**

Expenses involved in attending the Meeting are typically budgeted in the City Council Meetings and Conferences account 101-1010-1011-8090. The conference will be held virtually this year to comply with social distancing guidelines. The registration cost is \$50.

## **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: Voting Delegate/Alternate Form



**Council Action Advised by August 31, 2020**

June 30, 2020

**TO: Mayors, City Managers and City Clerks**

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES  
League of California Cities Annual Conference & Expo – October 7 – 9, 2020**

The League's 2020 Annual Conference & Expo is scheduled for October 7 – 9. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly) on Friday, October 9. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

**Please complete the attached Voting Delegate form and return it to the League's office no later than Wednesday, September 30. This will allow us time to establish voting delegate/alternate records prior to the conference.**

Please note the following procedures are intended to ensure the integrity of the voting process at the Annual Business Meeting. These procedures assume that the conference will be held in-person at the Long Beach Convention Center as planned. Should COVID-19 conditions and restrictions prohibit the League from holding an in-person conference, new procedures will be provided.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration will open by the end of July at [www.cacities.org](http://www.cacities.org). In order to cast a vote, at least one voter must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the

special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Long Beach Convention Center, will be open at the following times: Wednesday, October 7, 8:00 a.m. – 6:00 p.m.; Thursday, October 8, 7:00 a.m. – 4:00 p.m.; and Friday, October 9, 7:30 a.m.–11:30 a.m.. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League's office by Wednesday, September 30. If you have questions, please call Darla Yacub at (916) 658-8254.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



CITY: \_\_\_\_\_

**2020 ANNUAL CONFERENCE  
VOTING DELEGATE/ALTERNATE FORM**

**Please complete this form and return it to the League office by Wednesday, September 30, 2020. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.**

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

**Please note:** Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

**1. VOTING DELEGATE**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**2. VOTING DELEGATE - ALTERNATE**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**3. VOTING DELEGATE - ALTERNATE**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.**

**OR**

**ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).**

Name: \_\_\_\_\_

Email \_\_\_\_\_

Mayor or City Clerk \_\_\_\_\_  
(circle one) (signature)

Date \_\_\_\_\_ Phone \_\_\_\_\_

**Please complete and return by Wednesday, September 30, 2020**

League of California Cities  
**ATTN: Darla Yacub**  
1400 K Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814

**FAX: (916) 658-8240**  
E-mail: [dyacub@cacities.org](mailto:dyacub@cacities.org)  
(916) 658-8254



## Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



# City Council Agenda Report

ITEM NO. 15

**DATE:** September 16, 2020

**FROM:** Stephanie DeWolfe, City Manager

**PREPARED BY:** Lucy Demirjian, Assistant to the City Manager

**SUBJECT:** **Approval of the Recommended City Position for the 2020 League of California Cities Resolutions**

## **Recommendation**

It is recommended that the City Council authorize the City delegate to vote in support of the resolution being considered at the upcoming League of California Cities' (League) Annual Business Meeting being held during the League's Annual Conference (virtually).

## **Commission Review and Recommendation**

This matter was not reviewed by a commission.

## **Discussion/Analysis**

Each year, the League accepts resolutions from member cities and elected officials on issues that have a direct bearing on municipal affairs. The resolutions are reviewed by the appropriate League policy committees and their recommendations are presented to the General Assembly at the Annual Business meeting, on Friday, October 9, 2020. The voting delegates representing cities throughout the state in attendance at the Annual Business meeting make the final determination on the resolutions.

By approving the recommendation for the resolutions, the City delegate(s) will have the Council's general guidance for the vote to be taken on the resolutions and are authorized to vote on amendments in the manner they deem to be in the best interest of the City.

This year, one resolution has been introduced for consideration by the League's General Assembly. The League's resolution packet, which includes the full text of the resolution and letters of support from cities, is attached. The City Council should take a position on the resolution in order for the voting delegate to cast the City's vote at the League's annual business meeting.

## **Resolution 1**

A RESOLUTION OF THE GENERAL ASSEMBLY OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR AN AMENDMENT OF SECTION 230 OF THE COMMUNICATIONS DECENCY ACT OF 1996 TO REQUIRE SOCIAL MEDIA COMPANIES TO REMOVE MATERIALS WHICH PROMOTE CRIMINAL ACTIVITIES ALLOCATIONS FOR RULE 20A PROJECTS

Summary

This resolution states that the League of California Cities should urge Congress to amend Section 230 of the federal Communications Decency Act of 1996 (CDA) to limit the immunity provided to online platforms where their forums enable criminal activity to be promoted.

Ultimately, the policy objectives proposed under this resolution, if enacted, would incentivize social media companies to establish and implement a reasonable program to identify and remove content that solicits criminal activity.

Recommended Position

Support

**Background**

It is important that the City be represented at the League's Annual Conference Business Meeting and to vote on proposed resolutions in accordance with City Council direction. The League encourages each City Council to consider the resolutions so that the voting delegate can represent the City's position.

Support of League resolutions does not commit cities to adopt or implement any League positions in their local communities.

The City Council will designate the City's voting delegate and alternate under a separate item on the agenda for the September 16, 2020 Council meeting.

**Legal Review**

The City Attorney has reviewed this item.

**Fiscal Impact**

There is no fiscal impact associated with taking a position on the proposed resolution.

**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: League of California Cities' Annual Conference Resolutions Packet



***Annual Conference  
Resolutions Packet***

***2020 Annual Conference Resolutions***



***October 7 – 9, 2020***



## INFORMATION AND PROCEDURES

**RESOLUTIONS CONTAINED IN THIS PACKET:** The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, one resolution has been introduced for consideration at the Annual Conference and referred to League policy committees.

**POLICY COMMITTEES:** Two policy committees will meet virtually at the Annual Conference to consider and take action on the resolution referred to them. The committees are: Governance, Transparency & Labor Relations and Public Safety. These committees will meet virtually on Tuesday, September 29, with the Governance, Transparency and Labor Relations Policy Committee meeting from 9:30 – 11:30 a.m. and the Public Safety Policy Committee meeting from 1:00 – 3:00 p.m. The sponsor of the resolution has been notified of the time and location of the meeting.

**GENERAL RESOLUTIONS COMMITTEE:** This committee will meet virtually at 1:00 p.m. on Thursday, October 8, to consider the reports of the policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president.

**GENERAL ASSEMBLY:** This meeting will be held virtually at 11:00 a.m. on Friday, October 9.

**PETITIONED RESOLUTIONS:** For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, October 8.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: [mdesmond@cacities.org](mailto:mdesmond@cacities.org) or (916) 658-8224

## **GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS**

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

### **Guidelines for Annual Conference Resolutions**

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
  - (a) Focus public or media attention on an issue of major importance to cities.
  - (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.
  - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
  - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

**KEY TO ACTIONS TAKEN ON RESOLUTIONS**

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3

1 - Policy Committee Recommendation to General Resolutions Committee  
 2 - General Resolutions Committee  
 3 - General Assembly

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**GOVERNANCE, TRANSPARENCY & LABOR RELATIONS POLICY COMMITTEE**

		1	2	3
1	Amendment to Section 230 of The Communications Decency Act of 1996			

**PUBLIC SAFETY POLICY COMMITTEE**

		1	2	3
1	Amendment to Section 230 of The Communications Decency Act of 1996			

**KEY TO ACTIONS TAKEN ON RESOLUTIONS (Continued)**

Resolutions have been grouped by policy committees to which they have been assigned.

**KEY TO REVIEWING BODIES**

- 1. Policy Committee
- 2. General Resolutions Committee
- 3. General Assembly

**KEY TO ACTIONS TAKEN**

- A Approve
- D Disapprove
- N No Action
- R Refer to appropriate policy committee for study

**ACTION FOOTNOTES**

- \* Subject matter covered in another resolution
- \*\* Existing League policy
- \*\*\* Local authority presently exists

- a Amend+
- Aa Approve as amended+
- Aaa Approve with additional amendment(s)+
- Ra Refer as amended to appropriate policy committee for study+
- Raa Additional amendments and refer+
- Da Amend (for clarity or brevity) and Disapprove+
- Na Amend (for clarity or brevity) and take No Action+
- W Withdrawn by Sponsor

**Procedural Note:**

The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League’s website by clicking on this link: [Resolution Process](#).

**1. A RESOLUTION OF THE GENERAL ASSEMBLY OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR AN AMENDMENT OF SECTION 230 OF THE COMMUNICATIONS DECENCY ACT OF 1996 TO REQUIRE SOCIAL MEDIA COMPANIES TO REMOVE MATERIALS WHICH PROMOTE CRIMINAL ACTIVITIES**

Source: City of Cerritos

Concurrence of five or more cities/city officials

Cities: City of Hawaiian Gardens, City of Lakewood, City of Ontario, City of Rancho Cucamonga, City of Roseville

Referred to: Governance, Transparency and Labor Relations and Public Safety Policy Committees

**WHEREAS**, local law enforcement agencies seek to protect their communities' residents, businesses, and property owners from crime; and

**WHEREAS**, increasingly, criminals use social media platforms to post notices of places, dates and times for their followers to meet to commit crimes; and

**WHEREAS**, Section 230 of the Communications Decency Act of 1996 currently provides online platforms (including social media platforms) immunity from civil liability based on third-party content and for the removal of content; and

**WHEREAS**, in the 25 years since Section 230's enactment, online platforms no longer function simply as forums for the posting of third-party content but rather use sophisticated algorithms to promote content and to connect users; and

**WHEREAS**, the United States Department of Justice, in its June 2020 report, "Section 230 — Nurturing Innovation or Fostering Unaccountability?," concluded the expansive interpretation courts have given Section 230 has left online platforms immune from a wide array of illicit activity on their services, with little transparency or accountability, noting it "makes little sense" to immunize from civil liability an online platform that purposefully facilitates or solicits third-party content or activity that violates federal criminal law; and

**WHEREAS**, current court precedent interpreting Section 230 also precludes state and local jurisdictions from enforcing criminal laws against such online platforms that, while not actually performing unlawful activities, facilitate them; and

**WHEREAS**, amendment of Section 230 is necessary to clarify that online platforms are not immune from civil liability for promoting criminal activities; and

**NOW, THEREFORE, BE IT RESOLVED** at the League General Assembly, assembled at the League Annual Conference on October 9, 2020 in Long Beach, California, that the League calls upon the U.S. Congress to amend Section 230 of the Communications Decency Act of 1996 to condition immunity from civil liability on the following:

1. Online platforms must establish and implement a reasonable program to identify and take down content which solicits criminal activity; and
2. Online platforms must provide to law enforcement information which will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity; and
3. An online platform that willfully or negligently fails in either of these duties is not immune from enforcement of state and local laws which impose criminal or civil liability for such failure.

## **Background Information to Resolution**

**Source:** City of Cerritos

### **Background:**

Social media platforms are now used as a primary means of communication, including by criminals who use them to advertise locations, dates, and times where the criminal acts will take place. Such communications, because they occur online, render the online platform immune from any civil liability for the costs incurred by law enforcement agencies that respond under Section 230 of the Communications Decency Act of 1996. Immunity from civil liability extends even to injunctive relief, thus preventing local governments from merely seeking an injunction against the online platform to have such a post removed.

The City of Cerritos supports the rights of free speech and assembly guaranteed under the First Amendment, but believes cities should have the ability to hold social media companies liable for their role in promoting criminal acts. Recently, the City suffered thousands of dollars in damages to respond to online threats that the Cerritos Mall would be looted. Anonymous posts on Instagram.com invited followers to “work together to loot Cerritos [M]all” only several days after the Lakewood Mall had been looted, causing thousands of dollars in damages. The posts were made under the names “cerritosmalllooting” and “cantstopusall,” among others. The City of Cerritos had no choice but to initiate response to protect the Mall and the public from this credible threat.

At the same time local governments face historic shortfalls owing to the economic effects of COVID-19, the nation’s social media platforms are seeing a record rise in profits. The broad immunity provided by Section 230 is completely untenable. Online platforms should be held responsible—and liable—for the direct harm they facilitate. Local governments are in no position to bear the costs of the crimes facilitated by these companies alone.

Congress is currently reviewing antitrust legislation and by extension, Section 230’s immunity provisions. The League urges Congress to amend Section 230 to limit the immunity provided to online platforms when they promote criminal activity to provide local governments some measurable form of relief.

## **League of California Cities Staff Analysis on Resolution No. 1**

Staff: Charles Harvey, Legislative Representative  
Bijan Mehryar, Legislative Representative  
Caroline Cirrincione, Policy Analyst  
Johnnie Piña, Policy Analyst

Committees: Governance, Transparency and Labor Relations  
Public Safety

### **Summary:**

This resolution states that the League of California Cities should urge Congress to amend Section 230 of the federal Communications Decency Act of 1996 (CDA) to limit the immunity provided to online platforms where their forums enable criminal activity to be promoted.

Ultimately, the policy objectives proposed under this resolution, if enacted, would incentivize social media companies to establish and implement a reasonable program to identify and remove content that solicits criminal activity.

### **Background:**

The City of Cerritos is sponsoring this resolution in reaction to events whereby persons, using social media platforms to coordinate locations, dates, and times for their planned criminal activity, have committed acts of looting and vandalism resulting in both actual economic harm for targeted businesses, and pecuniary loss to cities who used resources to prevent such acts from occurring when such plans are discovered.

For example, just days after the Lakewood Mall had been looted, the City of Cerritos uncovered online communications via social media that persons were planning to target the nearby Cerritos Mall. Consequently, the city felt compelled to undertake measures to protect the Cerritos Mall, costing the city thousands of dollars to guard against what officials believed to be a credible threat.

### **Staff Comments:**

#### **Overview:**

While there is certainly an argument to substantiate concerns around censorship, the use of social media as a tool for organizing violence is equally disturbing.

Throughout much of the 2020 Summer, there have been many reports of looting happening across the country during what were otherwise mostly peaceful demonstrations. Combined with the speculation of who is really behind the looting and why, the mayhem has usurped the message of peaceful protestors, causing a great deal of property damage in the process. Likewise, these criminal actions have upended the livelihood of some small business owners, many of whom were already reeling in the wake of the COVID-19 pandemic.



While social media allows people to connect in real time with others all over the world, organized illegal activity using social media is made easier by the anonymous nature of virtual interactions.

#### Nation's Reaction to the Murder of George Floyd:

Shortly after the senseless killing of George Floyd by law enforcement on May 26, 2020, civil unrest began as local protests in the Minneapolis–Saint Paul metropolitan area of Minnesota before quickly spreading nationwide to more than 2,000 cities and towns across the United States, and in approximately 60 countries in support of the Black Lives Matter movement. Protests unfolded across the country throughout the entire month of June and into July, and persisted in a handful of cities such as Portland and Seattle into the month of August.

Although the majority of protests were peaceful, some demonstrations in cities escalated into riots, looting, and street skirmishes with police. While much of the nation's focus has been on addressing police misconduct, police brutality, and systemic racism, some have used demonstrators' peaceful protests on these topics as opportunities to loot and/or vandalize businesses, almost exclusively under the guise of the "Black Lives Matter" movement. It has been uncovered that these "flash robs"<sup>1</sup> were coordinated through the use of social media. The spontaneity and speed of the attacks enabled by social media make it challenging for the police to stop these criminal events as they are occurring, let alone prevent them from commencing altogether.

As these events started occurring across the country, investigators quickly began combing through Facebook, Twitter, and Instagram seeking to identify potentially violent extremists, looters, and vandals and finding ways to charge them after — and in some cases before — they sow chaos. While this technique has alarmed civil liberties advocates, who argue the strategy could negatively impact online speech, law enforcement officials claim it aligns with investigation strategies employed in the past.

#### Section 230 and other Constitutional Concerns

At its core, Section 230(c)(1) of the CDA provides immunity from liability for providers and users of an "interactive computer service" who publish information provided by third-party users. Essentially, this protects websites from lawsuits if a user posts something illegal, although there are exceptions for copyright violations, sex work-related material, and violations of federal criminal law.

Protections from Section 230 have come under more recent scrutiny on issues related to hate speech and ideological biases in relation to the influence technology companies can hold on political discussions.

Setting aside Section 230, there are some potential constitutional issues one could raise, should there be an attempt to implement such a resolution into statute.

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<sup>1</sup> The "flash robs" phenomenon—where social media is used to organize groups of teens and young adults to quickly ransack and loot various retail stores—began to occur sporadically throughout the United States over the past ten years.

In the United States, the First Amendment prohibits the government from restricting most forms of speech, which would include many proposals to force tech companies to moderate content. While “illegal” types of speech enjoy limited or no First Amendment protection, the line for delineating between “legal” and “illegal” speech is very difficult to determine. Consequently, one would expect online platforms to push back on whether there is a constitutionally feasible way for them to “identify” protected speech versus unprotected speech, or whether there is a feasible way to define “content which solicits criminal activity.” A law requiring companies to moderate content based on the political viewpoint it expresses, for example, would likely be struck down as unconstitutional.

Nonetheless, private companies can create rules to restrict speech if they so choose. Online platforms sometimes argue they have constitutionally-protected First Amendment rights in their “editorial activity,” and therefore, it violates their constitutional rights to require them to monitor (i.e., “identify and take down”) content that may be protected under the First Amendment. They may also argue, along the same lines, that the government may not condition the granting of a privilege (i.e., immunity) on doing things that amount to a violation of their first amendment rights. This is why Facebook and Twitter ban hate speech and other verifiably false information, for example, even though such speech is permitted under the First Amendment.

With respect to privacy and the Fourth Amendment, online platforms may argue that requiring them to “provide to law enforcement information that will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity,” turns them into government actors that search users’ accounts without a warrant based on probable cause, in violation of the Fourth Amendment.

### Industry Perspective

Unsurprisingly, industry stakeholders have strong opinions for what such changes could mean for their respective business models.

For instance, a Facebook spokesperson recently noted in a Fortune article that, “By exposing companies to potential liability for everything that billions of people around the world say, this would penalize companies that choose to allow controversial speech and encourage platforms to censor anything that might offend anyone.”

The article acknowledges that in recent years, both political parties have put social media companies under increased scrutiny, but they are not unified in their stated concerns. While Republicans accuse the companies of unfairly censoring their post, Democrats complain that these companies fail to do enough to block misinformation, violent content, and hate speech.

The article concludes that there is no way companies like Facebook and Twitter could operate without Section 230, and that the removal of this section would thereby “eliminate social media as we know it.”

### Recent Federal Action on Social Media

The President recently issued an *Executive Order on Preventing Online Censorship*. In it, he notes the following:

“The growth of online platforms in recent years raises important questions about applying the ideals of the First Amendment to modern communications technology. Today, many Americans follow the news, stay in touch with friends and family, and share their views on current events through social media and other online platforms. As a result, these platforms function in many ways as a 21st century equivalent of the public square.

Twitter, Facebook, Instagram, and YouTube wield immense, if not unprecedented, power to shape the interpretation of public events; to censor, delete, or disappear information; and to control what people see or do not see.”

Ultimately the President implores the U.S. Attorney General to develop a proposal for federal legislation that “would be useful to promote the policy objectives of this order.” The President is not subtle in communicating his desire to ultimately see legislation heavily slanted toward the preservation of free speech on social media, which some interpret as a maneuver to preempt Twitter and Facebook from regulating speech they otherwise deem as hateful or demonstrably false.

### Considerations for Congress

Courts have generally construed Section 230 to grant internet service providers broad immunity for hosting others’ content. Many have claimed that Section 230’s immunity provisions were critical to the development of the modern internet, and some continue to defend Section 230’s broad scope. But simultaneously, a variety of commentators and legislators have questioned whether those immunity provisions should now be narrowed, given that the internet looks much different today than it did in 1996 when Section 230 was first enacted.

One way for Congress to narrow Section 230’s liability shield would be to create additional exceptions, as it did with FOSTA and SESTA<sup>2</sup>. If a lawsuit does not fall into one of the express exceptions contained in Section 230(e)<sup>3</sup>, courts may have to engage in a highly fact-specific inquiry to determine whether Section 230 immunity applies: Section 230(c)(1) immunity will be inapplicable if the provider itself has developed or helped to develop the disputed content, while Section 230(c)(2) immunity may not apply if a service provider’s decision to restrict access to content was not made in good faith.

### Date Storage and Usage Considerations for Cities

Section 2 of the conditions the resolution applies to civil immunity requires that online platforms provide relevant information to law enforcement to assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity. This section would most likely require the development of new procedures and protocols that govern law enforcements usage and retention of such information. Those new policies and procedures would undoubtedly raise privacy concerns depending on how wide the latitude is for law

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<sup>2</sup> The Fight Online Sex Trafficking Act (FOSTA) and the Stop Enabling Sex Traffickers Act (SESTA) create an exception to Section 230 that means website publishers *would* be responsible if third parties are found to be posting ads for prostitution — including consensual sex work — on their platforms.

<sup>3</sup> Section 230(e) says that Section 230 will not apply to: (1) federal criminal laws; (2) intellectual property laws; (3) any state law that is “consistent with” Section 230; (4) the Electronic Communications Privacy Act of 1986; and (5) civil actions or state prosecutions where the underlying conduct violates federal law prohibiting sex trafficking.

enforcement to request such information. In those circumstances cities could end up themselves incurring new liability for the governance of data that could either violate certain privacy rules or increase their data governance costs.

**Fiscal Impact:**

Unlike the costly resources needed to support or oppose a ballot measure, a federal resolution from the League of California Cities that simply urges Congress to undertake certain action should have a negligible fiscal impact, if any monetary impact at all.

Regarding cities, if social media had no immunity for its failure to police content that solicits criminal activity, then an individual city could theoretically save thousands if not millions of dollars, depending on its size and other subjective circumstances. Collectively, cities across the country could potentially save at least hundreds of millions between redress for actual economic harm suffered and/or the cost of preventative measures taken to stop criminal activity from occurring in the first place.

Conversely, if social media platforms were to shut down, due to an inability to comply with a policy requirement to regulate speech on the internet, it is unclear on how cities might be impacted from a fiscal standpoint.

**Existing League Policy:**

Public Safety:

*Law Enforcement*

The League supports the promotion of public safety through:

- Stiffer penalties for violent offenders, and
- Protecting state Citizens' Option for Public Safety (COPS) and federal Community Oriented Police Services (COPS) funding and advocating for additional funding for local agencies to recoup the costs of crime and increase community safety.

*Violence*

The League supports the reduction of violence through strategies that address gang violence, domestic violence, and youth access to tools of violence, including but not limited to firearms, knives, etc.

The League supports the use of local, state, and federal collaborative prevention and intervention methods to reduce youth and gang violence.

**Governance, Transparency & Labor Relations:**

*Private Sector Liability*

The League will work closely with private sector representatives to evaluate the potential for League support of civil justice reform measures designed to improve the business climate in California. These measures should be evaluated on a case-by-case basis through the League police process.

**Questions to Consider:**

Many cities obviously believe that creating civil liability for social media platforms—due to their role in providing the communication mediums for those who organize looting attacks— is key to deterring this organized criminal activity.

If such a change was actually passed by Congress, it would force social media to essentially police every conversation on stakeholders’ respective platforms, putting immense pressure on the industry to make subjective determinations about what conversations are appropriate and what are unacceptable.

At the end of the day, there are a few questions to consider in assessing this proposed resolution:

- 1) *What would this resolution’s impact be on free speech and government censorship?*
- 2) *What are the expectations for cities when they receive information from a social media platform about a potentially credible threat in their respective communities? Does a city become liable for having information from a social media platform and the threat occurs?*
- 3) *What would the costs be to develop and maintain new data governance policies, including data infrastructure, to store this information?*
- 4) *What is the role of the League in engaging in issues relating to someone’s privacy?*

**Support:**

The following letters of concurrence were received:

City of Hawaiian Gardens  
City of Lakewood  
City of Ontario  
City of Rancho Cucamonga  
City of Roseville

# **LETTERS OF CONCURRENCE**

## **Resolution No. 1**

Amendment to Section 230 of the Communications  
Decency Act of 1996



# CITY OF HAWAIIAN GARDENS

*"Our Youth - Our Future"*

August 7, 2020

John Dunbar, President  
[jdunbar@yville.com](mailto:jdunbar@yville.com)  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social medial platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

The public safety efforts in the City of Hawaiian Gardens would certainly benefit from such legislation. This letter serves to support the City of Cerritos in their efforts to submit of the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Ernie Hernandez  
City Manager

cc Blanca Pacheco, President, LA County Division/League of California Cities - [bpacheco@downeyca.org](mailto:bpacheco@downeyca.org)  
Meg Desmond, League of California Cities - [mdesmond@cacities.org](mailto:mdesmond@cacities.org)  
Kristine Guerrero, LA County Division/League of California Cities - [kguerrero@cacities.org](mailto:kguerrero@cacities.org)  
Kathy Matsumoto, Assistant City Manager, City of Cerritos - [kmatsumoto@cerritos.us](mailto:kmatsumoto@cerritos.us)

Jeff Wood  
Vice Mayor

Steve Craft  
Council Member



Todd Rogers  
Mayor

Ariel Pe  
Council Member

Diane DuBois  
Council Member

August 5, 2020

John Dunbar, President  
[jdunbar@yville.com](mailto:jdunbar@yville.com)  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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This letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Todd Rogers  
Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - [bpacheco@downeyca.org](mailto:bpacheco@downeyca.org)  
Meg Desmond, League of California Cities - [mdesmond@cacities.org](mailto:mdesmond@cacities.org)  
Kristine Guerrero, LA County Division/League of California Cities - [kguerrero@cacities.org](mailto:kguerrero@cacities.org)  
Kathy Matsumoto, Assistant City Manager, City of Cerritos - [kmatsumoto@cerritos.us](mailto:kmatsumoto@cerritos.us)

# Lakewood





PAUL S. LEON  
MAYOR

SCOTT OCHOA  
CITY MANAGER

DEBRA DORST-PORADA  
MAYOR PRO TEM

August 6, 2020

SHEILA MAUTZ  
CITY CLERK

ALAN D. WAPNER  
JIM W. BOWMAN  
RUBEN VALENCIA  
COUNCIL MEMBERS

JAMES R. MILHISER  
TREASURER

John Dunbar, President  
[jdunbar@yville.com](mailto:jdunbar@yville.com)  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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This letter serves to support the City of Cerritos in their efforts to submit the above-mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Alan D. Wapner  
Council Member  
League of California Cities Board Member

- c: Blanca Pacheco, President, LA County Division/League of California Cities - [bpacheco@downeyca.org](mailto:bpacheco@downeyca.org)
- Meg Desmond, League of California Cities - [mdesmond@cacities.org](mailto:mdesmond@cacities.org)
- Kristine Guerrero, LA County Division/League of California Cities - [kguerrero@cacities.org](mailto:kguerrero@cacities.org)
- Kathy Matsumoto, Assistant City Manager, City of Cerritos – [kmatsumoto@cerritos.us](mailto:kmatsumoto@cerritos.us)



## CITY OF RANCHO CUCAMONGA

10500 Civic Center Drive | Rancho Cucamonga, CA 91730 | 909.477.2700 | [www.CityofRC.us](http://www.CityofRC.us)

August 6, 2020

John Dunbar, President  
[jdunbar@yville.com](mailto:jdunbar@yville.com)  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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On behalf of the City of Rancho Cucamonga, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

L. Dennis Michael  
Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - [bpacheco@downeyca.org](mailto:bpacheco@downeyca.org)  
Meg Desmond, League of California Cities - [mdesmond@cacities.org](mailto:mdesmond@cacities.org)  
Kristine Guerrero, LA County Division/League of California Cities - [kguerrero@cacities.org](mailto:kguerrero@cacities.org)  
Kathy Matsumoto, Assistant City Manager, City of Cerritos - [kmatsumoto@cerritos.us](mailto:kmatsumoto@cerritos.us)



City Council  
311 Vernon Street  
Roseville, California 95678

August 7, 2020

John Dunbar, President  
[jdunbar@yville.com](mailto:jdunbar@yville.com)  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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On behalf of the City of Roseville, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

A handwritten signature in blue ink, appearing to read "John B. Allard II", is written over a horizontal line.

John B. Allard II,  
Mayor

Cc: Blanca Pacheco, President, LA County Division/League of California Cities - [bpacheco@downeyca.org](mailto:bpacheco@downeyca.org)  
Meg Desmond, League of California Cities - [mdesmond@cacities.org](mailto:mdesmond@cacities.org)  
Kristine Guerrero, LA County Division/League of California Cities - [kguerrero@cacities.org](mailto:kguerrero@cacities.org)  
Kathy Matsumoto, Assistant City Manager, City of Cerritos - [kmatsumoto@cerritos.us](mailto:kmatsumoto@cerritos.us)  
Jason Gonsalves, Joe A. Gonsalves and Son

## **AGENDA ITEM NO. 16**

### **Request For Review By the City Council of the Cultural Heritage Commission's Decision to Approve Project No. 2238-COA – Certificate of Appropriateness**

Due to the size of Agenda Item No. 16, the staff report along with all attachments has been posted separately online.

You may access (view) Agenda Item No. 16 Staff Reports and attachments at:

<https://www.southpasadenaca.gov/government/city-council-meetings/2019-council-meetings-copy>



# City Council Agenda Report

ITEM NO. 17

**DATE:** September 16, 2020

**FROM:** Stephanie DeWolfe, City Manager

**PREPARED BY:** Paul Riddle, Fire Chief

**SUBJECT:** **Adoption of a Resolution Confirming the Fire Department's Compliance with Mandated Inspection Duties**

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## **Recommendation**

It is recommended that the City Council adopt the resolution acknowledging the receipt of the Fire Department's annual report of compliance for mandated inspection duties.

## **Commission Review and Recommendation**

This matter was reviewed by the Public Safety Commission.

## **Discussion/Analysis**

Existing law requires the Fire Department of any city, county, or district to inspect on an annual basis certain types of occupancies within their jurisdiction. These occupancies include schools, hotels, motels, lodging houses, apartment houses and accessory structures to those buildings. The purpose of these annual inspections is to ensure compliance with building standards and fire regulations.

As of January 1, 2019, Senate Bill (SB) 1205 requires the Fire Department to submit an annual report to the City Council confirming the Fire Department's compliance with its mandatory inspection duties. SB 1205 also requires that the annual report be given during the annual budget preparation or at another time set by the City Council. The City Council must acknowledge the receipt of the report by resolution.

In 2019, the Fire Department completed 1,206 inspections with 484 of the completed inspections State Mandatory Occupancies. The Fire Department was compliant in 2019 with its mandated inspection duties. The completed inspections were as follows:

- **Business Inspections, 722**
- **Apartment Inspections, 474** – *State Mandatory Occupancy*

- **Schools, Six** – *State Mandatory Occupancy*
  1. South Pasadena High School
  2. South Pasadena Middle School
  3. Marengo Elementary School
  4. Monterey Hills Elementary School
  5. Arroyo Vista Elementary School
  6. Home Pre Schools and Day Care Centers
  
- **Nursing Care Facility Homes, Four** – *State Mandatory Occupancy*
  1. South Pasadena Convalescent Hospital
  2. Prospect Manor
  3. Meridian Manor
  4. South Pasadena Care Center

The inspections were completed by suppression personnel as well as the Department's Fire Prevention Specialist. Suppression personnel typically inspect businesses and the Fire Prevention Specialist is assigned to the mandated occupancies.

### **Background**

The Fire Department is responsible for conducting annual fire inspections for the City. The purpose of the annual inspections is to ensure that business, schools, apartments, hotels, and assisted living facilities are compliant with building standards and fire regulations. As previously stated, existing law requires the Fire Department to inspect certain occupancy types in the City and as a result of SB 1205, provide a report to the City Council.

In December 2016, a deadly fire at an Oakland warehouse, known as the Ghost Ship, killed 36 people, the highest death toll for a structure fire in the United States in over 10 years. The Ghost ship was a two-story warehouse that had been leased to artist who lived and worked in the building, periodically using it for events. Zoned as a warehouse, neither residential nor assembly uses were permitted by the city. Media reports suggested that the Ghost Ship hadn't been inspected in 30 years. Had an inspection occurred, officials could have raised concerns about the safety and occupancy of the building.

SB 1205 was introduced in August, 2018 and deals with the issue of some local fire departments failing to keep up with the statutory-related annual building inspections. By requiring annual reporting of their compliance to the local city council or board of supervisors, the bill is intended to apply local pressure to comply.

### **Legal Review**

The City Attorney has reviewed this item.

### **Fiscal Impact**

There is no fiscal impact as a result of SB 1205. The Fire Department has been compliant with the annual inspections of mandated occupancies for at least the previous 10 years.

Resolution on Mandated Occupancy Inspections  
September 16, 2020  
Page 3 of 3

**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

**ATTACHMENT 1**  
Resolution Confirming the Fire Department's  
Compliance with Mandated Inspections



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,  
ACKNOWLEDGING THE RECEIPT OF FIRE DEPARTMENT'S  
ANNUAL REPORT OF COMPLIANCE WITH MANDATED  
INSPECTION DUTIES**

**WHEREAS,** The Fire Department is required to inspect on an annual basis certain types of occupancies within the City; and

**WHEREAS,** These State Mandated Occupancies include schools, hotels, motels, lodging houses, apartment houses and assessor structures to those buildings; and

**WHEREAS,** In 2019, the Fire Department completed 1,206 occupancy inspections, 484 of which were State Mandated Occupancies; and

**WHEREAS,** In completing 484 State Mandated Occupancy inspections, the Fire Department was compliant with its mandated inspection duties in the year 2019.

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

**SECTION 1.** That the City Council has received and acknowledge the Fire Department's Annual Report of Compliance with mandated occupancy inspections.

**SECTION 2.** That, in 2019, the Fire Department has met the obligation of inspecting State Mandated Occupancies in the City.

**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 16th day of September, 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 16th day of September, 2020, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

\_\_\_\_\_  
Evelyn G. Zneimer, City Clerk  
(seal)



# City Council Agenda Report

ITEM NO. 18

**DATE:** September 16, 2020

**FROM:** Stephanie DeWolfe, City Manager

**PREPARED BY:** Joanna Hankamer, Director of Planning and Community Development  
Margaret Lin, Manager of Long Range Planning and Economic Development

**SUBJECT:** **Ratify Appointments for the Regional Housing Needs Assessment Appeal Ad Hoc Committee**

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## **Recommendation**

It is recommended that the City Council:

1. Review and provide comments regarding the City's Regional Housing Needs Assessment (RHNA) allocation appeal efforts;
2. Ratify the appointment of two members of the Planning Commission and a minimum of two (and a maximum of five) residents to participate in the temporary RHNA Appeal Ad Hoc Committee (Committee) to assist Staff on matters related to the City's RHNA allocation appeal.

## **Commission Review and Recommendation**

On September 8, 2020, the Planning Commission received a presentation regarding the City's RHNA allocation and appeal process; and Chair Braun and Vice-Chair Lesak volunteered and were approved to participate on the RHNA Appeal Ad Hoc Committee. These commissioners will also assist Staff in reviewing the Committee applications due on September 11, 2020, to provide a recommendation to Council. The Commission concurred that the Committee should include a representative group of informed citizens while remaining small enough to work quickly and efficiently within the short appeal period.

## **Community Outreach**

On September 4, 2020, the RHNA Appeal Ad Hoc Committee application was released via a press release and was subsequently posted on the City's Housing Element webpage, Facebook page, E-neighbors, and City Hall Scoop.

## **Discussion/Analysis**

The Southern California Association of Governments (SCAG) RHNA allocation methodology was developed based on a formula that focused on local growth projections, proximity to job centers, and proximity to public transit. The formula includes three steps:

1. Determining each jurisdiction's projected housing need

- a. Projected household growth
- b. Future vacancy
- c. Replacement need
2. Determining each jurisdiction’s existing need
  - a. Proximity to High Quality Transit Areas (HQTAs)
  - b. Job accessibility
3. Determining total housing need
  - a. Projected housing need
  - b. Existing Housing need

A fourth step is used to distribute the total allocation into four income categories (Very Low to Above Moderate Income). SCAG used the following data as the basis for the City’s RHNA allocation:

*Housing Data:*

Future Vacancy Need	Total Housing Units	Total Households	Owner Households	Renter Households	Vacant Housing Units
9	11,143	10,248	4,661	5,587	895

*High Quality Transit Area Data: HQTA is within one-half mile from major transit stops and high quality transit corridors (service interval of 15 minutes or less).*

Total Acres	Population (2019)	Population (2045)	Population in 2045 HQTA	Population in 2045 HQTA (%)	Transit Accessibility Factor
2,185	26,245	27,240	24,094	88.4%	986

*Job Accessibility Data: jobs accessible by a 30 minute commute by car in 2045*

Population (2045)	% of Jobs Accessible in SCAG	Job Accessibility Population-Weighted	Job Accessibility Factor
27,240	15.29%	4,165	639

Based on SCAG’s formula, the RHNA allocation for the City of South Pasadena included a total of 2,062 housing units across different income levels. This resulted in an increase of over 3,000 percent between the 5<sup>th</sup> cycle and 6<sup>th</sup> cycle RHNA allocations for the City. Some nearby cities’ RHNA allocations are listed below.

City	5th Cycle (2013-2021)	6th Cycle (2021-2029)	% Increase
Alhambra	1,492	6,810	356%
Los Angeles	82,002	455,565	456%
Pasadena	1,332	9,409	606%
San Marino	2	398	19,800%
South Pasadena	63	2,062	3,173%

On February 27, 2020, the City submitted a letter to SCAG requesting SCAG to amend its RHNA methodology to reinstate local input as a factor of existing need to provide a more realistic project of future growth. In addition, the City requested that SCAG object to the regional allocation by the California Department of Housing and Community Development (HCD). On March 24, 2020, the City submitted additional letters to its State legislators to request support in its objection to the regional allocations (see attached letters).

SCAG has postponed the RHNA appeal period due to the delayed adoption of the Regional Transportation Plan. On September 4, 2020, SCAG provided the City with a letter informing the City that the 45-day appeal period will begin on September 11, 2020. Local jurisdictions can submit an appeal based on the following basis:

1. SCAG failed to determine the jurisdiction's RHNA allocation based on the Final RHNA Methodology;
2. SCAG failed to consider information submitted by the local jurisdiction relating to certain local factors and information related to affirmatively furthering fair housing; or
3. There has been a significant and unforeseen change in circumstances since April 20, 2019 that merits a revision of the information previously submitted by the local jurisdiction.

SCAG has indicated that appeals will not be granted for the following:

1. Any other criteria other than the three listed above;
2. Local jurisdiction's existing zoning ordinance and land use restrictions;
3. Local ordinance, policy, voter-approved measure or standard limiting residential development;
4. Prior underproduction of housing; or
5. Stable population numbers.

SCAG's Regional Council has established a RHNA Subcommittee to conduct an appeal hearing and provide a final determination on all appeals. If the total adjustment of the appeals is 7 percent or less, SCAG shall distribute the adjustments proportionally to all jurisdictions. If the adjustments are greater than 7 percent, SCAG will be required to develop a methodology to distribute the additional housing units.

In preparing the 2021 Housing Element Update, Staff has received numerous public comments regarding concerns with the significantly higher RHNA allocations and the impacts such development will have on the existing infrastructure and historic character of the City. The creation of a temporary Ad Hoc RHNA Appeal Committee will help work with Staff on the preparation of the RHNA appeal by establishing the City's basis for and providing research and other information supporting the appeal. The Committee will be a working group, working alongside Staff and meeting frequently to compile and compose the City's RHNA appeal for approval by the City Council within the 45-day appeal timeframe; the Committee will not be a legislative or policy-making body. The Committee can work with volunteers outside of the Committee to help with research and information gathering, for example, but the Committee

membership should remain small enough to coordinate frequent work sessions. The term of the Committee will expire once the RHNA appeal period has concluded.

The deadline, of October 15, 2021, for submitting the 2021 Housing Element Update to HCD has not changed despite SCAG's RHNA appeal delay. Consequently, Staff and PlaceWorks will continue to work on developing a compliant Housing Element while simultaneously appealing the RHNA allocations.

### **Next Steps**

1. September 11 - October 26, 2020: SCAG will provide a 45-day appeal period for the RHNA allocations
2. December 10, 2020: SCAG's RHNA Appeal Hearing
3. February 2021: SCAG's adoption of the Final RHNA
4. October 15, 2021: 2021 Housing Element Update due to HCD

### **Background**

Every eight years, HCD develops a new set of housing production goals, or RHNA. Each Metropolitan Planning Organization (MPO) is then tasked with developing a methodology to allocate the RHNA to local jurisdictions. Local jurisdictions are required to plan for their RHNA allocation. In 2019, the SCAG, as the City's local MPO, was tasked with allocating a total of 1.3 million housing units for the 6<sup>th</sup> RHNA cycle.

On September 2, 2020, the City Council made a motion requesting that the creation of a RHNA Appeal Ad Hoc Committee be brought back to the Council during their September 16, 2020 City Council Meeting. On September 4, 2020, the RHNA Appeal Ad Hoc Committee application was published on the City's Housing Element webpage with a deadline for application submittals by Friday, September 11, 2020, at 3:00 PM.

### **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*.

### **Attachments:**

1. RHNA Appeal Presentation
2. SCAG RHNA Appeal Timeline Notice
3. RHNA Letters Submitted by the City
4. RHNA Appeal Ad Hoc Committee - Applications (*will be provided as an additional document following the conclusion of the application period on September 11, 2020*)

**ATTACHMENT 1**  
**RHNA Appeal Presentation**

# Regional Housing Needs Assessment (RHNA) Appeal

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City Council  
September 16, 2020



# RHNA Allocation Methodology

Determining each jurisdiction's projected housing need

- Projected household growth
- Future vacancy
- Replacement need

Determining each jurisdiction's existing need

- Proximity to High Quality Transit Areas (HQTAs)
- Job accessibility

Determining total housing need

- Projected housing need
- Existing Housing need

# RHNA Allocations

City	5 <sup>th</sup> Cycle (2013-2021)	6 <sup>th</sup> Cycle (2021-2029)	% Increase
Alhambra	1,492	6,910	356%
Los Angeles	82,002	455,565	456%
Pasadena	1,332	9,409	606%
San Marino	2	389	19,800%
South Pasadena	63	2,062	3,173%

# RHNA Allocation



## **Comply**

- Meet the October 15, 2021  
Housing Element Update Deadline



## **Appeal**

- More feasible allocation
- Include local input

# RHNA Appeal Basis

1. SCAG failed to determine the jurisdiction's RHNA allocation based on the Final RHNA Methodology;
2. SCAG failed to consider information submitted by the local jurisdiction relating to certain local factors and information related to affirmatively furthering fair housing; or
3. There has been a significant and unforeseen change in circumstances since April 20, 2019 that merits a revision of the information previously submitted by the local jurisdiction.

# Appeals will not be granted for the following:

1. Any other criteria other than the three listed above;
2. Local jurisdiction's existing zoning ordinance and land use restrictions;
3. Local ordinance, policy, voter-approved measure or standard limiting residential development;
4. Prior underproduction of housing; or
5. Stable population numbers

# Appeal Process

45-day Appeal Period (Begins September 11, 2020)



SCAG staff will review the appeals and provide a recommendation to the SCAG RHNA Subcommittee



SCAG RHNA Subcommittee will conduct an appeal hearing to provide final determination on all appeals

If the total adjustment of the appeals is 7% or less, SCAG will adjust proportionally to all jurisdictions

If the total adjustment is greater than 7%, SCAG will be required to develop a methodology to distribute the additional housing units

# Temporary Ad Hoc RHNA Appeal Committee

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## Committee Composition

Assist staff on matters related to the City's RHNA allocation appeal

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Two Planning Commissioners

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Minimum of two residents

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Term of the committee will expire once the RHNA appeal period has concluded

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## Committee Application

Application filing period ended Friday, September 11, 2020 at 3:00PM

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<https://www.southpasadenaca.gov/government/departments/planning-and-building/2021-housing-element-update>

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# Next Steps

**September 11 – October 26, 2020:** SCAG will provide a 45-day appeal period for RHNA

**December 10, 2020:** SCAG's RNA Appeal Hearing

**February 2021:** SCAG's adoption of the Final RHNA

**October 15, 2021:** 2021 Housing Element Update due to HCD



**ATTACHMENT 2**  
**SCAG RHNA Appeal Notice**



SOUTHERN CALIFORNIA  
ASSOCIATION OF GOVERNMENTS  
900 Wilshire Blvd., Ste. 1700  
Los Angeles, CA 90017  
T: (213) 236-1800  
www.scag.ca.gov

**September 4, 2020**

Staphanie DeWolfe  
City of South Pasadena  
1414 Mission Street  
South Pasadena, CA 91030-3298

**Subject: 6<sup>th</sup> Cycle Draft Regional Housing Needs Assessment (RHNA) Allocation for City of South Pasadena and appeals timeline notice.**

REGIONAL COUNCIL OFFICERS

President  
Rex Richardson, Long Beach

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Transportation Commission

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Human Development  
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Energy & Environment  
David Pollock, Moorpark

Transportation  
Cheryl Viegas-Walker, El Centro

Dear Ms. Staphanie DeWolfe:

Pursuant to Government Code Section 65584 et seq., the Southern California Association of Governments (SCAG) is required to allocate the region’s housing need as determined by the California Department of Housing and Community Development (HCD) to all local jurisdictions in the SCAG region. For the 6<sup>th</sup> Cycle of RHNA, which covers the planning period from 2021 to 2029, HCD has determined our regional housing need to be 1,341,827 units.

After extensive public input and review by HCD, on March 5, 2020, SCAG’s Regional Council adopted the final RHNA Methodology which, in coordination with final Connect SoCal adopted on September 3, 2020, results in Draft RHNA Allocations for all local jurisdictions. **Please note that receipt of this letter containing the Draft RHNA Allocations begins the appeals timeline. The Draft RHNA allocation shall be deemed received on September 11, 2020.**

The Draft 6<sup>th</sup> Cycle RHNA Allocation for the City of South Pasadena is 2062 total units, consisting of:

- Very-low income units: 755
- Low income units: 397
- Moderate income units: 333
- Above-moderate income units: 577

**The deadline to electronically file an appeal of your 6<sup>th</sup> cycle Draft RHNA Allocation is 5:00pm on October 26, 2020 (details attached).**

The hearing on the RHNA allocation appeals is scheduled to begin on or about December 10, 2020. Following the conclusion of the appeals process, the Final RHNA Allocations are anticipated to be issued in

February 2021. Local jurisdictions' housing element updates are due to HCD by October 2021.

We appreciate your collaboration and input during this process. Additional information including underlying data can be found on SCAG's RHNA website at [www.scag.ca.gov/rhna](http://www.scag.ca.gov/rhna). If you have additional questions or concerns, please direct them to [housing@scag.ca.gov](mailto:housing@scag.ca.gov) so they can receive priority attention.

Sincerely,



Kome Ajise  
Executive Director

Attachments:

SCAG Region 6<sup>th</sup> Cycle Draft RHNA Allocations  
SCAG 6<sup>th</sup> Cycle RHNA Appeals Procedures

**SCAG 6TH CYCLE DRAFT RHNA ALLOCATION BASED ON FINAL RHNA METHODOLOGY & FINAL CONNECT SOCIAL**  
 9/3/20

**ALLOCATION BY COUNTY**

	Total	Very-low income	Low income	Moderate income	Above moderate income
Imperial	15,956	4,659	2,352	2,194	6,751
Los Angeles	813,082	217,565	123,171	131,532	340,814
Orange	183,430	46,295	29,176	32,482	75,477
Riverside	167,177	41,943	26,450	29,146	69,638
San Bernardino	137,786	35,575	21,855	24,087	56,269
Ventura	24,396	5,759	3,803	4,516	10,318
<b>TOTAL</b>	<b>1,341,827</b>	<b>351,796</b>	<b>206,807</b>	<b>223,957</b>	<b>559,267</b>

**ALLOCATION BY LOCAL JURISDICTION**

	County	Total	Very-low income	Low income	Moderate income	Above- moderate income
Adelanto city	San Bernardino	3756	394	565	650	2147
Agoura Hills city	Los Angeles	318	127	72	55	64
Alhambra city	Los Angeles	6808	1769	1033	1077	2929
Aliso Viejo city	Orange	1193	389	214	205	385
Anaheim city	Orange	17411	3757	2391	2939	8324
Apple Valley town	San Bernardino	4280	1083	599	745	1853
Arcadia city	Los Angeles	3206	1099	569	604	934
Artesia city	Los Angeles	1067	311	168	128	460
Avalon city	Los Angeles	27	8	5	3	11
Azusa city	Los Angeles	2646	759	367	382	1138
Baldwin Park city	Los Angeles	1996	574	275	262	885
Banning city	Riverside	1668	316	192	279	881

ALLOCATION BY LOCAL JURISDICTION

	County	Total	Very-low income	Low income	Moderate income	Above- moderate income
Barstow city	San Bernardino	1516	172	227	299	818
Beaumont city	Riverside	4202	1226	720	722	1534
Bell city	Los Angeles	228	43	23	29	133
Bell Gardens city	Los Angeles	501	99	29	72	301
Bellflower city	Los Angeles	3726	1012	487	552	1675
Beverly Hills city	Los Angeles	3096	1005	678	601	812
Big Bear Lake city	San Bernardino	212	50	33	37	92
Blythe city	Riverside	493	82	71	96	244
Bradbury city	Los Angeles	41	16	9	9	7
Brawley city	Imperial	1423	398	210	202	613
Brea city	Orange	2360	667	393	402	898
Buena Park city	Orange	8899	2114	1340	1570	3875
Burbank city	Los Angeles	8751	2546	1415	1406	3384
Calabasas city	Los Angeles	353	131	71	70	81
Calexico city	Imperial	4856	1276	653	612	2315
Calimesa city	Riverside	2013	494	275	378	866
Calipatria city	Imperial	151	36	21	16	78
Camarillo city	Ventura	1373	352	244	270	507
Canyon Lake city	Riverside	128	43	24	24	37
Carson city	Los Angeles	5605	1766	911	873	2055
Cathedral City city	Riverside	2542	538	352	456	1196
Cerritos city	Los Angeles	1903	678	344	331	550
Chino city	San Bernardino	6961	2107	1281	1201	2372
Chino Hills city	San Bernardino	3720	1384	819	787	730
Claremont city	Los Angeles	1707	554	309	297	547
Coachella city	Riverside	7867	1030	997	1364	4476
Colton city	San Bernardino	5420	1314	666	904	2536
Commerce city	Los Angeles	246	55	22	38	131
Compton city	Los Angeles	1001	235	121	130	515
Corona city	Riverside	6075	1748	1038	1094	2195
Costa Mesa city	Orange	11733	2912	1790	2084	4947
Covina city	Los Angeles	1905	612	267	281	745
Cudahy city	Los Angeles	392	80	36	53	223
Culver City city	Los Angeles	3333	1105	603	559	1066
Cypress city	Orange	3927	1147	656	622	1502
Dana Point city	Orange	530	147	84	101	198
Desert Hot Springs city	Riverside	3865	568	534	687	2076
Diamond Bar city	Los Angeles	2516	842	433	436	805
Downey city	Los Angeles	6510	2074	944	913	2579
Duarte city	Los Angeles	886	268	144	137	337
Eastvale City	Riverside	3022	1142	671	634	575
El Centro city	Imperial	3433	998	489	461	1485
El Monte city	Los Angeles	8481	1792	851	1230	4608
El Segundo city	Los Angeles	491	189	88	83	131
Fillmore city	Ventura	413	72	61	72	208
Fontana city	San Bernardino	17477	5096	2943	3029	6409
Fountain Valley city	Orange	4827	1304	784	832	1907

ALLOCATION BY LOCAL JURISDICTION

	County	Total	Very-low income	Low income	Moderate income	Above- moderate income
Fullerton city	Orange	13180	3190	1985	2267	5738
Garden Grove city	Orange	19122	4155	2795	3204	8968
Gardena city	Los Angeles	5721	1481	759	892	2589
Glendale city	Los Angeles	13393	3430	2158	2244	5561
Glendora city	Los Angeles	2270	733	385	387	765
Grand Terrace city	San Bernardino	628	188	92	106	242
Hawaiian Gardens city	Los Angeles	331	61	44	46	180
Hawthorne city	Los Angeles	1731	444	204	249	834
Hemet city	Riverside	6450	810	730	1171	3739
Hermosa Beach city	Los Angeles	556	231	127	105	93
Hesperia city	San Bernardino	8135	1916	1228	1406	3585
Hidden Hills city	Los Angeles	40	17	8	9	6
Highland city	San Bernardino	2508	618	408	470	1012
Holtville city	Imperial	171	41	33	26	71
Huntington Beach city	Orange	13337	3652	2179	2303	5203
Huntington Park city	Los Angeles	1601	263	196	242	900
Imperial city	Imperial	1597	702	345	294	256
Indian Wells city	Riverside	382	117	81	91	93
Indio city	Riverside	7793	1788	1167	1312	3526
Industry city	Los Angeles	17	6	4	2	5
Inglewood city	Los Angeles	7422	1808	953	1110	3551
Irvine city	Orange	23554	6379	4225	4299	8651
Irwindale city	Los Angeles	118	36	11	16	55
Jurupa Valley City	Riverside	4485	1204	747	729	1805
La Cañada Flintridge city	Los Angeles	610	251	135	139	85
La Habra city	Orange	803	192	116	130	365
La Habra Heights city	Los Angeles	172	78	35	31	28
La Mirada city	Los Angeles	1957	633	341	319	664
La Palma city	Orange	800	223	140	137	300
La Puente city	Los Angeles	1924	542	275	274	833
La Quinta city	Riverside	1526	419	268	296	543
La Verne city	Los Angeles	1343	413	238	223	469
Laguna Beach city	Orange	393	117	80	79	117
Laguna Hills city	Orange	1980	566	353	353	708
Laguna Niguel city	Orange	1204	347	201	223	433
Laguna Woods city	Orange	993	126	135	191	541
Lake Elsinore city	Riverside	6666	1874	1097	1131	2564
Lake Forest city	Orange	3228	954	541	558	1175
Lakewood city	Los Angeles	3914	1293	636	652	1333
Lancaster city	Los Angeles	9002	2218	1192	1325	4267
Lawndale city	Los Angeles	2491	730	310	370	1081
Loma Linda city	San Bernardino	2048	522	311	352	863
Lomita city	Los Angeles	827	238	124	127	338
Long Beach city	Los Angeles	26440	7123	4038	4149	11130
Los Alamitos city	Orange	767	193	118	145	311
Los Angeles city	Los Angeles	455577	115680	68593	74936	196368
Lynwood city	Los Angeles	1555	376	139	235	805

ALLOCATION BY LOCAL JURISDICTION

	County	Total	Very-low income	Low income	Moderate income	Above- moderate income
Malibu city	Los Angeles	78	27	19	17	15
Manhattan Beach city	Los Angeles	773	322	164	155	132
Maywood city	Los Angeles	363	54	47	55	207
Menifee city	Riverside	6594	1756	1049	1104	2685
Mission Viejo city	Orange	2211	672	400	396	743
Monrovia city	Los Angeles	1665	518	261	253	633
Montclair city	San Bernardino	2586	696	382	398	1110
Montebello city	Los Angeles	5174	1311	705	775	2383
Monterey Park city	Los Angeles	5245	1321	820	846	2258
Moorpark city	Ventura	1288	377	233	245	433
Moreno Valley city	Riverside	13596	3769	2047	2161	5619
Murrieta city	Riverside	3034	1006	581	543	904
Needles city	San Bernardino	87	10	11	16	50
Newport Beach city	Orange	4834	1453	928	1048	1405
Norco city	Riverside	454	145	85	82	142
Norwalk city	Los Angeles	5022	1542	757	657	2066
Ojai city	Ventura	53	13	9	10	21
Ontario city	San Bernardino	20805	5625	3279	3322	8579
Orange city	Orange	3927	1064	603	676	1584
Oxnard city	Ventura	8528	1835	1068	1535	4090
Palm Desert city	Riverside	2783	673	459	460	1191
Palm Springs city	Riverside	2552	544	407	461	1140
Palmdale city	Los Angeles	6625	1773	933	1002	2917
Palos Verdes Estates city	Los Angeles	198	82	44	47	25
Paramount city	Los Angeles	362	91	43	48	180
Pasadena city	Los Angeles	9408	2740	1659	1562	3447
Perris city	Riverside	7786	2025	1124	1271	3366
Pico Rivera city	Los Angeles	3939	1149	562	572	1656
Placentia city	Orange	4365	1228	679	769	1689
Pomona city	Los Angeles	10534	2792	1336	1507	4899
Port Hueneme city	Ventura	125	26	16	18	65
Rancho Cucamonga city	San Bernardino	10501	3237	1916	2033	3315
Rancho Mirage city	Riverside	1741	429	317	327	668
Rancho Palos Verdes city	Los Angeles	638	253	139	125	121
Rancho Santa Margarita city	Orange	680	209	120	125	226
Redlands city	San Bernardino	3507	964	614	650	1279
Redondo Beach city	Los Angeles	2483	933	507	489	554
Rialto city	San Bernardino	8252	2212	1203	1368	3469
Riverside city	Riverside	18415	4849	3057	3133	7376
Rolling Hills city	Los Angeles	45	20	9	11	5
Rolling Hills Estates city	Los Angeles	191	82	42	38	29
Rosemead city	Los Angeles	4601	1151	636	685	2129
San Bernardino city	San Bernardino	8104	1411	1095	1445	4153
San Buenaventura (Ventura) city	Ventura	5300	1184	863	948	2305
San Clemente city	Orange	978	281	163	187	347
San Dimas city	Los Angeles	1245	383	219	206	437
San Fernando city	Los Angeles	1791	460	273	283	775

ALLOCATION BY LOCAL JURISDICTION

	County	Total	Very-low income	Low income	Moderate income	Above- moderate income
San Gabriel city	Los Angeles	3017	844	415	465	1293
San Jacinto city	Riverside	3385	798	464	559	1564
San Juan Capistrano city	Orange	1051	269	172	183	427
San Marino city	Los Angeles	397	149	91	91	66
Santa Ana city	Orange	3087	584	361	522	1620
Santa Clarita city	Los Angeles	10008	3389	1730	1668	3221
Santa Fe Springs city	Los Angeles	950	252	159	152	387
Santa Monica city	Los Angeles	8873	2787	1668	1698	2720
Santa Paula city	Ventura	656	102	99	121	334
Seal Beach city	Orange	1239	257	201	238	543
Sierra Madre city	Los Angeles	204	79	39	35	51
Signal Hill city	Los Angeles	516	160	78	90	188
Simi Valley city	Ventura	2786	747	492	517	1030
South El Monte city	Los Angeles	576	131	64	70	311
South Gate city	Los Angeles	8263	2131	991	1171	3970
South Pasadena city	Los Angeles	2062	755	397	333	577
Stanton city	Orange	1227	164	144	231	688
Temecula city	Riverside	4183	1355	799	777	1252
Temple City city	Los Angeles	2182	628	350	369	835
Thousand Oaks city	Ventura	2615	733	493	531	858
Torrance city	Los Angeles	4928	1617	845	851	1615
Tustin city	Orange	6765	1720	1043	1129	2873
Twentynine Palms city	San Bernardino	1044	230	127	184	503
Unincorporated Imperial Co.	Imperial	4292	1200	595	579	1918
Unincorporated Los Angeles Co.	Los Angeles	89842	25582	13661	14151	36448
Unincorporated Orange Co.	Orange	10381	3131	1862	2035	3353
Unincorporated Riverside Co.	Riverside	40768	10399	6648	7371	16350
Unincorporated San Bernardino Co.	San Bernardino	8813	2174	1357	1520	3762
Unincorporated Ventura Co.	Ventura	1259	318	225	249	467
Upland city	San Bernardino	5673	1580	957	1011	2125
Vernon city	Los Angeles	9	5	4	0	0
Victorville city	San Bernardino	8146	1731	1134	1500	3781
Villa Park city	Orange	296	93	60	61	82
Walnut city	Los Angeles	1292	426	225	231	410
West Covina city	Los Angeles	5334	1649	848	863	1974
West Hollywood city	Los Angeles	3924	1063	687	681	1493
Westlake Village city	Los Angeles	142	58	29	32	23
Westminster city	Orange	9737	1876	1470	1781	4610
Westmorland city	Imperial	33	8	6	4	15
Whittier city	Los Angeles	3431	1022	536	555	1318
Wildomar city	Riverside	2709	796	449	433	1031
Yorba Linda city	Orange	2411	763	450	457	741
Yucaipa city	San Bernardino	2859	706	492	509	1152
Yucca Valley town	San Bernardino	748	155	116	145	332



## 6th RHNA Cycle Appeals Procedures

Pursuant to Government Code section 65584.05, any local jurisdiction within the SCAG region may file an appeal to modify its allocated share or another jurisdiction's share of the regional housing need included as part of SCAG's Draft Regional Housing Needs Assessment (RHNA) Allocation Plan, hereinafter referred to as the "Draft RHNA Plan." The California Department of Housing and Community Development, hereinafter referred to as "HCD", may also file an appeal to one or more jurisdiction's draft RHNA allocation. No appeal shall be allowed relating to post-appeal reallocation adjustments made by SCAG, as further described in Section II, below.

### **I. APPEALS PROCESS**

#### **A. DEADLINE TO FILE**

The period to file appeals shall commence on September 11, 2020<sup>1</sup>, which shall be deemed as the date of receipt by jurisdictions and HCD of the draft RHNA Plan. In order to comply with Government Code § 65584.05(b), a jurisdiction or HCD seeking to appeal a draft allocation of the regional housing need must file an appeal by 5:00 p.m. October 26, 2020. Late appeals shall not be accepted by SCAG.

#### **B. FORM OF APPEAL**

The local jurisdiction shall state the basis and specific reasons for its appeal on the RHNA Appeal Request Form prepared by SCAG, a copy of which is attached hereto as Exhibit "A". Additional documents may be submitted by the local jurisdiction as attachments, and all such attachments should be properly labeled and numbered.

#### **C. BASES FOR APPEAL**

Local jurisdictions shall only file an appeal based upon the criteria listed below. In order to provide guidance to potential appellants, SCAG's Final RHNA Methodology for the 6<sup>th</sup> Housing Element Cycle (2021-2029) (Final RHNA Methodology) approved by SCAG's Regional Council on March 5, 2020, is attached hereto as Exhibit "B". Appeals based on "change of circumstance" can only be filed by the jurisdiction or jurisdictions where the change in circumstance occurred.

Pursuant to Government Code Section 65584.05, filed appeals must include a statement as to why the revision is necessary to further the intent of the objectives listed in Section 65584. Additionally, Government Code Section 65584.05(b) requires that all

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<sup>1</sup> The period to file appeals shall commence on the eighth day after the Regional Council adopts the Final Connect SoCal in its entirety, and all the subsequent dates in this Appeals Procedures shall be adjusted accordingly.

filed appeals must be consistent with, and not to the detriment of, the development pattern in the sustainable communities strategy, or SCAG's Connect SoCal Plan, pursuant to Government Code Section 65080(b)(2).

1. Methodology – That SCAG failed to determine the jurisdiction's share of the regional housing need in accordance with the information described in the Final RHNA Methodology established and approved by SCAG, and in a manner that furthers, and does not undermine the five objectives listed in Government Code Section 65584(d).
  
2. Local Planning Factors and Information Affirmatively Furthering Fair Housing (AFFH) – That SCAG failed to consider information submitted by the local jurisdiction relating to certain local factors outlined in Govt. Code § 65584.04(e) and information submitted by the local jurisdiction relating to affirmatively furthering fair housing pursuant to Government Code § 65584.04(b)(2) and 65584(d)(5) including the following:
  - a. Each jurisdiction's existing and projected jobs and housing relationship.
  - b. The opportunities and constraints to development of additional housing in each jurisdiction, including the following:
    - (1) lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period;
    - (2) the availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities;
    - (3) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis, including land zoned or designated for agricultural protection or

preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts conversion to non-agricultural uses.

- (4) County policies to preserve prime agricultural land, as defined pursuant to Government Code § 56064, within an unincorporated area, and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts its conversion to non-agricultural uses.
- c. The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.
- d. Agreements between a county and cities in a county to direct growth toward incorporated areas of the county or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of the jurisdiction that prohibits or restricts conversion to nonagricultural uses.
- e. The loss of units contained in assisted housing developments, as defined in Government Code § 65583(a)(9), that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.
- f. The percentage of existing households at each of the income levels listed in subdivision (e) of Section 65584 that are paying more than 30 percent and more than 50 percent of their income in rent.
- g. The rate of overcrowding.
- h. The housing needs of farmworkers.
- i. The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.
- j. The loss of units during a state of emergency that was declared by the Governor pursuant to the California

Emergency Services Act (Chapter 7(commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the analysis. For purposes of these guidelines, this applies to loss of units during a state of emergency occurring since October 2013 and have not yet been rebuilt or replaced by the time of the development of the draft RHNA methodology, or November 7, 2019.

- k. The region’s greenhouse gas emissions targets provided by the State Air Resources Board pursuant to Section 65080, to be met by SCAG’s Connect SoCal Plan.
  - l. Information based upon the issues, strategies, and actions that are included, as available in an Analysis of Impediments to Fair Housing Choice or an Assessment of Fair Housing completed by any city or county or the California Department of Housing and Community Development, and in housing elements
3. Changed Circumstances – That a significant and unforeseen change in circumstance has occurred in the jurisdiction after April 30, 2019 and merits a revision of the information previously submitted by the local jurisdiction. Appeals on this basis shall only be made by the jurisdiction or jurisdictions where the change in circumstances has occurred.

**D. LIMITS ON SCOPE OF APPEAL**

Existing law explicitly limits SCAG’s scope of review of appeals. Specifically, SCAG shall not grant any appeal based upon the following:

1. Any other criteria other than the criteria in Section I.C above.
2. A local jurisdiction's existing zoning ordinance and land use restrictions, including but not limited to, the contents of the local jurisdiction's current general plan. Pursuant to Government Code Section 65584.04(e)(2)(B), SCAG may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions.
3. Any local ordinance, policy, voter-approved measure or standard limiting residential development. Pursuant to Government Code Section 65584.04(g)(1), any ordinance, policy, voter-approved measure, or standard of a city or county that directly or indirectly limits the number of residential building permits shall not be a justification for a determination or a reduction in a city's or county's share of regional housing need.
4. Prior underproduction of housing in a jurisdiction from the previous regional housing need allocation. Pursuant to Government Code Section 65584.04(g)(2), prior underproduction of housing in a jurisdiction from the previous housing need allocation, as determined by each jurisdiction's annual production report submitted to Government Code Section 65400(a)(2)(H) cannot be used as a justification for a determination or reduction in a jurisdiction's share of the regional housing need.
5. Stable population numbers in a jurisdiction. Pursuant to Government Code Section 65584.04(g)(3), stable population growth from the previous regional housing needs cycle cannot be used as a justification for a determination or reduction in a jurisdiction's share of the regional housing need.

#### **E. COMMENTS ON APPEALS**

At the close of the appeals period as set forth in I.A., SCAG shall notify all jurisdictions within the region and HCD of all appeals and shall make all materials submitted in support of each appeal available on its website after the close of the appeals filing period. Local jurisdictions and HCD may comment on one or more appeals within the 45 days following the end of the appeals filing period. All comments must be filed by 5:00 p.m. December 10, 2020. No late comments shall be accepted by SCAG.

## **F. HEARING BODY**

SCAG's Regional Council has delegated the responsibility of considering appeals regarding draft allocations to the RHNA Subcommittee, also referred to as the RHNA Appeals Board. All provisions of the RHNA Subcommittee's charter shall apply with respect to the membership and conduct of the appeal hearings. Per the RHNA Subcommittee charter, which was adopted on February 7, 2019 by the Regional Council, ex-officio members may participate as non-voting members of the RHNA Subcommittee and by extension the RHNA Appeals Board, and are not counted for purposes of a quorum. Also per the RHNA Subcommittee charter, all decisions made by the RHNA Appeals Board are considered final and will not be reviewed by the SCAG CEHD Committee or Regional Council.

## **G. APPEAL HEARING**

SCAG shall conduct one public hearing to consider all appeals filed and comments received on the appeals no later than January 10, 2021. This public hearing may be continued (over several days if necessary) until all appeals are heard. Notice shall be provided to the appealing jurisdictions, commenting jurisdictions, and HCD at least 21 days in advance of the hearing. Per Government Code Section 65584.05(i), SCAG may extend the deadline to conduct the appeals hearing by up to thirty (30) days.

The appeal hearing may take place provided that each county is represented either by a member or alternate of the RHNA Appeals Board. Alternates are permitted to participate in the appeal hearing, provided however, that each county shall only be entitled to one vote when deciding on the appeal. Ex-officio members may participate as non-voting members of the RHNA Appeals Board and are not counted for purposes of a quorum. In alignment with the adopted RHNA Subcommittee charter, in the event the hearing involves the member's or alternate's respective jurisdiction, the member or alternate may elect not to participate in the discussion and vote by the RHNA Subcommittee regarding such appeal.

Due to the public health situation that began in late Winter 2020, RHNA appeals hearings may be conducted via teleconference per State-adopted emergency amendments to the Brown Act. SCAG staff will continue to apprise the public on any updates to meeting procedures and will include all information in the public noticing of the appeal hearings.

### **Appeal Hearing Procedures**

The hearing(s) shall be conducted to provide applicants and jurisdictions that did not file appeals but are the subject of an appeal, with the opportunity to make their case regarding a change in their draft regional housing need allocation or another

jurisdiction's allocation, with the burden on the applicants to prove their case. The appeals hearings will be organized by the specific jurisdiction subject to an appeal or appeals and will adhere to the following procedures:

**1. Initial Arguments**

Applicants who have filed an appeal for a particular jurisdiction will have an opportunity to present their request and reasons to grant the appeal. In the event of multiple appeals filed for a single jurisdiction, the subject jurisdiction will present their argument first if it has filed an appeal on its own draft RHNA allocation. Applicants may present their case either on their own, or in coordination with other applicants, but each applicant shall be allotted five (5) minutes each. If the subject jurisdiction did not file an appeal on its own draft RHNA allocation, it will be given an opportunity to present after all applicants have provided initial arguments on their filed appeals. Any presentation from the jurisdiction who did not appeal but is the subject of the appeal is limited to five (5) minutes unless it is responding to more than one appeal, in which case the jurisdiction is limited to eight (8) minutes.

**2. Staff Response**

After initial arguments are presented, SCAG staff will present their recommendation to approve or deny the appeals filed for the subject jurisdiction. The staff response is limited to five (5) minutes .

**3. Rebuttal**

Applicants and the jurisdiction who did not file an appeal but is the subject of the appeal may elect to provide a rebuttal but are limited to the arguments and evidence presented in the staff response. Each applicant and the subject jurisdiction that did not file an appeal on its own draft RHNA allocation will be allotted three (3) minutes each for a rebuttal.

**4. Extension of Time Allotment**

The Chair of the Appeals Board may elect to grant additional time for any presentation, staff response, or rebuttal in the interest of due process and equity.

**5. Appeal Board Discussion and Determination**

After arguments and rebuttals are presented, the RHNA Appeals Board may ask questions of applicants, the subject jurisdiction (if present), and SCAG staff. The Chair of the Appeals Board may request that questions

from the Appeals Board be asked prior to a discussion among Appeals Board members. Any voting Board member may make a motion regarding the appeal(s) for the subject jurisdiction. The Appeals Board is encouraged to make a single determination on the subject jurisdiction after hearing all arguments and presentations on each subject jurisdiction.

The RHNA Appeals Board need not adhere to formal evidentiary rules and procedures in conducting the hearing. An appealing jurisdiction may choose to have technical staff present its case at the hearing. At a minimum, technical staff should be available at the hearing to answer any questions of the RHNA Appeals Board.

#### **H. DETERMINATION OF APPEAL**

The RHNA Appeals Board shall issue a written final determination on all filed appeals after the conclusion of the public hearing(s). The written final determination shall consider all arguments and comments presented on revising the draft RHNA allocation of the subject jurisdiction and make a determination for each subject jurisdiction. The final determinations shall be based upon the information and methodology set forth in Government Code section 65584.04 and whether the revision is necessary to further the objectives listed in Government Code section 65584(d). The final determination shall include written findings as to how the determination is consistent with Government Code section 65584.05. The decision of the RHNA Appeals Board shall be final, and local jurisdictions shall have no further right to appeal.

In accordance with existing law, the final determination on an appeal by the RHNA Subcommittee may require the adjustment of allocation of a local jurisdiction that is not the subject of an appeal. Specific adjustments to jurisdictions not the subject of an appeal as a result of an appeal will be included as part of the Appeal Board's determination. These specific adjustments may be excluded from the cumulative total adjustments required to be reallocated as described in Section II of these Appeals Guidelines if it is included as part of the appeals determination of the subject jurisdiction.

#### **I. ALTERNATIVE DATA REQUIREMENTS**

To the extent a local jurisdiction submits admissible alternative data or evidentiary documentation to SCAG in support of its appeal, such alternative data shall meet the following requirements:



1. The alternative data shall be readily available for SCAG’s review and verification. Alternative data should not be constrained for use by proprietary conditions or other conditions rendering them difficult to obtain or process.
2. The alternative data shall be accurate, current, and reasonably free from defect.
3. The alternative data shall be relevant and germane to the local jurisdiction’s basis of appeal.
4. The alternative data shall be used to support a logical analysis relating to the local jurisdiction’s request for a change to its draft regional housing need allocation.

## **II. POST-APPEAL REALLOCATION OF REGIONAL HOUSING NEED**

In accordance with existing law (*see*, Government Code Section 65584.05(g)), after the conclusion of the appeals process, SCAG shall total the successfully appealed housing need allocations, except for adjustments made to jurisdictions not the subject of an appeal as determined by the Appeals Board in Section I.H. If the adjustments total seven percent (7%) or less of the regional housing need, SCAG shall distribute the adjustments proportionally, to all local jurisdictions. For purposes of these procedures, proportional distribution shall be based on the share of regional need after the appeals are determined and prior to the required redistribution.

If the adjustments total more than seven percent (7%) of the regional housing need, existing law requires that SCAG to develop a methodology to distribute the amount greater than seven percent to local governments. In this situation, SCAG will redistribute the amount greater than the seven percent based on the “residual” existing need calculation included in the adopted final RHNA methodology. To be consistent with the “residual” existing need calculation, successfully appealed units above the seven percent threshold will be redistributed to each county based on their proportion of total successful appeals. Fifty percent (50%) of each county’s amount above the regional seven percent will be redistributed within the county based on population within a High Quality Transit Area (HQTA) and fifty percent (50%) of the amount will be redistributed within the county based on share of regional jobs accessible. Communities designated as disadvantaged, defined in the Final RHNA Methodology as having more than fifty percent (50%) of their population in lower resource areas, will be exempt from redistribution of the amount greater than seven percent. For more information regarding the existing need distribution in the Final RHNA Methodology, please refer to Exhibit B SCAG’s adopted Final RHNA Methodology.

**III. FINAL RHNA PLAN**

After SCAG reallocates units to all local jurisdictions resulting from successful appeals, SCAG's Regional Council shall review and consider adoption of the Final RHNA Plan for SCAG's 6<sup>th</sup> cycle RHNA. This is scheduled to occur on February 4, 2021.

List of Exhibits

Exhibit A: RHNA Appeal Request Form

Exhibit B: Final RHNA Methodology

Exhibit C:

) Government Code Section 65580

) Government Code Section 65584

) Government Code Section 65584.04

) Government Code Section 65584.05

Exhibit D: RHNA Subcommittee Charter

**Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form**  
*All appeal requests and supporting documentation must be received by SCAG October 26, 2020, 5 p.m.*  
*Appeals and supporting documentation should be submitted to [housing@scaq.ca.gov](mailto:housing@scaq.ca.gov).*  
*Late submissions will not be accepted.*

Date: \_\_\_\_\_ Jurisdiction Subject to This Appeal Filing: \_\_\_\_\_  
 (to file another appeal, please use another form)

Filing Party (Jurisdiction or HCD)  
 \_\_\_\_\_

Filing Party Contact Name \_\_\_\_\_ Filing Party Email: \_\_\_\_\_

**APPEAL AUTHORIZED BY:**

Name: \_\_\_\_\_

**PLEASE SELECT BELOW:**

- Mayor
- Chief Administrative Office
- City Manager
- Chair of County Board of Supervisors
- Planning Director
- Other: \_\_\_\_\_

**BASES FOR APPEAL**

- Application of the adopted Final RHNA Methodology for the 6<sup>th</sup> Cycle RHNA (2021-2029)
- Local Planning Factors and/or Information Related to Affirmatively Furthering Fair Housing (See Government Code Section 65584.04 (b)(2) and (e))
  - Existing or projected jobs-housing balance
  - Sewer or water infrastructure constraints for additional development
  - Availability of land suitable for urban development or for conversion to residential use
  - Lands protected from urban development under existing federal or state programs
  - County policies to preserve prime agricultural land
  - Distribution of household growth assumed for purposes of comparable Regional Transportation Plans
  - County-city agreements to direct growth toward incorporated areas of County
  - Loss of units contained in assisted housing developments
  - High housing cost burdens
  - The rate of overcrowding
  - Housing needs of farmworkers
  - Housing needs generated by the presence of a university campus within a jurisdiction
  - Loss of units during a state of emergency
  - The region's greenhouse gas emissions targets
  - Affirmatively furthering fair housing
- Changed Circumstances (Per Government Code Section 65584.05(b), appeals based on change of circumstance can only be made by the jurisdiction or jurisdictions where the change in circumstance occurred)

**FOR STAFF USE ONLY:**

Date \_\_\_\_\_ Hearing Date: \_\_\_\_\_ Planner: \_\_\_\_\_

**Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form**  
*All appeal requests and supporting documentation must be received by SCAG October 26, 2020, 5 p.m.*  
*Appeals and supporting documentation should be submitted to [housing@scaq.ca.gov](mailto:housing@scaq.ca.gov).*  
*Late submissions will not be accepted.*

**Brief statement on why this revision is necessary to further the intent of the objectives listed in Government Code Section 65584 (please refer to Exhibit C of the Appeals Guidelines):**

**Please include supporting documentation for evidence as needed, and attach additional pages if you need more room.**

**Brief Description of Appeal Request and Desired Outcome:**

**Number of units requested to be reduced or added to the jurisdiction's draft RHNA allocation (circle one):**

Reduced \_\_\_\_\_ Added \_\_\_\_\_

**List of Supporting Documentation, by Title and Number of Pages**  
**(Numbers may be continued to accommodate additional supporting documentation):**

- 1.
  
- 2.
  
- 3.

**FOR STAFF USE ONLY:**

Date \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Planner: \_\_\_\_\_

## Final RHNA Methodology

### EXECUTIVE SUMMARY

*SCAG is required to develop a final RHNA methodology to distribute existing and projected housing need for the 6th cycle RHNA for each jurisdiction, which will cover the planning period October 2021 through October 2029. Following extensive feedback from stakeholders during the proposed methodology comment period and an extensive policy discussion, SCAG’s Regional Council voted to approve the Draft RHNA Methodology on November 7, 2019, as described below, and provide it to the State Department of Housing and Community Development (HCD) for their statutory review. On January 13, 2020, HCD completed its review of the draft methodology and found that it furthers the five statutory objectives of RHNA and on March 4, 2020, SCAG’s Regional Council voted to approve the Final RHNA Methodology. The overall framework for this methodology is included in the table below and further described in the rest of this document.*

Projected need	Existing need	Income categories
Household growth 2020-2030	Transit accessibility (HQTA population 2045)	150% social equity adjustment minimum
Future vacancy need	Job accessibility	0-30% additional adjustment for areas with lowest or highest resource concentration
Replacement need	Residual distribution within the county	

### HOUSING CRISIS

There is no question that there is an ongoing housing crisis throughout the State of California. A variety of measures indicate the extent of the crisis including overcrowding and cost-burdened households, but the underlying cause is due to insufficient housing supply despite continuing population growth over recent decades.

As part of the RHNA process SCAG must develop a final RHNA methodology, which will determine each jurisdiction’s draft RHNA allocation as a share of the regional determination of existing and projected housing need provided by the California Department of Housing and Community Development (HCD). There are several requirements outlined by Government Code Section 65584.04, which will be covered in different sections of this packet:

- ) Allocation methodology, per Government Code 65584.04(a)
- ) How the allocation methodology furthers the objectives State housing law, per GC 65584.04(f)

- ) How local planning factors are incorporated into the RHNA methodology, per GC 65584.04(f)
- ) Furthering the objectives of affirmatively furthering fair housing (AFFH), per GC 65584.04(d)
- ) Public engagement, per GC 65584.04(d)

Additionally, SCAG has developed a dynamic estimator tool and data appendix that contains a full set of various underlying data and assumptions to support the methodology. Due to the size of the appendix, a limited number of printed copies are available. SCAG has posted the dynamic estimator tool and full methodology appendix, on its RHNA webpage: [www.scag.ca.gov/rhna](http://www.scag.ca.gov/rhna).

Per State housing law, the RHNA methodology must distribute existing and projected housing need to all jurisdictions. The following section provides the final methodology for distributing projected and existing need to jurisdictions from the RHNA regional determination provided by the California Department of Housing and Community Development (HCD) pursuant to Government Code Section 65584.01.

#### Guiding Principles for RHNA Methodology

In addition to furthering the five objectives pursuant to Government Code 65585(d), there are several guiding principles that SCAG staff has developed to use as the basis for developing the distribution mechanism for the RHNA methodology. These principles are based on the input and guidance provided by the RHNA Subcommittee during their discussions on RHNA methodology between February 2019 and June 2019.

1. The housing crisis is a result of housing building not keeping up with growth over the last several decades. The RHNA allocation for all jurisdictions is expected to be higher than the 5<sup>th</sup> RHNA cycle.
2. Each jurisdiction must receive a fair share of their regional housing need. This includes a fair share of planning for enough housing for all income levels, and consideration of factors that indicate areas that have high and low concentration of access to opportunity.
3. It is important to emphasize the linkage to other regional planning principles to develop more efficient land use patterns, reduce greenhouse gas emissions, and improve overall quality of life.

The jurisdictional boundaries used in the recommended RHNA methodology will be based on those as of August 31, 2016. Spheres of influence in unincorporated county areas are considered within unincorporated county boundaries for purposes of RHNA.

#### Proposed RHNA Allocation Methodology

The proposed RHNA methodology, which was released for public review on August 1, contained three (3) options to distribute HCD's regional determination for existing and projected need for the

SCAG region. HCD provided SCAG a final regional determination of 1,341,827 units for the 6<sup>th</sup> cycle RHNA on October 15, 2019.<sup>1</sup>

The three options were developed based on RHNA Subcommittee feedback on various factors at their meetings between February and June 2019 and feedback from stakeholders. SCAG solicited formal public comment on the three options and any other factors, modifications, or alternative options during the public comment period, which commenced on August 1 and concluded on September 13, 2019.

Four public hearings were conducted to formally receive verbal and written comments on the proposed RHNA methodology, in addition to one public information session with a total participation of approximately 250 people. Almost 250 written comments were submitted to SCAG specifically on the proposed methodology and over 35 verbal comments were shared at four (4) public hearings held in August 2019.

#### Draft and Final RHNA Allocation Methodology

Based on comments received during the public comment period, staff recommended a combination of the three options in the proposed methodology further enhanced by factors specifically suggested by stakeholders.

On November 7, 2019, SCAG's Regional Council voted to approve the Draft RHNA Methodology. The approved draft methodology included modifications to the staff-recommended draft methodology for calculating existing housing need to more closely align the methodology with job and transit accessibility factors.

On January 13, 2020, HCD completed their statutory review and found that SCAG's Draft RHNA Methodology furthers the five statutory objectives of RHNA, which allows SCAG to finalize the RHNA methodology and issue draft RHNA allocations to each individual jurisdiction. HCD's comment letter, which can be found at [www.scag.ca.gov/rhna](http://www.scag.ca.gov/rhna), notes:

*"HCD has completed its review of the methodology and finds that the draft SCAG RHNA methodology furthers the five statutory objectives of RHNA. HCD acknowledges the complex task of developing a methodology to allocate RHNA to 197 diverse jurisdictions while furthering the five statutory objectives of RHNA. This methodology generally distributes more RHNA, particularly lower income RHNA, near jobs, transit, and resources linked to long term improvements of life outcomes. In particular, HCD applauds the use of objective factors specifically linked the statutory objectives in the existing need methodology."*

Following this finding, staff recommended the draft RHNA methodology as the final RHNA methodology. On March 5, 2020, SCAG's Regional Council approved Resolution No. 20-619-2

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<sup>1</sup> On September 5, 2019, the SCAG Regional Council voted to object to HCD the regional determination of 1,344,740, per Government Code Section 65584.01, that was provided on August 15, 2019. After review of SCAG's objection letter, HCD provided a final regional determination of 1,341,827 units on October 15, 2019.



adopting the Final RHNA Methodology for the Sixth Housing Element Cycle. Following the formal distribution of draft RHNA allocations based on the Final RHNA methodology and a separate appeals phase described in Government Code 65584.05 et seq., RHNA allocations will be finalized in approximately October 2020.

The next section describes the final RHNA methodology mechanism to distribute the 1,341,827 housing units determined by HCD to all SCAG jurisdictions.

#### Determining Existing Need and Projected Need

SCAG's final RHNA methodology starts with the total regional determination provided by HCD and separates existing need from projected need.

Projected need is considered as household growth for jurisdictions between the RHNA projection period between July 1, 2021 and October 1, 2029, in addition to a calculated future vacancy need and replacement need. For projected household growth, SCAG's Connect SoCal growth forecast for the years 2020-2030 is used as the basis for calculating projected housing unit need for the region. The anticipated growth in households over this period is multiplied by 0.825 to approximate growth during the 8.25-year RHNA projection period of July 1, 2021 to October 1, 2029.

For several jurisdictions, SCAG's growth forecast includes projected household growth on tribal land. For these jurisdictions, SCAG's estimate of household growth on tribal land from July 1, 2021 to October 1, 2029 is subtracted from the jurisdictional projected household growth (see note in the accompanying dynamic estimator tool). A vacancy adjustment of 1.5% for owner-occupied units and 5% for renter-occupied units representing healthy-market vacancy will be applied to projected household growth to determine future vacancy need. Next a replacement need is added, which is an estimate of expected replacement need over the RHNA period. **Based on these components, the regional projected need is 504,970 units.**

Existing need is considered the remainder of the regional determination after projected need is subtracted. **Based on this consideration, the regional existing need is 836,857 units.**

#### **Determining a Jurisdiction's RHNA Allocation (Existing and Projected Need)**

In determining the existing need and projected need for the region, the methodology applies a three-step process to determine a jurisdiction's RHNA allocation by income category:

1. Determine a jurisdiction's projected housing need
  - a. Assign household growth to jurisdictions based on SCAG's Connect SoCal Regional Transportation Plan/Sustainable Communities Strategy Growth Forecast between 2020 and 2030
  - b. Calculate a jurisdiction's future vacancy need by applying a healthy market vacancy rate separately to the jurisdiction's owner and renter households
  - c. Assign a replacement need to jurisdictions based on each jurisdiction's share of regional net replacement need based on information collected from the replacement need survey submitted by local jurisdictions

2. Determine a jurisdiction’s existing housing need
  - a. Assign 50 percent of regional existing need based on a jurisdiction’s share of region’s population within the high quality transit areas (HQTAs) based on future 2045 HQTAs
  - b. Assign 50 percent of regional existing need based on a jurisdiction’s share of the region’s jobs that can be accessed within a 30-minute driving commute
  - c. For extremely disadvantaged communities (hereafter “DACs,” see definition below), identify residual existing need, which is defined herein as total housing need in excess of household growth between 2020 and 2045<sup>2</sup>. DACs are jurisdictions with more than half of the population living in high segregation and poverty or low resource areas as defined by the California Tax Credit Allocation Committee (TCAC)/HCD Opportunity Index Scores further described in the document.
  - d. Reallocate residual existing need by county to non-DAC jurisdictions within the same county based on the formula in (a) and (b) above, i.e. 50% transit accessibility and 50% job accessibility.
  
3. Determine a jurisdiction’s total housing need
  - a. Add a jurisdiction’s projected housing need from (1) above to its existing housing need from (2) above to determine its total housing need.
  
4. Determine four RHNA income categories (very low, low, moderate, and above moderate)
  - a. Use a minimum 150% social equity adjustment
  - b. Add an additional percentage of social equity adjustment to jurisdictions that have a high concentration of very low or very high resource areas using the California Tax Credit Allocation Committee (TCAC)’s index scoring
    - i. Add a 10% social equity adjustment to areas that are designated as 70-80% very high or very low resource area
    - ii. Add a 20% social equity adjustment to areas that are designated as 81-90% very high or very low resource area
    - iii. Add a 30% social equity adjustment to areas that are designated as 91-100% very high or very low resource area

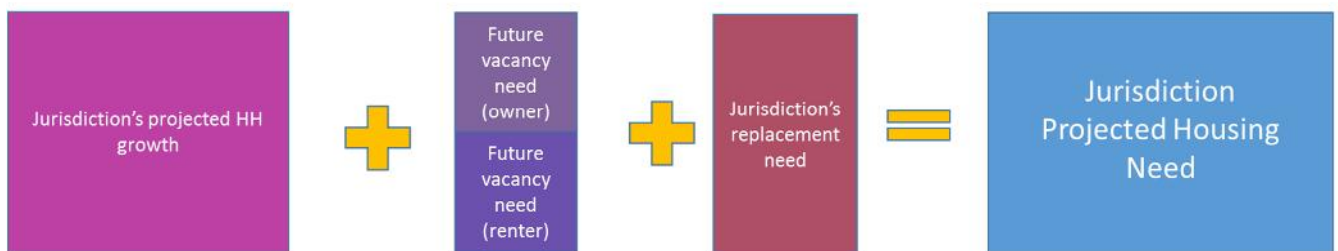
Methodology Component	Assigned units
Projected need: Household growth	466,958
Projected need: Future vacancy need	14,467
Projected need: Replacement need	23,545
Projected need subtotal	504,970

<sup>2</sup> Since HCD’s regional determination of 1,341,827 exceeds SCAG’s 2020-2045 household growth forecast of 1,297,000 by 3.46 percent, for the purposes of existing need allocation, exceeding “local input” or more accurately, Connect SoCal Growth Forecast, household growth shall mean exceeding 1.0368 times household growth.

	Percentage of Existing Need	Assigned units
Existing need: Transit accessibility	50%	418,429
Existing need: Job accessibility	50%	418,428
Existing need subtotal		836,857
<b>Total regional need</b>		<b>1,341,827</b>

### Step 1: Determine Projected Housing Need

The first step of the RHNA methodology is to determine a jurisdiction’s projected need. From the regional determination, projected need is considered to be regional household growth, regional future vacancy need, and regional replacement need.



To determine a jurisdiction’s projected need, the methodology uses a three-step process:

- a. Determine the jurisdiction’s regional projected household growth based on local input
- b. Determine future vacancy need based on a jurisdiction’s existing composition of owner and renter households and apply a vacancy rate on projected household growth based on the following:
  - a. Apply a 1.5% vacancy need for owner households
  - b. Apply a 5.0% vacancy need for renter households
- c. Determine a jurisdiction’s net replacement need based on replacement need survey results

### Step 1a: Projected Household Growth

SCAG’s Connect SoCal regional growth forecast reflects recent and past trends, key demographic and economic assumptions, and local, regional, state, and national policy. SCAG’s regional growth forecasting process also emphasizes the participation of local jurisdictions and other stakeholders. The growth forecast process kicked off on May 30, 2017 with a panel of experts meeting wherein fifteen academic scholars and leading practitioners in demographics and economics were invited to review key input assumptions for the growth forecast including expected job growth, labor force

participation, birth rates, immigration and household formation rates. SCAG staff then incorporated the recommendations of the panel of experts into a preliminary range of population, household, and employment growth figures for 2016, 2020, 2030, 2035, and 2045 for the region and six counties individually.

SCAG further projects jurisdiction-level and sub-jurisdiction-level employment, population, and households using several major data sources, including:

- California Department of Finance (DOF) population and household estimates;
- California Employment Development Department (EDD) jobs report by industry;
- 2015 existing land use and General Plans from local jurisdictions;
- 2010 Census and the latest ACS data (2013-2017 5-year samples);
- County assessor parcel databases;
- 2011 and 2015 Business Installment data from InfoGroup; and
- SCAG's 2016 RTP/SCS growth forecast.

On October 31, 2017, the preliminary small area (i.e. jurisdiction and sub-jurisdiction) growth forecasts were released to local jurisdictions for their comments and input. This kicked off SCAG's *Bottom-Up Local Input and Envisioning Process* which provided each local jurisdiction with their preliminary growth forecast information as well as several other data elements both produced by SCAG and other agencies which are related to the development of Connect SoCal. Data map books were generated and provided electronically and in hard copy format and included detailed parcel-level land use data, information on resource areas, farmland, transportation, geographical boundaries and the draft growth forecast. Complete information on the Data map books and the Bottom-Up Local Input and Envisioning Process can be found at <http://scagrtpscs.net/Pages/DataMapBooks.aspx>. Over the next eight months, SCAG staff conducted one-on-one meetings with all 197 local jurisdictions to explain methods and assumptions behind the jurisdiction and sub-jurisdiction growth forecast as well as to provide an opportunity to review, edit, and approve SCAG's preliminary forecast for population, employment, and households for 2016, 2020, 2030, 2035, and 2045.

Between October 2018 and February 2019, SCAG reviewed local input on the growth forecast and other data map book elements. The local input growth forecast was evaluated at the county and regional level for the base year of 2016 and the horizon year of 2045 and was found to be technically sound. Specifically, as it relates to SCAG's local input household forecast:

- The forecast generates a 2045 regional unemployment rate of 4.7 percent which is reasonable based on past trends and ensured that the forecast is balanced, i.e. there are not too many jobs for the number of anticipated workers
- The forecast generates a 2045 population-to-household ratio of 2.9 which is consistent with the preliminary forecast and reflects expert-anticipated decreases in this ratio, ensuring that there are not too many people for the anticipated number of households region-wide
- From 2020-2045, the forecast anticipates household growth of 21 percent and population growth of 15 percent, indicating an alleviation of the region's current housing shortage over this future period.

SCAG's growth forecast for the years 2020-2030 is used as the basis for calculating projected housing unit need. Because the 6th cycle RHNA projection period covers July 1, 2021 through October 15, 2029, it is necessary to adjust reported household growth between 2020 and 2030 and adjust it to an 8.25 year projection period. The anticipated growth in households over this period is multiplied by 0.825 to approximate growth during the 8.25-year RHNA projection period (July 1, 2021 to October 15, 2029).

### **Step 1b: Future Vacancy Need**

The purpose of a future vacancy need is to ensure that there are enough vacant units to support a healthy housing market that can genuinely accommodate projected household growth. An undersupply of vacant units can prevent new households from forming or moving into a jurisdiction. Formulaically, future vacancy need is a percentage applied to the jurisdiction's household growth by tenure type (owner and renter households). While individual jurisdictions may experience different vacancy rates at different points in time, future vacancy need is independent of existing conditions and instead is a minimum need to support household growth.

To calculate a jurisdiction's future vacancy need, its proportion of owner-occupied units and renter-occupied units are determined using American Community Survey (ACS) 2013-2017 data—the most recent available at the time of the draft methodology's development. The percentages are applied to the jurisdiction's projected household growth from the previous step, which results in the number of projected households that are predicted to be owners and those that are predicted to be renters.

Next, two different vacancy rates are applied based on the regional determination provided by HCD. The recommended methodology uses 1.5 percent for owner-occupied units and a rate of 5 percent for renter-occupied units. The difference is due to the higher rates of turnover generally reported by renter units in comparison to owner-occupied units. The vacancy rates are applied to their respective tenure category to determine how many future vacant units are needed by tenure and then added together to get the total future vacancy need.

### **Step 1c: Replacement Need**

Residential units are demolished for a variety of reasons including natural disasters, fire, or desire to construct entirely new residences. Each time a unit is demolished, a household is displaced and disrupts the jurisdiction's pattern of projected household growth. The household may choose to live in a vacant unit or leave the jurisdiction, of which both scenarios result in negative household growth through the loss of a vacant unit for a new household or subtracting from the jurisdictions number of households.

For these reasons, replacement need is a required component of the regional determination provided by HCD. The methodology's replacement need will be calculated using a jurisdiction's net replacement need based on data submitted for the replacement need survey, which was conducted between March and April 2019.

Each jurisdiction's data on historical demolitions between reporting years 2008 and 2018, which was collected from the California Department of Finance (DOF), was tabulated and provided to

jurisdictions in the replacement need survey. Jurisdictions were asked to provide data on units that replaced the reported demolished units. A net replacement need was determined based on this information for each jurisdiction.

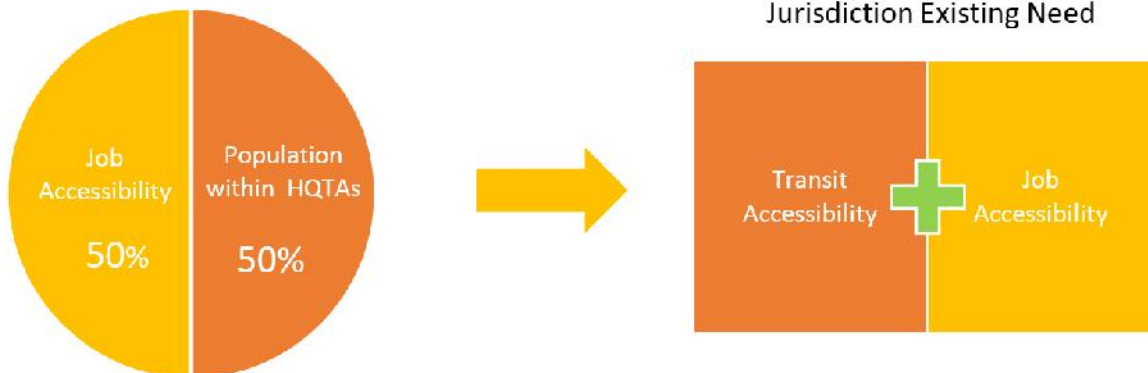
After determining each of the projected housing need components, they are combined to determine a jurisdiction’s projected housing need.

### Step 2: Determine Existing Housing Need

After determining a jurisdiction’s projected need, the next step is to determine a jurisdiction’s existing need. Following the above discussion and based on HCD’s determination of total regional housing need, existing need is defined as the total need minus the projected need—approximately 62 percent of the entire regional determination. SCAG’s Regional Council determined that the regional existing need be split into two parts:

- ) Fifty (50) percent on population near transit (HQTAs), or 31 percent of total need
- ) Fifty (50) percent on job accessibility, or 31 percent of total need

Regional Existing Need



### Step 2a: Share of Regional HQTAs Population

The next step involves the consideration of proximity to transit to distribute fifty (50) percent of the region’s existing housing need, in an effort to better align transportation and housing planning.

For several years, SCAG has developed a measure called High Quality Transit Areas (HQTAs) which are areas within a half-mile of transit stations and corridors with at least a fifteen (15) minute headway during peak hours for bus service. HQTAs are based on state statutory definitions of high-quality transit corridors (HQTcs) and major transit stops. For the development of Connect SoCal, freeway-running HQTcs have been excluded from HQTAs to better reflect the level of service they provide to nearby areas.

Planned HQTcs and major transit stops for future years are improvements that are expected to be implemented by transit agencies by the Connect SoCal horizon year of 2045. SCAG updates its inventory with the quadrennial adoption of each RTP/SCS; however, planning and environmental

impact studies may be completed by transit agencies more frequently. Therefore, HQTAs in future years reflect the best information currently available to SCAG regarding the location of future high-quality transit service accessibility. More detailed information on HQTAs-related definitions is available in the data appendix.

50 percent of the regional existing housing need will be distributed based on a jurisdiction's share of regional residential population within an HQTAs, based on the HQTAs boundaries used in the final Connect SoCal Plan anticipated to be adopted by SCAG in April 2020. Not all jurisdictions have an HQTAs within their jurisdictional boundaries and thus may not receive existing need based on this factor.

### Step 2b: Job Accessibility

The concept behind job accessibility is to further the statewide housing objective and SCAG's Connect SoCal objective of improving the relationship between jobs and housing. While none of the three options presented in the proposed RHNA methodology included a factor directly based on job accessibility, an overwhelming number of public comments expressed support for the methodology to include this specific component.

The methodology assigns fifty (50) percent of regional existing need based on job accessibility. Job accessibility is based on the share of the region's jobs accessible by a thirty (30) minute commute by car in 2045. Importantly, the RHNA methodology's job access factor is *not* based on the number of jobs within a jurisdiction from SCAG's Connect SoCal Plan or any other data source. Rather, it is a measure based on of how many jobs can be *accessed* from that jurisdiction within a 30-minute commute, which includes jobs in other jurisdictions. Since over 80 percent of SCAG region workers live and work in different jurisdictions, genuinely improving the relationship between jobs and housing necessitates an approach based on job access rather than the number of jobs in a jurisdiction.

These job accessibility data are derived at the transportation analysis zone (TAZ) level from travel demand modelling output from SCAG's final Connect SoCal Plan. SCAG realizes that in many jurisdictions, especially larger ones, job access many not be uniform in all parts of the city or county. However, since the RHNA process requires allocating housing need at the jurisdictional-level, staff reviewed several ways to measure the typical commuter's experience in each jurisdiction. Ultimately, the share of the region's jobs that could be accessed by a jurisdiction's *median TAZ* was found to be the best available measure of job accessibility for that jurisdiction. Based on this measure, in central parts of the region, residents of some jurisdictions can access as much as 23 percent of the region's jobs in a 30 minute car commute, while the average across all the region's jurisdictions was 10.5 percent.

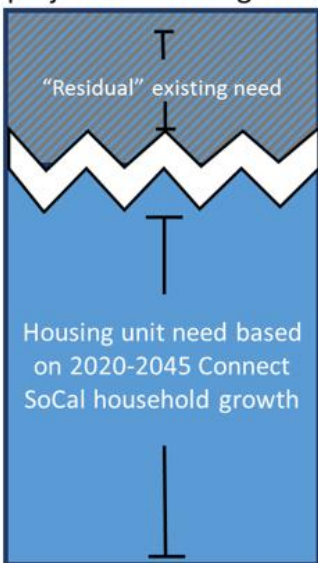
This measure is multiplied by a jurisdiction's share of total population in order to allocate housing unit need to jurisdictions. This important step ensures that the potential beneficiaries of greater accessibility (i.e., the population in a jurisdiction with good job access) are captured in the methodology. Based on this approach, jurisdictions with limited accessibility to jobs will receive a smaller RHNA allocation based on this component.

### Step 2c: "Residual" Adjustment Factor for Existing Need

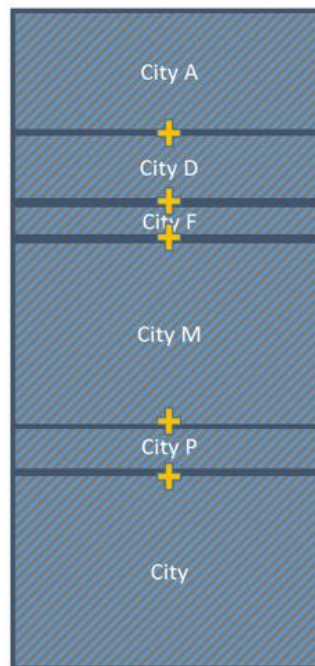
In many jurisdictions defined as “disadvantaged communities (DACs)”, the calculated projected and existing need is higher than its household growth between 2020 and 2045, as determined by the SCAG Growth Forecast used in the final Connect SoCal regional plan. Those DAC jurisdictions that have a need as determined by the RHNA methodology as higher than its 2020 to 2045 household growth<sup>3</sup> will be considered as generating “residual” existing need. Residual need will be subtracted from jurisdictional need in these cases so that the maximum a DAC jurisdiction will receive for existing need is equivalent to its 2020 to 2045 household growth. Not all DAC jurisdictions will have a residual existing need.

**Extremely Disadvantaged Communities:**

City A calculated projected +existing need



**County “residual” existing need**



A county total of residual existing need will be calculated and then redistributed with the same county to non-DAC jurisdictions. The redistribution will be assigned to jurisdictions based on transit accessibility (50%) and job accessibility (50%), and will exclude DAC jurisdictions which have over 50% of their populations in very low resource areas using California Tax Credit Allocation Committee (TCAC)/HCD Opportunity Indices.

Very low resource areas are areas that have least access to opportunity as measured by indicators such as poverty levels, low wage job proximity, math and reading proficiency, and pollution levels. This mechanism will help to further AFFH objectives since residual existing RHNA need, which includes additional affordable units, will be assigned to areas that are not identified as those with the

<sup>3</sup> Since HCD’s regional determination of 1,341,827 exceeds SCAG’s 2020-2045 household growth forecast of 1,297,000 by 3.68 percent, for the purposes of existing need allocation, exceeding “local input” or “Connect SoCal” household growth shall mean exceeding 1.0368 times household growth.

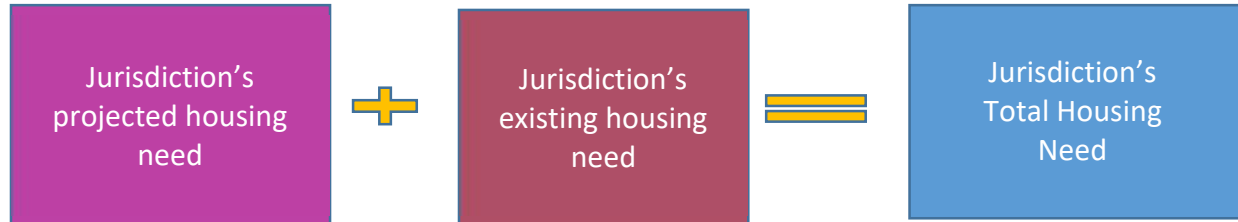


lowest resources, which will increase access to opportunity. A full discussion on the TCAC opportunity indicators is provided in the following section on social equity adjustment. Data relating to the TCAC opportunity indicator categories for each jurisdiction can be found in the RHNA methodology data appendix and in the accompanying RHNA allocation estimator tool on the RHNA webpage: [www.scag.ca.gov/rhna](http://www.scag.ca.gov/rhna).

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### Step 3: Determining Total Housing Need

After determining a jurisdiction's projected housing need from step 1 and its existing housing need from step 2, the sum of the projected and existing need becomes a jurisdiction's total housing need.



### Step 4: Determining Four Income Categories through Social Equity Adjustment

After determining a jurisdiction's total RHNA allocation, the next step is to assign the total into four RHNA income categories. The four RHNA income categories are:

- ) Very low (50 percent or less of the county median income);
- ) Low (50-80 percent);
- ) Moderate (80 to 120 percent); and
- ) Above moderate (120 percent and above)

The fourth RHNA objective specifically requires that the RHNA methodology allocate a lower proportion of housing need in jurisdictions that already have a disproportionately high concentration of those households in comparison to the county distribution. Additionally, the fifth objective, affirmatively furthering fair housing (AFFH), requires that the RHNA methodology further the objectives of addressing significant disparities in housing needs and access to opportunity in order to overcome patterns of segregation.

To further these two objectives, the RHNA methodology includes a minimum 150 percent social equity adjustment and an additional 10 to 30 percent added in areas with significant populations that are defined as very low or very high resource areas, referred to as an AFFH adjustment. This determines the distribution of four income categories for each jurisdiction.

#### Social equity adjustment



A social equity adjustment ensures that jurisdictions accommodate their fair share of each income category. First, the percentage of each jurisdiction’s distribution of four income categories is determined using the county median income as a benchmark. For example, in Los Angeles County, a household earning less than \$30,552 annually, or 50 percent of the county median income, would be considered a very low income household. A household in Los Angeles County earning more than \$73,218 annually, or 120 percent of the county median income, would be counted in the above moderate category. The number of households in each category is summed and then a percentage of each category is then calculated.

For reference, below is the median household income by county.

- ) Imperial County: \$44,779
- ) Los Angeles County: \$61,015
- ) Orange County: \$81,851
- ) Riverside County: \$60,807
- ) San Bernardino County: \$57,156
- ) Ventura County: \$81,972
- ) SCAG region: \$64,114

Source: American Community Survey (ACS) 2013-2017 5-year estimates

Once a jurisdiction’s household income distribution by category is determined, the percentage is compared to the county’s percentage of existing household income distribution. For example, if a jurisdiction has an existing distribution of 30 percent of very low income households while the county is 25 percent, the jurisdiction is considered as having an overconcentration of very low income households compared to the county. A social equity adjustment ensures that the jurisdiction will be assigned a smaller percentage of very low income households for its RHNA allocation than both what it and the county currently experience.

If the jurisdiction is assigned a social equity adjustment of 150 percent, the formula to calculate its very low income percentage is:

Household Income Level	Formula to Calculate City A Social Equity Adjustment of 150%
Very Low Income	$30\% - [(30\% - 25\%) \times 1.5] = 22.5\%$

In this example, 22.5 percent of the jurisdiction’s total RHNA allocation would be assigned to the very low income category. This adjustment is lower than both its existing household income distribution (30 percent) and the existing county distribution (25 percent).

The inverse occurs in higher income categories. Assuming 20 percent of a jurisdiction’s households are above moderate income while 25 percent of the county’s households are above moderate income, the jurisdiction will be assigned a distribution of 27.5 percent for above moderate income need.

Household Income Level	Formula to Calculate City A Social Equity Adjustment of 150%
Above moderate income	$20\% - [(20\% - 25\%) \times 1.5] = 27.5\%$

If the adjustment was 100 percent a jurisdiction’s distribution would be exactly the same as the County’s distribution. Conceptually a 150 percent adjustment means that the City meets the County distribution and goes beyond that threshold by 50 percent, resulting in a higher or lower distribution than the County depending on what existing conditions are in the City. The higher the adjustment, the more noticeable the difference between the jurisdiction’s existing household income distribution and its revised distribution.

The RHNA methodology recommends a minimum of 150 percent social equity adjustment with an additional 10, 20, or 30 percent added depending on whether the jurisdiction is considered a very low or very high resource area based on its Opportunity Index score.

In 2015 the U.S. Department of Housing and Urban Development (HUD) developed a set of “Opportunity Indices” to help states and localities identify factors that contribute to fair housing issues in their region and comply with the federal Fair Housing Act. In late 2017, a Task Force convened by HCD and the California Tax Credit Allocation Committee (TCAC) released an “Opportunity mapping” tool based on these HUD indices to identify areas in California that can “offer low-income children and adults the best chance at economic advancement, high educational attainment, and good physical and mental health.”<sup>4</sup>

The TCAC and HCD Opportunity mapping tool includes a total of eleven (11) census-tract level indices to measure exposure to opportunity in local communities. The indices are based on measures of economic, environmental, and educational opportunities within communities. Regional patterns of segregation are also identified based on this tool. Below is a summary table of the 11 indices sorted by type:

<b>Economic</b>	<b>Environment</b>	<b>Education</b>
Poverty	CalEnviroScreen 3.0 indicators	Math proficiency
Adult education	) Ozone	Reading proficiency
Employment	) PM2.5	High school graduation rates
Low-wage job proximity	) Diesel PM	Student poverty rate
Median home value	) Drinking water contaminates	
	) Pesticides	
	) Toxic releases from facilities	
	) Traffic density	
	) Cleanup sites	
	) Groundwater threats	
	) Hazardous waste	
	) Impaired water bodies	
	) Solid waste sites	

<sup>4</sup> California Fair Housing Taskforce Revised opportunity Mapping Technology, Updated November 27, 2018: <https://www.treasurer.ca.gov/ctcac/opportunity/final-opportunity-mapping-methodology.pdf>

Based on its respective access to opportunity, each census tract is given a score that designates it under one of the following categories:

- ) High segregation & poverty
- ) Low resource
- ) Moderate resource
- ) High resource
- ) Highest resource

Tract-level indices were summed to the jurisdictional-level by SCAG using area-weighted interpolation. Using 2013-2017 American Community Survey population data, SCAG determined the share of each jurisdiction’s population in each of these five categories. For example:

	Lowest Resource				Very High Resource
Opportunity Indicator Category	High segregation & poverty	Low resource	Moderate resource	High resource	Highest resource
City A Percentage of population	10%	10%	30%	30%	20%
City B Percentage of population	90%	5%	5%	0%	0%
City C Percentage of population	0%	0%	10%	15%	75%

The recommended methodology determines high resource concentration using the “very high” resource area score. The recommended methodology determines “lowest” resource areas by combining the two lowest measures. In the above table, City B would be considered to have a much higher concentration of lower resource areas than City A. City C would be considered to have a much higher concentration of highest resource areas.<sup>5</sup>

- ) High segregation & Poverty + Low Resource = Lowest Resource
- ) Highest Resource

Jurisdictions that are identified as having between 70 and 100 percent of the population within a lowest or very high resource area are assigned an additional 10 and 30 percent social equity adjustment:

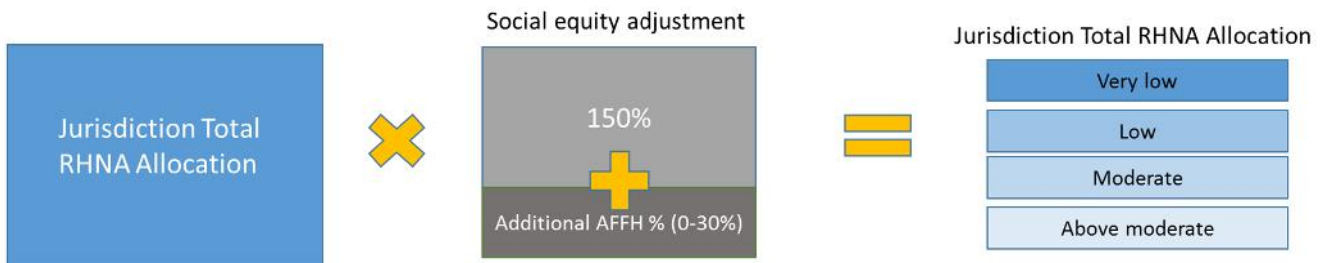
<sup>5</sup> As a cross-reference, if City B has both a high job and transit accessibility it would be exempt from the redistribution of residual existing need from the RHNA methodology’s Step 2d because more than 50 percent of its population is within a very low resource area. On the other hand City A and City C, if they have a high job and transit access, would not be exempt from receiving regional residual need because they have only 20 percent and 0 percent of their respective population within a very low resource area.

Concentration of population within very low or very high resource area	Additional social equity adjustment
70-80%	+10%
80-90%	+20%
90-100%	+30%

In the example table, City B would receive an additional social equity adjustment of 30% because 95% of its population is within a lowest resource area (sum of high segregation & poverty and low resource measures). City C would receive an additional social equity adjustment of 10% because 75% of its population is within a very high resource area. City A would not receive a further adjustment because it does not have a high enough concentration of population within either the lowest or very high resource categories.

Assigning a higher social equity adjustment based on Opportunity Indices will result in a higher percentage of affordable housing units to areas that have higher resources. Concurrently, it will assign a lower percentage of affordable housing in areas where they is already an overconcentration. Because Opportunity Indices consider factors such as access to lower wage jobs, poverty rates, and school proficiency, the social equity adjustment in the RHNA methodology will result in factors beyond simply household income distribution. This additional adjustment will help to adjust the disparity in access to fair housing across the region, furthering the AFFH objective required in State housing law.

Once the social equity adjustment is determined, it is used to assign need to the four income categories.



### Final Adjustments

On a regional level the final RHNA allocation plan must be the same as the regional determination, by income category, provided by HCD. The final RHNA methodology will result in slight differences, among income categories, since income categories are required to use county distributions as benchmarks and the HCD determination does not include county-level benchmarks. For this reason, after the initial income categories are determined for jurisdictions, SCAG will apply a normalization adjustment to the draft fsRHNA allocation to ensure that the regional total by income category is maintained.

Additionally, in the event that a jurisdiction receives an allocation of zero (0) units under the RHNA methodology a minimum RHNA allocation of eight (8) units would be assigned. Government Code Section 65584.04(m)(2) requires that the final RHNA allocation plan ensure that each jurisdiction receive an allocation of units for low- and very low income households. Under these circumstances, SCAG will assign those jurisdictions a minimum of four (4) units in the very low income category and four (4) units in the low income category for a draft RHNA allocation of eight (8) units.

## Meeting the Objectives of RHNA

Government Code Section 65584.04(a) requires that the RHNA methodology furthers the five objectives of the Regional Housing Needs Assessment:

- (1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households.
- (2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.
- (3) Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.
- (4) 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, as compared to the countywide distribution of households in that category from the most recent American Community Survey.
- (5) Affirmatively furthering fair housing.
  - (e) For purposes of this section, "affirmatively furthering fair housing" means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

On January 13, 2020, HCD completed its review of SCAG's draft RHNA methodology and found that it furthers the five statutory objectives of RHNA.



## Local Planning Factors

As part of the development of the proposed RHNA methodology, SCAG must conduct a survey of planning factors that identify local conditions and explain how each of the listed factors are incorporated into the RHNA methodology. This survey, also known as the “Local Planning Factor” survey, is a specific requirement for the RHNA methodology process and is separate from the local review process of the Growth Forecast used as the basis for determining future growth in the Connect SoCal plan.

The survey was distributed to all SCAG jurisdictions in mid-March 2019 with a posted due date of May 30, 2019. One-hundred and nine (109) jurisdictions, or approximately 55%, submitted a response to the local planning factor survey. To facilitate the conversation about local planning factors, between October 2017 and October 2018 SCAG included these factors as part of the local input survey and surveyed a binary yes/no as to whether these factors impacted jurisdictions. The formal local planning factor survey was pre-populated with the pre-survey answers to help facilitate survey response. The full packet of local planning factor surveys can be downloaded at [www.scag.ca.gov/rhna](http://www.scag.ca.gov/rhna).

SCAG staff reviewed each of the submitted surveys to analyze planning factors opportunities and constraints across the region. The collected information was used to ensure that the methodology will equitably distribute housing need and that underlying challenges as a region are collectively addressed.

- (1) *Each member jurisdiction’s existing and projected jobs and housing relationship. This shall include an estimate, based on readily available data, of the number of low-wage jobs within the jurisdiction and how many housing units within the jurisdiction are affordable to low-wage workers as well as an estimate, based on readily available data, of projected job growth and projected household growth by income level within each member jurisdiction during the planning period.*

The RHNA methodology directly considers job accessibility and determines a portion of housing need for each jurisdiction based on this factor. Using transportation analysis zones as a basis, the percentage of jobs accessible within a 30 minute drive for a jurisdiction’s population is determined and then weighted based on the jurisdiction’s population size to determine individual shares of regional jobs accessible. Based on a review of other potential mechanisms to factor in jobs into the RHNA methodology, SCAG staff has determined that this mechanism most closely aligns with the goals of State housing law.

A supplemental analysis of the impact of the draft RHNA methodology’s impact on jobs-housing relationships and low-wage jobs-housing relationships was provided to the Regional Council on February 5, 2020.

- (2) *The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following:*
- (A) *Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.*
  - (B) *The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.*
  - (C) *Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis, including land zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts conversion to non-agricultural uses.*
  - (D) *County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated area and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts its conversion to non-agricultural uses.*

Consideration of the above planning factors have been incorporated into the Growth Forecast process and results by way of analysis of aerial land use data, general plan, parcel level property data, open space, agricultural land and resource areas, and forecast surveys distributed to local jurisdictions. The bottom-up Local Input and Envisioning Process, which is used as the basis for both RHNA and SCAG's Connect SoCal (Regional Transportation Plan/Sustainable Communities Strategy) started with an extensive outreach effort involving all local jurisdictions regarding their land use and development constraints. All local jurisdictions were invited to provide SCAG their respective growth perspective and input. The RHNA methodology directly incorporates local input on projected household growth, which should be a direct reflection of local planning factors such as lack of water or sewer capacity, FEMA-designated flood sites, and open space and agricultural land protection.

Prior RHNA cycles did not promote direct linkage to transit proximity and the methodology encourages more efficient land use patterns by utilizing existing as well as future planned transportation infrastructure and preserves areas designated as open space and agricultural

lands. In particular the inclusion of transit proximity places an increased emphasis on infill opportunities and areas that are more likely to support higher residential densities.

- (3) *The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.*

As indicated above, the Growth Forecast used as the basis for the Connect SoCal Plan is also used as the basis for projected household growth in the RHNA methodology. The weighting of a jurisdiction's population share within an HQTAs directly maximizes the use of public transportation and existing transportation infrastructure.

- (4) *Agreements between a county and cities in a county to direct growth toward incorporated areas of the county, and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of the jurisdiction that prohibits or restricts conversion to nonagricultural uses.*

This planning factor has been identified through the local input process and local planning factor survey collection as affecting growth within Ventura County. The urban growth boundary, known as Save Our Agricultural Resources (SOAR), is an agreement between the County of Ventura and its incorporated cities to direct growth toward incorporated areas, and was recently extended to 2050. Based on the input collected, SCAG staff has concluded that this factor is already reflected in the RHNA methodology since it was considered and incorporated into the local input submitted by jurisdictions.

- (5) *The loss of units contained in assisted housing developments, as defined in paragraph (9) of subdivision (a) of Section 65583 that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.*

The conversion of low income units into non-low income units is not explicitly addressed through the distribution of existing and projected housing need. Staff has provided statistics in the RHNA methodology appendix on the potential loss of units in assisted housing developments. The loss of such units affects the proportion of affordable housing needed within a community and the region as a whole.

Local planning factor survey responses indicate that the impact of this factor is not regionally uniform. Many jurisdictions that replied some units are at-risk for losing their affordability status in the near future have indicated that they are currently reviewing and developing local resources to address the potential loss. Based on this, SCAG staff has determined that at-risk units are best addressed through providing data on these units as part of the RHNA methodology and giving local jurisdictions the discretion to address this factor and adequately plan for any at-risk unit loss in preparing their housing elements.

(6) *The percentage of existing households at each of the income levels listed in subdivision (e) of Section 65584 that are paying more than 30 percent and more than 50 percent of their income in rent.*

An evaluation of survey responses reveals that cost-burdened households, or those who pay at least 30 percent of their household income on housing costs, is a prevalent problem throughout the region. The RHNA methodology also includes in its appendix data from the ACS 2013-2017 on cost-burdened statistics for households who pay more than 30 percent of their income on housing by owner and renter, and for renter households who pay 50 percent or more of their income on housing. The general trend is seen in both high and low income communities, suggesting that in most of the SCAG region high housing costs are a problem for all income levels.

Nonetheless a large number of jurisdictions indicated in the survey that overpaying for housing costs disproportionately impacts lower income households in comparison to higher income households. This issue is exacerbated in areas where there is not enough affordable housing available, particularly in higher income areas. For this reason, the RHNA methodology incorporates not only a 150 percent social equity adjustment, but also uses the TCAC Opportunity Indices to distribute the RHNA allocation into the four income categories in areas identified as being the highest resource areas of the region. The Opportunity Indices include a proximity to jobs indicator, particularly for low-wage jobs, which identifies areas with a high geographical mismatch between low wage jobs and affordable housing. Increasing affordable housing supply in these areas can help alleviate cost-burden experienced by local lower income households because more affordable options will be available.

The reason for using social equity adjustment and opportunity indices to address cost-burden households rather than assigning total need is because it is impossible to determine through the methodology how and why the cost-burden is occurring in a particular jurisdiction. Cost-burden is a symptom of housing need and not its cause. A jurisdiction might permit a high number of units but still experiences cost-burden because other jurisdictions restrict residential permitting. Or, a jurisdiction might have a large number of owner-occupied housing units that command premium pricing, causing cost-burden for high income households and especially on lower income households due to high rents from high land costs. An analysis of existing need indicators by jurisdiction, which is part of the RHNA methodology data appendix, does not reveal a single strong trend to base a distribution methodology for cost-burden and thus the RHNA methodology distributes this existing need indicator regionally using social equity adjustment and Opportunity Indices rather than to where the indicators exist.

(7) *The rate of overcrowding.*

An evaluation of survey responses indicates that there is a variety of trends in overcrowding throughout the region. Overcrowding is defined as more than 1.01 persons per room (not bedroom) in a housing unit. Some jurisdictions have responded that overcrowding is a severe issue, particularly for lower income and/or renter households, while others have

responded that overcrowding is not an issue at all. At the regional determination level HCD applied an overcrowding component, which is a new requirement for the 6<sup>th</sup> RHNA cycle. Because

Similar to cost-burden, overcrowding is caused by an accumulated housing supply deficit and is considered an indicator of existing housing need. The reason for not assigning need directly based on this indicator is because it is impossible to determine through the methodology how and why the overcrowding is occurring in a particular jurisdiction. A jurisdiction that has an overcrowding rate higher than the regional average might be issuing more residential permits than the regional average while the surrounding jurisdictions might not have overcrowding issues but issue fewer permits than the regional average. An analysis of existing need indicators by jurisdiction, which is part of the RHNA methodology data appendix, does not reveal a single strong trend to base a distribution methodology for overcrowding and thus the methodology distributes this existing need indicator regionally rather than to where the indicators exist.

While not specifically surveyed, several jurisdictions have indicated that density has affected their jurisdictions and have requested that the methodology should consider this as a factor. While density is not directly addressed as a factor, the social equity adjustment indirectly addresses density particularly for lower income jurisdictions. In housing elements, jurisdictions most demonstrate that a site is affordable for lower income households by applying a “default density”, defined in State housing law as either 20 or 30 dwelling units per acre depending on geography and population. In other words, a site that is zoned at 30 dwelling units per acre is automatically considered as meeting the zoning need for a low income household.

However there is not a corresponding default density for above moderate income zoning. Assigning a lower percentage of lower income households than existing conditions indirectly reduces future density since the jurisdiction can zone at lower densities if it so chooses. While this result does not apply to higher income jurisdictions, directing growth toward less dense areas for the explicit purpose of reducing density is in direct contradiction to the objectives of state housing law, especially for promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development pattern.

(8) *The housing needs of farmworkers.*

The RHNA methodology appendix provides data on agricultural jobs by jurisdiction as well as workers by place of residence. The survey responses indicate that most jurisdictions do not have agricultural land or only have small agricultural operations that do not necessarily require designated farmworker housing. For the geographically concentrated areas that do have farmworker housing, responses indicate that many jurisdictions already permit or are working to allow farmworker housing by-right in the same manner as other agricultural uses are allowed. Jurisdictions that are affected by the housing needs of farmworkers can be assumed to have considered this local factor when submitting feedback on SCAG’s Growth

Forecast. A number of jurisdictions reiterated their approach in the local planning factor survey response.

Similar to at-risk units, the RHNA methodology does not include a distribution mechanism to distribute farmworker housing. However, SCAG has provided data in its RHNA methodology appendix related to this factor and encourages local jurisdictions to adequately plan for this need in their housing elements.

*(9) The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.*

SCAG staff has prepared a map outlining the location of four-year private and public universities in the SCAG region along with enrollment numbers from the California School Campus Database (2018). Based on an evaluation of survey responses that indicated a presence of a university within their boundaries, SCAG staff concludes that most housing needs related to university enrollment are addressed and met by dormitories provided by the institution both on- and off-campus. No jurisdiction expressed concern in the surveys about student housing needs due to the presence of a university within their jurisdiction.

However, some jurisdictions have indicated outside of the survey that off-campus student housing is an important issue within their jurisdictions and are in dialogue with HCD to determine how this type of housing can be integrated into their local housing elements. Because this circumstance applies to only a handful of jurisdictions, it is recommended that housing needs generated by a public or private university be addressed in the jurisdiction's housing element if it is applicable.

*(10) The loss of units during a state of emergency that was declared by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the analysis.*

Replacement need, defined as units that have been demolished but not yet replaced, are included as a component of projected housing need in the RHNA methodology. To determine this number, HCD reviewed historical demolition permit data between 2008 and 2017 (reporting years 2009 and 2018) as reported by the California Department of Finance (DOF), and assigned SCAG a regional replacement need of 0.5% of projected and existing need, or 34,010 units.

There have been several states of emergency declared for fires in the SCAG region that have destroyed residential units, as indicated by several jurisdictions in their local planning factor survey responses. Survey responses indicate that a total of 1,785 units have been lost regionally from fires occurring after January 1, 2018. Units lost from fires that occurred prior to January 1, 2018, have already been counted in the replacement need for the 6<sup>th</sup> RHNA cycle.

In spring 2019, SCAG conducted a replacement need survey with jurisdictions to determine units that have been replaced on the site of demolished units reported. Region wide 23,545 of the region's demolished units still needed to be replaced based on survey results. The sum of the number of units needing to be replaced based on the replacement need survey and the number of units reported as lost due to recent states of emergency, or 25,330, is lower than HCD's regional determination of replacement need of 34,010. One can reasonably conclude that units lost based on this planning factor are already included in the regional total and distributed, and thus an extra mechanism to distribute RHNA based on this factor is not necessary to meet the loss of units.

(11) *The region's greenhouse gas emissions targets provided by the State Air Resources Board pursuant to Section 65080.*

An assessment of survey responses indicate that a number of jurisdictions in the SCAG region are developing efforts for more efficient land use patterns and zoning that would result in greenhouse gas emissions. These include a mix of high-density housing types, neighborhood based mixed-use zoning, climate action plans, and other local efforts to reduce greenhouse gas emissions at the regional level.

The RHNA methodology includes a distribution of 50 percent of regional existing need based on a jurisdiction's share of regional population within an HQT. The linkage between housing planning and transportation planning will allow for a better alignment between the RHNA allocation plan and the Connect SoCal RTP/SCS. It will promote more efficient development land use patterns, encourage transit use, and importantly reduce greenhouse gas emissions. This will in turn support local efforts already underway to support the reduction of regional greenhouse gas emissions.

Moreover the RHNA methodology includes the Growth Forecast reviewed with local input as a distribution component, particularly for projected housing need. Local input is a basis for SCAG's Connect SoCal Plan, which addresses greenhouse gas emissions at the regional level since it is used to reach the State Air Resources Board regional targets. An analysis of the consistency between the RHNA and Connect SoCal Plan is included as an attachment to this document.

(12) *Any other factors adopted by the council of governments that further the objectives listed in subdivision (d) of Section 65584, provided that the council of governments specifies which of the objectives each additional factor is necessary to further. The council of governments may include additional factors unrelated to furthering the objectives listed in subdivision (d) of Section 65584 so long as the additional factors do not undermine the objectives listed in subdivision (d) of Section 65584 and are applied equally across all household income levels as described in subdivision (f) of Section 65584 and the council of governments makes a finding that the factor is necessary to address significant health and safety conditions.*

No other planning factors were adopted by SCAG to review as a specific local planning factor.

## **Affirmatively Furthering Fair Housing (AFFH)**

Among a number of changes due to recent RHNA legislation is the inclusion of affirmatively furthering fair housing (AFFH) as both an addition to the listed State housing objectives of Government Section 65588 and to the requirements of RHNA methodology as listed in Government Code Section 65584.04(b) and (c), which includes surveying jurisdictions on AFFH issues and strategies and developing a regional analysis of findings from the survey.

### AFFH Survey

The AFFH survey accompanied the required local planning factor survey and was sent to all SCAG jurisdictions in mid-March 2019 with a posted due date of May 30, 2019. Ninety (90) of SCAG's 197 jurisdictions completed the AFFH survey, though some jurisdictions indicated that they would not be submitting the AFFH survey due to various reasons. The full packet of surveys submitted prior to the development of the proposed methodology packet can be downloaded at [www.scag.ca.gov/rhna](http://www.scag.ca.gov/rhna).

Jurisdictions were asked various questions regarding fair housing issues, strategies and actions. These questions included:

- ) Describe demographic trends and patterns in your jurisdiction over the past ten years. Do any groups experience disproportionate housing needs?
- ) To what extent do the following factors impact your jurisdiction by contributing to segregated housing patterns or racially or ethnically-concentrated areas of poverty?
- ) To what extent do the following acts as determinants for fair housing and compliance issues in your jurisdiction?
- ) What are your public outreach strategies to reach disadvantaged communities?
- ) What steps has your jurisdiction undertaken to overcome historical patterns of segregation or remove barriers to equal housing opportunity?

The survey questions were based on the U.S. Department of Housing and Urban Development (HUD) Analysis of Impediments to Fair Housing Choice survey that each jurisdiction, or their designated local Housing Authority, must submit to HUD to receive Community Development Block Grant (CDBG) funds. For the AFFH survey, jurisdictions were encouraged to review their HUD-submitted surveys to obtain data and information that would be useful for submitting the AFFH survey.

Pursuant to Government Code Section 65584.04(c), the following is an analysis of the survey results.

### *Themes*

Several demographic themes emerged throughout the SCAG region based on submitted AFFH surveys. A high number of jurisdictions indicated that their senior populations are increasing and many indicated that the fixed income typically associated with senior populations might have an effect on housing affordability. Other jurisdictions have experienced an increase in minority populations, especially among Latino and Asian groups. There is also a trend of the loss of young adults (typically younger than 30) and a decrease in the number of families with children in more suburban locations due to the rise in housing costs.



### *Barriers*

There was a wide variety of barriers reported in the AFFH survey, though a number of jurisdictions indicated they did not have any reportable barriers to fair access to housing. Throughout the SCAG region, communities of all types reported that community opposition to all types of housing was an impediment to housing development. Sometimes the opposition occurred in existing low income and minority areas. Some jurisdictions indicated that high opportunity resource areas currently do not have a lot of affordable housing or Section 8 voucher units while at the same time, these areas have a fundamental misunderstanding of who affordable housing serves and what affordable housing buildings actually look like. Based on these responses, it appears that community opposition to housing, especially affordable housing and the associated stigma with affordable housing, is a prevalent barrier throughout the SCAG region.

Other barriers to access to fair housing are caused by high land and development costs since they contribute to very few affordable housing projects being proposed in higher opportunity areas. The high cost of housing also limits access to fair housing and is a significant contributing factor to disparities in access to opportunity. Increasing property values were reported across the region and some jurisdictions indicated that they are occurring in existing affordable neighborhoods and can contribute to gentrification and displacement. Additionally, during the economic downturn a large number of Black and Latino homeowners were disproportionately impacted by predatory lending practices and therefore entered foreclosure in higher numbers than other populations.

Other barriers reported in the AFFH survey include the lack of funding available to develop housing after the dissolution of redevelopment agencies in 2012. Moreover, some jurisdictions indicated that the lack of regional cooperation contributes to segregation.

### *Strategies to Overcome Barriers*

All submitted AFFH surveys indicated that their respective jurisdictions employed at least a few strategies to overcome barriers to access fair housing. These strategies ranged from local planning and zoning tools to funding assistance to innovative outreach strategies.

In regard to planning and zoning tools, a number of jurisdictions indicated they have adopted inclusionary zoning ordinances or an in-lieu fee to increase the number of affordable units within their jurisdictions. Others have adopted an accessory dwelling unit (ADU) ordinance with accommodating standards to allow for higher densities in existing single-family zone neighborhoods. A few jurisdictions indicated that they have adopted an unpermitted dwelling unit (UDU) ordinance, which legalizes unpermitted units instead of removing them provided that the units meet health and safety codes. In addition to ADU and UDU ordinances, some jurisdictions have also adopted density bonuses, which allow a project to exceed existing density standards if it meets certain affordability requirements. Some responses in the survey indicate that the establishment of some of these tools and standards have reduced community opposition to projects. In addition, some jurisdictions responded that they have reduced review times for residential permit approvals and reduced or waived fees associated with affordable housing development.

To combat gentrification and displacement, some jurisdictions have established rent-stabilization ordinances while others have established a rent registry so that the jurisdiction can monitor rents

and landlord practices. Some jurisdictions have adopted relocation plans and others are actively seeking to extend affordability covenants for those that are expiring.

In regard to funding, SCAG jurisdictions provide a wide variety of support to increase the supply of affordable housing and increase access to fair housing. A number of jurisdictions provide citywide rental assistance programs for low income households and some indicated that their programs include favorable home purchasing options. Some of these programs also encourage developers to utilize the local first-time homebuyer assistance program to specifically qualify lower income applicants.

Other jurisdictions indicate that they manage housing improvement programs to ensure that their existing affordable housing stock is well maintained. Some AFFH surveys describe local multiple rental assistance programs, including Section 8 Housing Choice vouchers and financial support of tenant/landlord arbitration or mediation services.

Some jurisdictions indicated that they have focused on mobile homes as a way to increase access to fair housing. There are programs described that assist households that live in dilapidated and unsafe mobile homes in unpermitted mobile home parks by allowing the household to trade in their mobile home in exchange for a new one in a permitted mobile park. Other programs include rental assistance specifically for households who live in mobile homes.

In regard to community outreach, a large number of jurisdictions in the SCAG region have established or are seeking to establish innovative partnerships to increase access to fair housing and reduce existing barriers. Many jurisdictions work with fair housing advocacy groups such as the Housing Rights Center, which provide community workshops, counseling, and tenant-landlord mediation services. Other jurisdictions have established landlord-tenant commissions to resolve housing disputes and provide services to individuals with limited resources. Some jurisdictions have partnered with advocacy groups, such as the League of United Latin American Citizens (LULAC), to hold community-based workshops featuring simultaneous multi-lingual translations. Other innovative partnerships created by jurisdictions include those with local schools and school districts and public health institutions to engage disadvantaged groups and provide services to areas with limited resources.

A large number of jurisdictions have also indicated that they have increased their social media presence to reach more communities. Others have also increased their multi-lingual outreach efforts to ensure that limited-English proficiency populations have the opportunity to engage in local fair housing efforts.

Based on the AFFH surveys submitted by jurisdictions, while there is a wide range of barriers to fair housing opportunities in the SCAG region there is also a wide range of strategies to help overcome these barriers at the local level.

Meeting AFFH Objectives on a Regional Basis

To work towards the objective of AFFH, several benchmarks were reviewed as potential indicators of increasing access to fair housing and removing barriers that led to historical segregation patterns.

*Opportunity Indices*

The objectives of affirmatively furthering fair housing are to not only overcome patterns of segregation, but to also increase access to opportunity for historically marginalized groups, particularly in racially and ethnically concentrated areas of poverty. In 2015 the U.S. Department of Housing and Urban Development (HUD) developed a set of indices, known as “Opportunity Indices” to help states and jurisdictions identify factors that contribute to fair housing issues in their region and comply with the federal Fair Housing Act.

In 2015 the U.S. Department of Housing and Urban Development (HUD) developed a set of indices, known as “Opportunity Indices” to help states and jurisdictions identify factors that contribute to fair housing issues in their region and comply with the federal Fair Housing Act. In late 2017, a Task Force convened by HCD and the California Tax Credit Allocation Committee (TCAC) released an “Opportunity mapping” tool based on these HUD indices to identify areas in California that can “offer low-income children and adults the best chance at economic advancement, high educational attainment, and good physical and mental health.”

The TCAC and HCD Opportunity mapping tool includes a total of eleven (11) census-tract level indices to measure exposure to opportunity in local communities. Regional patterns of segregation can be identified based on this tool. The indices are based on indicators such as poverty levels, low wage job proximity, pollution, math and reading proficiency. Below is a summary table of the 11 indices sorted by type:

<b>Economic</b>	<b>Environment</b>	<b>Education</b>
Poverty	CalEnviroScreen 3.0 indicators	Math proficiency
Adult education	) Ozone	Reading proficiency
Employment	) PM2.5	High school graduation rates
Low-wage job proximity	) Diesel PM	Student poverty rate
Median home value	) Drinking water contaminates	
	) Pesticides	
	) Toxic releases from facilities	
	) Traffic density	
	) Cleanup sites	
	) Groundwater threats	
	) Hazardous waste	
	) Impaired water bodies	
	) Solid waste sites	

To further the objectives of AFFH, SCAG utilizes the Opportunity indices tool at multiple points in the RHNA methodology. Jurisdictions that have the highest concentration of population in low resource areas are exempted from receiving regional residual existing need, which will result in fewer units

assigned to areas identified as having high rates of poverty and racial segregation. Additionally, jurisdictions with the highest concentration of population within highest resource areas will receive a higher social equity adjustment, which will result in more access to opportunity for lower income households.

## **Public Engagement**

The development of a comprehensive RHNA methodology requires comprehensive public engagement. Government Code Section 65584.04(d) requires at least one public hearing to receive oral and written comments on the proposed methodology, and also requires SCAG to distribute the proposed methodology to all jurisdictions and requesting stakeholders, along with publishing the proposed methodology on the SCAG website. The official public comment period on the proposed RHNA methodology began on August 1, 2019 after Regional Council action and concluded on September 13, 2019.

To maximize public engagement opportunities, SCAG staff hosted four public workshops to receive verbal and written comment on the proposed RHNA methodology and an additional public information session in August 2019:

- ) August 15, 6-8 p.m. Public Workshop, Los Angeles (View-only webcasting available)
- ) August 20, 1-3 p.m. Public Workshop, Los Angeles (Videoconference at SCAG regional offices and View-only webcasting available)
- ) August 22, 1-3 p.m., Public Workshop, Irvine
- ) August 27, 6-8 p.m., Public Workshop, San Bernardino (View-only webcasting available)
- ) August 29, 1-3pm Public Information Session, Santa Clarita

Approximately 250 people attended the workshops in-person, at videoconference locations, or via webcast. Over 35 individual verbal comments were shared over the four workshops.

To increase participation from individuals and stakeholders that are unable to participate during regular working hours, two of the public workshops were held in the evening hours. One of the workshops was held in the Inland Empire. SCAG worked with its Environmental Justice Working Group (EJWG) and local stakeholder groups to reach out to their respective contacts in order to maximize outreach to groups representing low income, minority, and other traditionally disadvantaged populations.

Almost 250 written comments were submitted by the comment deadline and included a wide range of stakeholders. Approximately 50 percent were from local jurisdictions and subregions, and the other 50 percent were submitted by advocacy organizations, industry groups, residents and resident groups, and the general public. All of the comments received, both verbal and written, were reviewed by SCAG staff, and were used as the basis for developing the RHNA methodology.

The increased involvement by the number of jurisdictions and stakeholders beyond the municipal level compared to prior RHNA cycles indicate an increased level of interest by the public in the housing crisis and its solutions, and the efforts of SCAG to meet these interests. As part of its housing

program initiatives, SCAG will continue to reach out to not only jurisdictions, but to advocacy groups and traditionally disadvantaged communities that have not historically participated in the RHNA process and regional housing planning. These efforts will be expanded beyond the RHNA program and will be encompassed into addressing the housing crisis at the regional level and ensuring that those at the local and community level can be part of solutions to the housing crisis.

#### **Additional RHNA Methodology Supporting Materials**

Please note that additional supporting materials for the RHNA Methodology have been posted on SCAG's RHNA website at [www.scag.ca.gov/rhna](http://www.scag.ca.gov/rhna) including Data Appendix, Local Planning Factor Survey Responses and Affirmatively Furthering Fair Housing Survey Responses.

**State of California**

**GOVERNMENT CODE**

**Section 65080**

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65080. (a) Each transportation planning agency designated under Section 29532 or 29532.1 shall prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, including, but not limited to, mass transportation, highway, railroad, maritime, bicycle, pedestrian, goods movement, and aviation facilities and services. The plan shall be action-oriented and pragmatic, considering both the short-term and long-term future, and shall present clear, concise policy guidance to local and state officials. The regional transportation plan shall consider factors specified in Section 134 of Title 23 of the United States Code. Each transportation planning agency shall consider and incorporate, as appropriate, the transportation plans of cities, counties, districts, private organizations, and state and federal agencies.

(b) The regional transportation plan shall be an internally consistent document and shall include all of the following:

(1) A policy element that describes the transportation issues in the region, identifies and quantifies regional needs, and describes the desired short-range and long-range transportation goals, and pragmatic objective and policy statements. The objective and policy statements shall be consistent with the funding estimates of the financial element. The policy element of transportation planning agencies with populations that exceed 200,000 persons may quantify a set of indicators including, but not limited to, all of the following:

(A) Measures of mobility and traffic congestion, including, but not limited to, daily vehicle hours of delay per capita and vehicle miles traveled per capita.

(B) Measures of road and bridge maintenance and rehabilitation needs, including, but not limited to, roadway pavement and bridge conditions.

(C) Measures of means of travel, including, but not limited to, percentage share of all trips (work and nonwork) made by all of the following:

(i) Single occupant vehicle.

(ii) Multiple occupant vehicle or carpool.

(iii) Public transit including commuter rail and intercity rail.

(iv) Walking.

(v) Bicycling.

(D) Measures of safety and security, including, but not limited to, total injuries and fatalities assigned to each of the modes set forth in subparagraph (C).

(E) Measures of equity and accessibility, including, but not limited to, percentage of the population served by frequent and reliable public transit, with a breakdown by

income bracket, and percentage of all jobs accessible by frequent and reliable public transit service, with a breakdown by income bracket.

(F) The requirements of this section may be met using existing sources of information. No additional traffic counts, household surveys, or other sources of data shall be required.

(2) A sustainable communities strategy prepared by each metropolitan planning organization as follows:

(A) No later than September 30, 2010, the State Air Resources Board shall provide each affected region with greenhouse gas emission reduction targets for the automobile and light truck sector for 2020 and 2035, respectively.

(i) No later than January 31, 2009, the state board shall appoint a Regional Targets Advisory Committee to recommend factors to be considered and methodologies to be used for setting greenhouse gas emission reduction targets for the affected regions. The committee shall be composed of representatives of the metropolitan planning organizations, affected air districts, the League of California Cities, the California State Association of Counties, local transportation agencies, and members of the public, including homebuilders, environmental organizations, planning organizations, environmental justice organizations, affordable housing organizations, and others. The advisory committee shall transmit a report with its recommendations to the state board no later than September 30, 2009. In recommending factors to be considered and methodologies to be used, the advisory committee may consider any relevant issues, including, but not limited to, data needs, modeling techniques, growth forecasts, the impacts of regional jobs-housing balance on interregional travel and greenhouse gas emissions, economic and demographic trends, the magnitude of greenhouse gas reduction benefits from a variety of land use and transportation strategies, and appropriate methods to describe regional targets and to monitor performance in attaining those targets. The state board shall consider the report before setting the targets.

(ii) Before setting the targets for a region, the state board shall exchange technical information with the metropolitan planning organization and the affected air district. The metropolitan planning organization may recommend a target for the region. The metropolitan planning organization shall hold at least one public workshop within the region after receipt of the report from the advisory committee. The state board shall release draft targets for each region no later than June 30, 2010.

(iii) In establishing these targets, the state board shall take into account greenhouse gas emission reductions that will be achieved by improved vehicle emission standards, changes in fuel composition, and other measures it has approved that will reduce greenhouse gas emissions in the affected regions, and prospective measures the state board plans to adopt to reduce greenhouse gas emissions from other greenhouse gas emission sources as that term is defined in subdivision (i) of Section 38505 of the Health and Safety Code and consistent with the regulations promulgated pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), including Section 38566 of the Health and Safety Code.

(iv) The state board shall update the regional greenhouse gas emission reduction targets every eight years consistent with each metropolitan planning organization's timeframe for updating its regional transportation plan under federal law until 2050. The state board may revise the targets every four years based on changes in the factors considered under clause (iii). The state board shall exchange technical information with the Department of Transportation, metropolitan planning organizations, local governments, and affected air districts and engage in a consultative process with public and private stakeholders, before updating these targets.

(v) The greenhouse gas emission reduction targets may be expressed in gross tons, tons per capita, tons per household, or in any other metric deemed appropriate by the state board.

(B) Each metropolitan planning organization shall prepare a sustainable communities strategy, subject to the requirements of Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations, including the requirement to use the most recent planning assumptions considering local general plans and other factors. The sustainable communities strategy shall (i) identify the general location of uses, residential densities, and building intensities within the region, (ii) identify areas within the region sufficient to house all the population of the region, including all economic segments of the population, over the course of the planning period of the regional transportation plan taking into account net migration into the region, population growth, household formation and employment growth, (iii) identify areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to Section 65584, (iv) identify a transportation network to service the transportation needs of the region, (v) gather and consider the best practically available scientific information regarding resource areas and farmland in the region as defined in subdivisions (a) and (b) of Section 65080.01, (vi) consider the state housing goals specified in Sections 65580 and 65581, (vii) set forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks to achieve, if there is a feasible way to do so, the greenhouse gas emission reduction targets approved by the state board, and (viii) allow the regional transportation plan to comply with Section 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506).

(C) (i) Within the jurisdiction of the Metropolitan Transportation Commission, as defined by Section 66502, the Association of Bay Area Governments shall be responsible for clauses (i), (ii), (iii), (v), and (vi) of subparagraph (B); the Metropolitan Transportation Commission shall be responsible for clauses (iv) and (viii) of subparagraph (B); and the Association of Bay Area Governments and the Metropolitan Transportation Commission shall jointly be responsible for clause (vii) of subparagraph (B).

(ii) Within the jurisdiction of the Tahoe Regional Planning Agency, as defined in Sections 66800 and 66801, the Tahoe Metropolitan Planning Organization shall use the Regional Plan for the Lake Tahoe Region as the sustainable community strategy, provided that it complies with clauses (vii) and (viii) of subparagraph (B).



(D) In the region served by the Southern California Association of Governments, a subregional council of governments and the county transportation commission may work together to propose the sustainable communities strategy and an alternative planning strategy, if one is prepared pursuant to subparagraph (I), for that subregional area. The metropolitan planning organization may adopt a framework for a subregional sustainable communities strategy or a subregional alternative planning strategy to address the intraregional land use, transportation, economic, air quality, and climate policy relationships. The metropolitan planning organization shall include the subregional sustainable communities strategy for that subregion in the regional sustainable communities strategy to the extent consistent with this section and federal law and approve the subregional alternative planning strategy, if one is prepared pursuant to subparagraph (I), for that subregional area to the extent consistent with this section. The metropolitan planning organization shall develop overall guidelines, create public participation plans pursuant to subparagraph (F), ensure coordination, resolve conflicts, make sure that the overall plan complies with applicable legal requirements, and adopt the plan for the region.

(E) The metropolitan planning organization shall conduct at least two informational meetings in each county within the region for members of the board of supervisors and city councils on the sustainable communities strategy and alternative planning strategy, if any. The metropolitan planning organization may conduct only one informational meeting if it is attended by representatives of the county board of supervisors and city council members representing a majority of the cities representing a majority of the population in the incorporated areas of that county. Notice of the meeting or meetings shall be sent to the clerk of the board of supervisors and to each city clerk. The purpose of the meeting or meetings shall be to discuss the sustainable communities strategy and the alternative planning strategy, if any, including the key land use and planning assumptions to the members of the board of supervisors and the city council members in that county and to solicit and consider their input and recommendations.

(F) Each metropolitan planning organization shall adopt a public participation plan, for development of the sustainable communities strategy and an alternative planning strategy, if any, that includes all of the following:

(i) Outreach efforts to encourage the active participation of a broad range of stakeholder groups in the planning process, consistent with the agency's adopted Federal Public Participation Plan, including, but not limited to, affordable housing advocates, transportation advocates, neighborhood and community groups, environmental advocates, home builder representatives, broad-based business organizations, landowners, commercial property interests, and homeowner associations.

(ii) Consultation with congestion management agencies, transportation agencies, and transportation commissions.

(iii) Workshops throughout the region to provide the public with the information and tools necessary to provide a clear understanding of the issues and policy choices. At least one workshop shall be held in each county in the region. For counties with a population greater than 500,000, at least three workshops shall be held. Each

workshop, to the extent practicable, shall include urban simulation computer modeling to create visual representations of the sustainable communities strategy and the alternative planning strategy.

(iv) Preparation and circulation of a draft sustainable communities strategy and an alternative planning strategy, if one is prepared, not less than 55 days before adoption of a final regional transportation plan.

(v) At least three public hearings on the draft sustainable communities strategy in the regional transportation plan and alternative planning strategy, if one is prepared. If the metropolitan transportation organization consists of a single county, at least two public hearings shall be held. To the maximum extent feasible, the hearings shall be in different parts of the region to maximize the opportunity for participation by members of the public throughout the region.

(vi) A process for enabling members of the public to provide a single request to receive notices, information, and updates.

(G) In preparing a sustainable communities strategy, the metropolitan planning organization shall consider spheres of influence that have been adopted by the local agency formation commissions within its region.

(H) Before adopting a sustainable communities strategy, the metropolitan planning organization shall quantify the reduction in greenhouse gas emissions projected to be achieved by the sustainable communities strategy and set forth the difference, if any, between the amount of that reduction and the target for the region established by the state board.

(I) If the sustainable communities strategy, prepared in compliance with subparagraph (B) or (D), is unable to reduce greenhouse gas emissions to achieve the greenhouse gas emission reduction targets established by the state board, the metropolitan planning organization shall prepare an alternative planning strategy to the sustainable communities strategy showing how those greenhouse gas emission targets would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. The alternative planning strategy shall be a separate document from the regional transportation plan, but it may be adopted concurrently with the regional transportation plan. In preparing the alternative planning strategy, the metropolitan planning organization:

(i) Shall identify the principal impediments to achieving the targets within the sustainable communities strategy.

(ii) May include an alternative development pattern for the region pursuant to subparagraphs (B) to (G), inclusive.

(iii) Shall describe how the greenhouse gas emission reduction targets would be achieved by the alternative planning strategy, and why the development pattern, measures, and policies in the alternative planning strategy are the most practicable choices for achievement of the greenhouse gas emission reduction targets.

(iv) An alternative development pattern set forth in the alternative planning strategy shall comply with Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations, except to the extent that compliance will prevent achievement of the greenhouse gas emission reduction targets approved by the state board.

(v) For purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), an alternative planning strategy shall not constitute a land use plan, policy, or regulation, and the inconsistency of a project with an alternative planning strategy shall not be a consideration in determining whether a project may have an environmental effect.

(J) (i) Before starting the public participation process adopted pursuant to subparagraph (F), the metropolitan planning organization shall submit a description to the state board of the technical methodology it intends to use to estimate the greenhouse gas emissions from its sustainable communities strategy and, if appropriate, its alternative planning strategy. The state board shall respond to the metropolitan planning organization in a timely manner with written comments about the technical methodology, including specifically describing any aspects of that methodology it concludes will not yield accurate estimates of greenhouse gas emissions, and suggested remedies. The metropolitan planning organization is encouraged to work with the state board until the state board concludes that the technical methodology operates accurately.

(ii) After adoption, a metropolitan planning organization shall submit a sustainable communities strategy or an alternative planning strategy, if one has been adopted, to the state board for review, including the quantification of the greenhouse gas emission reductions the strategy would achieve and a description of the technical methodology used to obtain that result. Review by the state board shall be limited to acceptance or rejection of the metropolitan planning organization's determination that the strategy submitted would, if implemented, achieve the greenhouse gas emission reduction targets established by the state board. The state board shall complete its review within 60 days.

(iii) If the state board determines that the strategy submitted would not, if implemented, achieve the greenhouse gas emission reduction targets, the metropolitan planning organization shall revise its strategy or adopt an alternative planning strategy, if not previously adopted, and submit the strategy for review pursuant to clause (ii). At a minimum, the metropolitan planning organization must obtain state board acceptance that an alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets established for that region by the state board.

(iv) On or before September 1, 2018, and every four years thereafter to align with target setting, notwithstanding Section 10231.5, the state board shall prepare a report that assesses progress made by each metropolitan planning organization in meeting the regional greenhouse gas emission reduction targets set by the state board. The report shall include changes to greenhouse gas emissions in each region and data-supported metrics for the strategies used to meet the targets. The report shall also include a discussion of best practices and the challenges faced by the metropolitan planning organizations in meeting the targets, including the effect of state policies and funding. The report shall be developed in consultation with the metropolitan planning organizations and affected stakeholders. The report shall be submitted to the Assembly Committee on Transportation and the Assembly Committee on Natural

Resources, and to the Senate Committee on Transportation, the Senate Committee on Housing, and the Senate Committee on Environmental Quality.

(K) Neither a sustainable communities strategy nor an alternative planning strategy regulates the use of land, nor, except as provided by subparagraph (J), shall either one be subject to any state approval. Nothing in a sustainable communities strategy shall be interpreted as superseding the exercise of the land use authority of cities and counties within the region. Nothing in this section shall be interpreted to limit the state board's authority under any other law. Nothing in this section shall be interpreted to authorize the abrogation of any vested right whether created by statute or by common law. Nothing in this section shall require a city's or county's land use policies and regulations, including its general plan, to be consistent with the regional transportation plan or an alternative planning strategy. Nothing in this section requires a metropolitan planning organization to approve a sustainable communities strategy that would be inconsistent with Part 450 of Title 23 of, or Part 93 of Title 40 of, the Code of Federal Regulations and any administrative guidance under those regulations. Nothing in this section relieves a public or private entity or any person from compliance with any other local, state, or federal law.

(L) Nothing in this section requires projects programmed for funding on or before December 31, 2011, to be subject to the provisions of this paragraph if they (i) are contained in the 2007 or 2009 Federal Statewide Transportation Improvement Program, (ii) are funded pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49 (commencing with Section 8879.20) of Division 1 of Title 2), or (iii) were specifically listed in a ballot measure before December 31, 2008, approving a sales tax increase for transportation projects. Nothing in this section shall require a transportation sales tax authority to change the funding allocations approved by the voters for categories of transportation projects in a sales tax measure adopted before December 31, 2010. For purposes of this subparagraph, a transportation sales tax authority is a district, as defined in Section 7252 of the Revenue and Taxation Code, that is authorized to impose a sales tax for transportation purposes.

(M) A metropolitan planning organization, or a regional transportation planning agency not within a metropolitan planning organization, that is required to adopt a regional transportation plan not less than every five years, may elect to adopt the plan not less than every four years. This election shall be made by the board of directors of the metropolitan planning organization or regional transportation planning agency no later than June 1, 2009, or thereafter 54 months before the statutory deadline for the adoption of housing elements for the local jurisdictions within the region, after a public hearing at which comments are accepted from members of the public and representatives of cities and counties within the region covered by the metropolitan planning organization or regional transportation planning agency. Notice of the public hearing shall be given to the general public and by mail to cities and counties within the region no later than 30 days before the date of the public hearing. Notice of election shall be promptly given to the Department of Housing and Community Development. The metropolitan planning organization or the regional transportation planning agency

shall complete its next regional transportation plan within three years of the notice of election.

(N) Two or more of the metropolitan planning organizations for Fresno County, Kern County, Kings County, Madera County, Merced County, San Joaquin County, Stanislaus County, and Tulare County may work together to develop and adopt multiregional goals and policies that may address interregional land use, transportation, economic, air quality, and climate relationships. The participating metropolitan planning organizations may also develop a multiregional sustainable communities strategy, to the extent consistent with federal law, or an alternative planning strategy for adoption by the metropolitan planning organizations. Each participating metropolitan planning organization shall consider any adopted multiregional goals and policies in the development of a sustainable communities strategy and, if applicable, an alternative planning strategy for its region.

(3) An action element that describes the programs and actions necessary to implement the plan and assigns implementation responsibilities. The action element may describe all transportation projects proposed for development during the 20-year or greater life of the plan. The action element shall consider congestion management programming activities carried out within the region.

(4) (A) A financial element that summarizes the cost of plan implementation constrained by a realistic projection of available revenues. The financial element shall also contain recommendations for allocation of funds. A county transportation commission created pursuant to the County Transportation Commissions Act (Division 12 (commencing with Section 130000) of the Public Utilities Code) shall be responsible for recommending projects to be funded with regional improvement funds, if the project is consistent with the regional transportation plan. The first five years of the financial element shall be based on the five-year estimate of funds developed pursuant to Section 14524. The financial element may recommend the development of specified new sources of revenue, consistent with the policy element and action element.

(B) The financial element of transportation planning agencies with populations that exceed 200,000 persons may include a project cost breakdown for all projects proposed for development during the 20-year life of the plan that includes total expenditures and related percentages of total expenditures for all of the following:

- (i) State highway expansion.
- (ii) State highway rehabilitation, maintenance, and operations.
- (iii) Local road and street expansion.
- (iv) Local road and street rehabilitation, maintenance, and operation.
- (v) Mass transit, commuter rail, and intercity rail expansion.
- (vi) Mass transit, commuter rail, and intercity rail rehabilitation, maintenance, and operations.
- (vii) Pedestrian and bicycle facilities.
- (viii) Environmental enhancements and mitigation.
- (ix) Research and planning.
- (x) Other categories.

(C) The metropolitan planning organization or county transportation agency, whichever entity is appropriate, shall consider financial incentives for cities and counties that have resource areas or farmland, as defined in Section 65080.01, for the purposes of, for example, transportation investments for the preservation and safety of the city street or county road system and farm-to-market and interconnectivity transportation needs. The metropolitan planning organization or county transportation agency, whichever entity is appropriate, shall also consider financial assistance for counties to address countywide service responsibilities in counties that contribute toward the greenhouse gas emission reduction targets by implementing policies for growth to occur within their cities.

(c) Each transportation planning agency may also include other factors of local significance as an element of the regional transportation plan, including, but not limited to, issues of mobility for specific sectors of the community, including, but not limited to, senior citizens.

(d) (1) Except as otherwise provided in this subdivision, each transportation planning agency shall adopt and submit, every four years, an updated regional transportation plan to the California Transportation Commission and the Department of Transportation. A transportation planning agency located in a federally designated air quality attainment area or that does not contain an urbanized area may at its option adopt and submit a regional transportation plan every five years. When applicable, the plan shall be consistent with federal planning and programming requirements and shall conform to the regional transportation plan guidelines adopted by the California Transportation Commission. Before adoption of the regional transportation plan, a public hearing shall be held after the giving of notice of the hearing by publication in the affected county or counties pursuant to Section 6061.

(2) (A) Notwithstanding subdivisions (b) and (c), and paragraph (1), inclusive, the regional transportation plan, sustainable communities strategy, and environmental impact report adopted by the San Diego Association of Governments on October 9, 2015, shall remain in effect for all purposes, including for purposes of consistency determinations and funding eligibility for the San Diego Association of Governments and all other agencies relying on those documents, until the San Diego Association of Governments adopts its next update to its regional transportation plan.

(B) The San Diego Association of Governments shall adopt and submit its update to the 2015 regional transportation plan on or before December 31, 2021.

(C) After the update described in subparagraph (B), the time period for San Diego Association of Governments' updates to its regional transportation plan shall be reset and shall be adopted and submitted every four years.

(D) Notwithstanding clause (iv) of subparagraph (A) of paragraph (2) of subdivision (b), the State Air Resources Board shall not update the greenhouse gas emission reduction targets for the region within the jurisdiction of the San Diego Association of Governments before the adoption of the update to the regional transportation plan pursuant to subparagraph (B).

(E) The update to the regional transportation plan adopted by the San Diego Association of Governments on October 9, 2015, which will be prepared and submitted

to federal agencies for purposes of compliance with federal laws applicable to regional transportation plans and air quality conformity and which is due in October 2019, shall not be considered a regional transportation plan pursuant to this section and shall not constitute a project for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(F) In addition to meeting the other requirements to nominate a project for funding through the Solutions for Congested Corridors Program (Chapter 8.5 (commencing with Section 2390) of Division 3 of the Streets and Highways Code), the San Diego Association of Governments, until December 31, 2021, shall only nominate projects for funding through the Solutions for Congested Corridors Program that are consistent with the eligibility requirements for projects under any of the following programs:

(i) The Transit and Intercity Rail Capital Program (Part 2 (commencing with Section 75220) of Division 44 of the Public Resources Code).

(ii) The Low Carbon Transit Operations Program (Part 3 (commencing with Section 75230) of Division 44 of the Public Resources Code).

(iii) The Active Transportation Program (Chapter 8 (commencing with Section 2380) of Division 3 of the Streets and Highways Code).

(G) Commencing January 1, 2020, and every two years thereafter, the San Diego Association of Governments shall begin developing an implementation report that tracks the implementation of its most recently adopted sustainable communities strategy. The report shall discuss the status of the implementation of the strategy at the regional and local level, and any successes and barriers that have occurred since the last report. The San Diego Association of Governments shall submit the implementation report to the state board by including it in its sustainable communities strategy implementation review pursuant to clause (ii) of subparagraph (J) of paragraph (2) of subdivision (b).

(Amended by Stats. 2019, Ch. 634, Sec. 2. (AB 1730) Effective January 1, 2020.)

**State of California**

**GOVERNMENT CODE**

**Section 65584**

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65584. (a) (1) For the fourth and subsequent revisions of the housing element pursuant to Section 65588, the department shall determine the existing and projected need for housing for each region pursuant to this article. For purposes of subdivision (a) of Section 65583, the share of a city or county of the regional housing need shall include that share of the housing need of persons at all income levels within the area significantly affected by the general plan of the city or county.

(2) It is the intent of the Legislature that cities, counties, and cities and counties should undertake all necessary actions to encourage, promote, and facilitate the development of housing to accommodate the entire regional housing need, and reasonable actions should be taken by local and regional governments to ensure that future housing production meets, at a minimum, the regional housing need established for planning purposes. These actions shall include applicable reforms and incentives in Section 65582.1.

(3) The Legislature finds and declares that insufficient housing in job centers hinders the state's environmental quality and runs counter to the state's environmental goals. In particular, when Californians seeking affordable housing are forced to drive longer distances to work, an increased amount of greenhouse gases and other pollutants is released and puts in jeopardy the achievement of the state's climate goals, as established pursuant to Section 38566 of the Health and Safety Code, and clean air goals.

(b) The department, in consultation with each council of governments, shall determine each region's existing and projected housing need pursuant to Section 65584.01 at least two years prior to the scheduled revision required pursuant to Section 65588. The appropriate council of governments, or for cities and counties without a council of governments, the department, shall adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county at least one year prior to the scheduled revision for the region required by Section 65588. The allocation plan prepared by a council of governments shall be prepared pursuant to Sections 65584.04 and 65584.05.

(c) Notwithstanding any other provision of law, the due dates for the determinations of the department or for the council of governments, respectively, regarding the regional housing need may be extended by the department by not more than 60 days if the extension will enable access to more recent critical population or housing data from a pending or recent release of the United States Census Bureau or the Department of Finance. If the due date for the determination of the department or the council of governments is extended for this reason, the department shall extend the corresponding



housing element revision deadline pursuant to Section 65588 by not more than 60 days.

(d) The regional housing needs allocation plan shall further all of the following objectives:

(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households.

(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.

(3) Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.

(4) 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, as compared to the countywide distribution of households in that category from the most recent American Community Survey.

(5) Affirmatively furthering fair housing.

(e) For purposes of this section, "affirmatively furthering fair housing" means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

(f) For purposes of this section, "household income levels" are as determined by the department as of the most recent American Community Survey pursuant to the following code sections:

(1) Very low incomes as defined by Section 50105 of the Health and Safety Code.

(2) Lower incomes, as defined by Section 50079.5 of the Health and Safety Code.

(3) Moderate incomes, as defined by Section 50093 of the Health and Safety Code.

(4) Above moderate incomes are those exceeding the moderate-income level of Section 50093 of the Health and Safety Code.

(g) Notwithstanding any other provision of law, determinations made by the department, a council of governments, or a city or county pursuant to this section or Section 65584.01, 65584.02, 65584.03, 65584.04, 65584.05, 65584.06, 65584.07, or

65584.08 are exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(Amended by Stats. 2018, Ch. 989, Sec. 1.5. (AB 1771) Effective January 1, 2019.)

**State of California**

**GOVERNMENT CODE**

**Section 65584.04**

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65584.04. (a) At least two years before a scheduled revision required by Section 65588, each council of governments, or delegate subregion as applicable, shall develop, in consultation with the department, a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable pursuant to this section. The methodology shall further the objectives listed in subdivision (d) of Section 65584.

(b) (1) No more than six months before the development of a proposed methodology for distributing the existing and projected housing need, each council of governments shall survey each of its member jurisdictions to request, at a minimum, information regarding the factors listed in subdivision (e) that will allow the development of a methodology based upon the factors established in subdivision (e).

(2) With respect to the objective in paragraph (5) of subdivision (d) of Section 65584, the survey shall review and compile information that will allow the development of a methodology based upon the issues, strategies, and actions that are included, as available, in an Analysis of Impediments to Fair Housing Choice or an Assessment of Fair Housing completed by any city or county or the department that covers communities within the area served by the council of governments, and in housing elements adopted pursuant to this article by cities and counties within the area served by the council of governments.

(3) The council of governments shall seek to obtain the information in a manner and format that is comparable throughout the region and utilize readily available data to the extent possible.

(4) The information provided by a local government pursuant to this section shall be used, to the extent possible, by the council of governments, or delegate subregion as applicable, as source information for the methodology developed pursuant to this section. The survey shall state that none of the information received may be used as a basis for reducing the total housing need established for the region pursuant to Section 65584.01.

(5) If the council of governments fails to conduct a survey pursuant to this subdivision, a city, county, or city and county may submit information related to the items listed in subdivision (e) before the public comment period provided for in subdivision (d).

(c) The council of governments shall electronically report the results of the survey of fair housing issues, strategies, and actions compiled pursuant to paragraph (2) of subdivision (b). The report shall describe common themes and effective strategies

employed by cities and counties within the area served by the council of governments, including common themes and effective strategies around avoiding the displacement of lower income households. The council of governments shall also identify significant barriers to affirmatively furthering fair housing at the regional level and may recommend strategies or actions to overcome those barriers. A council of governments or metropolitan planning organization, as appropriate, may use this information for any other purpose, including publication within a regional transportation plan adopted pursuant to Section 65080 or to inform the land use assumptions that are applied in the development of a regional transportation plan.

(d) Public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of the regional housing needs. Participation by organizations other than local jurisdictions and councils of governments shall be solicited in a diligent effort to achieve public participation of all economic segments of the community as well as members of protected classes under Section 12955. The proposed methodology, along with any relevant underlying data and assumptions, an explanation of how information about local government conditions gathered pursuant to subdivision (b) has been used to develop the proposed methodology, how each of the factors listed in subdivision (e) is incorporated into the methodology, and how the proposed methodology furthers the objectives listed in subdivision (e) of Section 65584, shall be distributed to all cities, counties, any subregions, and members of the public who have made a written or electronic request for the proposed methodology and published on the council of governments', or delegate subregion's, internet website. The council of governments, or delegate subregion, as applicable, shall conduct at least one public hearing to receive oral and written comments on the proposed methodology.

(e) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, shall include the following factors to develop the methodology that allocates regional housing needs:

(1) Each member jurisdiction's existing and projected jobs and housing relationship. This shall include an estimate based on readily available data on the number of low-wage jobs within the jurisdiction and how many housing units within the jurisdiction are affordable to low-wage workers as well as an estimate based on readily available data, of projected job growth and projected household growth by income level within each member jurisdiction during the planning period.

(2) The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following:

(A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.

(B) The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill

development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

(C) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis, including land zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts conversion to nonagricultural uses.

(D) County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated area and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts its conversion to nonagricultural uses.

(3) The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.

(4) Agreements between a county and cities in a county to direct growth toward incorporated areas of the county and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of the jurisdiction that prohibits or restricts conversion to nonagricultural uses.

(5) The loss of units contained in assisted housing developments, as defined in paragraph (9) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.

(6) The percentage of existing households at each of the income levels listed in subdivision (e) of Section 65584 that are paying more than 30 percent and more than 50 percent of their income in rent.

(7) The rate of overcrowding.

(8) The housing needs of farmworkers.

(9) The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.

(10) The housing needs of individuals and families experiencing homelessness. If a council of governments has surveyed each of its member jurisdictions pursuant to subdivision (b) on or before January 1, 2020, this paragraph shall apply only to the

development of methodologies for the seventh and subsequent revisions of the housing element.

(11) The loss of units during a state of emergency that was declared by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the analysis.

(12) The region's greenhouse gas emissions targets provided by the State Air Resources Board pursuant to Section 65080.

(13) Any other factors adopted by the council of governments, that further the objectives listed in subdivision (d) of Section 65584, provided that the council of governments specifies which of the objectives each additional factor is necessary to further. The council of governments may include additional factors unrelated to furthering the objectives listed in subdivision (d) of Section 65584 so long as the additional factors do not undermine the objectives listed in subdivision (d) of Section 65584 and are applied equally across all household income levels as described in subdivision (f) of Section 65584 and the council of governments makes a finding that the factor is necessary to address significant health and safety conditions.

(f) The council of governments, or delegate subregion, as applicable, shall explain in writing how each of the factors described in subdivision (e) was incorporated into the methodology and how the methodology furthers the objectives listed in subdivision (d) of Section 65584. The methodology may include numerical weighting. This information, and any other supporting materials used in determining the methodology, shall be posted on the council of governments', or delegate subregion's, internet website.

(g) The following criteria shall not be a justification for a determination or a reduction in a jurisdiction's share of the regional housing need:

(1) Any ordinance, policy, voter-approved measure, or standard of a city or county that directly or indirectly limits the number of residential building permits issued by a city or county.

(2) Prior underproduction of housing in a city or county from the previous regional housing need allocation, as determined by each jurisdiction's annual production report submitted pursuant to subparagraph (H) of paragraph (2) of subdivision (a) of Section 65400.

(3) Stable population numbers in a city or county from the previous regional housing needs cycle.

(h) Following the conclusion of the public comment period described in subdivision (d) on the proposed allocation methodology, and after making any revisions deemed appropriate by the council of governments, or delegate subregion, as applicable, as a result of comments received during the public comment period, and as a result of consultation with the department, each council of governments, or delegate subregion, as applicable, shall publish a draft allocation methodology on its internet website and submit the draft allocation methodology, along with the information required pursuant to subdivision (e), to the department.

(i) Within 60 days, the department shall review the draft allocation methodology and report its written findings to the council of governments, or delegate subregion, as applicable. In its written findings the department shall determine whether the methodology furthers the objectives listed in subdivision (d) of Section 65584. If the department determines that the methodology is not consistent with subdivision (d) of Section 65584, the council of governments, or delegate subregion, as applicable, shall take one of the following actions:

(1) Revise the methodology to further the objectives listed in subdivision (d) of Section 65584 and adopt a final regional, or subregional, housing need allocation methodology.

(2) Adopt the regional, or subregional, housing need allocation methodology without revisions and include within its resolution of adoption findings, supported by substantial evidence, as to why the council of governments, or delegate subregion, believes that the methodology furthers the objectives listed in subdivision (d) of Section 65584 despite the findings of the department.

(j) If the department's findings are not available within the time limits set by subdivision (i), the council of governments, or delegate subregion, may act without them.

(k) Upon either action pursuant to subdivision (i), the council of governments, or delegate subregion, shall provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion, as applicable, and to the department, and shall publish the adopted allocation methodology, along with its resolution and any adopted written findings, on its internet website.

(l) The department may, within 90 days, review the adopted methodology and report its findings to the council of governments, or delegate subregion.

(m) (1) It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan. To achieve this goal, the allocation plan shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy.

(2) The final allocation plan shall ensure that the total regional housing need, by income category, as determined under Section 65584, is maintained, and that each jurisdiction in the region receive an allocation of units for low- and very low income households.

(3) The resolution approving the final housing need allocation plan shall demonstrate that the plan is consistent with the sustainable communities strategy in the regional transportation plan and furthers the objectives listed in subdivision (d) of Section 65584.

(Amended (as amended by Stats. 2018, Ch. 990, Sec. 3.7) by Stats. 2019, Ch. 335, Sec. 4. (AB 139) Effective January 1, 2020.)

**State of California**

**GOVERNMENT CODE**

**Section 65584.05**

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65584.05. (a) At least one and one-half years before the scheduled revision required by Section 65588, each council of governments and delegate subregion, as applicable, shall distribute a draft allocation of regional housing needs to each local government in the region or subregion, where applicable, and the department, based on the methodology adopted pursuant to Section 65584.04 and shall publish the draft allocation on its internet website. The draft allocation shall include the underlying data and methodology on which the allocation is based, and a statement as to how it furthers the objectives listed in subdivision (d) of Section 65584. It is the intent of the Legislature that the draft allocation should be distributed before the completion of the update of the applicable regional transportation plan. The draft allocation shall distribute to localities and subregions, if any, within the region the entire regional housing need determined pursuant to Section 65584.01 or within subregions, as applicable, the subregion's entire share of the regional housing need determined pursuant to Section 65584.03.

(b) Within 45 days following receipt of the draft allocation, a local government within the region or the delegate subregion, as applicable, or the department may appeal to the council of governments or the delegate subregion for a revision of the share of the regional housing need proposed to be allocated to one or more local governments. Appeals shall be based upon comparable data available for all affected jurisdictions and accepted planning methodology, and supported by adequate documentation, and shall include a statement as to why the revision is necessary to further the intent of the objectives listed in subdivision (d) of Section 65584. An appeal pursuant to this subdivision shall be consistent with, and not to the detriment of, the development pattern in an applicable sustainable communities strategy developed pursuant to paragraph (2) of subdivision (b) of Section 65080. Appeals shall be limited to any of the following circumstances:

(1) The council of governments or delegate subregion, as applicable, failed to adequately consider the information submitted pursuant to subdivision (b) of Section 65584.04.

(2) The council of governments or delegate subregion, as applicable, failed to determine the share of the regional housing need in accordance with the information described in, and the methodology established pursuant to, Section 65584.04, and in a manner that furthers, and does not undermine, the intent of the objectives listed in subdivision (d) of Section 65584.

(3) A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits a revision of the information submitted pursuant



to subdivision (b) of Section 65584.04. Appeals on this basis shall only be made by the jurisdiction or jurisdictions where the change in circumstances has occurred.

(c) At the close of the period for filing appeals pursuant to subdivision (b), the council of governments or delegate subregion, as applicable, shall notify all other local governments within the region or delegate subregion and the department of all appeals and shall make all materials submitted in support of each appeal available on a publicly available internet website. Local governments and the department may, within 45 days, comment on one or more appeals. If no appeals are filed, the draft allocation shall be issued as the proposed final allocation plan pursuant to paragraph (2) of subdivision (e).

(d) No later than 30 days after the close of the comment period, and after providing all local governments within the region or delegate subregion, as applicable, at least 21 days prior notice, the council of governments or delegate subregion shall conduct one public hearing to consider all appeals filed pursuant to subdivision (b) and all comments received pursuant to subdivision (c).

(e) No later than 45 days after the public hearing pursuant to subdivision (d), the council of governments or delegate subregion, as applicable, shall do both of the following:

(1) Make a final determination that either accepts, rejects, or modifies each appeal for a revised share filed pursuant to subdivision (b). Final determinations shall be based upon the information and methodology described in Section 65584.04 and whether the revision is necessary to further the objectives listed in subdivision (d) of Section 65584. The final determination shall be in writing and shall include written findings as to how the determination is consistent with this article. The final determination on an appeal may require the council of governments or delegate subregion, as applicable, to adjust the share of the regional housing need allocated to one or more local governments that are not the subject of an appeal.

(2) Issue a proposed final allocation plan.

(f) In the proposed final allocation plan, the council of governments or delegate subregion, as applicable, shall adjust allocations to local governments based upon the results of the appeals process. If the adjustments total 7 percent or less of the regional housing need determined pursuant to Section 65584.01, or, as applicable, total 7 percent or less of the subregion's share of the regional housing need as determined pursuant to Section 65584.03, then the council of governments or delegate subregion, as applicable, shall distribute the adjustments proportionally to all local governments. If the adjustments total more than 7 percent of the regional housing need, then the council of governments or delegate subregion, as applicable, shall develop a methodology to distribute the amount greater than the 7 percent to local governments. The total distribution of housing need shall not equal less than the regional housing need, as determined pursuant to Section 65584.01, nor shall the subregional distribution of housing need equal less than its share of the regional housing need as determined pursuant to Section 65584.03.

(g) Within 45 days after the issuance of the proposed final allocation plan by the council of governments and each delegate subregion, as applicable, the council of

governments shall hold a public hearing to adopt a final allocation plan. To the extent that the final allocation plan fully allocates the regional share of statewide housing need, as determined pursuant to Section 65584.01 and has taken into account all appeals, the council of governments shall have final authority to determine the distribution of the region's existing and projected housing need as determined pursuant to Section 65584.01. The council of governments shall submit its final allocation plan to the department within three days of adoption. Within 30 days after the department's receipt of the final allocation plan adopted by the council of governments, the department shall determine if the final allocation plan is consistent with the existing and projected housing need for the region, as determined pursuant to Section 65584.01. The department may revise the determination of the council of governments if necessary to obtain this consistency.

(h) Any authority of the council of governments to review and revise the share of a city or county of the regional housing need under this section shall not constitute authority to revise, approve, or disapprove the manner in which the share of the city or county of the regional housing need is implemented through its housing program.

(i) Any time period in subdivision (d) or (e) may be extended by a council of governments or delegate subregion, as applicable, for up to 30 days.

(j) The San Diego Association of Governments may follow the process in this section for the draft and final allocation plan for the sixth revision of the housing element notwithstanding such actions being carried out before the adoption of an updated regional transportation plan and sustainable communities strategy.

(Amended by Stats. 2019, Ch. 634, Sec. 4. (AB 1730) Effective January 1, 2020.)

## RHNA SUBCOMMITTEE CHARTER – 6<sup>th</sup> Cycle

Page 1 of 2

### **Purpose of the Subcommittee**

The purpose of the RHNA Subcommittee is to review in-depth the various policy considerations necessary to the development of SCAG's Regional Housing Needs Assessment (RHNA), and to make critical decisions throughout the RHNA process, including but not limited to the following: the RHNA methodology, the draft and final RHNA allocations, and appeals related to draft RHNA allocations. The decisions of the RHNA Subcommittee will serve as recommendations to SCAG's Community, Economic and Human Development (CEHD) Committee and the Regional Council, except that the RHNA Subcommittee will make the final decisions regarding all appeals of draft RHNA allocations.

### **Authority**

Authorized by the Regional Council, the RHNA Subcommittee serves as a subcommittee of the CEHD Committee, and will be reporting to the CEHD Committee. All actions by the RHNA Subcommittee, except for actions pertaining to appeals of draft RHNA allocations, are subject to the review and approval of the CEHD Committee and the Regional Council. Recognizing the significant amount of work undertaken by the RHNA Subcommittee, the CEHD Committee and the Regional Council will rely on the policy judgments of the RHNA Subcommittee. The RHNA Subcommittee shall be dissolved as of the date in which the final RHNA allocation is adopted by the Regional Council.

### **Composition**

The RHNA Subcommittee will consist of twelve (12) members of the Regional Council or the CEHD Committee to represent the six (6) counties of the SCAG region. Each county shall have a primary member and an alternate member to serve on the RHNA Subcommittee. The SCAG President will appoint the members of the RHNA Subcommittee and will select one of the members to serve as the Chair of the RHNA Subcommittee. Membership of the RHNA Subcommittee may also include as non-voting members serving as stakeholder representatives appointed by the SCAG President.

### **Meetings and Voting**

The meetings of the RHNA Subcommittee will occur during the applicable period when SCAG is developing the RHNA. The RHNA Subcommittee shall have the authority to convene meetings as circumstances require. A meeting quorum shall be established when there is attendance by at least one representative (either a primary member or an alternate member) from each of the six (6) counties. Stakeholder representatives serving as non-voting members of the RHNA Subcommittee are not counted for purposes of establishing a meeting quorum.

All RHNA Subcommittee members are expected to attend each meeting, to the extent feasible. RHNA Subcommittee members may attend meetings by teleconference or video-conference. All meetings of the RHNA Subcommittee are subject to the Brown Act. The Chair of the RHNA Subcommittee shall preside over all meetings and the Subcommittee may select another

## RHNA SUBCOMMITTEE CHARTER – 6<sup>th</sup> Cycle

Page 2 of 2

Subcommittee member to serve as the Vice-Chair in the Chair’s absence. The RHNA Subcommittee will invite SCAG staff or others to attend meetings and provide pertinent information, as necessary. Meeting agendas will be prepared and provided in advance to RHNA Subcommittee members, along with appropriate briefing materials and reports, in accordance with the Brown Act. Minutes of each meeting will be prepared.

For purposes of voting, each county shall be entitled to one (1) vote to be cast by either the primary member or alternate member representing the respective county. In the event of a tie vote, the Chair of the Subcommittee may vote to break the tie except if the Chair of the Subcommittee has casted a vote as a Subcommittee member. In that exception, the Vice Chair of the Subcommittee may break the tie vote. In the case of an appeal submitted on behalf of a Subcommittee member’s individual local jurisdiction, the Subcommittee member may elect not to participate in the discussion and vote by the RHNA Subcommittee regarding such appeal.

### Responsibilities

The RHNA Subcommittee will carry out the following responsibilities:

- Review information useful to the development of the RHNA Plan;
- Review and make policy decisions related to the RHNA process including policies for the RHNA methodology, the RHNA methodology, and the draft and final RHNA allocations, and forward such decisions to the CEHD Committee for review and approval. In making its policy decisions, the RHNA Subcommittee should consider the integration of the RHNA with the Regional Transportation Plan/Sustainable Communities Strategy;
- Review and make decisions regarding guidelines for the RHNA process including guidelines related to subregional delegation, and forward such decisions to the CEHD Committee for review and approval; and
- Review and make the final decisions regarding appeals related to the jurisdiction’s draft RHNA allocation. In this capacity, the RHNA Subcommittee shall be known as the “RHNA Appeals Board.” These final decisions by the RHNA Appeals Board shall not reviewable by the CEHD Committee or by the Regional Council.

Attachment: Final RHNA Charter\_6th Cycle (Final RHNA Subcommittee Charter)

**ATTACHMENT 3**  
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 that reads "Robert S. Joe". The signature is stylized and cursive.

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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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

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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. 19

**DATE:** September 16, 2020

**FROM:** Stephanie DeWolfe, City Manager

**PREPARED BY:** Maria E. Ayala, Chief City Clerk

**SUBJECT:** **Approval of Option for Continued Virtual Public Commission Meetings**

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## **Recommendation**

It is recommended that the City Council:

1. Review the options as presented to continue virtual public commission meetings; and
2. Select Option 1 as the designated commission meeting virtual format.

## **Discussion/Analysis**

Staff has explored various options for Council to consider in order to continue with virtual public meetings. A number of factors were taken into consideration when exploring cost efficient alternatives to the current format. Information was gathered from: a survey of current commissioners; a survey of commission liaisons; continued monitoring of meeting analytics from the web streaming; continued monitoring of associated costs with streaming virtual commission meetings; and the City's current technological infrastructure.

Staff did look at the City's ability to be able to accommodate a telephone system that can accommodate live callers to allow them the opportunity to provide public comment. Unfortunately, given the City's dated infrastructure, establishing such a system is not feasible at this moment. This would be extremely costly as it would necessitate a considerable scope of work to implement a completely new system.

Another option that was reviewed, but also found to not be feasible was moving commission meetings to a larger City venue to allow for live public comment. Upon further review, plexi-glass was found to not be a substitute for social distancing in a setting for a public meeting. Further, a survey of the commissioners found that a majority of the commissioners are satisfied with holding virtual meetings. Although the responses presented a slightly increased interest in possibly returning to a live meeting with COVID-19 safety measures in place, some expressed that it would be contingent on what those safety measures would be. It is also important to note that a larger venue does not necessarily mean that all community members would be allowed to enter the larger City facility, as there are still Executive Orders in place regarding social distancing and public gatherings; nor, does the City have the Audio Visual (A/V) equipment in order to provide viewing from the outside of the facility.

The survey of Commissioners generated 35 responses (it was an optional survey). Unfortunately, not all 35 responders provided responses to all questions.

QUESTION	YES	NO
1. Are you comfortable with proceeding with virtual meetings as they have been for the foreseeable future?	34	1
2. Would you consider having your commission meet every other month?	18	10
3. Would you consider having your commission meet once a quarter?	14	15
4. Would you consider having your commission meet on an as-needed basis?	15	15
5. If provided with the option to hold your commission meeting in a large room, open to the public, with proper social distancing measures in place, would you feel comfortable attending in person? (In this scenario the meeting would not be streamed)	18	13

There was an opportunity for the commissioners to provide additional comments. Some of the comments included: considering frequency of meetings depending on agenda items; not decreasing the number of meetings; liking the virtual meetings; concern over safety measures in place for in-person meetings; working towards in-person meetings; recommending considering other less costly platforms in which to offer the public access to the meeting; etc.

Similarly, commission staff liaisons also provided input on the status of their respective commissions virtual meetings. Most commission liaisons indicated that only one (1) staff member is managing the virtual meeting. This is currently done through the Zoom platform, with only staff and the commissioners attending via Zoom. Most commission liaisons have indicated that in order to allow public access through Zoom, and for the meeting to be effectively managed without possible disruption, at least two (2) staff members would need to manage the virtual meeting.

From those commissions utilizing Zoom (exceptions are Planning, Design Review Board, and Cultural Heritage Commission) the majority have indicated that they receive minimal public comment; with only two commissions indicating an average of 5 public comments per meeting – depending on the subject matter on the agenda. Most indicated it is rare to receive public comment.

Having taken the above into consideration in addition to continued monitoring of meeting analytics (analytics for June and July attached) and exploring the feasible options for the City to continue the important work of the City’s commissions, staff presents the below options for your consideration. The objectives are to provide public accessibility to public meeting proceedings, allow for public comment, remain in compliance with public meeting regulations, and significantly reduce costs currently associated with virtual public meeting format.

**Option 1 (Staff Recommended).**

**Zoom Audio Accessibility, w/Continued Written Public Comment**

There would be a cost savings in terms of live streaming. Zoom does allow for the meeting to be recorded; however the City's website has a limited file size that it can support for uploads. Recordings would not be readily available for viewing at a later time online. Additional staff would be needed to effectively and securely manage the meeting.

Staff recommends Option 1 be the designated virtual commission meeting format. This option provides for live public attendance (via Zoom audio where attendees may listen to the meeting's proceedings, they would not be allowed the ability to open their video, turn on their microphone, or share their screen at any time) satisfying Brown Act requirements. Staff will ensure security by monitoring those in attendance and limiting the Zoom accessibility (meeting attendees would be muted, etc.). Starting with this option may eventually lead to allowing the participants to view the meeting's proceedings – without microphone or video being turned on. The City would not require pre-registration to attend the meeting. Attendees should be allowed to join the meeting at any point in time.

The written public comment will be taken similar to how it is currently being taken. This option allows for the significant decrease in cost because it will eliminate all associated streaming costs, and while the trade-off cost may be increased staff time (overtime or comp time), there will be a cost savings.

While this option does not allow for recordings to be readily available via a webpage, the meetings will be recorded and can be provided if requested. The recordings will be retained in accordance with our Records Retention Schedule (retaining for 30 days, or until the Minutes of the meetings are adopted by the governing body – whichever is later). There are two points to emphasize here, meeting records were only initiated out of the need to transition to a virtual meeting setting – in an expedited manner – due to the COVID-19 safety measures. Recordings of commission meetings, with the exception of the Planning Commission, have never been part of the City's normal protocol. It is also important to reiterate that the official record of the meeting, in accordance with the Brown Act, is the adopted minutes.

The City does plan on moving towards Action Minutes with an official recoding of the meetings as an additional record. Staff does plan to explore this in the future.

Secondly, while this option does not allow for live public comment, it is important to note that the City has been successful in avoiding any unsavory disruptions to public meetings (as other agencies have experienced) because we have not publicized the Zoom meeting information. If we were to open the Zoom meeting to live public input, there is no way to guarantee that there would not be a disruption to the meeting.

**Option 2.**

**Zoom Audio Accessibility, w/ Live Public Comment**

There would be a cost savings in terms of live streaming. Zoom does allow for the meeting to be recorded; however the City's website has a limited file size that it can support for uploads. Recording would not be readily available for viewing at a later time. Additional staff would be needed to effectively and securely manage the meeting. The main difference between Option 1 and Option 2 is the manner in which the public participates. They would be allowed to provide live, real-time public comment. There is a potential exposure to risk of meeting disruption with live, real-time public comment.

### **Option 3.**

#### **Closed Zoom Meeting (current format), streaming via City's YouTube Channel for public viewing, and continued Written Public Comment**

There would be a cost savings in terms of live streaming. This would be accessible through a link provided on the City's website. Recordings could be uploaded and accessible on the City's YouTube page. Additional staff would be required to effectively manage and monitor the streaming of the meeting (same staff costs associated as in the above options). The City does currently have a YouTube Brand Channel (the type of YouTube account that would be needed to facilitate live streaming).

#### **Factors to consider:**

- **Additional Staff Time.** Additional staff may be needed to effectively and securely manage the meetings. Staff would be required to work beyond the normal 10-hour day as most of these meetings take place after normal business hours. Hourly staff would be compensated in form of overtime or accrued comp time. An alternative may be to flex the employee's work schedule on meeting days, however this would be upon mutual agreement between the employee and supervisor. Comp Time and or flexing the work schedule would mean that the employee would not be available to do other work as assigned during normal business hours.
- **Minutes are Official Legislative Record.** Although the Zoom and YouTube option offers the ability for recording and uploading of meeting recordings, the official record of the public meeting, in accordance with the Brown Act, will remain the Minutes of the meeting – not the digital recording.
- **Phone Line for Public Comment.** Although a phone line was recently implemented for the City Council Meetings, staff did not include this in any of the proposed options. There is still a cost associated with a phone line for recording public comments. The cost is not contingent on whether or not there are public comments, it would need to be established and implemented for every commission and their meetings. The cost associated with voice-message line for each of the commissions is \$50 per meeting (flat rate). This could certainly be an option to consider if the amount of public comment starts to increase. The feedback the commission liaisons provided indicated that there is very minimal public comment for most meetings.

#### **Background**

Prior to the need to transition to a virtual public meeting setting (due to COVID-19 preventative and safety measures), with the exception of the Planning Commission, no commission meetings

were live or web streamed. The need to move to a virtual meeting setting, while still retaining compliance with the Brown Act (accessibility to the public) necessitated the City having to broadcast the meetings over the local cable channels and via web streaming. This was an unbudgeted expense that is not financially sustainable for the City.

On June 24, 2020, staff presented a staff report on the estimated costs for continued virtual public meetings. At the time, Council requested that staff return with recommended options to continue virtual public commission meetings.

### **Legal Review**

The City Attorney has not reviewed this item.

### **Fiscal Impact**

Various City departments already purchased Zoom Standard Pro membership accounts (at a cost of \$149.90/year) to facilitate the existing virtual meetings. It is believed that no additional Zoom Standard Pro memberships would be needed in order to accommodate the above options. The City already has a YouTube channel where not cost exists to run, upload, and retain various video files.

There may, however, be an increased cost of staff time to manage the meetings as additional staff may be needed in either of the scenarios. Overtime or Accumulated Comp Time (in lieu of paid Overtime) would need to be compensated to hourly staff. It is important to note that while Comp Time is not necessarily paid in wages (monetary), it allows for the employee to take leave, and not be available to provide service during normal business hours. While the City would be saving the costs associated with Studio Spectrum, the trade-off cost would be an increase in staff overtime/comp time. Though we expect that the cost associated with this would still be at a savings to the City.

### **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. Meeting Analytics for June 2020 and July 2020
2. June 24, 2020 City Council Staff Report re. Cost of Virtual Meetings



**ATTACHMENT 1**  
Meeting Analytics for June, July, and August 2020

**City of South Pasadena**  
**Web Streaming Information - June 2020**

<b>Live Viewing Numbers - Per Meeting</b>						
<b>Date</b>	<b>Type</b>	<b>Live Viewers</b>	<b>Streaming Cost</b>	<b># of Hours (production staff time)</b>	<b>Meeting Production Costs</b>	<b>TOTAL Meeting Production Cost</b>
6/4/2020	Design Review Board	14	\$225	3	\$450	\$675
6/8/2020	Public Safety	15	\$225	4	\$600	\$825
6/10/2020	Senior Citizen Commission	11	\$225	2	\$300	\$525
6/16/2020	MTIC	19	\$225	6	\$900	\$1,125
6/18/2020	Cultural Heritage	26	\$225	4	\$600	\$825
6/18/2020	Finance Commission	59	\$225	4	\$600	\$825
6/23/2020	NREC	13	\$225	4	\$600	\$825
	<b>Totals:</b>	<b>157</b>	<b>\$1,575</b>	<b>27.0</b>	<b>\$4,050</b>	<b>\$5,625</b>

**City of South Pasadena**  
**Web Streaming Information - July 2020**

<b>Live Viewing Numbers - Per Meeting</b>						
<b>Date</b>	<b>Type</b>	<b>Live Viewers</b>	<b>Streaming Cost</b>	<b># of Hours (production staff time)</b>	<b>Meeting Production Costs</b>	<b>TOTAL Meeting Production Cost</b>
7/8/2020	Public Works Commission	5	\$225	4	\$600	\$825
7/8/2020	Senior Citizen Commission	7	\$225	3	\$450	\$675
7/13/2020	Public Safety	8	\$225	4	\$600	\$825
7/16/2020	Cultural Heritage	23	\$225	4	\$600	\$825
7/21/2020	MTIC	45	\$225	7	\$1,050	\$1,275
7/22/2020	Design Review Board	12	\$225	3	\$450	\$675
7/22/2020	Public Arts Commission	4	\$225	3	\$450	\$675
7/28/2020	NREC	10	\$225	4	\$600	\$825
	<b>Totals:</b>	<b>114</b>	<b>\$1,800</b>	<b>32.0</b>	<b>\$4,800</b>	<b>\$6,600</b>

**City of South Pasadena**  
**Web Streaming Information - August 2020**

<b>Live Viewing Numbers - Per Meeting</b>						
<b>Date</b>	<b>Type</b>	<b>Live Viewers</b>	<b>Streaming Cost</b>	<b># of Hours (production staff time)</b>	<b>Meeting Production Costs</b>	<b>TOTAL Meeting Production Cost</b>
8/6/2020	Design Review Board	10	\$225	Not available	Not available	Not available
8/10/2020	Public Safety Commission	14	\$225	Not available	Not available	Not available
8/13/2020	Library Board of Trustees	6	\$225	Not available	Not available	Not available
8/18/2020	MTIC	19	\$225	Not available	Not available	Not available
8/20/2020	Cultural Heritage Commission	15	\$225	Not available	Not available	Not available
8/25/2020	NREC	18	\$225	Not available	Not available	Not available
8/27/2020	Finance Commission	23	\$225	Not available	Not available	Not available
<b>Totals:</b>		<b>105</b>	<b>\$1,575</b>	<b>-</b>	<b>-</b>	<b>Pending</b>

**ATTACHMENT 2**  
City Council Staff Report Re. Virtual Meeting Costs,  
June 24, 2020

# City Council Agenda Report

ITEM NO. 2



**DATE:** June 24, 2020

**FROM:** Stephanie DeWolfe, City Manager

**PREPARED BY:** Maria E. Ayala, Chief City Clerk  
Lucy Demirjian, Assistant to the City Manager

**SUBJECT:** **Discussion and Direction on the Estimated Costs for Continued Virtual Public Meetings**

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## **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.

## **Discussion/Analysis**

City Council has requested that staff provide additional information on the anticipated costs associated with continuing to host virtual public meetings. The need for holding virtual meetings was necessitated by the safety measures established by the Los Angeles County Department of Public Health in response to the COVID-19 pandemic. The City conducts these meetings remotely and held by video conference in accordance with the Brown Act Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020.

In addition to City Council meetings, the City has a total of 16 appointed advisory bodies subject to the Brown Act. Prior to the pandemic, only City Council and Planning Commission meetings were broadcast live and webstreamed. In addition to regularly scheduled monthly meetings, the City Council and commissions have also held "special" meetings. Staff anticipates between 180-200 meetings per year. This does not include community outreach meetings that will also be required to be conducted virtually, such as for the Housing Element and Climate Action Plan.

Should at least 12 of the regularly scheduled commission meetings (excluding any special meetings) be held in a virtual manner, the City can anticipate an increase in the monthly production cost of at least \$8,100 as outlined below, with a potential annual increase of more than \$97,000 per year.

Estimated Costs for Virtual Public Meetings

June 24, 2020

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The average meeting requires at least three hours of Spectrum production staff at a cost of \$150 per hour. There is a flat-rate fee of \$225 to live stream each meeting (this means the meeting is broadcast live on the City’s two local cable channels, as well livestreamed via a website hosted by Spectrum). The table below shows the breakdown of what a typical 3-hour meeting would cost, about \$675 per meeting.

Flat-rate Live Streaming Cost per meeting	\$225
Spectrum Production Staff Hourly Rate of \$150, at least 3 hours needed	\$450
Total anticipated <b>technical cost</b> to run a 3-hour virtual meeting	\$675

The viewership data for the commission meetings has also been tracked and provided by Spectrum. The “Live Viewers” numbers indicates unique IPN addresses that streamed the meeting via the website. No viewership data for cable channels was able to be attained. Typically there are several City staff members that will stream the meeting via the web for informational purposes.

The following table shows the viewership data for the month of May 2020 as well as production cost per meeting breakdown. With the exception of the City Council Meetings, most other meetings had viewership of less than 20 unique IPN addresses. City Council Meetings and Planning commission meetings are highlighted because these are meetings that were covered under the original contract with Spectrum – these are billed separately, but at the same rates. The only difference is that Streaming costs for Council meetings are \$375 per meeting as the recording for Council meetings are indexed in accordance with the agenda.

**City of South Pasadena  
Web Streaming Information - May 2020**

<b>Live Viewing Numbers - Per Meeting</b>						
<b>Date</b>	<b>Type</b>	<b>Live Viewers</b>	<b>Streaming Cost</b>	<b># of Hours (production staff time)</b>	<b>Meeting Production Costs</b>	<b>TOTAL Meeting Production Cost</b>
5/6/2020	City Council	85				
5/11/2020	Public Safety	15	\$225	3	\$450	\$675
5/11/2020	Parks and Rec	18	\$225	2	\$300	\$525
5/11/2020	Public Works and MTIC Joint	22	\$225	3	\$450	\$675
5/12/2020	Planning Commission	18				

Estimated Costs for Virtual Public Meetings

June 24, 2020

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5/13/2020	Public Works	11	\$225	3	\$450	\$675
5/13/2020	City Council	56				
5/14/2020	DRB, CHC and PAC Joint	12	\$225	2	\$300	\$525
5/14/2020	Design Review Board	10		2	\$300	\$300
5/14/2020	NREC	9	\$225	3	\$450	\$675
5/14/2020	Library Board of Trustees	21	\$225	3	\$450	\$675
5/19/2020	MTIC	11	\$225	4	\$600	\$825
5/20/2020	City Council	84				
5/21/2020	Cultural Heritage	22	\$225	4	\$600	\$825
5/26/2020	Finance Commission	52	\$225	3	\$450	\$675
5/26/2020	NREC Commission	6	\$225	3	\$450	\$675
5/27/2020	Public Arts	4	\$225	3	\$450	\$675
5/27/2020	City Council	50				
5/28/2020	CAP Meeting	41	\$225	4	\$600	\$825
5/30/2020	HE Workshop	9	\$225	4	\$600	\$825
	<b>Total Live Viewers:</b>	<b>556</b>	<b>\$3,150</b>	<b>46</b>	<b>\$6,900</b>	<b>\$10,050</b>

**Live Public Participation**

Prior to the need to host virtual meetings, the Council Chambers was not equipped with the proper AV equipment to broadcast virtual meetings. This technical work was solicited from Spectrum, and quickly implemented. At this time, however, there still exists no designated phone line for the Council Chambers that would allow incoming calls during a meeting. It is important to note this, as a question was raised on whether or not public comment could be accommodated by phone for virtual meetings.

Spectrum has offered two options in order to accommodate oral public comment during public meetings. The first would involve a voicemail service that would have a dedicated 626 area code phone number for each commission and one for the Council. The public would call in and leave a public comment message for the council or commission that could be played during the appropriate point of the meeting. The cost of this would be \$50 per meeting. There would be additional staff time required to screen the calls prior to broadcast to check for obscene or other inappropriate content, similar to zoom-bombing. For a typical month with two City Council and 12 commission meetings, this would be an additional \$700 per month, up to \$10,000 per year when considering additional special meetings.

A second option would be a dedicated 626 area code phone number for each commission and one for Council (\$50 per meeting as mentioned above). And an additional Spectrum technician at the rate of \$225 per hour per meeting to host and moderate the line for public comment. The additional Spectrum technician would be needed to screen each public caller for appropriate timing of public comment, and work with the Chief City Clerk to cue up the caller at the appropriate time. This method is currently used by the City of Arcadia. Alternatively, the technician can moderate

through the City's Zoom account. However, as with the case of the City of Alhambra, anyone wanting to make public comment will be pre-screened by the technician a day prior to the meeting to be provided secure access to the zoom meeting. The total annual cost would be approximately \$120,000 (\$10,000/mo) for additional Spectrum staff time if applied to all commissions for an average month.

Another option suggested by the public is to hold meetings in a large room, such as the Community Room, that would allow social distancing for the Council/commission as well as the audience members. The dais in the Council Chambers does not allow for appropriate social distancing and the room does not hold many audience members at six foot distance. Broadcasting from remote locations requires specialized equipment currently not owned by the City. Studio Spectrum has provided a preliminary quote of \$3,000 per meeting in addition to the webstream costs. Spectrum currently provides similar services to the City of Alhambra for the same rate which includes up to 5 technicians to run each meeting. South Pasadena would require an additional technician on site at City Hall in order to continue to provide the live broadcast through the cable channels. It should also be noted that the acoustical issues in the Community Room will likely be problematic for recording and broadcasting.

### **Background**

Most virtual meetings have been conducted using the Zoom virtual platform, with some meetings using the GoTo Meetings platform. Although both platforms allow for a multitude of participants, out of an abundance of caution, the City has opted to limit the number of meeting participants during the meeting. Zoom-bombing has been known to occur and seriously disrupt public meetings. Therefore, the City does not publicize the Zoom meeting information and has subscribed to the upgraded Zoom platform in order to be able to implement other meeting security measures. The public is able to watch the live meeting's proceedings via the two local cable channels and/or the live webstream.

The City's Audio Visual (AV) contractor, Studio Spectrum (Spectrum), must have at least one member of their production staff onsite to broadcast the meetings. The majority of commissions require at least two staff members in Council Chambers for every meeting. Although the commissions have different scheduled meetings days, due to the virtual meetings all meetings must be hosted and broadcast (cable and web streaming) from the Council Chambers.

The City's original contract with Spectrum was for a contract term of November 2, 2016 – June 30, 2019. The City opted to enact the option for extension from July 1, 2019-June 30, 2021.

### **Legal Review**

The City Attorney has reviewed this item.

### **Fiscal Impact**

Limited funds were included in the proposed budget to cover the costs of the additional virtual meetings, for a total of \$60,000 (this includes the standard costs for the regular city council and planning commission meetings) which falls short of the anticipated expenditures. Staff will request



additional funds accordingly during the quarterly review of the budget. Further, if live call-in service is added, an additional amount, possibly in the range of \$100,000, would be required.

**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:** Commission Meeting Schedule

# Schedule of City Council | Commissions | Boards Meetings

Meeting Body	Day of the Week / Time	Location	# of meetings/year
City Council	1 <sup>st</sup> and 3 <sup>rd</sup> Wednesday of the month 6:30 p.m. Closed Session 7:30 p.m. Open Session	Council Chamber, 1424 Mission St.	24
Animal Commission	1 <sup>st</sup> Monday of the month   6:30 p.m. (Jan, Mar, Apr, May, Sep, Nov)	Mayor's Conf. Rm., 1424 Mission St.	6 (SPMC Article IV. Section 2.52)
Cultural Heritage Commission	3 <sup>rd</sup> Thursday   6:30 p.m.	Council Chamber, 1424 Mission St.	12
Design Review Board	1 <sup>st</sup> Thursday   6:30 p.m.	Council Chamber, 1424 Mission St.	12
Finance Commission	4 <sup>th</sup> Thursday of even numbered months   6:30 p.m.	City Managers Conf. Rm., 1414 Mission St.	10 Max 10 Regular Meetings per year (SPMC Article IVI, Section 2.70)
Library Board of Trustees	2 <sup>nd</sup> Thursday   7:00 p.m.	Library Conf. Rm., 1100 Oxley St.	12
Mobility and Transportation Infrastructure Commission	3 <sup>rd</sup> Tuesday   6:30 p.m.	Council Chamber, 1424 Mission St.	12 (SPMC Article IVD. Section 2.47-5)
Natural Resources and Environmental Commission	4 <sup>th</sup> Tuesday   7:00 p.m.	Council Chamber, 1424 Mission St.	12
Parks and Recreation Commission	2 <sup>nd</sup> Monday   6:30 p.m.	Council Chamber, 1424 Mission St.	12
Planning Commission	2 <sup>nd</sup> Tuesday   6:30 p.m.	Council Chamber, 1424 Mission St.	10 Meets monthly except for Nov and Dec (SPMC Article IVA, Section 2.37)
Public Arts Commission	4 <sup>th</sup> Wednesday   6:30 p.m.	Council Chamber, 1424 Mission St.	12 Once a month as needed (SPMC Article IVL, Section 2.79-11)
Public Safety Commission	2 <sup>nd</sup> Monday   8:30 a.m. (Meets monthly/Aug & Dec – no meeting)	Fire Dept. EOC Rm., 817 Mound Ave.	10 Max 10 Regular Meetings per year (SPMC Article IVB, Section 2.42)
Public Works Commission	2 <sup>nd</sup> Wednesday   7:00 p.m.	Council Chamber, 1424 Mission St.	6 One Regular Meeting every other month (SPMC Article IVK, Section)
Senior Citizen Commission	2 <sup>nd</sup> Wednesday   8:30 a.m.	Senior Center, 1102 Oxley St.	12
Youth Commission	4 <sup>th</sup> Monday   6:00 p.m.	Senior Center, 1102 Oxley St.	12
4 <sup>th</sup> of July – Festival of Balloons Committee	4 <sup>th</sup> Wednesday   7:00 p.m.	Fire Dept. EOC Rm., 817 Mound Ave.	Varies
Tournament of Roses Committee	1 <sup>st</sup> Tuesday   7:30 p.m.	Council Chamber, 1424 Mission St.	Varies



# City Council Agenda Report

ITEM NO. 20

**DATE:** September 16, 2020

**FROM:** Stephanie DeWolfe, City Manager

**PREPARED BY:** Michael Casalou, Human Resources Manager  
Lucy Demirjian, Assistant to the City Manager

**SUBJECT:** **Adopt a Resolution authorizing a CalPERS Early Retirement Incentive Program**

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## **Recommendation**

It is recommended that the City Council adopt the proposed resolution authorizing an early retirement incentive program under CalPERS.

## **Executive Summary**

As a result of the worldwide pandemic, the City has seen a significant decrease in revenue causing an anticipated \$3.5 million shortfall for FY20/21. At the September 2, 2020 City Council meeting, the City Council directed staff to initiate a series of personnel related strategies to help reduce expenditures to match reduced revenue. Those strategies included costs and subsequent savings from the elimination and freezing of positions, including those potentially vacated through the early retirement program. Council must approve a resolution authorizing an early retirement incentive program with CalPERS prior to offering the incentive to employees.

## **Discussion/Analysis**

At the September 2, 2020 City Council meeting, the City Council approved staff's recommendations to initiate a series of strategies to reduce expenditures to match reduced revenue, including shifting General Fund dollars from capital to operations, eliminating contracts and reducing operations costs, pulling from special project reserves, and reducing costs of personnel. The personnel related portion of the cost savings strategies, totaling \$1,550,000, included offering a limited number of employees an early retirement incentive. The early retirement benefit is intended to generate short-term and long-term savings through voluntary attrition of personnel. Through a combination of hiring new employees at entry level wages, holding positions vacant for some period of time, and/or through the permanent reduction in the workforce, voluntary retirements will provide opportunities to reduce labor expenses.

CalPERS offers a Two-Year early retirement program for public agencies facing downsizing, layoffs, and/or reorganizations due to financial pressures or organizational changes. The program allows agencies the opportunity to reduce labor costs by lowering per unit staff cost and

maintaining target vacancies. The cost of the program is amortized over five years. The program provides an extra two years of service credit to employees who:

- Have attained 50 years of age;
- Have five or more years of service credit with CalPERS;
- Retire within the respective 90-day retirement window.

The cost of providing this benefit will be rolled into the City's actuarial estimate two-fiscal years following implementation. Budget savings will be realized from the reduction in labor costs less the cost of the program, amortized over five years.

This incentive is being offered at this time to eligible employees in all departments except police, fire and public works with a few exceptions. Those three departments have been excluded due to the critical nature of service and the higher risk of absenteeism currently due to the pandemic. A total of ten employees in various classifications are being offered two years of service credit if they retire between the window period of September 17 and December 31, 2020. The ten classifications include:

- 1 Film Liaison
- 2 Management Analyst
- 3 Administrative Secretary/Police
- 4 City Manager
- 5 Library Technical Assistant
- 6 Support Services Assistant
- 7 Community Services Director
- 8 Library Support Services Manager
- 9 Administrative Secretary/Planning and Building
- 10 Library Public Services Manager

It is unknown how many will accept the offer, and therefore cost savings are undefined. However PERS data indicate that typically half of the employees offered an incentive will pursue it, resulting in five employees leaving the organization. Depending on which employees exit, the cost savings will be achieved through positions being held vacant for a specified time, being eliminated, being filled at a lower classification or part time status, or being filled with a PERS PEPR member with significantly lower benefit costs than a PERS Classic member.

An early retirement incentive is authorized under Government Code Section 20903, but must include at least one layoff. At its September 2, 2020 meeting, the City Council approved a series of strategies to offset the \$3.5 million dollar deficit that included a placeholder for a layoff totaling \$45,000 savings for a six month period this fiscal year. Additionally, the procedure has changed such that PERS now requires the public agency employer to prepare an actuarial analyzing the costs to the employer if all eligible employees actually took the early retirement incentive (two extra years of service credit). PERS has prepared the required actuarial for the City, which is attached to this staff report, and was presented at the September 2, 2020 City Council meeting.

**Legal Review**

The City Attorney has reviewed this item.

**Fiscal Impact**

The “net” maximum cost of the retirement incentive program if five employees apply for these benefits is \$104,530 per year for five years, or \$522,650 in total. Maximum cost would be incurred if all five employees were replaced with PEPRA employees at lower benefit costs. While the city anticipates some positions will be replaced with PEPRA employees, other positions will be held vacant for a period of time, restructured to be lower cost classifications, or eliminated. The total costs of the program would be offset by these savings over the five year payment period.

According to the PERS actuarial, if all 10 employees actually took the early retirement incentive, the maximum increased cost in the City’s PERS premiums over the anticipated lifetime of the benefit would be a total of \$809,757; if paid over a 5 year period subject to PERS interest rates, the maximum total cost would be \$1,250,000, or \$250,000 per year. However, the actual cost will be based on the employees who do retire and will be calculated on their years of service with South Pasadena, not their total years of service in the PERS system. PERS data indicates that roughly half of employees offered the incentive will pursue it. Accordingly, the City anticipates approximately five employees will take the early retirement incentive.

**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. CalPERS Resolution
2. CalPERS Actuarial Valuation

**Attachment 1:**  
**CalPERS Resolution**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,  
TO GRANT ANOTHER DESIGNATED PERIOD  
FOR TWO YEARS ADDITIONAL SERVICE CREDIT**

WHEREAS, the City Council of the City of South Pasadena is a contracting Public Agency of the Public Employees' Retirement System; and

WHEREAS, said Public Agency desires to provide another designated period for Two Years Additional Service Credit, Section 20903, based on the contract amendment included in said contract which provided for Section 20903, Two Years Additional Service Credit, for eligible members;

NOW, THEREFORE, BE IT RESOLVED, that said City Council does seek to add another designated period, and does hereby authorize this Resolution, indicating a desire to add a designated period from September 17, 2020 through December 31, 2020 for eligible miscellaneous members, as designated in Exhibit A.

Adopted and approved this 16th day of September, 2020.

CITY COUNCIL  
OF THE  
CITY OF SOUTH PASADENA

BY \_\_\_\_\_  
Mayor Robert S. Joe

Attest:

\_\_\_\_\_  
Evelyn Zneimer, City Clerk  
(Seal)



California Public Employees' Retirement System  
 Financial Office | Pension Contracts and Prefunding Programs Division  
 P.O. Box 942703, Sacramento, CA 94229-2703  
 888 CalPERS (or 888-225-7377) | TTY: (877) 249-7442 | [www.calpers.ca.gov](http://www.calpers.ca.gov)

**Certification of Compliance With  
 Government Code Section 20903**

In accordance with Government Code section 20903 and the contract between the Public Employees' Retirement System, the City Council of the City of South Pasadena hereby certifies that:

1. Because of an impending curtailment of, or change in the manner of performing service, the best interests of the agency will be served by granting such additional service credit.
2. The added cost to the retirement fund for all eligible employees who retire during the designated window period will be included in the contracting agency's employer contribution rate for the fiscal year that begins two years after the end of the designated period.
3. It has elected to become subject to section 20903 because of impending mandatory transfers, demotions, and layoffs that constitute at least 1 percent of the job classification, department or organizational unit, as designated by the governing body, resulting from the curtailment of, or change in the manner of performing, its services.
4. Its intention at the time section 20903 becomes operative is to keep all vacancies created by retirements under this section or at least one vacancy in any position in any department or other organizational unit permanently unfilled thereby resulting in an overall reduction in the work force of such department or organizational unit.

THEREFORE, the City Council of the City of South Pasadena hereby elects to provide the benefits of Government Code section 20903 to all eligible members who retire within the designated period, September 17, 2020 through December 31, 2020.

CITY COUNCIL  
 OF THE  
 CITY OF SOUTH PASADENA

BY \_\_\_\_\_  
 Mayor Robert S. Joe

Attest:

\_\_\_\_\_  
 Evelyn Zneimer, City Clerk

\_\_\_\_\_  
 Date



	Position
1	Film Liaison
2	Management Analyst
3	Administrative Secretary
4	City Manager
5	Library Technical Assistant
6	Support Services Assistant
7	Community Services Director
8	Library Support Services Manager
9	Administrative Secretary
10	Library Public Services Manager

**Attachment 2:**  
CalPERS Actuarial Valuation



**California Public Employees' Retirement System**  
**Actuarial Office**  
P.O. Box 942709  
Sacramento, CA 94229-2709  
TTY: (916) 795-3240  
(888) 225-7377 phone • (916) 795-2744 fax  
[www.calpers.ca.gov](http://www.calpers.ca.gov)

August 27, 2020

CALPERS ID: 2139696011  
Employer Name: CITY OF SOUTH PASADENA  
Rate Plan: MISCELLANEOUS PLAN  
BENEFIT DESCRIPTION: ADDITIONAL TWO YEARS OF SERVICE – GOLDEN HANDSHAKE

Dear Requestor:

A contract amendment cost analysis for the valuation requested and related information is enclosed. This amendment actuarial valuation report reflects the following proposed benefit provision changes:

**Additional two years of service for designated members - Golden Handshake**

Number of eligible members	10
Average Pay	\$89,087
Average Service	20.13
Average Age	57.97

California Government Code Section 20903 allows an agency to amend its contract to provide its employees, who retire during a designated period, two years of additional service credit. Before an agency may adopt the Golden Handshake resolution, the governing body must certify that it intends to keep some of the resulting vacancies permanently unfilled and reduce the workforce. The provision permits agencies to reduce staff and provide immediate payroll savings by offering a retirement incentive for eligible employees.

The estimated total increase in retirement benefit costs and analysis regarding estimated changes in required employer contribution rates are provided in the attached cost analysis. If you are aware of others interested in this information (i.e., payroll staff, county court employees, port districts, etc.), please inform them. Sections 20463 (b) and (c) of the California Public Employees' Retirement Law require the governing body of a public agency which requests a contract amendment cost analysis to provide each affected employee organization with a copy within five days of receipt. Likewise, if this cost analysis is requested by an employee organization, the employee organization is required to provide a copy of the analysis to the public agency within five days of receipt.

**Important Risk Disclosure**

- **The Nature of Actuarial Work:** All actuarial calculations, including the ones in this cost estimate, are based on numerous assumptions about the future. This includes demographic assumptions about the percentage of your employees that will terminate, die, become disabled, and retire in each future year, and economic assumptions, about what salary increases each employee receives and the most important assumption, what the assets at CalPERS will earn for each year into the future until the last dollar is paid to current members of your plan. While CalPERS has set these assumptions as our best estimate of the future, it must be understood that these assumptions are very long-term predictors and will not be realized each year as we go forward. **This means that your required employer contributions can vary with or without any benefit changes because short term experience does not conform to the long-term actuarial assumptions.**
- Investment return is much more volatile than liability fluctuations and can cause employer rates to vary significantly. For example, for the past twenty-year period ending June 30, 2020, returns for each fiscal year ranged from -24% to +20.7%. The impact of investment return on employer contribution rates varies significantly based on the plan's volatility ratio (the ratio of the market value of assets to the payroll).

- The risks associated with whether actual future measurements differ significantly from expected future measurements are disclosed in this report. **These risk disclosures are important and should be reviewed.**

If you have questions about the cost analysis, please call (888) CalPERS (225-7377). Please ask to speak to a contract analyst for questions about the timing of the contract amendment. Please ask to speak to either signing actuary below for questions about this cost analysis.



STUART BENNETT, ASA, MAAA  
Senior Pension Actuary, CalPERS



RANDALL DZIUBEK, ASA, MAAA  
Deputy Chief Actuary - Valuation Services, CalPERS

Enclosures

## **Estimated Cost / Savings of Golden Handshake Program**

A Golden Handshake program generally results in increased retirement benefit costs but lower payroll and ancillary benefit costs (at least for some period of time). An appropriate method for determining the ultimate cost / savings of such a program is to compare the estimated increase in retirement benefit costs to the estimated payroll and ancillary benefit savings. There is generally no way to know which of the eligible members will retire under the program. ***All "post-amendment" results provided in this report assume all eligible members will retire.*** If some eligible employees choose to continue working, the cost will be different. However, it is not necessarily true that if 80% of eligible members choose to retire, the cost will be 80% of the results shown in this report. The cost of the additional service varies by individuals, and those for whom it has a higher value may be more likely to elect to take advantage, meaning that the cost for the 80% that elect to retire could be more than 80% of the cost if all members elect to retire.

The ultimate cost/savings will also depend heavily on the extent to which members who retire under the program are replaced or not replaced. Both the increase in retirement benefit costs and the decrease in payroll/ancillary benefits depend on this.

Adoption of the proposed amendment would affect the cost of retirement benefits provided in this plan in two ways:

1. Increase in Past Service Cost – this is the current value of the improved benefit for all past service of eligible members, expressed as a lump-sum dollar amount. According to CalPERS policy, a new Unfunded Accrued Liability base is established in the amount of the past service cost increase for the Golden Handshake program and amortized over 5 years.
2. Decrease in Normal Cost – employer normal costs for remaining active members will be unaffected by the Golden Handshake program. However, to the extent members who retire under the program are not replaced, total required employer normal cost payments will be reduced.

***This report provides estimates of the increase in retirement benefit costs but does not provide estimated payroll/ancillary benefit savings.*** For a full picture of the financial impact of this program, payroll and ancillary benefit costs should be estimated and compared to the retirement benefit costs provided in this report.

## **Present Value of Projected Benefits**

The table below shows the change in the plan's total present value of benefits for the proposed plan amendment. The present value of benefits represents the total dollars needed today to fund all future benefits for *current* members of the plan (i.e., without regard to future employees).

Also provided in the table is the present value of future member contributions for members assumed to retire under the Golden Handshake program. Without the program, these member contributions would be expected to be paid to the plan. If the retiring members are not replaced, these member contributions will not be contributed to the plan.

***The change in the present value of benefits due to the Golden Handshake program plus "lost" member contributions is an estimate of the total retirement benefit cost of program if retiring members are not replaced.***

**CONTRACT AMENDMENT COST ANALYSIS - VALUATION BASIS: June 30, 2019**  
**MISCELLANEOUS PLAN OF THE CITY OF SOUTH PASADENA**  
**CALPERS ID: 2139696011**  
**BENEFIT DESCRIPTION: TWO YEARS ADDITIONAL SERVICE – GOLDEN HANDSHAKE**

As of June 30, 2019	Pre-Amendment	Post-Amendment
<b>Present Value of Projected Benefits (PVB)</b>	\$ 54,514,475	\$ 54,666,229
<b>Change to PVB</b>		\$ 151,754
<b>Reduction in Future Member Contributions</b>		\$ 199,758
<b>Estimated Total Increase in Retirement Benefit Costs (Assuming no replacement)*</b>		<b>\$ 351,512</b>

\* The Estimated Total Increase in Retirement Benefit Costs shown in the table above assumes that all employees eligible for retirement elect to retire under the Golden Handshake program. For certain eligible members, the present value of future benefits decreases as a result of retirement under this program. These employees have not yet reached normal retirement age of 55 and will have a much lesser retirement benefit factor if they accept the Golden Handshake. If these eligible members are removed from the calculations above (assuming they will not retire under the program), the estimated increase in the PVB above is calculated to be \$379,831 with reduced future member contributions of \$123,011. This yields a total estimated increase in retirement benefit costs of **\$502,842**.

As discussed in the Important Risk Disclosure in the cover letter, actual cost in the future will differ from our estimates due to experience deviating from the long-term actuarial assumptions on which the estimates are based.

## Accrued Liability

The plan's Accrued Liability is the portion of the Present Value of Projected Benefits attributable to past service. A plan with assets exactly equal to the plan's accrued liability is "on schedule" in funding that plan. A plan with assets below the accrued liability is "behind schedule", or is said to have an *unfunded liability*, and must temporarily increase contributions to get back on schedule. Of course, events such as plan amendments and investment or demographic gains or losses can change a plan's condition from year to year.

The increase in the plan's accrued liability due to the Golden Handshake program determines the increase in unfunded liability that is amortized over a 5-year period which increases required annual employer contributions.

The changes in your plan's accrued liability, unfunded accrued liability, and the funded ratio as of June 30, 2019 due to the plan amendment are shown in the table below.

As of June 30, 2019	Pre-Amendment	Post-Amendment
<b>Entry Age Normal Accrued Liability (AL)</b>	\$ 49,736,451	\$ 50,546,208
<b>Market Value of Assets (MVA)</b>	35,406,805	35,406,805
<b>Unfunded Liability/(Excess Assets) (UAL = AL – MVA)</b>	\$ 14,329,646	\$ 15,139,403
<b>Funded Ratio (MVA / AL)</b>	71.2%	70.0%
<b>Estimated Change to AL</b>		<b>\$ 809,757</b>

For a Golden Handshake program, the increase in accrued liability is typically greater than the increase in the present value of projected benefits. The difference is the value of normal costs that would have been charged for the retiring members between the valuation date and their projected retirement date (without the Golden Handshake program). ***If these retiring members are replaced (resulting in these normal costs being accrued by replacement members), a more appropriate estimate of the total increase in retirement benefit costs attributable to the Golden Handshake program is the increase in accrued liability shown above.***

## Estimated Impact on Future Employer Contributions

While the table above gives the changes in the accrued liability and funded status of the plan due to the amendment, there remains the question of what will happen to required employer contributions because of the Golden Handshake program.

CalPERS policy provides that the change in unfunded liability due to a Golden Handshake program will be separately amortized over a period of 5 years and all other components of the plan's unfunded liability/excess assets will continue to be amortized separately. Future employer normal costs are expected to be lower provided at least some of the retiring members are not replaced.

### Normal Cost for Fiscal Year 2021-22

The employer normal cost rate determined in the June 30, 2019 actuarial valuation, and applicable to fiscal year 2021-22, is unaffected by the Golden Handshake program. However, if member payroll for that year is reduced due to this program, this normal cost rate will be applied to lower payroll which will result in lower normal cost dollars paid during that year. **The reduction in fiscal year 2021-22 employer normal cost can be estimated by multiplying the plan's current employer normal cost rate by the estimated decrease in payroll due to this program.**

### Normal Cost for Fiscal Year 2022-23 and Beyond

The employer normal cost rate that will be determined in the June 30, 2020 actuarial valuation (applicable to the 2022-23 fiscal year) will also be unaffected by this Golden Handshake program as all eligible members will be retiring after that date. **An estimate for the employer normal cost reduction in fiscal year 2022-23 can be determined by multiplying the plan's current employer normal cost rate by the estimated decrease in payroll due to this program in fiscal year 2022-23.** The employer normal cost rate is provided in the table below. This estimate of the decrease in the employer normal cost reduction also applies to future fiscal years.

<b>Based on June 30, 2019 Actuarial Valuation</b>		
<b><u>Employer Normal Cost Rates</u></b>		
<b>Miscellaneous Plan</b>		11.60%
Note – individual member normal cost rates are not impacted by the Golden Handshake program.		
	<b>Pre-Amendment</b>	<b>Post-Amendment</b>
<b>Projected Unfunded Accrued Liability Payment (FY 2023-24)</b>	\$1,221,384	\$1,471,645
<b>Change to Unfunded Accrued Liability Payment (persists for 5 years)</b>		\$250,261

## **Additional Risk Disclosures**

With the adoption of the Actuarial Standards of Practice Number 51 (ASOP 51), there is an increase in the amounts of disclosures about the risk associated with pension plans. These risks are shown in both the annual valuation report, as well as this amendment valuation report. The following are some risk disclosures that your actuary feels you should be aware of before amending your contract to provide this benefit.

The actuarial calculations supplied in this communication are based on a number of assumptions about very long-term demographic and economic behavior. Unless these assumptions (terminations, deaths, disabilities, retirements, salary growth, and investment return) are exactly realized each year, there will be differences on a year to year basis. The year to year differences between actual experience and the assumptions are called actuarial gains and losses and serve to raise or lower the employer's required contributions from year to year. As a result, the required contributions will fluctuate, especially due to the unpredictability of investment returns.

Provided on the following pages are several measures to help your agency understand the risks associated with the proposed contract.

Specifically, these exhibits illustrate the risk associated with:

- The Plan's Sensitivity to the Discount Rate, Mortality, and Inflation
- The Plan's Maturity, and
- The Potential Costs for Terminating the Proposed Contract

The risks analyzed here are not a comprehensive list but are instead the risks we believe to have the greatest impact on the additional retirement benefit costs due to the Golden Handshake program. There are other risks associated with the proposed contract not analyzed here that could impact the cost of the plan.



## Analysis of Discount Rate Sensitivity

Shown below are various valuation results as of June 30, 2019 assuming alternate discount rates. Results are shown using the current discount rate of 7.0 percent as well as alternate discount rates of 6.0 percent and 8.0 percent. The rates of 6.0 percent and 8.0 percent were selected since they illustrate the impact of a 1 percent increase or decrease to the 7.0 percent assumption. This analysis shows the potential plan impacts if the PERF were to realize investment returns of 6.0 percent or 8.0 percent over the long-term.

This type of analysis gives the reader a sense of the long-term risk to required contributions. For a measure of funded status that is appropriate for assessing the sufficiency of plan assets to cover estimated termination liabilities, please see "Hypothetical Termination Liability" at the end of this section.

The following tables indicate the sensitivity of key valuation results, both pre- and post-amendment, to changes in the discount rate. For the scenarios below, the inflation assumption was unchanged at 2.50%.

<b>Sensitivity Analysis (Pre-Amendment)</b>				
<b>As of June 30, 2019</b>	<b>Present Value of Projected Benefits</b>	<b>Accrued Liability</b>	<b>Unfunded Accrued Liability</b>	<b>Funded Status</b>
7.0% (current discount rate)	\$54,514,475	\$49,736,451	\$14,329,646	71.2%
6.0%	\$63,227,833	\$56,710,881	\$21,304,076	62.4%
8.0%	\$47,641,711	\$44,077,708	\$8,670,903	80.3%

<b>Sensitivity Analysis (Post-Amendment)</b>				
<b>As of June 30, 2019</b>	<b>Present Value of Projected Benefits</b>	<b>Accrued Liability</b>	<b>Unfunded Accrued Liability</b>	<b>Funded Status</b>
7.0% (current discount rate)	\$54,666,229	\$50,546,208	\$15,139,403	70.0%
6.0%	\$64,140,347	\$58,221,091	\$22,814,286	60.8%
8.0%	\$47,160,128	\$44,300,748	\$8,893,943	79.9%

## Mortality Rate Sensitivity

The following table looks at the change in the June 30, 2019 plan costs and funded ratio under two different longevity scenarios, namely assuming rates of mortality are 10 percent lower or 10 percent higher than our current mortality assumptions adopted in 2017. This type of analysis highlights the impact on the plan of improving or worsening mortality over the long-term.

<b>Sensitivity Analysis Pre-Amendment</b>			
<b>As of June 30, 2019</b>	<b>Current Mortality</b>	<b>10% Lower Mortality Rates</b>	<b>10% Higher Mortality Rates</b>
a) Accrued Liability	\$49,736,451	\$50,810,089	\$48,751,240
b) Market Value of Assets	\$35,406,805	\$35,406,805	\$35,406,805
c) Unfunded Liability (Surplus) [(a)-(b)]	\$14,329,646	\$15,403,284	\$13,344,435
d) Funded Status	71.2%	69.7%	72.6%

<b>Sensitivity Analysis Post-Amendment</b>			
<b>As of June 30, 2019</b>	<b>Current Mortality</b>	<b>10% Lower Mortality Rates</b>	<b>10% Higher Mortality Rates</b>
a) Accrued Liability	\$50,546,208	\$51,711,523	\$49,475,815
b) Market Value of Assets	\$35,406,805	\$35,406,805	\$35,406,805
c) Unfunded Liability (Surplus) [(a)-(b)]	\$15,139,403	\$16,304,718	\$14,069,010
d) Funded Status	70.0%	68.5%	71.6%

## **Inflation Rate Sensitivity**

The following analysis looks at the change in the June 30, 2019 plan costs and funded ratio under two different inflation rate scenarios, namely assuming the inflation rate is 1 percent lower or 1 percent higher than our current valuation inflation rate assumption of 2.50%. This type of analysis highlights the impact on the plan of increased or decreased inflation over the long-term.

<b>Sensitivity Analysis Pre-Amendment</b>			
<b>As of June 30, 2019</b>	<b>Current Inflation Rate</b>	<b>-1% Inflation Rate</b>	<b>+1% Inflation Rate</b>
a) Accrued Liability	\$49,736,451	\$52,525,134	\$46,182,455
b) Market Value of Assets	\$35,406,805	\$35,406,805	\$35,406,805
c) Unfunded Liability (Surplus) [(a)-(b)]	\$14,329,646	\$17,118,329	\$10,775,650
d) Funded Status	71.2%	67.4%	76.7%

<b>Sensitivity Analysis Post-Amendment</b>			
<b>As of June 30, 2019</b>	<b>Current Inflation Rate</b>	<b>-1% Inflation Rate</b>	<b>+1% Inflation Rate</b>
a) Accrued Liability	\$50,546,208	\$53,714,741	\$46,529,497
b) Market Value of Assets	\$35,406,805	\$35,406,805	\$35,406,805
c) Unfunded Liability (Surplus) [(a)-(b)]	\$15,139,403	\$18,307,936	\$11,122,692
d) Funded Status	70.0%	65.9%	76.1%

## **Volatility Ratios**

Actuarial calculations are based on a number of assumptions about long-term demographic and economic behavior. Unless these assumptions (terminations, deaths, disabilities, retirements, salary growth, and investment return) are exactly realized each year, there will be differences on a year-to-year basis. The year-to-year differences between actual experience and the assumptions are called actuarial gains and losses and serve to lower or raise required employer contributions from one year to the next. Therefore, employer contributions will inevitably fluctuate, especially due to the ups and downs of investment returns.

The volatility in annual employer rates may be affected by this amendment due to changes in plan liabilities and payroll. Rate volatility can be measured by the ratio of plan assets to active member payroll. Higher asset to payroll ratios produce more volatile employer rates. To see this, consider two plans, one with assets that are 4 times active member payroll, and the other with assets that are 8 times active member payroll. In a given year, when assets rise or fall 10% above or below the actuarial assumption, the plan with a volatility index of 4 experiences a dollar gain or loss of 40% of payroll while the plan with a volatility index of 8 experiences a dollar gain or loss of 80% of payroll. If this gain or loss is spread over 20 years (and we oversimplify by ignoring interest on the gain or loss), then the first plan's rate changes by 2% of pay while the second plan's rate changes by 4% of pay.

It should also be noted that these ratios tend to stabilize as the plan matures. That is, all plans with no past service start their lives with zero assets and zero accrued liability – thus, asset to payroll ratio and liability to payroll ratios are equal to zero. However, as time goes by these ratios begin to rise and then tend to stabilize at some constant amount as the plan matures. Higher benefit levels and earlier expected retirements produce higher constant future ratios.

## **Asset Volatility Ratio (AVR)**

Plans that have higher asset-to-payroll ratios experience more volatile employer contributions (as a percentage of payroll) due to investment return. For example, a plan with an asset-to-payroll ratio of 8 may experience twice the contribution volatility due to investment return volatility than a plan with an asset-to-payroll ratio of 4. It should be noted that this ratio is a measure of the current situation. It increases over time but generally tends to stabilize as the plan matures. When you amend your plan for prospective service, the future liability changes, but assets do not. So, the AVR does not change immediately. However, as assets grow to equal your new accrued liability, your AVR will also grow. So, we also disclose the ratio of accrued liability to payroll below to show what your future AVR will become when you are 100% funded. The higher this ratio, the more volatile your future contribution rate will be.

## **Liability Volatility Ratio (LVR)**

Plans that have higher liability-to-payroll ratios experience more volatile employer contributions (as a percentage of payroll) due to investment return and changes in liability. For example, a plan with a liability-to-payroll ratio of 8 is expected to have twice the contribution volatility of a plan with a liability-to-payroll ratio of 4. The liability volatility ratio is also shown in the table below. It should be noted that this ratio indicates a longer-term potential for contribution volatility. The asset volatility ratio, described above, will tend to move closer to the liability volatility ratio as the plan matures. Since the liability volatility ratio is a long-term measure, it is shown below at the current discount rate (7.25 percent) as well as the discount rate the Board has adopted to determine the contribution requirement in the June 30, 2018 actuarial valuation (7.00 percent). With an increase in benefits, a plan is likely to see an increase in the Liability Volatility Ratio as more assets are needed to support the higher benefits that are to be paid out.

The table on the next page contains these measures of potential future rate volatility. **For this purpose, the "post-amendment" results assume all eligible members retire under this program and are not replaced.**

**CONTRACT AMENDMENT COST ANALYSIS - VALUATION BASIS: June 30, 2019**  
**MISCELLANEOUS PLAN OF THE CITY OF SOUTH PASADENA**  
**CALPERS ID: 2139696011**  
**BENEFIT DESCRIPTION: TWO YEARS ADDITIONAL SERVICE – GOLDEN HANDSHAKE**

<b>Rate Volatility</b>	<b>As of June 30, 2019 (Pre-Amendment)</b>	<b>As of June 30, 2019 (Post-Amendment)</b>
1. Market Value of Assets	\$ 35,406,805	\$ 35,406,805
2. Payroll	3,127,537	2,236,671
3. Asset Volatility Ratio (AVR) [(1) / (2)]	11.3	15.8
4. Accrued Liability	\$ 49,736,451	\$ 50,546,208
5. Liability Volatility Ratio (LVR) [(4) / (2)]	15.9	22.6

## Maturity Measures

As pension plans mature they become much more sensitive to risks than plans that are less mature. Understanding plan maturity and how it affects the ability of a pension plan to tolerate risk is important in understanding how the plan is impacted by investment return volatility, other economic variables and changes in longevity or other demographic assumptions. One way to look at the maturity level of CalPERS and its plans is to look at the ratio of a plan's retiree liability to its total liability. A pension plan in its infancy will have a very low ratio of retiree liability to total liability. As the plan matures, the ratio starts increasing. A mature plan will often have a ratio above 60-65 percent. For both CalPERS and other retirement systems in the United States, these ratios have been steadily increasing in recent years.

<b>Ratio of Retiree Accrued Liability to Total Accrued Liability</b>	<b>Pre-Amendment</b>	<b>Post Amendment</b>
1. Retiree Accrued Liability	\$ 25,953,028	\$ 31,607,909
2. Total Accrued Liability	49,736,451	50,546,208
3. Ratio of Retiree AL to Total AL [(1) / (2)]	52.2%	62.5%

Another way to look at the maturity level of CalPERS and its plans is to look at the ratio of actives to retirees. A pension plan in its infancy will have a very high ratio of active to retired members. As the plan matures, and members retire, the ratio starts declining. A mature plan will often have a ratio near or below one. The average support ratio for CalPERS public agency plans is 1.25.

<b>Support Ratio</b>	<b>Pre-Amendment</b>	<b>Post-Amendment</b>
1. Number of Actives	47	37
2. Number of Retirees	147	157
3. Support Ratio [(1) / (2)]	0.32	0.24

**In the tables above, the "post-amendment" results assume all eligible members retire under this program and are not replaced.**

## Hypothetical Termination Liability

The hypothetical termination liability is an estimate of the financial position of the plan had the contract with CalPERS been terminated as of June 30, 2019. The plan liability on a termination basis is calculated differently compared to the plan's ongoing funding liability. For the hypothetical termination liability calculation, both compensation and service are frozen as of the valuation date and no future pay increases or service accruals are assumed. This measure of funded status is not appropriate for assessing the need for future employer contributions in the case of an ongoing plan, that is, for an employer that continues to provide CalPERS retirement benefits to active employees.

A more conservative investment policy and asset allocation strategy was adopted by the CalPERS Board for the Terminated Agency Pool. The Terminated Agency Pool has limited funding sources since no future employer contributions will be made. Therefore, expected benefit payments are secured by risk-free assets and benefit security for members is increased while funding risk is limited. However, this asset allocation has a lower expected rate of return than the PERF and consequently, a lower discount rate is assumed. The lower discount rate for the Terminated Agency Pool results in higher liabilities for terminated plans.

The effective termination discount rate will depend on actual market rates of return for risk-free securities on the date of termination. As market discount rates are variable, the table below shows a range for the hypothetical termination liability based on the lowest and highest interest rates observed during an approximate 2-year period centered around the valuation date.

The following tables show the hypothetical termination liabilities before and after the proposed amendment. The increase in liability is due to the increase in benefits associated with the amendment.

### Pre-Amendment

<b>Market Value of Assets (MVA)</b>	<b>Hypothetical Termination Liability<sup>1,2</sup> @ 1.75%</b>	<b>Funded Status</b>	<b>Unfunded Termination Liability @ 1.75%</b>	<b>Hypothetical Termination Liability<sup>1,2</sup> @ 3.25%</b>	<b>Funded Status</b>	<b>Unfunded Termination Liability @ 3.25%</b>
\$35,406,805	\$99,090,190	35.7%	\$63,683,385	\$78,349,933	45.2%	\$42,943,128

### Post-Amendment

<b>Market Value of Assets (MVA)</b>	<b>Hypothetical Termination Liability<sup>1,2</sup> @ 1.75%</b>	<b>Funded Status</b>	<b>Unfunded Termination Liability @ 1.75%</b>	<b>Hypothetical Termination Liability<sup>1,2</sup> @ 3.25%</b>	<b>Funded Status</b>	<b>Unfunded Termination Liability @ 3.25%</b>
\$35,406,805	\$105,489,169	33.6%	\$70,082,364	\$82,437,381	42.9%	\$47,030,576

<sup>1</sup> The hypothetical liabilities calculated above include a 5 percent mortality contingency load in accordance with Board policy.

<sup>2</sup> The current discount rate assumption used for termination valuations is a weighted average of the 10-year and 30-year U.S. Treasury yields where the weights are based on matching asset and liability durations as of the termination date. The discount rates used in the table are based on 20-year Treasury bonds, rounded to the nearest quarter percentage point, which is a good proxy for most plans. The 20-year Treasury yield was 2.31 percent on June 30, 2019 and was 1.83 percent on January 31, 2020.

In order to terminate the plan, you must first contact our Retirement Services Contract Unit to initiate a Resolution of Intent to terminate. The completed Resolution will allow the plan actuary to give you a preliminary termination valuation with a more up-to-date estimate of the plan liabilities. CalPERS advises you to consult with the plan actuary before beginning this process.

## **Additional Disclosure**

Please note that the cost analysis provided in this document **may not** be relied upon after you receive your next annual valuation. If you have not taken action to amend your contract, by this date, you must contact our office for an updated cost analysis, based on the new annual valuation.

Descriptions of the actuarial methodologies, actuarial assumptions, and plan benefit provisions may be found in the appendices of the June 30, 2019 annual report. Please note that the results shown here are subject to change if any of the data or plan provisions change from what was used in this study.

## **Certification**

This actuarial valuation for the proposed plan amendment is based on the participant, benefits, and asset data used in the June 30, 2019 annual valuation, with the benefits modified if necessary to reflect what is currently provided under your contract with CalPERS, and further modified to reflect the proposed plan amendment. The valuation has been performed in accordance with standards of practice prescribed by the Actuarial Standards Board, and the assumptions and methods are internally consistent and reasonable for this plan, as prescribed by the CalPERS Board of Administration according to provisions set forth in the California Public Employees' Retirement Law.



STUART BENNETT, ASA, MAAA  
Senior Pension Actuary, CalPERS



RANDALL DZIUBEK, ASA, MAAA  
Deputy Chief Actuary – Valuation Services, CalPERS



# City Council Agenda Report

ITEM NO. 21

**DATE:** September 16, 2020

**FROM:** Stephanie DeWolfe, City Manager

**PREPARED BY:** Lucy Demirjian, Assist. To City Manager  
Teresa L. Highsmith, City Attorney

**SUBJECT:** **Formation of Finance Ad Hoc Committee**

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## **Recommendation**

It is recommended that the City Council:

1. Provide direction on the scope of work to be assigned to a Finance ad hoc committee, the composition of such an ad hoc committee, and the process for assembling such a committee.
2. Provide direction on the composition of the proposed ad hoc committee and resulting process for filling ad hoc committee positions.

## **Commission Review and Recommendation**

This matter has not been reviewed by the Finance Commission.

## **Community Outreach**

Community outreach will be conducted once direction is provided by the City Council as to the scope of work to be assigned to an ad hoc committee, and a resulting determination of whether the committee will be subject to the Brown Act.

## **Discussion/Analysis**

At the September 2, 2020 regular City Council meeting, staff was directed to bring back an agenda item to permit the Council to discuss the formation of an “ad hoc” finance committee for “financial review.” No discussion occurred regarding the scope of work to be performed by such a committee and whether it would overlap with the authority of the existing Finance Commission. A copy of the Finance Commission’s authority, as set forth in SPMC Chapter 2, Article IVI is attached to this staff report for information and comparison.

Staff needs direction on the scope of work that the proposed ad hoc committee would be performing. For example, if the proposed Ad Hoc Finance Committee would be assigned to help work with staff in the Finance Department regarding operational matters, then the ad hoc committee would not be subject to the Brown Act. This is similar to the recently formed Ad Hoc RHNA Appeal Committee, which was formed to assist staff in developing the basis of an appeal of the RHNA numbers—an operational function; the RHNA Appeal Committee is not a Brown

Act committee, although its recommendations (through staff) will be brought to the City Council for action.

On the other hand, if the proposed Ad Hoc Finance Committee is assigned policy making advisory power (and not operational or administrative duties), then the resulting committee would be subject to the Brown Act and could only meet at a noticed public meeting.

The Council will also need to consider the composition of the Ad Hoc Finance Committee, e.g., how many members, whether the ad hoc committee should include public members or a sub-committee of the Finance Commission or even a sub-committee of the City Council. Finally, depending on the decision on composition, the City Council may wish to direct staff on the application and selection process if public membership is desirable.

#### **Next Steps**

1. Publish application process on City website for membership on ad hoc finance committee.
2. Bring candidate applications back to City Council for review and selection.

#### **Background**

On September 2, 2020, the City Council made a motion requesting that discussion of a potential ad hoc finance committee for “financial review” be brought back to the Council during their September 16, 2020 City Council Meeting for a larger discussion of the scope of work to be performed by such a committee, potential overlap with the existing Finance Commission, and the ability to act to create such a committee.

#### **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*.

#### *Attachments:*

1. SPMC Chapter 2, Article IVI (Finance Commission)



Attachment 1:  
SPMC Chapter 2, Article IVI (Finance Commission)

## ARTICLE IVI. FINANCE COMMISSION<sup>2</sup>

### 2.69 Creation.

There is hereby created a finance commission. (Ord. No. 2294, § 1, 2016.)

### 2.70 Meetings.

The finance commission may hold a maximum of 10 regular meetings per calendar year. The commission shall adopt a schedule of meetings each year, consistent with this section. (Ord. No. 2294, § 1, 2016.)

### 2.71 Powers and duties.

The powers and duties of the finance commission shall be to:

- (a) Provide high-level oversight and advice to the city council, city treasurer and finance director regarding financial matters affecting the city including, but not limited to, investments, budget development and monitoring, revenue development, taxation, debt financing, and internal controls;
- (b) Formulate and propose policies on financial matters for approval by the city council;
- (c) Recommend the adoption of standards on organizations, personnel, areas and facilities, program and financial support;
- (d) Make periodic inventories of financial services that exist or may be needed and interpret the needs of the public to the city council;
- (e) Aid in coordinating the financial services with the programs of other governmental agencies and voluntary organizations;
- (f) Inform the public of the policies and functions of the financial programs as directed by the city council. (Ord. No. 2294, § 1, 2016.)

### 2.72 Composition of members.

The initial composition of the finance commission will consist of the five currently serving members of the finance committee, and their term lengths will be staggered as follows: one member will serve one year and then be eligible for two consecutive three-year terms, two members will serve two years and then be eligible for two consecutive three-year terms, and the remaining two members will serve three years and be eligible for one additional consecutive three-year term. Future appointments will be made by the mayor pursuant to SPMC [2.23](#) (Composition, appointment and removal of members). (Ord. No. 2294, § 1, 2016.)



# City Council Agenda Report

ITEM NO. 22

**DATE:** September 16, 2020

**FROM:** Paul Riddle, Acting City Manager

**PREPARED BY:** Michael Casalou, Human Resources Manager  
Teresa L. Highsmith, City Attorney

**SUBJECT:** **Consideration of Employment Agreement and a Resolution for Post-Retirement Employment of Elaine Aguilar for the Position of Interim Assistant City Manager**

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## **Recommendation**

It is recommended that the City Council approve:

1. The Resolution of the City of South Pasadena Requesting Approval of Public Employee's Retirement System (PERS) for Hiring of Annuitant for Temporary Appointment to Position of Interim Assistant City Manager Pursuant to Government Code Sections 21221(h) and 7522.56(f)(1) and
2. Approve the Employment Agreement with Elaine Aguilar for the Position of Interim Assistant City Manager during the absence of Finance Director, Karen Aceves and/or the recruitment process for a new full time City Manager.

## **Commission Review and Recommendation**

This matter has not been reviewed by any Commission.

## **Discussion/Analysis**

The City is in critical need of Director-level supervisor and hands-on finance and accounting expertise due in the Finance Department in order to complete the audits, CAFR and budget for FY 2020/2021, during the leave of existing Finance Director, Karen Aceves, and the September 12, 2020 retirement of City Manager, Stephanie DeWolfe. Ms. Aguilar has previously performed Interim City Manager services for both Sierra Madre and South Pasadena in 2017 during which each city recruited for replacement of the City Manager position. During the COVID-19 pandemic, the 960-hour service limitation for PERS annuitants has been suspended; however it is anticipated that this temporary appointment to an open position (Assistant City Manager) as Interim Assistant City Manager will not exceed four to six months, given the

September 16, 2020

Employment Agreement and Resolution to Appointment PERS Annuitant  
to Position of Interim Assist. City Manager

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anticipation that Director Aceves may return from leave and the City may complete recruitment of a new City Manager.

The rate of pay for a retired PERS annuitant performing work of a regular employee during recruitment is set by statute and may not exceed the monthly base salary paid to other employees performing comparable duties as listed on a publicly available pay schedule for the vacant position, divided by 173.333 to get the hourly rate. The current published annual salary of the Assistant City Manager is \$182, 328, which reduced to a monthly salary and divided by 173.333 yields an hourly rate of \$87.66. No incentives, other compensation in lieu of benefits or actual benefits are permitted to be paid to enhance the hourly rate or in addition to the hourly rate.

The Interim Assistant City Manager will be assigned primarily to oversee the Finance Department's activities to complete the audits, the CAFR and the FY 2020/2021 budget, as well as provide support, as needed to the Acting or Interim City Manager while the City Council completes the process of recruitment and hiring of a full time City Manager. The term of this temporary Employment Agreement is for a period ending upon the hiring of a City Manager and is estimated to conclude prior to June 30, 2021.

### **Background**

City Manager Stephanie DeWolfe as separated from the City and retired, effective September 12, 2020. Concurrently, Finance Director, Karen Aceves, has taken Family Medical Act Leave, which leave the Finance Department short-handed during a critical need period to complete the audits, the CAFR and the FY 2020/2021 budget. This leaves open two critical positions in the City. Elaine Aguilar—a PERS annuitant--has previously served the City in an Interim City Manager capacity during the City's previous recruitment for a new City Manager. Ms. Aguilar has special training and experience in municipal finance and accounting and is available to help the City complete its finance programs during the absence of the Finance Director, and help the Acting or Interim City Manager, as needed, while the City recruits for a City Manager to fill the vacancy resulting from Stephanie DeWolfe's separation/retirement from the City. Ms. Aguilar is familiar with the operations of a small full service city with a water utility, as she oversaw similar operations in our neighboring city of Sierra Madre for many years. Sierra Madre shares many of the same concerns and values as South Pasadena, contributing to Ms. Aguilar's familiarity with South Pasadena issues. She is available and willing to provide interim specialized services to the City of South Pasadena and help the City through transition during the recruitment and hiring of a full time City Manager.

### **Legal Review**

The City Attorney has reviewed this item.

September 16, 2020

Employment Agreement and Resolution to Appointment PERS Annuitant  
to Position of Interim Assist. City Manager

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**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 the City of South Pasadena Requesting Approval of Public Employee's Retirement System (PERS) for Hiring of Annuitant for Temporary Appointment to Position of Interim Assistant City Manager Pursuant to Government Code Section 21221(h)
2. Employment Agreement with Elaine Aguilar to Perform Specialized and Temporary Services at Interim Assistant City Manager

**ATTACHMENT 1**  
**Resolution Appointing Annuitant for Interim  
Assistance City Manager Position**

**RESOLUTION NO. \_\_\_\_**

**RESOLUTION OF THE CITY OF THE CITY COUNCIL  
OF THE CITY OF SOUTH PASADENA REQUESTING  
APPROVAL OF PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS)  
FOR HIRING OF ANNUITANT FOR TEMPORARY APPOINTMENT  
TO POSITION OF INTERIM ASSISTANT CITY MANAGER  
PURSUANT TO GOVERNMENT CODE SECTIONS 21221(h) AND 7522.56(f)(1)**

**WHEREAS**, the City is experiencing a loss of essential staff due to COVID-19 and the retirement of their current City Manager, Stephanie DeWolfe. Specifically, the City's existing Finance Director is on extended FMLA leave during a critical time when the City needs to complete audits, a Comprehensive Annual Financial Report, and the FY 20/21 budget (to update and replace the Statement of Anticipated Revenues and Expenses). As a result, the City is in critical need of an executive-level temporary employee to provide coverage for the Finance Director, as well as aid the Acting City Manager in his duties. The City must provide continuing City Manager Department services to provide direction for all municipal operations during the transition period for recruitment and appointment and training/mentoring of a new full time City Manager, as well as provide coverage for the Finance Director; and

**WHEREAS**, recruitment and training/mentoring of a new employee to fulfill the City Manager position, requiring specialized skills and services critical to the organization, is anticipated to take four to six months; and

**WHEREAS**, Elaine Aguilar, the former City Manager of the near-by City of Sierra Madre, and with a background in municipal finance, is familiar with the City of South Pasadena and many of its operational issues as a smaller full-service City with a municipal water utility, similar to the neighboring City of Sierra Madre. Accordingly, Ms. Aguilar possesses the specialized skills and institutional knowledge required to serve as the Interim Assistant City Manager during the recruitment process and provide short-term training and mentoring, as necessary, to the Acting City Manager and to ensure transition and continuity of critical services through a newly recruited and appointed full time City Manager; and

**WHEREAS**, Elaine Aguilar, is a Public Employees Retirement System (PERS) annuitant, who retired from the City of Sierra Madre service on December 9, 2016 with no retirement incentive and is willing to accept temporary employment with the City of South Pasadena, within the parameters of Government Code Section 21221(h), as reflected in the attached Exhibit A Employment Agreement; and

**WHEREAS**, the City seeks approval from PERS that the hiring of Elaine Aguilar to perform specialized finance and accounting services while in the role of Interim Assistant City Manager, including training and mentoring of the Acting City Manager and newly appointed City Manager through a recruitment process, for a limited duration and for an hourly rate consistent with the parameters of Government Code Section 21221(h) shall not trigger reinstatement for this PERS annuitant.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of South Pasadena that:

1. Subject to approval by PERS, Elaine Aguilar is appointed as Interim Assistant City Manager, pursuant to the terms of the Employment Agreement attached as Exhibit A; and

2. The City Council requests that PERS approve temporary employment of PERS annuitant (effective September 21, 2020) Elaine Aguilar to serve as Interim Assistant City Manager during the period of recruitment for appointment of a full time City Manager and perform finance and accounting services during the absence of the Finance Director (due to FFCR FMLA leave), specialized training and mentoring of a newly appointed City Manager for a limited duration, until appointment and training/mentoring of a new full time City Manager is completed, as set forth in the Employment Agreement attached as Exhibit A.

3. The City Clerk shall certify to the passage and adopt of this Resolution and enter it in the book of original Resolutions.

**PASSED, APPROVED, AND ADOPTED** this 16th day of September, 20120

\_\_\_\_\_  
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 at a regular meeting held on the 16th day of September, 2020, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**



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Evelyn G. Zneimer, City Clerk  
(seal)

**ATTACHMENT 2**  
Employment Agreement for Interim Assistant City  
Manager

CITY OF SOUTH PASADENA  
EMPLOYMENT AGREEMENT  
WITH ELAINE AGUILAR  
TO PERFORM SPECIALIZED AND  
TEMPORARY SERVICES  
AS INTERIM ASSISTANT CITY MANAGER

This agreement is entered into September 16, 2020 by and between the CITY OF SOUTH PASADENA, a municipal corporation, hereafter referred to the "City" and Elaine Aguilar, hereafter referred to as "Employee".

WHEREAS, with the separation and retirement of South Pasadena's City Manager, Stephanie DeWolfe, effective September 12, 2020 and the temporary unavailability of the Finance Director due to FFCRA FMLA leave, the City is in immediate need of temporary Interim Assistant City Manager services in order to complete the audits, CAFR and FY 2020/2021 budget and provide management services during the transition period for recruitment of a new City Manager and any required mentoring and training of such newly appointed City Manager; and

WHEREAS, Elaine Aguilar was previously employed by the nearby City of Sierra Madre as its City Manager before her retirement on December 9, 2016, and as such is familiar with operational needs of a small full-service city with a water utility, and is specifically familiar with some of South Pasadena's most pressing issues, including the issues in the Finance Department regarding the need to correct past accounting errors and complete audits, the CAFR and the FY 2020/2021 budget, and Elaine Aguilar possesses the requisite specialized skills and institutional knowledge needed by the City and is available to provide services as Interim Assistant City Manager during the transition period to a permanent appointment of a full time City employee as City Manager; Elaine Aguilar's services may include a short period of mentoring and training of the City's anticipated appointment of a new full time City Manager through a recruitment process which has already been initiated; and

WHEREAS, Elaine Aguilar as a Public Employees Retirement System ("PERS") annuitant, is limited in her ability to accept public employment pursuant to Government Code Sections 21221(h); and

WHEREAS, Elaine Aguilar is able to provide temporary services to the City of South Pasadena under the terms of this Agreement and within the constraints of Government Code Section 21221(h) as a PERS annuitant and City desires to hire Elaine Aguilar on these terms to provide specialized services of a limited duration.

NOW THEREFORE, in consideration of the above stated desires and the mutual covenants, terms and conditions, herein contained, the parties hereto mutually and freely agree as follows:

## **SECTION 1 – EMPLOYMENT CONDITIONS AND DUTIES**

a. Employee is appointed by and shall serve at the pleasure of the Acting City Manager and the Council as Interim Assistant City Manager. Employee has performed her due diligence to confirm with PERS that she may accept this temporary appointment as a PERS annuitant.

b. The Employee shall be responsible for performing duties of the Finance Director and Assistant City Manager position, as well as providing mentoring and training to an anticipated permanent full time equivalent employee to the position of City Manager.

## **SECTION 2 – EMPLOYMENT TERM**

a. The City agrees to employ Employee and Employee agrees to be employed and remain in the employment of the City for a term beginning September 21, 2021 and ending not later than June 30, 202. This is an at-will position and Employee has no property interest in her position.

b. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the rights of the City to terminate the services of the Employee at any time during such employment terms or any renewal thereof subject to the provisions as set forth in this agreement.

c. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right to resign at any time from this position with the City, subject to the provisions as set forth in this agreement.

## **SECTION 3 – EMPLOYEE RESIGNATION**

In the event the Employee terminates this Employment Agreement by voluntary resignation, in writing, before expiration of the employment terms or any renewal(s) thereof Employee shall not be entitled to any severance pay but shall be entitled to payment in full for consideration during pay period. In the event that the Employee voluntarily resigns this position before normal expiration date of the employment terms or any renewal she shall give the City at least 10 (10) days advanced written notice unless the parties agree otherwise. The Employee, should she resign, shall be paid for any earned salary to which she is entitled as of the final day on City payroll.

## **SECTION 4 – EMPLOYMENT TERMINATION**

Employee serves in an at-will capacity as Interim Assistant City Manager, assigned to assist the Finance Department in a Director capacity. The City may terminate or remove the Employee with or without cause.

## **SECTION 5 – WORK HOURS**

The Acting or Interim City Manager and Employee shall coordinate the work schedule based upon needs of the City.

## **SECTION 6 – SALARY**

The City shall pay the Employee for all services rendered and worked pursuant to this agreement at \$87.66 per hour, which represents the annual salary of the Assistant City Manager classification, divided by twelve months and divided again by 173.333, as required by Government Code Section 21221(h). Employee's salary will be paid on a bi-weekly basis in conformance with the City's established pay periods and pay days; although Employee is required by Government Code Sections 21221(h) to be compensated on an hourly basis, Employee is an FLSA exempt employee and is not entitled to overtime, even if her work week exceeds 40 hours. The Employee shall not receive benefits, incentives or compensation in lieu of benefits, sick leave, holiday, vacation pay or any other form of compensation in addition to the hourly rate during his employment under this employment agreement.

## **SECTION 7 – INDEMNIFICATION**

If the employee is named as a party in litigation relating to Employee's actions or inactions as a City employee, the City shall defend Employee and pay any judgment which may be entered against Employee, consistent with the terms of applicable law including Government Code 810 et seq.

## **SECTION 8 – ENTIRE AGREEMENT AND AMENDMENTS**

a. This agreement supersedes any and all other agreements between the parties hereto with respect to the employment of the Employee by the City and contains all of the covenants and agreements between the parties with respect to such employment. Each party to this Agreement acknowledges that no representations, inducement, promise, or agreements have been made by any party or anyone acting on behalf of any party orally or otherwise which are not embodied herein.

b. No other agreement, statement or promise not contained in this Agreement shall be valid or binding or shall be used in interpreting the meaning of this Agreement.

c. Amendments, modifications or changes may be made to this Agreement and shall become effective on the date contained therein when executed in writing and mutually signed by both parties to this Agreement.

d. This Agreement and any amendments, modifications or changes thereto shall be binding upon the City during its term.

e. This Agreement and any amendments, modifications or changes thereto shall be binding upon the Employee and inure to the benefit of the heirs at law and executors of the Employee.

**SECTION 9 – SEVERABILITY**

If any provision or any portion hereof is held to be unconstitutional invalid or unenforceable, the remainder to this Agreement or portion thereof shall be deemed severable, shall not be affected, and shall remain in full force and effect.

“EMPLOYEE”

“CITY”

\_\_\_\_\_  
Elaine Aguilar

\_\_\_\_\_  
Robert S. Joe, Mayor

ATTEST:

\_\_\_\_\_  
Evelyn G. Zneimer, City Clerk  
(seal)