



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

**Council Chamber  
1424 Mission Street, South Pasadena, CA 91030  
October 21, 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 October 21, 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 Michael A. Cacciotti; Stephen E. Rossi; and Richard D. Schneider, M.D.; Mayor Pro Tem Diana Mahmud; and Mayor Robert S. Joe

**PLEDGE OF ALLEGIANCE:** Councilmember Richard D. Schneider, M.D.

**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:

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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.

**1. Public Comment – General**

**COMMUNICATIONS**

**2. 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.

**3. City Manager Communications**

**4. 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**

**5. Approval of Prepaid Warrants in the Amount of \$69,001.47; Prepaid Warrant Voids in the Amount of (\$605.00); General City Warrants in the Amount of \$713,533.30; Payroll in the Amount of \$575,311.74; LAIF Transfer in the Amount of \$2,600,000.00**

Recommendation

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

**6. Monthly Investment Reports for August 2020**

Recommendation

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

**7. Adoption of a Resolution Continuing the Proclamation of a Local Emergency Due to the Outbreak of COVID-19, Authorizing the City Manager to Take All Necessary Actions as the Director of Emergency Services**

Recommendation

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

1. Continuing the proclamation of a local emergency due to the outbreak of COVID-19;
2. Authorizing the City Manager to take all necessary actions as the Director of Emergency Services.

**8. Adoption of a Supporting Governor Newsom’s Executive Order N-79-20 Requiring Sales of All New Passenger Vehicles to be Zero-Emission by 2035 and Additional Measures to Eliminate Harmful Emissions from the Transportation Sector**

Recommendation

It is recommended that the City Council adopt a resolution in support of Governor Newsom’s Executive Order N-79-20, requiring sales of all new passenger vehicles to be zero-emission by 2035 and additional measures to eliminate harmful emissions from the transportation sector.

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**9. Award of Contract to Motorola Solutions for the Purchase and Implementation of a Computer Aided Dispatch and Records Management System for a Not-to-Exceed Amount of \$579,257.82**

Recommendation

It is recommended that the City Council approve a sole source contract with Motorola Solutions, Inc. for the purchase of a new Computer Aided Dispatch (CAD) and Records Management System (RMS) for a not-to-exceed amount of \$579,257.82, as authorized by SPMC Sec 2.99-29 (21).

**10. Receive and File an Update on the 2021 Housing Element**

Recommendation

It is recommended that the City Council receive and file an update on the 2021 Housing Element.

**11. Approval of Request to the Attorney General Regarding City Attorney’s Authority to Provide Confidential Information to Individual Councilmember Regarding Prior Closed Sessions and Prior Deliberations**

Recommendation

It is recommended that the City Council review and approve the attached letter to the Attorney General.

**PUBLIC HEARING**

**12. Project No. 2355-APP - Appeal of the Planning Commission’s Decision to Approve Project No. 2191-HDP/TRP – Hillside Development Permit for the street extension of Moffat Street, which will be a private street extending westward from the northern end of Lowell Avenue to allow access to seven lots in the City of Los Angeles and a Tree Removal Permit (APN No’s: 5310-006-039, 5310-006-038, 5310-005-010, 5310-005-011, and 5310-005-004)**

Recommendation

It is recommended that the City Council uphold the Planning Commission’s approval of Project No. 2191-HDP/TRP, Hillside Development Permit for the street design of the private street portion of Moffat Street connecting only to Lowell Avenue and Tree Removal Permit for the removal of five trees for the Moffat Street extension, subject to conditions of approval.

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**ACTION/DISCUSSION ITEMS**

**13. Approval of a Draft Letter Appealing the City’s Regional Housing Needs Assessment Allocation**

Recommendation

It is recommended that the City Council approve a draft letter appealing the City’s Regional Housing Needs Assessment (RHNA) allocation.

**14. Presentation of the Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ending June 30, 2019.**

Recommendation

It is recommended that the City Council receive and file the City of South Pasadena’s (City) Comprehensive Annual Financial Report (CAFR) for Fiscal Year (FY) ending June 30, 2019.

**15. Presentation of the Rogan Funded Project**

Recommendation

It is recommended that the City Council:

1. Direct staff to aggressively pursue Metro approval of grant funds of \$1.86M to secure the City’s matching obligation associated with the Rogan Grant
2. In the event staff is unsuccessful in this effort, appropriate Measure M Multi Sub-regional Program (MSP) funds in the amount of \$1.72M and \$160,000 from the City’s Capital Growth Fund to supplement Measure M MSP dollars to make up the required match. (The appropriation of Measure M funds, could involve the obligation of future year Measure M revenues)

**INFORMATION REPORTS**

**16. South Pasadena Homelessness Plan**

**ADJOURNMENT**

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

November 4, 2020	Regular City Council Meeting	Council Chamber	7:30 p.m.
November 18, 2020	Regular City Council Meeting	Council Chamber	7:30 p.m.
December 2, 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.*

10/15/2020

/s/

Date

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Maria E. Ayala  
Chief City Clerk



# City Council Agenda Report

ITEM NO. 5

**DATE:** October 21, 2020

**FROM:** Sean Joyce, Interim City Manager

**PREPARED BY:** Elaine Aguilar, Interim Assistant City Manager

**SUBJECT:** **Approval of Prepaid Warrants in the Amount of \$69,001.47; Prepaid Warrant Voids in the Amount of (\$605.00); General City Warrants in the Amount of \$713,533.30; Payroll in the Amount of \$575,311.74; LAIF Transfer in the Amount of \$2,600,000.00.**

### Recommendation Action

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

### Fiscal Impact

#### Prepaid Warrants:

Warrant # 311459-311469	\$	20,322.05
ACH	\$	24,151.99
Voids	\$	(605.00)

#### General City Warrants:

Warrant # 311470-311537	\$	219,076.05
ACH	\$	494,457.25
Voids	\$	0

#### Payroll Period Ending 10/11/2020

Wire Transfers (LAIF)	\$	2,600,000.00
Wire Transfers (RSA)	\$	0
Wire Transfers (Acct # 2413)	\$	0
Wire Transfers (Acct # 1936)	\$	0
Supplemental ACH Payment	\$	0

#### RSA:

Prepaid Warrants	\$	24,527.43
General City Warrants	\$	0

Total		<u>\$ 3,957,241.51</u>
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### Commission Review and Recommendation

This matter was not reviewed by a Commission.

Approval of Warrants

October 21, 2020

Page 2 of 2

**Legal Review**

The City Attorney has not 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.

Attachments:

1. Warrant Summary
2. Prepaid Warrant List
3. General City Warrant List
4. Voids
5. Payroll

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

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

Date 10.21.2020

Fund No.	Amounts	
	Prepaid	Written
101	37,847.73	97,301.25
103	-	5,255.70
104	-	320.00
105	-	-
205	-	-
207	2,975.27	6,827.77
208	-	-
210	-	3,139.71
211	-	-
215	95.00	84,504.01
217	-	-
218	-	-
220	-	21,100.00
223	-	-
226	-	-
228	-	-
230	-	7,022.96
232	-	-
233	-	-
236	-	-
237	-	63,297.50
238	-	-
239	-	-
241	-	-
242	-	-
245	-	-
248	-	-
249	-	10,744.50
255	-	-
260	-	-
270	-	-
272	-	-
274	-	-
275	-	-
277	-	-
295	-	-
310	-	-
500	1,560.74	388,808.73
503	-	2,634.57
505	-	-
510	-	-
550	-	-
700	1,995.30	22,576.60
		-
<b>Column Totals:</b>	<b>44,474.04</b>	<b>713,533.30</b>

Fund No.	Amounts	
	Prepaid	Written
227	24,527.43	-
<b>RSA Report Totals:</b>	<b>24,527.43</b>	<b>-</b>
<b>City Report Totals:</b>		<b>782,534.77</b>

Payroll Period Ending 10/11/2020	575,311.74
Wire Transfer - LAIF	2,600,000.00
Wire Transfer - RSA	-
Wire Transfer - Acct # 2413	-
Wire Transfer - Acct # 1936	-
Supplemental ACH Payments	-
Voids - Prepaid	(605.00)
Voids - General Warrant	-

**Grand Report Total: 3,957,241.51**

Robert Joe, Mayor

Elaine Aguilar, Interim Assistant City Manager

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

# Accounts Payable

## Checks by Date - Detail by Check Date

User: ealvarez  
 Printed: 10/15/2020 12:29 PM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
ACH	ACTM3010 56411079 56440150	Accountemps (Robert Half International) Full Time Accountant W/E 09/25/2020 Full Time Accountant W/E 10/02/2020	10/13/2020	2,666.25 2,632.50
Total for this ACH Check for Vendor ACTM3010:				5,298.75
ACH	AIR6010 9974409549	Airgas USA LLC Oxygen Cylinder Rental - September 2020	10/13/2020	229.80
Total for this ACH Check for Vendor AIR6010:				229.80
ACH	ATGC8530 2233 2238 2239 2240 2240 2240 2240 2240 2240 2241 2242	Acorn Technology Services CO # 211 CO # 242 CO # 02-01 Managed IT Server Monitoring Managed IT Computer Monitoring CO 01-243 General - City (Tix/Chrgs Summ) Adjustment CO # 243 CO # 236	10/13/2020	325.00 81.25 375.00 237.50 532.50 59.97 12,026.25 -558.75 243.75 1,435.00
Total for this ACH Check for Vendor ATGC8530:				14,757.47
ACH	BKDRLLC INV202018000	Turnout TopCo, LLC Emergency Reporting Dispatch Program	10/13/2020	2,760.00
Total for this ACH Check for Vendor BKDRLLC:				2,760.00
ACH	GPPT9090 424668 424669 424931 430013 430014	Gopher Patrol Rodent Control @ Arroyo Park August 2020 Rodent Control @ Arroyo Park August 2020 Rodent Control @ Pasadena Ave. Median Augus Rodent Control @ Arroyo Park September 2020 Rodent Control @ Arroyo Park September 2020	10/13/2020	250.00 250.00 95.00 250.00 250.00
Total for this ACH Check for Vendor GPPT9090:				1,095.00
ACH	NEOF8011 790004408068204 790004408068204	Quadient Finance USA, Inc. Account # 7900 0440 8068 2044 (08/16/2020) Account # 7900 0440 8068 2044 (09/15/2020)	10/13/2020	7.22 3.75
Total for this ACH Check for Vendor NEOF8011:				10.97
ACH	UNI6200 3013055 3013055	MUFG Union Bank, N.A Red. Agency Tax Allocation Bond Series 2000 Red. Agency Tax Allocation Bond Series 2000	10/13/2020	24,750.00 -222.57
Total for this ACH Check for Vendor UNI6200:				24,527.43



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
311459	ACHG2013 59-0624697	A-Check Global Electronic Background Services	10/13/2020	104.00
Total for Check Number 311459:				104.00
311460	ADPLC818 565590551	ADP, LLC FY20-21 ADP, LLC Payroll Services P/E: 08/25	10/13/2020	10,615.71
Total for Check Number 311460:				10,615.71
311461	CMME4011 0238706-IN	Commline Inc. Service Maint. Dial A Ride Radios	10/13/2020	425.00
Total for Check Number 311461:				425.00
311462	DTV5012 068653046	DIRECTV EOC Communications - Preparedness	10/13/2020	87.70
Total for Check Number 311462:				87.70
311463	FED1109 7-012-40613 7-049-73764 7-113-35667	FedEx Cost to Ship Carbon Media to Calgon for Exchar Cost to Ship Carbon Media to Calgon for Exchar Certified Mailing of Metro MOU for Transit	10/13/2020	173.00 232.74 25.27
Total for Check Number 311463:				431.01
311464	KOAC6010 JC01028-3	KOA Corporation SP TMC & CCTV for Fair Oaks Traffic Signal	10/13/2020	2,525.00
Total for Check Number 311464:				2,525.00
311465	LIFE822 1038405	Life-Assist Inc. Medical: Gloves for COVID-19	10/13/2020	246.08
Total for Check Number 311465:				246.08
311466	PEG4590 00091334467 00091334467 00091334467 00091334467	NUFIC ADD Insurance Coverage - Employee Voluntary ADD Insurance Coverage - Employee Septembe ADD Insurance Coverage - Employee Voluntary ADD Insurance Coverage - Employee August 20	10/13/2020	790.40 205.50 793.90 205.50
Total for Check Number 311466:				1,995.30
311467	PayPlus 24307	PayPlus Solutions Insight E-Tools Monthly Conversion of ADP Report to xml form	10/13/2020	217.00
Total for Check Number 311467:				217.00
311468	ROTH6010 13840402	Roth Staffing Companies Temporary Staffing Human Resources W/E 01/1	10/13/2020	700.00
Total for Check Number 311468:				700.00
311469	TAEV9224 55800 55800 56927 56927 58111 58111	Total Access Elevator Inc. City Wide Elevator Service & Preventative Mair City Wide Elevator Service & Preventative Mair City Wide Elevator Service & Preventative Mair City Wide Elevator Service & Preventative Mair City Wide Elevator Service & Preventative Mair City Wide Elevator Service & Preventative Mair	10/13/2020	606.75 385.00 385.00 606.75 606.75 385.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 311469:	2,975.25
			Total for 10/13/2020:	69,001.47
			Report Total (18 checks):	69,001.47

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

# Accounts Payable

## Checks by Date - Detail by Check Date

User: ealvarez  
 Printed: 10/15/2020 5:28 PM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
ACH	CAEN9297 0190875 0190875	Carollo Engineers Preparation of City's Integrated Water & Wastew Preparation of City's Integrated Water & Wastew	10/21/2020	3,043.75 12,844.66
Total for this ACH Check for Vendor CAEN9297:				15,888.41
ACH	CHA3010 7536	SPCC Corp South Pasadena Chamber of Commerce BIT for	10/21/2020	21,100.00
Total for this ACH Check for Vendor CHA3010:				21,100.00
ACH	CRDA1021 RS4616506 RS4624742	Corodata Records Management City-Wide Records Mgmt. for July 2020 City-Wide Records Mgmt. for August 2020	10/21/2020	359.49 359.84
Total for this ACH Check for Vendor CRDA1021:				719.33
ACH	CWNC2501 1959998 1968054 1969415 1985051 1985841 1994473 1999463 2004618 2007616 3000560 3003827 3003957 3004179	Carl Warren & Company 08/2020 Liability Claims & Admin Fees 08/2020 Liability Claims & Admin Fees 08/2020 Liability Claims & Admin Fees 08/2020 Liability Claims & Admin Fees 08/2020 Liability Claims & Admin Fees 08/2020 Liability Claims & Admin Fees 08/2020 Liability Claims & Admin Fees 08/2020 Liability Claims & Admin Fees 08/2020 Liability Claims & Admin Fees 08/2020 Liability Claims & Admin Fees 08/2020 Liability Claims & Admin Fees 08/2020 Liability Claims & Admin Fees 08/2020 Liability Claims & Admin Fees	10/21/2020	76.80 19.20 18.60 37.20 19.20 37.80 4,350.00 253.50 242.10 9.30 9.60 115.20 67.20
Total for this ACH Check for Vendor CWNC2501:				5,255.70
ACH	DDL8010 2221	Dr. Detail Ph.D Fleet Cleaning and Sanitizing for Dial-a-Ride Vel	10/21/2020	160.00
Total for this ACH Check for Vendor DDL8010:				160.00
ACH	GEBR9280 4 4	Gentry Brothers Inc. Alpha and Camino Del Sol Street Improv. Projec Alpha and Camino Del Sol Street Improv. Projec	10/21/2020	255,407.50 33,155.00
Total for this ACH Check for Vendor GEBR9280:				288,562.50
ACH	INCG6011 62217	Interwest Consulting Group On-Call Construction Mgmt. & Inpection Alpha	10/21/2020	30,142.50
Total for this ACH Check for Vendor INCG6011:				30,142.50
ACH	MNBL8170	Munibilling	10/21/2020	

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	11135	Water Billing Services		31,874.15
	11135	Absorb Charge		9,227.41
Total for this ACH Check for Vendor MNBL8170:				41,101.56
ACH	OFF4011	Office Solutions	10/21/2020	
	I-01795155	Nitrile Powder Free Gloves COVID-19		431.63
	I-01795157	Police Dept. Nitrile Powder Free Gloves		479.59
	I-01795161	2 Cartons of Sanitizing Wipes - 180 Count		396.64
Total for this ACH Check for Vendor OFF4011:				1,307.86
ACH	PUWA8020	Pure Water	10/21/2020	
	C202019598	Fire Department Supplies January 2020		87.39
Total for this ACH Check for Vendor PUWA8020:				87.39
ACH	SLWM3032	SolarWinds MSP UK Limited	10/21/2020	
	656285	Email Protection Legacy Software Final Payment		4,590.00
Total for this ACH Check for Vendor SLWM3032:				4,590.00
ACH	STSM1020	Studio Spectrum	10/21/2020	
	191689	Streaming Services August 2020 City Council &		4,125.00
Total for this ACH Check for Vendor STSM1020:				4,125.00
ACH	WES4152	West Coast Arborists, Inc.	10/21/2020	
	163170	Street Tree Maint. Contract Services		16,860.00
	163170	Street Tree Maint. Professional Services		480.00
	163667	Street Tree Maint. Contract Services		10,980.00
	163667	Street Tree Maint. Removal Replacement		10,266.00
	163667	Street Tree Maint. Professional Services		600.00
	163668	Street Tree Maint. Contract Services		11,360.00
	163668	Street Tree Maint. Removal Replacement		5,236.00
	164176	Street Tree Maint. Removal Replacement		7,315.00
	164176	Street Tree Maint. Professional Services		1,080.00
	164176	Street Tree Maint. Contract Services		15,720.00
	164177	Street Tree Maint. Contract Services		1,520.00
Total for this ACH Check for Vendor WES4152:				81,417.00
311470	ALL0197	All Star Fire Equipment, Inc.	10/21/2020	
	226701	Safety Clothing Haix Turnout Boot		318.62
	226914	Safety Clothing Haix Turnout Boot		437.69
Total for Check Number 311470:				756.31
311471	ARAMSCO	AramSCO	10/21/2020	
	S4244788.001	Fire Dept. Station Cleaning Supplies		428.99
	S4302923.001	Fire Dept. Station Cleaning Supplies		411.50
Total for Check Number 311471:				840.49
311472	ALET5270	Jessica Arlett	10/21/2020	
	111879	Refund Class Brit West Soccer due to Personal C		65.00
Total for Check Number 311472:				65.00
311473	CIN4011	AT&T Mobility	10/21/2020	
	287288006612x09	Acct # 287288006612x09102020 - PW Septemb		284.12
	287288006612x09	Acct # 287288006612x09102020 - PW Septemb		309.32

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	287288006612x09	Acct # 287288006612x09102020 - PW Septemb		91.96
	287288006612x09	Acct # 287288006612x09102020 - PW Septemb		823.59
			Total for Check Number 311473:	1,508.99
311474	ATLRR816 604271	Atkinson, Andelson, Loya, Rudd & Romo Personnel Matters 08/2020	10/21/2020	4,089.75
			Total for Check Number 311474:	4,089.75
311475	BNIG9203 334-02.09	Bucknam Infrastructure Group Inc. Pavement and Asset Management Information S:	10/21/2020	6,427.77
			Total for Check Number 311475:	6,427.77
311476	CCI8020 0343669-IN	C.C.I. A Chemical Corporation Hand Sanitizers COVID-19	10/21/2020	436.59
			Total for Check Number 311476:	436.59
311477	CADTT 18636	CA Department of Transportation Water Deposit Refund for Closed Account	10/21/2020	277.79
			Total for Check Number 311477:	277.79
311478	DEP5072 SL200943	CA Dept of Transportation Shared Cost with CalTrans Traffic Signal & Stre	10/21/2020	2,561.02
			Total for Check Number 311478:	2,561.02
311479	CAL5236 1808022 1809581	CA Linen Services Fire Dept. Linen Fire Dept. Linen	10/21/2020	103.06 120.45
			Total for Check Number 311479:	223.51
311480	CADAA 27638	California District Attorneys Association Training Class for Det. Ryan Hang	10/21/2020	99.00
			Total for Check Number 311480:	99.00
311481	CAN0607 1403	Cantu Graphics Park Signage for Opening Playgrounds	10/21/2020	476.28
			Total for Check Number 311481:	476.28
311482	CRCM5320 14044 14044 14044 14044 14044	Charter Communications Refund Water Payment: Acct Changed to City A Refund Water Payment: Acct Changed to City A Refund Water Payment: Acct Changed to City A Refund Water Payment: Acct Changed to City A Refund Water Payment: Acct Changed to City A	10/21/2020	4.62 12.00 6,269.69 200.14 4.00
			Total for Check Number 311482:	6,490.45
311483	JCH5320 16744	Jonathan Cheng Reimb. Water Deposit Refund for Closed Accou	10/21/2020	97.00
			Total for Check Number 311483:	97.00
311484	CIT0657 13660	Citizens Business Bank Refund Water Deposit for Closed Account	10/21/2020	75.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 311484:	75.00
311485	CMME4011 0244152-IN	Commline Inc. Command Staff APX Travel Charger	10/21/2020	290.00
			Total for Check Number 311485:	290.00
311486	CPBS2021 2020020 2020022 2020040 2020043 2020051 2020056	Community Partners & FBO Active SGV Assistance with 626 Golden Streets Arroyo Festi Assistance with 626 Golden Streets Arroyo Festi Assistance with 626 Golden Streets Arroyo Festi Assistance with 626 Golden Streets Arroyo Festi Assistance with 626 Golden Streets Arroyo Festi Assistance with 626 Golden Streets Arroyo Festi	10/21/2020	883.50 3,078.00 4,132.50 883.50 883.50 883.50
			Total for Check Number 311486:	10,744.50
311487	CRSR2010 DN 1278461 DN 1281986	Corodata Shredding Inc. City-Wide Records Mgmt. July 2020 City-Wide Records Mgmt. August 2020	10/21/2020	118.11 83.24
			Total for Check Number 311487:	201.35
311488	DSP0755 8824	D & S Printing 3 Rubber Stamps for 30 Day Hold, Hold for Reg	10/21/2020	132.30
			Total for Check Number 311488:	132.30
311489	DEL0771 BE004078652 BE004101364	Delta Dental Employee Dental Premiums Employee Dental Premiums	10/21/2020	11,197.24 11,379.36
			Total for Check Number 311489:	22,576.60
311490	NRDS8032 DT0820-01	Nirav Desai Residential Rebate for Drought Tolerant Plants	10/21/2020	152.76
			Total for Check Number 311490:	152.76
311491	KTDG5320 17049	Kathy Dong Refund Water Deposit for Closed Account	10/21/2020	100.00
			Total for Check Number 311491:	100.00
311492	DUN1111 09/07-09/24/20 09/07-09/24/20 09/07-09/24/20	Daniel Dunn Reimb. Fire Strike Team Expenses for Bobcat & Reimb. Fire Strike Team Expenses for Bobcat & Reimb. Fire Strike Team Expenses for Bobcat &	10/21/2020	612.03 164.97 12.50
			Total for Check Number 311492:	789.50
311493	EMRS4010 T2020-565	Emergency Response Crime Scene Cleanin Decontamination of PD Vehicle # 1406	10/21/2020	650.00
			Total for Check Number 311493:	650.00
311494	EMPI5011 1180005 1180005-1 1180005-2 168925.001	Empire Cleaning Supply Cleaning Supplies Fire Dept. Cleaning Supplies Fire Dept. Cleaning Supplies Fire Dept. Cleaning Supplies Fire Dept. Credit Memo	10/21/2020	569.00 506.71 366.25 -102.79

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 311494:	1,339.17
311495	ENT5426 0154300-IN	Entenmann-Rovin One Detective Duty Badge for Abdalla.	10/21/2020	118.19
			Total for Check Number 311495:	118.19
311496	EWEM6010 11627269	Ewing Irrigation El Monte Landscape & Irrigation Supplies for Fair Oaks A	10/21/2020	1,327.19
			Total for Check Number 311496:	1,327.19
311497	GAL7788 6289-6291	Donna Gale Class Instructor Online Tot & Youth Tap & Mas	10/21/2020	1,472.00
			Total for Check Number 311497:	1,472.00
311498	MYGE8032 D10920-01	Myron Gee Residential Rebate for Drip Irrigation	10/21/2020	150.00
			Total for Check Number 311498:	150.00
311499	GRTK9203 74820	Geo Tek, Inc. On-Call Material Testing & Geotechnical Servic	10/21/2020	320.00
			Total for Check Number 311499:	320.00
311500	GPDD4010 20-1222	Glendale Police Dept. DNA Processing for Evidence	10/21/2020	1,750.00
			Total for Check Number 311500:	1,750.00
311501	GPACS290 20-10384 20-10539 20-10803	GPA Consulting Consulting Services for Initial Study for 845 El C Consulting Services for Initial Study for 845 El C Consulting Services for Initial Study for 845 El C	10/21/2020	7,060.00 18,310.00 1,760.00
			Total for Check Number 311501:	27,130.00
311502	HDLC3011 SIN002978	HdL Coren & Cone Audit Services - Property Tax	10/21/2020	64.70
			Total for Check Number 311502:	64.70
311503	QYNH5270 18225	Quyen Hoang Water Deposit Refund for Closed Account	10/21/2020	4.65
			Total for Check Number 311503:	4.65
311504	HSCH5320 18730	Chen Hsiaoching Refund Water Deposit for Closed Account	10/21/2020	45.03
			Total for Check Number 311504:	45.03
311505	AGKO5270 112021	Angela Ko Refund of Course COVID-19	10/21/2020	80.00
			Total for Check Number 311505:	80.00
311506	KPLD5320 18277	Lynne Koplin Reund Water Deposit for Closed Account	10/21/2020	100.00



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
			Total for Check Number 311506:	100.00
311507	KRTM8040 IV200700062	Korean Times L.A., Inc. Notice of calling Election 2020 - Publication Ko	10/21/2020	450.00
			Total for Check Number 311507:	450.00
311508	LCDR8032 0920-01	Darlene Lacovara Residential Rebate for Drip Irrigation & Drought	10/21/2020	1,000.00
			Total for Check Number 311508:	1,000.00
311509	ALMC5320 18138	Alonso Machuca Refund Water Deposit for Closed Account	10/21/2020	118.65
			Total for Check Number 311509:	118.65
311510	MRMC5320 11065	Michael Murphy Refund Water Deposit for Closed Account	10/21/2020	221.66
			Total for Check Number 311510:	221.66
311511	PTBR8269 2019.1	Painted Brain Inc. c/o David Leon Educational Speakers for Teen Group Center	10/21/2020	120.00
			Total for Check Number 311511:	120.00
311512	PHS4011 SEP2020SoPas	Pasadena Humane Society Animal Control Services September 2020	10/21/2020	14,297.50
			Total for Check Number 311512:	14,297.50
311513	PSLSV802 632	Pasadena Live Scan Service Live Scan Service for Month of August 2020	10/21/2020	50.00
			Total for Check Number 311513:	50.00
311514	PHOE4610 082020184	Phoenix Group Information Systems Citations Processed for 08/2020	10/21/2020	4,453.15
			Total for Check Number 311514:	4,453.15
311515	MRPT5320 12801	Mary Picture Refund Water Deposit for Closed Account	10/21/2020	0.25
			Total for Check Number 311515:	0.25
311516	PTPT5320 18702	Patricia Pinto Refund Water Deposit for Closed Account	10/21/2020	2.75
			Total for Check Number 311516:	2.75
311517	POIN8032 6399	Pointe by Pointe Class Instructor: Payment for Online Senior Carc	10/21/2020	32.00
			Total for Check Number 311517:	32.00
311518	DNPN5320 18642	Daniel Pon Water Deposit Refund for Closed Account	10/21/2020	51.84
			Total for Check Number 311518:	51.84

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
311519	QNCT230 WO810216446	Quinn Cat Company Maint. on Backhoe Unit # 314	10/21/2020	7,022.96
Total for Check Number 311519:				7,022.96
311520	RBBL5320 16571	Robert & Bradley Lyndon Refund Water Deposit for Closed Account	10/21/2020	69.85
Total for Check Number 311520:				69.85
311521	SSHL5320 18127	Sand and Sea Housing LLC Water Deposit Refund for Closed Account	10/21/2020	72.38
Total for Check Number 311521:				72.38
311522	SAX1111 06/09/2020 08/12-08/29/20 08/12-08/29/20	Kris Saxon Reimb. Expense for Kitchenware Reimb. FD Strike Team Expenses Lake Huges, I Reimb. FD Strike Team Expenses Lake Huges, I	10/21/2020	43.06 748.83 100.00
Total for Check Number 311522:				891.89
311523	SCAT6710 15287 15311 15356	Scott's Automotive Repair to Unit # 198 (Brake Replacement). Repair to Unit # 0219 (Door Windor Motor). Repair to Unit # 1102 (Battery, Regulator & Alt	10/21/2020	140.18 146.32 225.90
Total for Check Number 311523:				512.40
311524	SPMT5320 17554	Matthew Sipe Refund Water Deposit for Closed Account	10/21/2020	100.00
Total for Check Number 311524:				100.00
311525	SPRE7011 69174 69348	South Pasadena Review Legal Notice - CCTV Legal Notice - LLMD	10/21/2020	97.50 82.50
Total for Check Number 311525:				180.00
311526	SRYC5011 3005255301	Stericycle Inc. Medical Expense - Medical Waste Disposal of N	10/21/2020	143.74
Total for Check Number 311526:				143.74
311527	SUVA8022 18983 18984	Sunset Vans Inc. Inspection for Vehicles 75 & 80 Inspection for Vehicles 75 & 80	10/21/2020	150.00 90.00
Total for Check Number 311527:				240.00
311528	SCRR4010 740A	Superior Court of CA, County of LA Court Fees 08/2020 per Government Code Sectic	10/21/2020	7,568.00
Total for Check Number 311528:				7,568.00
311529	RKTS8257 09/21/2020	Rick Thomas Purchase of Historical Collections for Library	10/21/2020	3,000.00
Total for Check Number 311529:				3,000.00
311530	UCL6115 2629	UC Regents Annual PO for Continuing Education & Improve	10/21/2020	2,125.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Check Amount
	2679	Annual PO for Continuing Education & Improve		1,905.40
			Total for Check Number 311530:	4,030.40
311531	POR4707 114-10928619	United Site Services, Inc. Skate Park Portable Restrooms 09/08-10/05/2020	10/21/2020	339.72
			Total for Check Number 311531:	339.72
311532	UPP7789 2/07-20	Upper S.G.Mun. Water Dist. Municipal Water Purchase to Offset Graves Wat	10/21/2020	71,214.30
			Total for Check Number 311532:	71,214.30
311533	WPSL6115 26867	Western Pacific Signal LLC Pedestrian Push Button Upgrade	10/21/2020	443.49
			Total for Check Number 311533:	443.49
311534	PLWS5260 17420	Paul Wissmann Water Deposit Refund for Closed Acct.	10/21/2020	31.97
			Total for Check Number 311534:	31.97
311535	WIT6353 2007059 2008059	Wittman Enterprises LLC Paramedic Billing Services for July 2020 Paramedic Billing Services for August 2020	10/21/2020	3,836.15 4,274.79
			Total for Check Number 311535:	8,110.94
311536	TRWF5320 16688	Tara Wolf Water Deposit Refund for Closed Account.	10/21/2020	8.76
			Total for Check Number 311536:	8.76
311537	YTI1023 14914	Y Tire Complete Auto Maint to Tires & Suspension Unit # 1406	10/21/2020	334.56
			Total for Check Number 311537:	334.56
			Total for 10/21/2020:	713,533.30
			Report Total (81 checks):	713,533.30

**ATTACHMENT 4**  
**Prepaid & Warrant Voids**

# Accounts Payable

## Void Check Proof List

User: ealvarez  
Printed: 10/06/2020 - 3:31PM



Account Number	Amount	Invoice No	Inv Date	Description	Reference	Task Label	Type	PONumber	Close PO?	Line Item
Vendor: SGVM2010				San Gabriel Valley CM Associa						
Check No: 311321				Check Date: 09/10/2020						
	55.00	FY20-21	09/08/2020	Annual Membership: Stephanie DeWc					No	0
101-2010-2011-8060-000										
Check Total:	55.00									
Vendor Total:	55.00									
Report Total:	55.00									

# Accounts Payable

## Void Check Proof List

User: ealvarez  
Printed: 10/08/2020 - 9:54AM



Account Number	Amount	Invoice No	Inv Date	Description	Reference	Task Label	Type	PONumber	Close PO?	Line Item
Vendor: CMME4011				Commline Inc.						
Check No: 311415		Check Date: 10/07/2020								
	425.00	0238705-IN	08/13/2020	Service Maint. for Dial-a-Ride Radios					No	0
207-8030-8025-8020-000										
Check Total:	425.00									
Vendor Total:	425.00									
Report Total:	425.00									

# Accounts Payable

## Void Check Proof List

User: ealvarez  
Printed: 10/08/2020 - 6:56PM



Account Number	Amount	Invoice No	Inv Date	Description	Reference	Task Label	Type	PONumber	Close PO?	Line Item
Vendor: AMST8020				Armstrong Lock & Safe						
Check No: 311405				Check Date: 10/07/2020						
	125.00	6960	09/29/2020	Service Call Locks for Cell Tower					No	0
207-8030-8025-8100-000										
Check Total:	125.00									
Vendor Total:	125.00									
Report Total:	125.00									

**ATTACHMENT 5**  
**Payroll Summary**

*Period Ending:*  
*10/11/2020*



Liability	Taxes Debited			
	Federal Income Tax		78,463.07	
	Earned Income Credit Advances		.00	
	Social Security - EE		1,230.55	
	Social Security - ER		1,230.55	
	Social Security Adj - EE		.00	
	Medicare - EE		8,749.04	
	Medicare - ER		8,749.02	
	Medicare Adj - EE		.00	
	Medicare Surtax - EE		.00	
	Medicare Surtax Adj - EE		.00	
	COBRA Premium Assistance Payments		.00	
	Federal Unemployment Tax		.00	
	Families First FMLA-PSL Payments Credit		.00	
	Families First ER Medicare Credit		.00	
	Families First FMLA-PSL Health Care Premium Credit		.00	
	CARES Retention Qualified Payments Credit		.00	
	CARES Retention Qualified Health Care Credit		.00	
	State Income Tax		30,940.26	
	State Unemployment Insurance - EE		.00	
	State Unemployment/Disability Ins - ER		.00	
	State Unemployment Insurance Adj - EE		.00	
	State Disability Insurance - EE		.00	
	State Disability Insurance Adj - EE		.00	
	State Family Leave Insurance - EE		.00	
	State Family Leave Insurance - ER		.00	
	State Medical Leave Insurance - EE		.00	
	State Medical Leave Insurance - ER		.00	
	Workers' Benefit Fund Assessment - EE		.00	
	Workers' Benefit Fund Assessment - ER		.00	
	Transit Tax - EE		.00	
	Local Income Tax		.00	
	School District Tax		.00	
	<b>Total Taxes Debited</b>	Acct. No. XXXXX3688	Tran/ABA XXXXXXXXXX	<b>129,362.49</b>
<b>Other Transfers</b>	ADP Direct Deposit	Acct. No. XXXXX3688	Tran/ABA XXXXXXXXXX	442,018.76
	ADP Check	Acct. No. XXXXX3688	Tran/ABA XXXXXXXXXX	934.21
	Wage Garnishments	Acct. No. XXXXX3688	Tran/ABA XXXXXXXXXX	2,996.28
	<b>Total Amount Debited From Your Accounts</b>			<b>575,311.74</b>
<b>Bank Debits and Other Liability</b>	Adjustments/Prepay/Voids			.00
<b>Taxes - Your Responsibility</b>	None This Payroll			

Note: If you have chosen to defer your Employer Social Security taxes under the CARES Act, then this report will not display deferral information. Actual amounts being deferred will display on your Tax Invoices with Reason Code CV in ADP SmartCompliance.

<b>Total Liability</b>	<b>575,311.74</b>
	<b>575,311.74</b>
	<b>575,311.74</b>

Net Pay	Checks	934.21	
	Direct Deposits	442,018.76	
	<b>Subtotal Net Pay</b>		<b>442,952.97</b>
	Adjustments	.00	
	<b>Total Net Pay Liability (Net Cash)</b>		<b>442,952.97</b>

Taxes	Agency	Rate	You are responsible for Depositing these amounts		Amount debited from your account	
			EE withheld	ER contrib.	EE withheld	ER contrib.
Federal	Federal Income Tax				78,463.07	
	Earned Income Credit Advances					
	Social Security				1,230.55	1,230.55
	Medicare				8,749.04	8,749.02
	Medicare Surtax					
	Federal Unemployment Tax					
	<b>Subtotal Federal</b>				<b>88,442.66</b>	<b>9,979.57</b>
	Families First FMLA-PSL Payments Credit					
	Families First ER Medicare Credit					
	Families First Health Care Premium Credit					
	CARES Retention Qualified Payments Credit					
	CARES Retention Qualified Health Care Cre					
	Cobra Premium Assistance Payments					
	<b>Total Federal</b>				<b>88,442.66</b>	<b>9,979.57</b>
State	CA State Income Tax				30,940.26	
	CA State Unemployment/Disability Ins-ER					
	CA State Disability Insurance-EE					
	<b>Subtotal CA</b>				<b>30,940.26</b>	<b>30,940.26</b>
	<b>Total Taxes</b>		<b>.00</b>	<b>.00</b>	<b>119,382.92</b>	<b>9,979.57</b>

Amount ADP Debited From Account XXXXX3688 Tran/ABA XXXXXXXXXX 129,362.49

Excludes Taxes That Are Your Responsibility

Other	ADP Direct Deposit	442,018.76
Transfers	ADP Check	934.21
	Wage Garnishments	2,996.28
	<b>Amount ADP Debited From Account XXXXX3688 Tran/ABA XXXXXXXXXX</b>	<b>445,949.25</b>

224 Employee Transactions

**Total Amount ADP Debited From Your Accounts 575,311.74**



# City Council Agenda Report

ITEM NO. 6

**DATE:** October 21, 2020

**FROM:** Sean Joyce, Interim City Manager

**PREPARED BY:** Elaine Aguilar, Interim Assistant City Manager  
Albert Trinh, Finance Manager

**SUBJECT:** **Monthly Investment Reports for August 2020**

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### **Recommendation Action**

It is recommended that the City Council receive and file the monthly investment reports for August 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 decreased by \$104k from prior month. The decrease in market value of the investments were anticipated as the Federal interest rates are leveling off, in turn the market values of the bonds will follow suit.

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 August 2020

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

Exhibit A

City of South Pasadena  
**INVESTMENT REPORT**  
 August 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	0.784%	50.84%	17,607,487.84	17,607,487.84
SUBTOTAL			50.84%	<b>17,607,487.84</b>	<b>17,607,487.84</b>
<b>MORGAN STANLEY SMITH BARNEY</b>					
Government Securities	See Exhibit B-1	1.78%	34.89%	12,082,530.72	12,501,818.29
Corporate Bonds	See Exhibit B-1	2.55%	14.27%	4,943,799.61	5,095,912.65
SUBTOTAL			49.16%	<b>17,026,330.33</b>	<b>17,597,730.94</b>
<b>TOTAL INVESTMENTS</b>			<b>100.00%</b>	<b>\$34,633,818.17</b>	<b>\$35,205,218.78</b>

**BANK ACCOUNTS:**

Bank of the West Account Balance:	\$6,897,433.11
Morgan Stanley Uninvested Cash Balance <sup>1</sup> :	\$219,052.42
Morgan Stanley Unsettled Transactions <sup>1</sup>	-
BNY Mellon Uninvested Cash Balance <sup>2</sup>	158,352.64

**Footnotes:**

<sup>1</sup>The Morgan Stanley Uninvested Cash Balance and Unsettled Transactions are separate from the investment portion. The sum of the three Morgan Stanley balance totals to the balance reflected on the provided statement.

<sup>2</sup> The BNY Mellon Uninvested Cash Balance is information-only as it is funds intended for 2016 Water Revenue Bond.

**Required Disclosures:**

Average weighted maturity of the portfolio	430 DAYS
Average weighted total yield to maturity of the portfolio	1.394%
Projected Expenditures for the next 6 months:	\$ 20,647,167

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

In compliance with the California Code Section 53646, as the City Treasurer of the City of South Pasadena, I hereby certify that sufficient investment liquidity to meet the City's expenditure requirements for the next six months and that all investments are in compliance to the City's Statement of Investment Policy.

I also certify that this report reflects all Government Agency pooled investments and all City's bank balances.



Gary Pia, City Treasurer

10/15/2020

Date

Exhibit B-1

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

Morgan Stanley Investments

Investment Type	Issuer	CUSIP	Settlement Date	Par Value	Adjusted Premium	Adjusted Cost	Market Value	Current YTM	Unrealized Gain/Loss
1 Gov't. Securities	U.S. Treasury Note	912828B90	11/1/2017	736,000.00	100.089	736,655.90	742,903.68	0.990%	6,247.78
2 Gov't. Securities	U.S. Treasury Note	912828B90	8/21/2019	26,000.00	100.178	26,046.35	26,243.88	0.990%	197.53
3 Gov't. Securities	U.S. Treasury Note	912828B90	6/2/2020	25,000.00	100.900	25,225.04	25,234.50	0.990%	9.46
4 Gov't. Securities	U.S. Treasury Note	9128287F1	8/9/2019	427,000.00	100.106	427,450.89	433,153.07	1.720%	5,702.18
5 Gov't. Securities	U.S. Treasury Note	9128287F1	8/21/2019	599,000.00	100.185	600,107.77	607,631.59	1.720%	7,523.82
6 Gov't. Securities	U.S. Treasury Note	912828F96	11/1/2017	494,000.00	100.093	494,460.99	504,576.54	1.950%	10,115.55
7 Gov't. Securities	U.S. Treasury Note	912828F96	8/13/2019	437,000.00	100.459	439,005.64	446,356.17	1.950%	7,350.53
8 Gov't. Securities	U.S. Treasury Note	912828F96	6/2/2020	25,000.00	102.117	25,529.20	25,535.25	1.950%	6.05
9 Gov't. Securities	U.S. Treasury Note	912828YZ7	1/14/2020	258,000.00	100.061	258,157.66	263,049.06	1.590%	4,891.40
10 Gov't. Securities	U.S. Treasury Note	912828YZ7	2/6/2020	259,000.00	100.236	259,611.18	264,068.63	1.590%	4,457.45
11 Gov't. Securities	U.S. Treasury Note	9128287C8	8/9/2019	426,000.00	100.306	427,305.05	438,745.92	1.690%	11,440.87
12 Gov't. Securities	U.S. Treasury Note	9128287C8	8/13/2019	426,000.00	100.370	427,577.72	438,745.92	1.690%	11,168.20
13 Gov't. Securities	U.S. Treasury Note	9128287C8	8/21/2019	33,000.00	100.469	33,154.91	33,987.36	1.690%	832.45
14 Gov't. Securities	U.S. Treasury Note	912828P38	7/5/2019	423,000.00	99.723	421,827.02	439,488.54	1.680%	17,661.52
15 Gov't. Securities	U.S. Treasury Note	912828P38	8/21/2019	2,000.00	100.621	2,012.41	2,077.96	1.680%	65.55
16 Gov't. Securities	U.S. Treasury Note	912828P38	8/22/2019	383,000.00	100.527	385,019.62	397,929.34	1.680%	12,909.72
17 Gov't. Securities	U.S. Treasury Note	912828S35	5/1/2019	434,000.00	96.477	418,708.44	448,986.02	1.320%	30,277.58
18 Gov't. Securities	U.S. Treasury Note	9128285P1	6/25/2019	730,000.00	103.669	756,784.76	793,991.80	2.640%	37,207.04
19 Gov't. Securities	U.S. Treasury Note	912828W71	4/11/2019	719,000.00	99.168	713,017.92	768,826.70	1.980%	55,808.78
20 Gov't. Securities	U.S. Treasury Note	912828X70	6/25/2019	1,010,000.00	100.942	1,019,514.04	1,076,680.20	1.870%	57,166.16
21 Gov't. Securities	U.S. Treasury Note	912828ZF0	4/23/2020	529,000.00	100.638	532,375.32	535,242.20	0.490%	2,866.88
22 Gov't. Securities	Fed. Home Loan Bank	3130A8QS5	8/11/2016	665,000.00	99.305	660,378.25	670,665.80	1.110%	10,287.55
23 Gov't. Securities	Fed Home Ln Mtg Corp Med Term Note	3137EADB2	4/23/2020	511,000.00	102.798	525,296.45	526,636.60	2.300%	1,340.15
24 Gov't. Securities	Fed. National Mtg. Assn.	3135G0U43	2/13/2019	225,000.00	100.787	226,771.41	243,006.75	2.660%	16,235.34
25 Gov't. Securities	Fed. National Mtg. Assn.	3135G0U43	4/9/2019	140,000.00	101.525	142,135.47	151,204.20	2.660%	9,068.73
26 Gov't. Securities	Fed. National Mtg. Assn.	3135G0V34	4/9/2019	833,000.00	100.515	837,291.32	897,274.28	2.320%	59,982.96
27 Gov't. Securities	Fed. National Mtg. Assn.	3135G0ZR7	10/15/2019	535,000.00	103.877	555,741.06	585,118.80	2.400%	29,377.74
28 Gov't. Securities	Fed. Home Ln Mth Corp	3137EAEP0	4/8/2020	681,000.00	103.578	705,368.93	714,457.53	1.420%	9,088.60
Subtotal Gov't. Securities				<b>11,991,000.00</b>		<b>12,082,530.72</b>	<b>12,501,818.29</b>	<b>1.781%</b>	<b>419,287.57</b>
29 Corporate Bond	The Walt Disney Co.	25468PDE3	11/23/2015	60,000.00	100.007	60,004.13	60,046.80	1.070%	42.67
30 Corporate Bond	The Walt Disney Co.	25468PDE3	6/15/2016	20,000.00	100.038	20,007.61	20,015.60	1.070%	7.99
31 Corporate Bond	Bank of America	06051GFT1	12/12/2017	163,000.00	100.041	163,067.62	163,508.56	1.300%	440.94
32 Corporate Bond	Coca-Cola Co.	191216BT6	6/1/2016	62,000.00	100.049	62,030.57	62,161.82	0.930%	131.25
33 Corporate Bond	Coca-Cola Co.	191216BT6	6/22/2016	19,000.00	100.072	19,013.62	19,049.59	0.930%	35.97
34 Corporate Bond	Chubb INA Holdings Inc	00440EAT4	6/1/2016	61,000.00	100.080	61,048.78	61,109.80	1.140%	61.02
35 Corporate Bond	Chubb INA Holdings Inc	00440EAT4	5/17/2017	62,000.00	100.061	62,037.76	62,111.60	1.140%	73.84

Exhibit B-1

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

Morgan Stanley Investments

Investment Type	Issuer	CUSIP	Settlement Date	Par Value	Adjusted Premium	Adjusted Cost	Market Value	Current YTM	Unrealized Gain/Loss
36 Corporate Bond	Chevron Corp. (Callable)	166764AY6	6/8/2016	55,000.00	100.132	55,072.44	55,152.90	1.200%	80.46
37 Corporate Bond	Chevron Corp. (Callable)	166764AY6	6/22/2016	25,000.00	100.143	25,035.85	25,069.50	1.200%	33.65
38 Corporate Bond	VISA	92826CAB8	5/8/2017	162,000.00	100.061	162,098.92	162,576.72	1.090%	477.80
39 Corporate Bond	Exxon Mobil Corp. (Callable)	30231GAV4	6/21/2016	162,000.00	100.260	162,421.01	163,321.92	2.200%	900.91
40 Corporate Bond	Home Depot Inc.	437076AW2	6/19/2019	81,000.00	101.122	81,908.97	82,106.46	4.340%	197.49
41 Corporate Bond	JP Morgan Chase	46625HHZ6	8/3/2017	151,000.00	101.611	153,432.34	155,526.98	4.490%	2,094.64
42 Corporate Bond	JP Morgan Chase	46625HHZ6	6/2/2020	20,000.00	102.890	20,578.07	20,599.60	4.490%	21.53
43 Corporate Bond	Charles Schwab Corp	437076AW2	8/19/2019	83,000.00	100.955	83,792.52	84,552.93	3.190%	760.41
44 Corporate Bond	Pepsico Inc	713448BW7	8/19/2019	82,000.00	101.172	82,961.08	84,244.34	2.920%	1,283.26
45 Corporate Bond	Praxair Inc	74005PAZ7	8/21/2019	82,000.00	101.119	82,917.67	84,234.50	2.920%	1,316.83
46 Corporate Bond	3M Co. (Callable)	88579YAU5	9/20/2016	65,000.00	100.027	65,017.34	65,852.80	1.600%	835.46
47 Corporate Bond	3M Co. (Callable)	88579YAU5	9/13/2017	17,000.00	99.207	16,865.19	17,223.04	1.600%	357.85
48 Corporate Bond	Prudential Financial Inc	74432QBT1	8/12/2019	80,000.00	102.912	82,329.78	83,903.20	4.290%	1,573.42
49 Corporate Bond	American Express Credit (Callable)	0258M0EG0	9/6/2017	162,000.00	100.721	163,167.48	167,448.06	2.600%	4,280.58
50 Corporate Bond	American Express Credit (Callable)	0258M0EG0	6/2/2020	10,000.00	103.052	10,305.23	10,336.30	2.600%	31.07
51 Corporate Bond	Burlington North Santa Fe (Callable)	12189LAH4	9/12/2017	79,000.00	101.355	80,070.67	81,748.41	2.940%	1,677.74
52 Corporate Bond	US Bancorp	91159HHC7	6/26/2019	165,000.00	101.200	166,980.65	171,578.55	2.880%	4,597.90
53 Corporate Bond	Intel Corp (Callable)	458140BB5	7/5/2019	169,000.00	100.249	169,420.98	174,862.61	2.270%	5,441.63
54 Corporate Bond	Apple Inc.	037833BF6	9/6/2017	160,000.00	101.002	161,602.47	166,532.80	2.590%	4,930.33
55 Corporate Bond	Apple Inc.	037833BF6	6/2/2020	10,000.00	104.225	10,422.47	10,408.30	2.590%	(14.17)
56 Corporate Bond	Oracle Corp.	68389XBB0	10/3/2017	81,000.00	100.617	81,499.92	83,740.23	2.410%	2,240.31
57 Corporate Bond	Bristol-Myers Squibb Co	110122AT5	11/4/2019	170,000.00	100.284	170,482.39	175,208.80	1.940%	4,726.41
58 Corporate Bond	Gilead Sciences Inc	375558BC6	1/25/2019	164,000.00	100.092	164,151.32	172,408.28	3.090%	8,256.96
59 Corporate Bond	Lockheed Martin Corp	539830BG3	12/17/2019	82,000.00	102.529	84,074.17	86,889.66	2.920%	2,815.49
60 Corporate Bond	Bank of New York Mellon Corp	06406RAE7	1/25/2019	168,000.00	99.109	166,503.12	178,043.04	2.780%	11,539.92
61 Corporate Bond	Amazon	023135AW6	2/7/2019	125,000.00	98.568	123,210.00	131,225.00	2.280%	8,015.00
62 Corporate Bond	General Dynamics Corp	369550BD9	1/30/2019	163,000.00	101.060	164,727.66	175,627.61	3.130%	10,899.95
63 Corporate Bond	Cisco Systems Inc.	17275RBH4	2/5/2019	84,000.00	97.479	81,882.36	88,545.24	2.080%	6,662.88
64 Corporate Bond	John Deere Capital Corp.	24422EUM9	4/11/2019	161,000.00	102.649	165,265.62	176,953.49	3.320%	11,687.87
65 Corporate Bond	State Street Corp.	857477AM5	9/18/2019	80,000.00	105.033	84,026.06	88,467.20	3.340%	4,441.14
66 Corporate Bond	State Street Corp.	857477AM5	8/20/2020	80,000.00	110.597	88,477.57	88,467.20	3.340%	(10.37)
66 Corporate Bond	Caterpillar Financial Services Corp	14912L5X5	7/5/2019	79,000.00	104.343	82,431.20	87,358.20	3.390%	4,927.00
67 Corporate Bond	Truist Financial Corp	05531FBF9	2/5/2019	121,000.00	101.774	123,146.72	133,410.97	3.400%	10,264.25
68 Corporate Bond	Metlife Inc	59156RBH0	12/17/2019	80,000.00	105.362	84,289.81	89,035.20	3.230%	4,745.39
69 Corporate Bond	Comcast Corp	20030NCR0	2/26/2020	159,000.00	107.022	170,164.22	176,582.22	3.320%	6,418.00
70 Corporate Bond	Texas Instruments Inc	882508BB9	9/18/2019	166,000.00	102.191	169,636.60	178,692.36	2.430%	9,055.76
71 Corporate Bond	UnitedHealth Group Inc	91324PDR0	7/13/2020	83,000.00	106.477	88,376.31	88,927.86	2.210%	551.55
72 Corporate Bond	UnitedHealth Group Inc	91324PDR0	7/17/2020	123,000.00	106.860	131,438.28	131,784.66	2.210%	346.38
73 Corporate Bond	United Parcel Service Inc	911312BT2	2/6/2020	84,000.00	101.468	85,233.43	88,950.12	2.070%	3,716.69



**Exhibit B-1**

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

**Morgan Stanley Investments**

	<b>Investment Type</b>	<b>Issuer</b>	<b>CUSIP</b>	<b>Settlement Date</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>
74	Corporate Bond	PNC Financial Service Group Inc	693475AY1	2/13/2020	170,000.00	101.630	172,771.51	181,214.90	2.060%	8,443.39
		Chevron Corp. (Callable)	166764BW9	8/13/2020	172,000.00	103.721	178,400.12	179,096.72	1.490%	696.60
<b>Subtotal Corporate Bonds</b>					<b>4,862,000.00</b>		<b>4,943,799.61</b>	<b>5,095,912.65</b>	<b>2.552%</b>	<b>152,113.04</b>
	Money Market	Liquid Asset Fund			-					
	Uninvested Cash				-			219,052.42		
	Accrued Interest									
<b>Subtotal Cash &amp; Cash Equivalents</b>							<b>-</b>	<b>219,052.42</b>		
<b>Grand Totals</b>					<b>16,853,000.00</b>		<b>17,026,330.33</b>	<b>17,816,783.36</b>	<b>1.979%</b>	<b>571,400.61</b>
<b>Unsettled Transactions</b>								<b>0.00</b>		
<b>Subtotal Unsettled Transactions</b>					<b>-</b>		<b>-</b>	<b>-</b>		
<b>Totals incl. Unsettled Transactions</b>					<b>16,853,000.00</b>		<b>17,026,330.33</b>	<b>17,816,783.36</b>		<b>571,400.61</b>
<b>Totals per Bank Statement</b>					<b>16,853,000.00</b>		<b>17,026,330.33</b>	<b>17,816,783.36</b>		<b>571,400.61</b>

**Exhibit B-2**

**Funds and Investments  
Held by Contracted (Third) Parties  
August 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		158,286.93	0.250%	158,286.93	0.250%		1	
<b>Subtotal Cash &amp; Cash Equivalents</b>			<b>158,352.64</b>	<b>0.250%</b>	<b>158,352.64</b>	<b>0.250%</b>		1	
<b>Total Project Fund</b>			<b>158,352.64</b>	<b>0.250%</b>	<b>158,352.64</b>	<b>0.250%</b>		1	

**Exhibit C**

**City of South Pasadena  
Investment Report**

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

<b>MONTH</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>	<b>FY 2015-16</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>
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	35,205,219
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. 7

**DATE:** October 21, 2020

**FROM:** Sean Joyce, Interim City Manager

**PREPARED BY:** Lucy Demirjian, Assistant to the City Manager  
Teresa L. Highsmith, City Attorney

**SUBJECT:** **Adoption of a Resolution Continuing the Proclamation of a Local Emergency Due to the Outbreak of COVID-19, Authorizing the City Manager to Take All Necessary Actions as the Director of Emergency Services**

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## **Recommendation**

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

1. Continuing the proclamation of a local emergency due to the outbreak of COVID-19;
2. Authorizing the City Manager to take all necessary actions as the Director of Emergency Services.

## **Discussion/Analysis**

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

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

On October 6, 2020, the Los Angeles County Health Officer amended the local Revised Order Issued: "Reopening Safer at Work and in the Community for Control of COVID-19 – Blueprint for a Safer Economy, Tier 1, consistent with the state Public Health Officer Order of August 28, 2020, issuance of a Blue Print for a Safer Economy, which describes a tiered approach to relaxing and tightening restrictions on activities based upon specified criteria and as permitted by this Order based on County health conditions and circumstances.

## Declaration of Local Emergency

October 21, 2020

Page 2 of 3

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

On August 5, 2020, the City Council adopted Resolution No. 7669, to continue the proclamation of a local emergency and adding regulations for the expansion of the Al Fresco Dining and Retail Program and adopting by reference the Los Angeles County Ordinance Capping Fees for third-party delivery platforms for food delivery.

On August 19, 2020, the City Council adopted Resolution No. 7678, continue the proclamation of a local emergency and 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.

As of October 1, 2020, the County's Temporary Eviction Moratorium no longer applies to residential tenants facing eviction for nonpayment of rent due to COVID-19 related financial hardship. Following the Governor's signing of AB 3088, the County's Moratorium has been replaced by the terms of AB 3088. Between October 1, 2020 and January 31, 2021, residential tenants must comply with the certification requirements established in AB 3088 in order to be protected from eviction. The Board of Supervisors did amend its Moratorium with respect to commercial tenants imposing a temporary moratorium on evictions for non-payment of rent by commercial tenants impacted by COVID-19 until October 31, 2020. The County Moratorium provisions apply to commercial tenants and landlords within the City. The Board of Supervisors may choose to extend that moratorium but has not yet done so.

AB 3088, known as the COVID-19 Tenant Relief Act of 2020, was signed on August 31, 2020 and is legislation that would protect millions of tenants from eviction and property owners from foreclosure due to the economic impacts of COVID-19. Under the new law, no tenant can be evicted before February 1, 2021 as a result of rent owed due to a COVID-19 related hardship accrued between March 4 through August 31, 2020, if the tenant provides a declaration of hardship according to the legislation's timelines. For a COVID-19 related hardship that accrues between September 1, 2020 – January 31, 2021, tenants must also pay at least 25 percent of the rent due to avoid eviction after February 1, 2021 for the unpaid rent.

Pursuant to Government Code Section 8630(c), the City Council shall review the continuing need for the declaration of local emergency at least once every 60 days until the local emergency is terminated.

The proposed updated resolution would expand the Al Fresco Dining and Retail Pilot Program to "Phase 2," to include the use of the public right-of-way for outdoor dining and retail purposes to support local businesses during the pandemic. The definition of retail includes personal services, such as salons, and health facilities, such as gyms. Staff will review and approve the use of parking lanes and low volume side streets in the public right-of-way where feasible and implement a traffic control plan with K-rated concrete barriers. Additional uses within a travel lane or higher volume side streets will be subject to a traffic study and will be brought to the City Council for future consideration following completion of the necessary traffic studies.

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

### **Background**

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

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

The State Public Health Officer issued the “Stay at Home” order on March 19, 2020. The Los Angeles County Health Officer on March 21, 2020 followed with the “Safer at Home” order. On April 28, 2020, Governor Gavin Newsom announced a 4-stage transition plan, titled “California’s Pandemic Resilience Roadmap,” to end the State Stay at Home order. The Stay at Home order and Safer at Home Order were revised on May 7, May 29, July 13, July 17, August 28, respectively, with a the state Public Health Officer updated Order issued on October 6, 2020 for the closure of certain businesses and other public places, due to a “significant increase in the spread of COVID-19.”

### **Legal Review**

The City Attorney’s office has reviewed this item.

### **Fiscal Impact**

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

### **Public Notification of Agenda Item**

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

Attachment:

1. City Council Resolution

**ATTACHMENT 1**  
City Council Resolution No. \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

**WHEREAS**, on August 5, 2020, the South Pasadena City Council adopted Resolution No.7669, proclaiming the continuation of a local emergency and clarifying that any local regulations on public gatherings or private facilities as permissive as the Los Angeles County Health Officer’s July 18, 2020 order and any subsequent Los Angeles County Health Officer orders; resuming the City’s Parking Pass Program, and expanding the Al Fresco Dining and Retail Program; and

**WHEREAS**, on August 12, 2020, the Los Angeles County Public Health Officer issued a revised Order, attached as Attachment A, regarding Reopening Safer and Work.

**WHEREAS**, Section 6 of the Los Angeles County Health Officer’s August 12, 2020 order states, “This Order does not supersede any stricter limitation imposed by a local public entity within the County of Los Angeles Public Health Jurisdiction;”

**WHEREAS**, on June 30, 2020, Governor Newsom issued Executive Order N-71- 20, which, among other things, found that minimizing evictions during this period is critical to

reducing the spread of COVID-19 in vulnerable populations by allowing those most vulnerable to COVID-19 to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19, and extended through September 30, 2020 Executive Order N-28-20's suspension of any and all provisions of state law that would preempt or otherwise restrict a local government's exercise of its police powers to impose substantive limitations on residential and commercial evictions with respect to COVID-19-related rent payment issues;

**WHEREAS**, on August 31, 2020, California passed legislation, Assembly Bill 3088, the COVID-19 Tenant Relief Act of 2020, under which, among other things, no tenant can be evicted before February 1, 2021 as a result of rent owed due to a COVID-19 related hardship accrued between March 4 and August 31, 2020, if the tenant provides a declaration of COVID-19-related financial distress according to specified timelines; no tenant can be evicted for rent that accrues but is unpaid due to a COVID-19 hardship between September 1, 2020 and January 31, 2021 if the tenant submits declarations of COVID-19-related financial distress according to specified timelines and pays 25% of the unpaid rent due by January 31, 2020; and landlords are required to provide tenants a notice detailing their rights under the legislation;

**WHEREAS**, on September 1, 2020, the Los Angeles County Board of Supervisors amended its Executive Order imposing a temporary moratorium on evictions for non-payment of rent by commercial tenants impacted by COVID-19 until October 31, 2020;

**WHEREAS**, on September 4, 2020, the United States Center for Disease Control and Prevention, recognizing that “in the context of a pandemic, eviction moratoria – like quarantine, isolation, and social distancing – can be an effective public health measure utilized to prevent the spread of communicable disease,” that eviction moratoria “facilitate self-isolation by people who become ill or who are at risk for severe illness from COVID-19 due to an underlying medical condition” and “allow State and local authorities to more easily implement stay-at-home and social distancing directives to mitigate the community spread of COVID-19,” and that “housing stability helps protect public health because homelessness increases the likelihood of individuals moving into congregate settings, such as homeless shelters, which then puts individuals at higher risk to COVID-19” (Federal Register, Vol. 85, No. 173 at page 55292), issued an order, applicable in any State or local area without a moratorium on residential evictions that provides the same or greater level of public-health protections as the requirements in the order, requiring that, through December 31, 2020, subject to further extension, modification, or rescission, a landlord, owner of a residential property, or other person with a legal right to pursue eviction or possessory action shall not evict any covered person (as defined in the order) from any residential property in any State in which there are documented cases of COVID-19;

**WHEREAS**, on September 23, 2020, Governor Newsom signed Executive Order N-80-20, extending through March 31, 2021 Executive Order N-28-20, allowing local governments to impose commercial eviction moratoriums and restrictions for commercial tenants who are unable to pay their rent because of COVID-19;

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

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

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

**WHEREAS**, Government Code section 8634 states, “During a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice”; and

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

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

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

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

**SECTION 3. Regulation of Public Gatherings.** Any local regulations on public gatherings are ordered to be as permissive as the Los Angeles County Health Officer’s August 12, 2020 order, attached as Attachment A, and any subsequent Los Angeles County Health Officer orders;

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

**SECTION 5. Regulation of Private Facilities.** Any local regulations on private facilities are ordered to be as permissive as the Los Angeles County Health Officer’s August 12, 2020 order and any subsequent Los Angeles County Health Officer orders;

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

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

**SECTION 8. Guidance for Religious Gatherings.** The leaders of the City's houses of worship are urged, in the strongest possible terms, to limit gatherings on their premises and to explore and implement ways to practice their respective faiths while observing social distancing practices, and to comply with the current and any subsequent Los Angeles County Health Officer orders.

**SECTION 9. Protection of Affected Tenants.** The provisions of the COVID-19 Tenant Relief Act of 2020, attached as Attachment E, shall apply to all residential tenants within the City. The Los Angeles County Board of Supervisor's Amended Executive Order imposing a temporary moratorium on evictions for non-payment of rent by certain commercial tenants adversely financially impacted by COVID-19 through October 31, 2020 shall control and apply to all those commercial tenants in the City as are protected by the County's Executive Order. Any further amendments or orders issued by the County Board imposing or extending a temporary evictions moratorium shall also control as they may become effective and per their terms and conditions.

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

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

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

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

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

No more than one temporary sign shall be located in the public right-of-way. During the Local Emergency Declaration, an application to place a temporary sign in the public right of way shall

only require administrative approval by the Planning Director; an encroachment permit is still required to be issued by the Public Works Director, but the encroachment permit fee is waived.

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

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

**SECTION 14. Capping Fees on Third-Party Delivery Services for Restaurants and Food Establishments.** The August 4, 2020 Los Angeles County Ordinance (Attachment D) establishing a twenty percent cap on total fees including a fifteen percent cap on delivery fees that a food delivery platform may charge to restaurants, prohibiting reduction of delivery driver compensation as a result, and requiring disclosures to be made by the food delivery platform to customers, in response to the COVID-19 health emergency is adopted by reference and incorporated into this Resolution.

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

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

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

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

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

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

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

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

**SECTION 23. Certification.** The City Clerk will certify to the passage and adoption of this Resolution and its approval by the City Council and shall cause the same to be listed in the records of the City.

**PASSED, APPROVED AND ADOPTED** on this 21st day of October, 2020.

\_\_\_\_\_  
Robert S. Joe, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Evelyn G. Zneimer, City Clerk

\_\_\_\_\_  
Teresa L. Highsmith, City Attorney

**I HEREBY CERTIFY** the foregoing resolution was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 21st day of October, 2020, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

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

## **Attachment A**



**REOPENING SAFER AT WORK AND IN THE COMMUNITY  
FOR CONTROL OF COVID-19  
BLUEPRINT FOR A SAFER ECONOMY—TIER 1**  
Revised Order Issued: **October 6, 2020**

**Recent Update**

**10/6/2020** —Updated to do the following:

- Deletes paragraph 7(c) and permits outdoor dining at Non-Restaurant breweries and wineries in compliance with Appendix I and the October 6, 2020 Health Officer Order entitled Conditional Opening of Wineries and Breweries for Outdoor Dining Operations with Modifications.

**10/5/2020** —Updated to do the following:

- Beginning October 5, 2020, allows Cardrooms to reopen for outdoor operations only with required modifications.
- Beginning October 7, 2020, allows Indoor Malls and Shopping Centers may reopen at a maximum of 25% indoor capacity with required modifications.

**10/2/2020**—Updated to do the following:

- Beginning October 1, 2020, allows nails salons to reopen indoor operations at 25% capacity with modifications.
- The restriction on the reopening outdoor children's playgrounds has been removed; these may reopen at the discretion of the local authority or private entity that operates the outdoor playground.

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

**SUMMARY OF THE ORDER:** This Revised County of Los Angeles Health Officer Order (Order) supersedes all prior Safer At Home orders (Prior Orders) issued by the County of Los Angeles Health Officer (Health Officer). This Order is issued to comply with State Executive Orders N-33-20 and N-60-20 issued by Governor Gavin Newsom, and the accompanying orders of the State Public Health Officer issued on March 19, May 7, July 13, July 17, 2020, and August 28, 2020.

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

This Order is issued to align the County of Los Angeles (County) with State Executive Orders and State Health Officer Orders. This Order will be revised in the future to reflect the State Executive Orders and State Public Health Officer Orders and guidance that progressively designate sectors, businesses, establishments, or activities that may reopen with certain modifications, based on health and safety needs and at a pace designed to



protect health and safety, and that may also progressively close specific activities and business sectors based on increases in daily reported COVID-19 cases, hospitalizations, and the testing positivity rates. Should local COVID-19 conditions warrant, the Health Officer may, after consultation with the Board of Supervisors, issue Orders that are more restrictive than those of the State Public Health Officer. **Changes from the previous Order are highlighted.**

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

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

1. This Order supersedes the Health Officer's Prior Orders. This Order mainly aligns the County with both the Governor's July 13, 2020, announcement requiring the closure of specific activities and business sectors and the State's August 28, 2020 issuance of a Blue Print for a Safer Economy, which describes a tiered approach to relaxing and tightening restrictions on activities based upon specified criteria and as permitted by this Order based on County health conditions and circumstances. The Health Officer will continue to assess the phased reopening allowed by the State Public Health Officer and this Order on an ongoing basis and determine, after consultation with the Board of Supervisors, whether this Order needs to be modified if the public health risk associated with COVID-19 increases in the future.
2. This Order's intent is to continue to ensure that County residents remain in their residences as much as practicable, to limit close contact with others outside their household in both indoor and outdoor spaces. All persons who can telework or work from home should continue to do so as much as possible during this pandemic. Sustained Social (Physical) Distancing and infection control measures will continue slowing the spread of COVID-19 and diminishing its impact on the delivery of critical healthcare services. All provisions of this Order must be interpreted to effectuate that intent. Failure to comply with any of the Order's provisions constitutes an imminent threat and menace to public health, and a public nuisance, and is punishable by fine, imprisonment or both.
3. All persons living within the County of Los Angeles Public Health Jurisdiction should remain in their residences whenever practicable.
  - a) Nothing in this Order prohibits members of a single household or living unit from engaging in permitted activities together. But gatherings of people who are *not* part of a single household or living unit are prohibited within the County of Los Angeles Public Health Jurisdiction, except for the limited purposes expressly permitted by this Order.
  - b) People leaving their residences must strictly comply with the Social (Physical) Distancing requirements stated in this Order and specified in guidance or



protocols established by the County Department of Public Health. This Order, beginning June 19, 2020, requires all persons wear a cloth face covering over both the nose and mouth whenever they leave their place of residence and are or can be in contact with or walking near or past others who are non-household members in both public and private places, whether indoors or outdoors. This includes wearing a cloth face covering when patronizing a business. Wearing a cloth face covering reduces the risk of transmission to others from people who do not have symptoms and do not know they are infected. The use of face coverings is commonly referred to as “source control.”

- c) Persons and businesses within the County of Los Angeles Public Health Jurisdiction are required to follow the COVID-19 infection control protocols and guidance provided by the County Department of Public Health. In instances where the County has not provided a specific guidance or protocol, specific guidance or protocols established by the State Public Health Officer shall control.
    - i. In the event that an owner, manager, or operator of any business knows of three (3) or more cases of COVID-19 among their employees within a span of 14 days, the employer must report this outbreak to the Department of Public Health at (888) 397-3993 or (213) 240-7821.
    - ii. In the event that an owner, manager, or operator of any business is informed that one or more employees of the business has tested positive for, or has symptoms consistent with COVID-19 (case), the employer must have a protocol to require the case(s) to isolate themselves at home and require the immediate self-quarantine of all employees that had a workplace exposure to the case(s).
  - d) Pursuant to the State of California’s action<sup>1</sup> and the United States District Court Central District of California’s order,<sup>2</sup> jurisdictions within the County of Los Angeles Public Health Jurisdiction are expected to comply with the provision of hotel and motel rooms for vulnerable people experiencing homelessness through Project Roomkey, which slows the spread of COVID-19 and retains capacity of the healthcare system.
4. All people residing within the County of Los Angeles Public Health Jurisdiction who are age 65 or older and all people of any age who have active or unstable pre-existing health conditions, should remain in their residences as much as possible during the pandemic. People in these categories should leave their residences only when necessary to seek medical care, exercise or obtain food or other necessities. The Health Officer strongly recommends that all employers offer telework or other accommodations to persons who are age 65 or older and all people of any age who have an active or unstable pre-existing health condition(s).

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

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



5. All government agencies working in the course and scope of their public service employment are Essential Government Functions.
  - a) All government employees are essential, including but not limited to, health care providers and emergency responders including employees who serve in the following areas: law enforcement; emergency services and management; first responders; fire; search and rescue; juvenile detention; corrections; healthcare services and operations; public health; laboratory or medical testing; mental health; community health; public works; executive management employees serving in these fields; all employees assigned to serve in or support the foregoing fields; and all employees whose services are otherwise needed to assist in a declared emergency.
  - b) While all government employees are essential, the employees identified here, and others called to serve in their Disaster Service Worker capacity, must be available to serve the public or assist in response or continuity of operations efforts during this health crisis to the maximum extent allowed under the law.
  - c) This Order does not, in any way, restrict (a) first responder access to the site(s) named in this Order during an emergency or (b) local, state or federal officers, investigators, or medical or law enforcement personnel from carrying out their lawful duties at the site(s) named in this Order.
  - d) All persons who perform Essential Governmental Functions are categorically exempt from this Order while performing such governmental functions or services. Each governmental entity shall identify and designate appropriate employees, volunteers, or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions should be performed in compliance with Social (Physical) Distancing Protocol, to the extent possible.
6. This Order does not supersede any stricter limitation imposed by a local public entity within the County of Los Angeles Public Health Jurisdiction.
7. The Health Officer orders the closure of the following types of higher-risk businesses, recreational sites, commercial properties, and activities, where more frequent and prolonged person-to-person contacts are likely to occur:
  - a) Lounges and nightclubs;
  - b) Bars, and craft distilleries that possess a valid low risk restaurant public health permit issued by the County of Los Angeles.
  - c) [Intentionally omitted];
  - d) Public entertainment venues: movie theaters, live performance theaters, concert venues, theme parks, and festivals;
  - e) Family entertainment centers such as bowling alleys, arcades, miniature golf, and batting cages;
  - f) All restaurants, but only for indoor, in-person onsite dining until further notice;



- g) Satellite wagering facilities, and racetrack onsite wagering facilities until further notice;
  - h) Indoor playgrounds;
  - i) Indoor portions and exhibits of museums, zoos and aquariums are closed to the public until further notice;
  - j) Hot tubs, steam rooms and saunas not located on a residential property;
  - k) All events and gatherings, unless specifically allowed by this Order.
8. All Essential Businesses, unless specific modifications are required by this Order, may remain open to the public and conduct normal business operations, provided that they implement and maintain the Social (Physical) Distancing Protocol defined in Paragraph 20 and attached to this Order as **Appendix A**. An Essential Business' owner, manager, or operator must prepare and post a Social (Physical) Distancing Protocol for each facility or office located within the County of Los Angeles Public Health Jurisdiction and must ensure that the Essential Business meets all other requirements of the Social (Physical) Distancing Protocol.
9. Lower-Risk Businesses are businesses that are not specified in Paragraph 7 of this Order, and not defined as an Essential Business in Paragraph 18 of this Order. There are five categories of Lower-Risk Businesses that may reopen under this Order: (1) retailers ("Lower-Risk Retail Businesses"), (2) manufacturing and logistics sector businesses that supply Lower-Risk Retail Businesses, (3) Non-Essential office-based businesses (although telework is strongly encouraged), (4) Indoor Malls and Shopping Centers, and (5) hair salons, barbershops, and nail salons. These five categories of Lower-Risk Businesses may reopen subject to the following conditions:
- a) For any Lower-Risk Retail Business that sells goods and services, the owner, manager, or operator must, for each facility located within the County of Los Angeles Public Health Jurisdiction, prior to reopening, prepare, implement and post the Reopening Protocols for Retail Establishments: Opening for In Person Shopping, attached to this Order as **Appendix B**.
  - b) For any non-retail Lower-Risk Business, that is a manufacturing and logistics sector business that supplies Lower-Risk Retail Businesses, the owner, manager, or operator must, prior to reopening, prepare, implement and post the required Los Angeles County Department of Public Health Reopening Protocol, applicable to the business type or location, attached to this Order as **Appendix C**.
  - c) For any Non-Essential office-based business, all indoor portions and operations must cease in-person operations until further notice. Non-essential office-based businesses whose operations require employees to work from an office worksite, and that this Order does not identify as an Essential Business, Healthcare Operation, or Essential Infrastructure, may operate via telework and for Minimum Basic Operations only. Essential Businesses, Healthcare Operations, or Essential Infrastructure whose operations require that employees operate from an office worksite, must require employees to telework to the extent feasible and any in-person operations must be in accordance with



the required Los Angeles County Department of Public Health Reopening Protocol Office-Based Worksites, attached to this Order as **Appendix D**.

- d) For Indoor Malls and Shopping Centers, defined as: A building with (7) or more sales or retail establishments with adjoining indoor space, beginning October, 7, 2020, the owner or operator of the Indoor Mall or Shopping Center, including indoor swap meets, may reopen at up to 25% of overall mall or shopping center capacity. Higher-risk businesses located within an Indoor Mall or Shopping Center must continue to comply with Paragraph 7 of this Order and remain closed until each of those types of establishments is allowed to resume modified or full operations. Food courts and specified common areas located within an Indoor Mall or Shopping Center must remain closed to the public until further notice. Members of the public may not consume food or beverages inside the Indoor Mall or Shopping Center. Restaurants and food facilities located entirely within an Indoor Mall or Shopping Center must continue to provide outdoor services only and may not take in-person orders for food or beverages inside the Indoor Mall or Shopping Center. All businesses located within an Indoor Mall or Shopping Center, and not subject to Paragraph 7 of this Order, must adhere to the applicable requirements of this Order. The owner or operator of the Indoor Mall or Shopping Center must, prior to reopening, prepare, implement and post the required Los Angeles County Department of Public Health Protocols for Shopping Center Operators, attached to this Order as **Appendix E**.
- e) Hair salons, barbershops, and nail salons. Hair salons, barbershops and nail salons may reopen for indoor operations at 25% of the salon or shop's maximum occupancy and with required modifications. As permitted by the State, operators are encouraged to continue providing as many services as possible outdoors. The owner, manager, or operator must, prior to reopening for indoor operations, prepare, implement and post the Reopening Protocols for Hair Salons, Barbershops, and Nail Salons, attached to this Order as **Appendix H**.

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

- a) Music, film and television production. Operations for music, film and television production may resume on June 12, 2020. The owner, manager, or operator of music, film and television production must, prior to reopening, prepare, implement and post the required Los Angeles County Department of Public Health Reopening Protocol for Music, Film and Television Production, attached to this Order as **Appendix J**, as well as abide by applicable industry-generated protocols.
- b) Day camps. Day camps may reopen on June 12, 2020. Day camp owners and operators must implement and post the required Los Angeles County



Department of Public Health Reopening Protocol for Day Camps, attached to this Order as **Appendix K**.

- c) Fitness facilities. Fitness facilities, including private gymnasiums, may be open for outdoor operations only. The indoor portions of Fitness facilities are closed to the public until further notice. The owner, manager, or operator of fitness facilities must, prior to reopening, prepare, implement and post the required Los Angeles County Department of Public Health Reopening Protocol for Gyms and Fitness Establishments, attached to this Order as **Appendix L**.
- d) Outdoor portions of museums, galleries, botanical gardens, and outdoor facilities at zoos, aquariums, and other similar exhibition spaces (collectively, "Museums") may remain open to the public. The indoor portions of Museums are closed to the public until further notice. The owner, manager, or operator of Museums and exhibition spaces must, prior to reopening, prepare, implement and post the required Los Angeles County Department of Public Health Reopening Protocol for Museums, Galleries, Zoos, and Aquariums, attached to this Order as **Appendix M**.
- e) Professional sports without audiences. Professional sports teams and franchises may restart operations and competitions without audiences on June 12, 2020. The owner, manager, or operator of professional sports teams and franchises must, prior to reopening, prepare, implement and post the required Los Angeles County Department of Public Health Protocol for Professional Sports Leagues and Facilities Opening for Training Sessions and Spectator-Free Events, attached to this Order as **Appendix N**, as well as abide by applicable industry-generate protocols.
- f) Campgrounds, RV Parks and associated outdoor activities. Campgrounds and recreational vehicle parks may reopen on June 12, 2020. The owner, manager, or operator of campgrounds and RV Parks must, prior to reopening, prepare, implement and post the required Los Angeles County Department of Public Health Reopening Protocol for Campgrounds, RV parks and Cabin Rental Units, attached to this Order as **Appendix O**.
- g) Schools (K-12) and School Districts. The County Public Health Officer requires all public and private schools (K-12) and school districts within the County of Los Angeles to conduct distance learning only. Beginning September 14, 2020, K-12 schools may offer in-school services for a small, stable cohort of students with Individualized Education Programs (IEPs) or English Learners (ELs) needing assessments and/or specialized in-school services, with priority given to students with disabilities. Other prioritized groups for in person support and services include English learners, students not participating in distance learning, students at risk of abuse or neglect, foster youth, and students experiencing homelessness. Permissible in-person specialized services that require cohorting of students, must limit the maximum stable cohort size to twelve (12) students and two (2) staff (not including aides assigned to children with special needs), and adhere to all provisions for safe opening of schools, as outlined in **Appendix T1: Reopening Protocols for K-12 Schools**. Schools must limit the number of students with IEPs and ELs, and other prioritized students allowed at any one time on campus for essential assessments and/or



specialized in-school services to 10% or less of the total student body. Schools (K-12) and School Districts that are permitted to reopen for prioritized individual and cohorted students must follow the Reopening Protocols for K-12 Schools and the Protocol for COVID-19 Exposure Management Plan in K-12 Schools, attached to this Order as **Appendices T1 & T2**.

- h) Personal Care Establishments. These establishments include esthetician, skin care, and cosmetology services; electrology, body art professionals, tattoo parlors, and piercing shops; and massage therapy (in non-healthcare settings). With the exception of electrology, tattoo parlors, and piercing shops, which must remain closed, these establishments may be open for outdoor operations only. The indoor portions of personal care establishments are closed to the public until further notice. The owner, manager or operator of a personal care establishment must, prior to reopening, prepare, implement and post the required Los Angeles County Department of Public Health Reopening Protocol for Personal Care Establishments, attached to this Order as **Appendix R**.
- i) Institutes of Higher Education. Colleges and universities in Los Angeles County will not be able to resume all in-person academic instruction, at this time. Institutions may continue to offer in person training and instruction for essential workforce for required activities that cannot be accomplished through virtual learning. All other academic instruction must continue to be done via distance-learning as specified in the County's Protocols for Institutes of Higher Education attached to this Order as **Appendix U**. Faculty and other staff may come to campus for the purpose of providing distance learning, and other activities related to the purposes above, as well as maintaining minimum basic operations. The institution must comply with all relevant portions of the County's Protocols for Institutes of Higher Education to maximize safety for all employees, also noted in Appendix U.
- j) Cardrooms. On October 5, 2020, Cardrooms may reopen for outdoor operations only. The indoor portions of cardrooms remain closed to the public until further notice. No food or beverages are permitted at or near the gaming tables or machines. The owner or operator of a cardroom must, prior to reopening, prepare, implement and post the required Los Angeles County Department of Public Health Reopening Protocol for Cardrooms attached to this Order as **Appendix Q**.

### REASONS FOR THE ORDER

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



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

11. Existing community transmission of COVID-19 in Los Angeles County remains widespread and continues to present a substantial and significant risk of harm to residents' health. There is still no vaccine available yet to protect against COVID-19, and no treatment for it. As of October 5, 2020, there have been at least 274,942 cases of COVID-19 and 6,654 deaths reported in Los Angeles County. There remains a strong likelihood that increased interactions among members of the public will result in a significant and increasing number of cases of community transmission. Making the community transmission problem worse, some individuals who contract the virus causing COVID-19 have no symptoms or have only mild symptoms, and so are unaware that they carry the virus and are transmitting it to others. Further, evidence shows that the virus can, at times, survive for several hours on surfaces and can be indirectly transmitted between individuals. Because even people without symptoms can transmit the virus, and because evidence shows the infection is easily spread, preventing, limiting, and placing conditions on various types of gatherings and other direct and indirect interpersonal interactions have been proven to reduce the risk of transmitting the virus.
12. Evidence suggests that until recently the restrictions and requirements imposed by Prior Orders slowed the rate of increase in community transmission and hospitalizations by limiting interactions among people, consistent with the efficacy of similar measures in other parts of the country and world. Unfortunately, the daily number of new cases, while not currently substantially increasing, is still high, and COVID-19 remains widespread in Los Angeles County. Moreover, because there is not yet a vaccine or ample therapeutic drugs, the public health emergency and attendant risks to the public's health by COVID-19 still predominate.
13. In line with the State Public Health Officer, the Health Officer is monitoring several key indicators (COVID-19 Indicators) within the County. Activities and business operations that are permitted must be conducted in accordance with the required Social (Physical) Distancing, reopening protocols, and other infection control protocols ordered by the Health Officer.
14. The Health Officer will continue monitoring COVID-19 Indicators to assess the impact of easing restrictions and re-opening sectors. Those Indicators include, but are not limited to:
  - a. The number of new cases, hospitalizations and deaths and the testing positivity rate.
  - b. The capacity of hospitals and the healthcare system in the County, including acute care beds, Intensive Care Unit beds, and ventilators to provide care for existing COVID-19 patients and other patients, and capacity to surge with an increase of COVID-19 cases.
  - c. The supply of personal protective equipment (PPE) available for hospital staff, nursing home staff and other healthcare providers and personnel who need PPE to safely respond to and treat COVID-19 patients and other patients.



- d. The ability and capacity to quickly and accurately test persons to determine whether individuals are COVID-19 positive, especially those in vulnerable populations or high-risk settings or occupations, and to identify and assess outbreaks.
- e. The ability to conduct case investigation and contact tracing for the volume of future cases and associated contacts, isolating confirmed cases and quarantining persons who have had contact with confirmed cases.

### DEFINITIONS AND EXEMPTIONS

15. The following activities are permitted under this Order:

- a. Engaging in activities or performing tasks important to the health and safety of family or household members (including pets), such as, visiting a health or veterinary care professional, obtaining medical supplies or medication, visiting a physician or child's pediatrician for routine care, such as, well-child visits and vaccinations;
- b. Obtaining necessary services and supplies for family or household members, or delivering the same, such as, obtaining grocery items or necessary supplies from Essential Businesses for one's household or for delivery to others;
- c. Performing work for or accessing businesses that are open, or to carry out Minimum Basic Operations for businesses that are closed or operating remotely.
- d. Obtaining or accessing services from Essential Governmental Functions, such as, accessing court, social and administrative services, or complying with an order of law enforcement or court;
- e. Caring for minors, the elderly, dependents, persons with disabilities, or other vulnerable persons;
- f. Obtaining in-person behavioral health or substance use disorder support in therapeutic small group meetings, such as Alcoholics Anonymous or Narcotics Anonymous, provided that the gathering is limited to 10 people or fewer and Social (Physical) Distancing is practiced.
- g. Obtaining in-person faith-based counselling services where the service cannot reasonably be practiced remotely, provided that the gathering is limited to 10 people or fewer and Social (Physical) Distancing is practiced.
- h. Attending in-person faith-based services, provided that the faith-based service is held outdoors. There is no maximum attendance for faith-based services that are held outdoors, provided that the attendees have enough space to observe strict Social (Physical) Distancing, including a minimum of six feet between attendees from different households, and are wearing cloth face coverings. Faith-based organizations holding in-person outdoor services, must follow the Department of Public Health Places of Worship Protocols, attached to this Order as **Appendix F**.
- i. Engaging in outdoor recreation activity, in compliance with Social (Physical) Distancing requirements and wearing a face covering, subject to the following limitations:



- i. Outdoor recreation activity at parks, trails, piers, and beaches, and other open spaces must comply with any access or use restrictions separately established by the Health Officer, government, or other entity that manages the area to reduce crowding and the risk of COVID-19 transmission.
  - ii. Use of shared outdoor facilities for recreational activities, including but not limited to golf courses, tennis and pickleball courts, children's playgrounds, shooting and archery ranges, equestrian centers, model airplane areas, community gardens, and bike parks, must comply with any access or use restrictions separately established by the Health Officer, government, or other entity that manages the area to reduce crowding and the risk of COVID-19 transmission.
  - iii. Local public entities may elect to temporarily close certain streets or areas to automobile traffic, to allow for increased space for persons to engage in recreational activity permitted by and in compliance with Social (Physical) Distancing requirements specified in this Order.
  - iv. Swimming pools and splash pads in any non-residential setting may reopen on June 12, 2020, with the owner, manager, or operator of the swimming pool or splash pad implementing and posting the required Los Angeles County Department of Public Health Protocol for Swimming Pools. All hot tubs, saunas, and steam rooms located on non-residential property remain closed.
  - v. For-hire fishing, guided fishing, or small-group chartered boat trips may resume operating on June 12, 2020, with the owner, manager, or operator of the charter business implementing the required Los Angeles County Department of Public Health Protocol for Chartered Boats.
  - j. Participating in a Vehicle-Based Parade. The host of the Vehicle-Based Parade must comply with all local ordinances, traffic control requirements, and state and local laws. Further, the host of Vehicle-Based Parades must comply with the Los Angeles County Department of Public Health Vehicle-Based Parade Protocol, attached to this Order as **Appendix G**.
  - k. Participating in an in-person protest as long as the protest is held outdoors. Outdoor protests are permitted without a limit on attendees. Persons participating in a protest must wear a cloth face covering and maintain physical distancing of six (6) feet between persons or groups of persons from different households at all times, as well as observe the Department of Public Health Protocol for Public Demonstrations.
16. Individuals may work for, train for, volunteer at, or obtain services at Healthcare Operations: hospitals, clinics, laboratories, dentists, optometrists, pharmacies, physical therapists, rehabilitation and physical wellness programs, chiropractors, pharmaceutical and biotechnology companies, other licensed healthcare facilities, healthcare suppliers, home healthcare service providers, mental or behavioral health providers, alcohol and drug treatment providers, cannabis dispensaries with a medicinal cannabis license and all other required state and local licenses, blood and blood product donation organizations, medical or scientific research companies, or



any related and/or ancillary healthcare services, manufacturers, distributors and servicers of medical devices, diagnostics, and equipment, veterinary care, and other animal healthcare. This exemption shall be construed to avoid any impact to the delivery of healthcare, broadly defined.

17. Individuals may provide any service, train for, or perform any work necessary to the operation and maintenance of Essential Infrastructure, which is defined as, public health operations, public works construction, airport operations, port operations, food supply, water, sewer, gas, electrical, oil extraction and refining, roads and highways, public transportation, solid waste collection, removal and processing, flood control and watershed protection, cemeteries, mortuaries, crematoriums, and internet and telecommunications systems (including the provision of essential global, national, local infrastructure for computing services, business infrastructure, communications, and web-based services), and manufacturing and distribution companies deemed essential as part of the Essential Infrastructure supply chain, provided that they carry out those services or that work. In providing these services, training for, or performing this work, individuals must comply with Social (Physical) Distancing requirements to the extent practicable.
18. For purposes of this Order, Essential Businesses are:
  - a. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, warehouse stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruit and vegetables, pet supply, water, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning or personal care products). This includes stores that sell groceries and other non-grocery products, such as products necessary to maintaining the safety, sanitation, and essential operation of residences. This does not include businesses that sell only prepackaged non-potentially hazardous food which is incidental to the primary retail business;
  - b. Food processors, confectioners, food packagers, food testing labs that are not open to the public, and food cultivation, including farming, livestock, and fishing;
  - c. Organizations and businesses that provide food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals (including gang prevention and intervention, domestic violence, and homeless service agencies);
  - d. Newspapers, television news, radio, magazine, podcast and journalism activities, including taped, digitally recorded or online-streamed content of any sort that is produced by one or more members of a single household, within the household's residence and without the physical presence of any non-member of the household.
  - e. Gas stations, auto-supply, mobile auto repair operations, auto repair shops (including, without limitation, auto repair shops adjacent to or otherwise in connection with a retail or used auto dealership), and bicycle repair shops and related facilities;
  - f. Banks, credit unions, financial institutions and insurance companies;





- g. Hardware stores, nurseries; building supply stores;
- h. Plumbers, electricians, exterminators, custodial/janitorial workers, handyman services, funeral homes and morticians, moving services, HVAC installers, carpenters, vegetation services, tree maintenance, landscapers, gardeners, property managers, private security personnel and other service providers who provide services to maintain the safety, sanitation, and essential operation to properties and other Essential Businesses;
- i. Businesses providing mailing and shipping services, including post office boxes;
- j. Educational institutions (including public and private K-12 schools, colleges, and universities);
- k. Laundromats, dry cleaners, and laundry service providers;
- l. Restaurants and other food facilities that prepare and serve food, but only for delivery, drive thru, carry out, and outdoor onsite table dining. Indoor dining is not permitted. Restaurants with a moderate risk or high risk restaurant permit issued by the County of Los Angeles Department of Public Health and other food facilities that provide in-person outdoor dining must follow the revised Department of Public Health Protocols for Restaurants, attached to this Order as **Appendix I**. Cafeterias, commissaries, and restaurants located within hospitals, nursing homes, or other licensed health care facilities may provide dine-in service, as long as Social (Physical) Distancing is practiced;
- m. Businesses that supply office or computer products needed by people who work from home;
- n. Businesses that supply other Essential Businesses with the support or supplies necessary to operate;
- o. Non-manufacturing, transportation or distribution businesses that ship, truck, transport, or provide logistical support to deliver groceries, food, goods or services directly to residences, Essential Businesses, Healthcare Operations, and Essential Infrastructure. This exemption shall not be used as a basis for engaging in sales to the general public from retail storefronts;
- p. Airlines, taxis, ride sharing services and other private transportation providers providing transportation services necessary for activities of daily living and other purposes expressly authorized in this Order;
- q. Businesses that manufacture parts and provide necessary service for Essential Infrastructure;
- r. Home-based care for seniors, adults, disabled persons, or children;
- s. Residential facilities and shelters for homeless residents, disabled persons, seniors, adults, children and animals;
- t. Professional services, such as legal, payroll or accounting services, when necessary to assist in compliance with legally mandated activities, and the permitting, inspection, construction, transfer and recording of ownership of housing, including residential and commercial real estate and anything incidental thereto, provided that appointments and other residential viewings must only occur virtually or, if a virtual viewing is not feasible, by appointment with no more



- than two visitors at a time residing within the same household or living unit and one individual showing the unit (except that in-person visits are not allowed when the occupant is still residing in the residence);
- u. Childcare facilities. All childcare facilities, including those operating at schools, must operate under the LAC DPH Childcare Guidance and the following conditions: (1) Childcare must be carried out in stable cohorted groups of 12 or fewer ("stable" means the same twelve (12) or fewer children are in the same group each day); (2) Children shall not change from one group to another; (3) If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other; (4) Childcare providers shall remain solely with one group of children;
  - v. Hotels, motels, shared rental units and similar facilities. Beginning June 12, 2020, these may reopen for tourism and individual travel, in adherence with the required Los Angeles County Department of Public Health Reopening Protocol for Hotels, Lodging and Short-Term Rentals, attached to this Order as **Appendix P**;
  - w. Construction, which includes the operation, inspection, and maintenance of construction sites and construction projects for construction of commercial, office and institutional buildings, residential and housing construction; and
  - x. Manufacturers and retailers of fabric or cloth that is made into personal protective equipment, such as, face coverings.
19. For purposes of this Order, "Social (Physical) Distancing" means: (1) Maintaining at least six (6) feet of physical distance from individuals who are not members of the same household; (2) Frequently washing hands with soap and water for at least 20 seconds, or using hand sanitizer that contains at least 60% alcohol; (3) Wearing a cloth face covering when whenever an individual leaves their home or place of residence, and when an individual is or can be in contact with or walking by or past others who are non-household members in both public and private places, whether indoors or outdoors. Wearing a cloth face covering over both the nose and mouth reduces the risk of transmission to others from people who do not have symptoms and do not know they are infected; and (4) Avoiding all physical interaction outside the household when sick with a fever or cough, except for necessary medical care.
20. For purposes of this Order, the "Social (Physical) Distancing Protocol" that must be implemented and posted must demonstrate how the following infection control measures are being implemented and achieved, as applicable:
- a. Limiting the number of people who may enter into the facility at any one time to ensure that people in the facility can easily maintain a minimum six (6) foot physical distance from others, at all times, except as required to complete a business activity or transaction. Members of a single household or living unit may stand or move together but must be separated from others by a physical distance of at least six (6) feet.
  - b. Where lines may form at a facility, marking six (6) foot increments at a minimum, establishing where individuals should stand to maintain adequate Social (Physical) Distancing, whether inside or outside the facility.



- c. Providing hand sanitizer, soap and water, or effective disinfectant at or near the entrance of the facility and in other appropriate areas for use by the public and employees, and in locations where there is high-frequency employee interaction with members of the public (e.g., cashiers). Restrooms normally open to the public shall remain open to the public.
  - d. Posting a sign in a conspicuous place at all public entries that instructs the public not to enter if they are experiencing symptoms of respiratory illness, including fever or cough, to wear face coverings, and to maintain Social (Physical) Distancing from one another.
  - e. Providing for the regular disinfection of high-touch surfaces, and disinfection of all payment portals, pens, and styluses after each use. All businesses are encouraged to also offer touchless payment mechanisms, if feasible.
  - f. Providing face coverings to employees and contracted workers whose duties require close contact with other employees and/or the public. Those who have been instructed by their medical provider that they should not wear a face covering should wear a face shield with a drape on the bottom edge, to be in compliance with State directives, as long as their condition permits it. A drape that is form fitting under the chin is preferred. Masks with one-way valves should not be used.
  - g. Requiring that members of the public who enter the facility wear a face-covering over both the nose and mouth, which reduces the risk of “asymptomatic” or “pre-symptomatic” transmission to workers and others, during their time in the facility.
  - h. Adhering to communicable disease control protocols provided by the Los Angeles County Department of Public Health, including requirements for cleaning and disinfecting the site. See protocols posted at [www.publichealth.lacounty.gov/media/Coronavirus/](http://www.publichealth.lacounty.gov/media/Coronavirus/)
21. Operators of businesses that are required to cease in-person operations may conduct Minimum Basic Operations, which means:
- a. The minimum necessary activities to maintain and protect the value of the business's inventory and facilities; ensure security, safety, and sanitation; and process payroll and employee benefits;
  - b. The minimum necessary activities to facilitate the business's owners, employees, and contractors being able to continue to work remotely from their residences, and to ensure that the business can deliver its services remotely.

### **ADDITIONAL TERMS**

22. The County shall promptly provide copies of this Order by: (a) posting it on the Los Angeles Department of Public Health's website ([www.publichealth.lacounty.gov](http://www.publichealth.lacounty.gov)), (b) posting it at the Kenneth Hahn Hall of Administration located at 500 West Temple Street, Los Angeles, CA 90012, (c) providing it to any member of the public requesting a copy, and (d) issuing a press release to publicize the Order throughout the County.
- a. The owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public requesting a copy.



- b. Because guidance may change, the owner, manager, or operator of any facility that is subject to this Order is ordered to consult the Los Angeles County Department of Public Health's website ([www.publichealth.lacounty.gov](http://www.publichealth.lacounty.gov)) daily to identify any modifications to the Order and is required to comply with any updates until the Order is terminated.
23. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.
24. This Order incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom and the March 4, 2020 declarations of a local and public health emergency issued by the Los Angeles County Board of Supervisors and Los Angeles County Health Officer, respectively, and as they may be supplemented.
25. This Order is issued in consideration of the County's current status within the tiered reopening approach of California's Blueprint for a Safer Economy issued August 28, 2020. This Order may be revised in the future as the State Public Health Officer progressively designates sectors, businesses, establishments, or activities for reopening with required modifications or closure at a pace designed to protect health and safety. Should local COVID-19 conditions warrant, the Health Officer may, after consultation with the Board of Supervisors, issue orders that are more restrictive than the guidance and orders issued by the State Public Health Officer.
26. This Order is consistent with the provisions in the Governor's Executive Order N-60-20 and the State Public Health Officer's May 7, 2020 Order, that local health jurisdictions may implement or continue more restrictive public health measures in the jurisdiction if the local health officer believes conditions in that jurisdiction warrant them. Where a conflict exists between this Order and any state public health order related to controlling the spread of COVID-19 during this pandemic, the most restrictive provision controls. Consistent with California Health and Safety Code section 131080, except where the State Health Officer may issue an order expressly directed at this Order or a provision of this Order and based upon a finding that a provision of this Order constitutes a menace to the public health, any more restrictive measures in this Order may continue to apply and control in the County of Los Angeles Public Health Jurisdiction.



27. Pursuant to Sections 26602 and 41601 of the California Government Code and Section 101029 of the California Health and Safety Code, the Health Officer requests that the Sheriff and all chiefs of police in all cities located in the Los Angeles County Public Health Jurisdiction ensure compliance with and enforcement of this Order. The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment or both.
28. This Order shall become effective immediately on **October 6, 2020** and will continue to be until it is revised, rescinded, superseded, or amended in writing by the Health Officer.

**IT IS SO ORDERED:**



\_\_\_\_\_  
**Muntu Davis, M.D., M.P.H.**

Health Officer,  
County of Los Angeles

**10/6/2020**

\_\_\_\_\_  
**Date**

## Appendices At-A-Glance

All DPH protocol is available at:

<http://www.publichealth.lacounty.gov/media/Coronavirus/>

- Appendix A:** Protocol for Social Distancing [Revised 7/20/2020]
- Appendix B:** Protocols for Retail Establishments Opening for In-person Shopping [Revised 7/18/2020]
- Appendix C:** Reopening Protocol for Warehousing, Manufacturing and Logistic Establishments [Revised 7/18/2020]
- Appendix D:** Protocols for Office Worksites [Revised 8/7/2020]
- Appendix E:** Protocols for Shopping Center Operators [Revised 10/6/2020]
- Appendix F:** Protocol for Places of Worship [Revised 7/17/2020]
- Appendix G:** Protocol for Vehicle-Based Parades [Revised 9/4/2020]
- Appendix H:** Reopening Protocol for Hair Salons, Barbershops, and Nail Salons [Revised 10/2/2020]
- Appendix I:** Protocol for Restaurants, Breweries and Wineries [Revised 10/6/2020]
- Appendix J:** Reopening Protocol for Music, Film, and Television Production [Revised 8/18/2020]
- Appendix K:** Reopening Protocol for Day Camps [Dated 8/11/2020]
- Appendix L:** Reopening Protocol for Gyms and Fitness Establishments [Revised 8/11/2020]
- Appendix M:** Reopening Protocol for Museums, Galleries, Zoos, and Aquariums [Revised 7/17/2020]
- Appendix N:** Protocol for Professional Sports Leagues and Facilities Opening for Training Sessions and Spectator-Free Events [Revised 8/29/2020]
- Appendix O:** Reopening Protocol for Campgrounds, RV parks and Cabin Rental Units [Revised 8/21/2020]
- Appendix P:** Reopening Protocol for Hotels, Lodging, and Short-Term Rentals [Revised 7/17/2020]
- Appendix Q:** Reopening Protocol for Cardrooms [Revised 10/5/2020]
- Appendix R:** Reopening Protocol for Personal Care Establishments [Revised 9/29/2020]
- Appendix S:** [Rescinded 6/28/2020]
- Appendix T1:** Reopening Protocols for K-12 Schools [Revised 9/7/2020]
- Appendix T2:** Protocol for COVID-19 Exposure Management Plan in K-12 Schools [Revised 8/23/2020]
- Appendix U:** Reopening Protocol for Institutes of Higher Education [Revised 9/14/2020]

**Attachment B**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES FURTHER AMENDING AND RESTATING THE EXECUTIVE ORDER FOR AN EVICTION MORATORIUM DURING EXISTENCE OF A LOCAL HEALTH EMERGENCY REGARDING NOVEL CORONAVIRUS (COVID-19)**

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

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

**WHEREAS**, ensuring that all people in the County continue to have access to running water during this public health crisis will enable compliance with public health guidelines advising people to regularly wash their hands, maintain access to clean drinking water, help prevent the spread of COVID-19, and prevent or alleviate illness or death due to the virus;

**WHEREAS**, ensuring that all customers in the County that receive power services from Southern California Edison and Southern California Gas Company (collectively, "Public Utilities") continue to have access to electricity so they are able to receive important COVID-19 information, keep critical medical equipment functioning, and utilize power, as needed, will help to prevent the spread of COVID-19 and prevent or alleviate illness or death due to the virus;

**WHEREAS**, on March 13, 2020, the Public Utilities announced that they will be suspending service disconnections for nonpayment and waiving late fees, effective immediately, for residential and business customers impacted by the COVID-19 emergency;

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

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

**WHEREAS**, on March 21, 2020, due to the continued rapid spread of COVID-19 and the need to protect the community, the County Health Officer issued a revised Safer

at Home Order for Control of COVID-19 ("Safer at Home Order") prohibiting all events and gatherings and closing non-essential businesses and areas until April 19, 2020;

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

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

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

**WHEREAS**, on April 14, 2020, the Board further amended the Executive Order to: expand the County's Executive Order to include all incorporated cities with the County; include a temporary moratorium on eviction for non-payment of space rent on mobilehome owners who rent space in mobilehome parks; include a ban on rent increases in the unincorporated County to the extent permitted by State law and consistent with Chapters 8.52 and 8.57 of the County Code; and enact additional policies and make additional modifications to the Executive Order;

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

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

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

**WHEREAS**, because homelessness and instability can exacerbate vulnerability to, and the spread of, COVID-19, the County must take measures to preserve and

increase housing security and stability for Los Angeles County residents to protect public health;

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

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

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

**WHEREAS**, loss of income as a result of COVID-19 may hinder County residents and businesses from fulfilling their financial obligations, including paying rent and making public utility payments, such as water and sewer charges;

**WHEREAS**, on May 12, 2020, the Board approved, and delegated authority to the Chair to execute, an Amended and Restated Executive Order that extends the Moratorium Period through June 30, 2020, unless further extended or repealed by the Board, and incorporates additional provisions, subject to approval as to form by County Counsel;

**WHEREAS**, on May 12, 2020, the Board determined to reevaluate the Executive Order every thirty (30) days to consider further extensions;

**WHEREAS**, on June 23, 2020, the Board extended the Moratorium Period through July 31, 2020;

**WHEREAS**, on June 30, 2020, Governor Newsom issued Executive Order N-71-20, extending the timeframe for the protections set forth in Executive Order N-28-20, that authorized local governments to halt evictions for renters impacted by the COVID-19 pandemic, through September 30, 2020;

**WHEREAS**, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary for the Board to adopt this Resolution Further Amending and Restating the Executive Order for an Eviction Moratorium ("Resolution") related to the protection of life and property;

**WHEREAS**, the Board determined that an emergency continues to exist within the County threatening the lives, property and welfare of the County and its constituents; and



**WHEREAS**, to help ensure greater consistency among the jurisdictions, while maximizing tenant protections during this public health crisis, the County's eviction protections should be established as the baseline for all incorporated cities within Los Angeles County even in cities that have their own local eviction moratoria, if they do not include the same or greater tenant protections as the County's Moratorium.

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

- I. This Amended and Restated Executive Order incorporates all aspects, restrictions, and requirements of the Moratorium adopted by the Board, as ratified and amended on March 31, 2020, April 14, 2020, May 12, 2020, June 23, 2020, and July 21, 2020.
- II. The Moratorium Period is extended until September 30, 2020, unless further extended or repealed by the Board. The Board will reevaluate the need for further extensions every thirty (30) days.
- III. A temporary moratorium on evictions for non-payment of rent by residential or commercial tenants, or space rent by mobilehome owners, impacted by the COVID-19 crisis is imposed as follows:
  - a. Commencing March 4, 2020 through September 30, 2020, unless further extended or repealed by the Board, no residential or commercial property owner or mobilehome park owner (individually as "Landlord" and collectively as "Landlords") shall evict a residential or commercial tenant or mobilehome space renter (individually as "Tenant" and collectively as "Tenants") in the unincorporated County, and all incorporated cities within the County, for: (1) nonpayment of rent, late charges, interest, or any other fees accrued if the Tenant demonstrates an inability to pay rent and/or such related charges due to financial impacts related to COVID-19, the state of emergency regarding COVID-19, or following government-recommended COVID-19 precautions, and the Tenant has provided notice to the Landlord within seven (7) days after the date that rent and/or such related charges were due, unless extenuating circumstances exist, that the Tenant is unable to pay; or (2) reasons amounting to a no-fault eviction under the County Code, unless necessary for health and safety reasons. Cities that have local eviction moratoria in place are exempt from this Moratorium, except that this Moratorium shall apply to residential tenants, mobilehome space renters, and commercial tenants, respectively, in incorporated cities within the County whose local eviction moratoria does not address residential tenants, mobilehome space renters, or commercial evictions, and effective July 21, 2020, does not include the same or greater tenant protections as the provisions of this Moratorium.

1. "Financial impacts" means substantial loss of household income or loss of revenue or business for Tenants due to business closure, increased costs, reduced revenues, or other similar reasons impacting a business's ability to pay rent due, loss of compensable hours of work or wages, layoffs, or extraordinary out-of-pocket medical expenses.
  2. A financial impact is "related to COVID-19" if it was a result of any of the following: (a) a suspected or confirmed case of COVID-19, or caring for a household or family member who has a suspected or confirmed case of COVID-19; (b) lay-off, loss of compensable work hours, or other reduction or loss of income or revenue resulting from business closure or other economic or employer impacts of COVID-19; (c) compliance with a recommendation from the County's Health Officer to stay at home, self-quarantine, or avoid congregating with others during the state of emergency; (d) extraordinary out-of-pocket medical expenses related to diagnosis and testing for and/or treatment of COVID-19; or (e) child care needs arising from school closures related to COVID-19.
- b. No Landlord shall initiate an eviction proceeding during the Moratorium Period for nuisance or for unauthorized occupants or pets whose presence is necessitated by or related to the COVID-19 emergency. A commercial tenant includes, but is not limited to, a Tenant using a property as a storage facility for commercial purposes.
  - c. "No-fault eviction" refers to any eviction for which the grounds for terminating tenancy is not based on any alleged fault by the Tenant, including, but not limited to, those stated in Code of Civil Procedure section 1161 et seq., and Chapters 8.52 and 8.57 of the County Code.
  - d. Consistent with the provisions of this Paragraph III, this Moratorium applies to nonpayment eviction notices, no-fault eviction notices, rent increase notices, and unlawful detainer actions, served and/or filed, on or after March 4, 2020.
  - e. Commercial tenants with nine (9) employees or fewer, residential tenants, and mobilehome space renters shall have twelve (12) months to repay their Landlords for any amounts due and owing. Commercial tenants with ten (10) or more, but fewer than 100, employees shall have six (6) months to repay their Landlords for any amounts due and owing, in equal installments, unless the commercial tenant and Landlord agree to an alternate payment arrangement. This repayment shall begin at the conclusion of the Moratorium Period, as it may be further extended or repealed by the Board. Tenants and Landlords are encouraged to agree on a payment plan during this Moratorium Period, and nothing herein shall be construed to prevent a



Landlord from requesting and accepting partial rent payments, or a Tenant from making such payments, if the Tenant is financially able to do so.

- f. Commercial tenants with nine (9) employees or fewer, residential tenants, and mobilehome space renters may provide, and Landlords must accept, a self-certification of inability to pay rent, and are required to provide notice to the Landlord to this effect within the time-frame specified in this Paragraph III.
  - g. Landlords, and those acting on their behalf, are prohibited from harassing or intimidating Tenants for acts or omissions by Tenants permitted under this Moratorium.
  - h. This Moratorium addresses the County's public policy and intent to close certain businesses to protect public health, safety and welfare, and the County recognizes that the interruption of any business will cause loss of, and damage to, the business. Therefore, the County finds and declares that the closure of these businesses is mandated for the public health, safety and welfare, the physical loss of, and damage to, businesses is resulting from the shutdown, and these businesses have lost the use of their property and are not functioning as intended.
  - i. Commencing June 1, 2020, commercial tenants that are multi-national, publicly-traded, or have more than 100 employees, are excluded from the protections of this Moratorium.
  - j. The Director of the Department of Consumer and Business Affairs ("DCBA"), or his designee, shall issue guidelines to aid in the implementation of the Moratorium, including but not limited to guidance regarding the ways in which Tenants can certify they are entitled to protection under the Moratorium, appropriate supporting documentation for Tenants not entitled to self-certify under the Moratorium, notice requirements, and procedures for utilizing dispute resolution services offered by DCBA, among other clarifications.
- IV. Landlords shall not increase rents for residential units and mobilehome spaces in the unincorporated County during the Moratorium Period, to the extent otherwise permitted under State law and consistent with Chapters 8.52 and 8.57 of the County Code.
- V. Landlords shall not impose any new pass-throughs otherwise permitted under Chapters 8.52 and 8.57 of the County Code, or charge interest or late fees on unpaid rent or other amounts otherwise owed, during the Moratorium Period. Landlords are prohibited from retroactively imposing or collecting any such amounts following the termination of the Moratorium.

- VI. The Los Angeles County Development Authority ("LACDA"), acting in its capacity as a local housing authority for the County, shall extend deadlines for housing assistance recipients and applicants to deliver records or documents related to their eligibility for programs, to the extent those deadlines are within the discretion of the LACDA.
- VII. The Director of DCBA, in collaboration with the Chief Executive Office ("CEO"), shall offer assistance to the State Department of Business Oversight to engage financial institutions to identify tools to be used to afford County residents relief from the threat of residential foreclosure and displacement, and to promote housing security and stability during this state of emergency.
- VIII. Grocery stores, gas stations, pharmacies and other retailers are requested to institute measures to prevent panic buying and hoarding essential goods, including, but not limited to, placing limits on the number of essential items a person can buy at one time, controlling entry to stores, and ensuring those at heightened risk of serious complications from COVID-19 are able to purchase necessities.
- IX. The Director of DCBA, in collaboration with the CEO and the Acting Director of Workforce Development, Aging, and Community Services ("WDACS"), shall convene representatives of utility and other service providers to seek a commitment from the providers to waive any late fees and forgo service disconnections for Tenants and small businesses who are suffering economic loss and hardship as a result of the COVID-19 pandemic.
- X. The Director of DCBA, the Acting Director of WDACS, and the Acting Executive Director of LACDA shall jointly establish an emergency office dedicated to assisting businesses and employees facing economic instability as a result of the COVID-19 pandemic. The joint emergency office shall be provided all of the necessary resources by DCBA and WDACS, and should include opening a dedicated hotline to assist businesses and employees, web-based and text-based consultations, and multilingual services. The County shall provide technical assistance to businesses and employees seeking to access available programs and insurance, and shall work directly with representatives from the State and federal governments to expedite, to the extent possible, applications and claims filed by County residents.
- XI. The Director of DCBA and the Acting Executive Director of LACDA shall assist small businesses in the unincorporated areas in applying for U.S. Small Business Administration ("SBA") loans that the President announced on March 12, 2020. SBA's Economic Injury Disaster Loans offer up to \$2 million in assistance for a small business. These SBA loans can provide vital economic support to small businesses to help overcome the temporary loss of revenue they are experiencing.

- XII. The Acting Executive Director of LACDA, or his designee, are hereby delegated authority to amend existing guidelines for any of its existing federal, State or County funded small business loan programs, including the Community Development Block Grant ("CDBG") matching funds, and to execute all related documents to best meet the needs of small businesses being impacted by COVID-19, consistent with guidance provided by the U.S. Economic Development Administration in a memo dated March 16, 2020 to Revolving Loan Fund ("RLF") Grantees for the purpose of COVID-19 and temporary deviations to RLF Administrative Plans, following approvals as to form by County Counsel.
- XIII. The Acting Director of WDACS shall work with the State of California, Employment Development Department, to identify additional funding and technical assistance for dislocated workers and at-risk businesses suffering economic hardship as a result of the COVID-19 pandemic. Technical assistance shall include, but not necessarily be limited to: assistance for affected workers in applying for unemployment insurance, disability insurance and paid family leave; additional business assistance for lay-off aversion and rapid response; and additional assistance to mitigate worker hardship as a result of reduced work hours or job loss due to the COVID-19 pandemic.
- XIV. The Director of DCBA and the Acting Director of WDACS, in collaboration with the CEO and the Acting Executive Director of LACDA, shall create a digital toolkit for small businesses and employees to assist them in accessing available resources, including, but not limited to, disaster loans, unemployment insurance, paid family leave, disability insurance, and layoff aversion programs.
- XV. The CEO's Center for Strategic Partnerships, in collaboration with the DCBA and its Office of Immigrant Affairs, and the Acting Director of WDACS, shall convene philanthropic partners to identify opportunities to enhance resources available to all small business owners and employees who may be unable or fearful to access federal and State disaster resources, including immigrants.
- XVI. The Executive Director of the Office of Immigrant Affairs, the CEO's Women + Girls Initiative, and the Department of Public Health's Center for Health Equity shall consult on the above directives to provide an immigration, gender, and health equity lens to inform the delivery of services and outreach.
- XVII. The Director of DCBA, the Acting Director of WDACS, and the Acting Executive Director of LACDA, or their respective designees, shall have the authority to hire and execute contracts for consultants, contractors, and other services, as needed, to provide consumer protection and support small businesses during the stated emergency to accomplish the above directives.
- XVIII. Violation of Paragraphs III, IV, or V of this Amended and Restated Executive Order shall be punishable as set forth in Chapter 2.68 of the County Code. In addition, this Amended and Restated Executive Order grants an affirmative defense in the

event that an unlawful detainer action is commenced in violation of said Paragraphs.

- XIX. That this Resolution shall take effect immediately upon its passage. Except as otherwise indicated, all provisions stated herein shall apply commencing March 4, 2020, and shall remain in effect until September 30, 2020, unless extended or repealed by the Board of Supervisors, or its designee.

XX. This Resolution Further Amending and Restating the Executive Order supersedes all previously issued resolutions and executive orders concerning an eviction moratorium or rent freeze within the County. It shall be superseded only by a duly enacted ordinance or resolution of the Board or a further executive order issued pursuant to Section 2.68.150 of the County Code.

The foregoing Resolution Further Amending and Restating the Executive Order for an Eviction Moratorium was adopted on the \_\_\_\_ day of \_\_\_\_\_ 2020, by the Board of Supervisors of the County of Los Angeles.

Board of Supervisors of the  
County of Los Angeles

By \_\_\_\_\_

Chair

APPROVED AS TO FORM:

MARY C. WICKHAM  
County Counsel

By: \_\_\_\_\_

Deputy

## Attachment C

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

The Planning Director, or their designee, shall have the authority to review and approve a Temporary Use Permit (TUP) for temporary outdoor dining and retail activities in accordance with South Pasadena Municipal Code (SPMC) Section 36.410.059. The Public Works Director, or their designee, shall have the authority to review and approve all Sidewalk Dining Permits. Use of on-street parking or street closures will be subject to a Temporary Encroachment Permit issued by the Public Works Department. The Public Works Director, or their designee, shall have the authority to review and approve the temporary use of the public right-of-way, including the parking lane, for outdoor dining and retail purposes. All temporary outdoor dining and retail activities (including personal services and health/fitness facilities) shall adhere to all applicable requirements set forth in the latest COVID-19 related order issued by the Los Angeles County Department of Public Health. All COVID-19-related permits will expire 90 days after the City's Local Emergency Declaration has been lifted.

### **Parking and Loading Spaces Reduction**

A temporary reduction of up to 50% of existing private parking or loading spaces, or as approved by the Planning Director, may be permitted to accommodate additional outdoor dining or retail activities under this program. The Public Works Director, or their designee, shall have the authority to review and approve the temporary use of the public right-of-way, including the parking lane, for outdoor dining and retail purposes. The use of a parking lane will be subject to mitigation measures, including the use of K-rated cement barricades, as outlined in a traffic management plan.

### **Outdoor Dining**

- A. Review requirement. A Temporary Use Permit is required for temporary outdoor dining or seating area for restaurants or other establishments with a public eating license. A TUP application for temporary outdoor dining or seating area shall contain a proposed site plan which shall identify the areas dedicated for outdoor dining and the maximum seating capacity for the outdoor dining area in accordance with applicable Public Health requirements. The following standards from the SPMC Section 36.350.130 (Outdoor Dining), as modified, shall be followed.
- B. Location requirements.
  1. Patron tables and other outdoor dining area components shall be located on the same site as the other facilities of the restaurant or within nearby public right-of-way.
  2. All seating shall ensure enough space to adhere to the appropriate social distancing protocols.
  3. If any portion of the outdoor dining area is to be located within a public right-of-way, an Encroachment Permit shall be obtained in compliance with the Municipal Code concurrent with the approval of a Temporary Use Permit for the outdoor dining area; or if the outdoor dining area is to be located within a sidewalk a Sidewalk Dining Permit shall be obtained.
  4. When located immediately adjacent to a residential use, provisions shall be made to minimize noise, light, and odor impacts on the residential use.

- C. Hours of operation. The hours and days of operation of the outdoor dining area shall not exceed the hours and days of operation of the primary business and shall be identified in the approved Temporary Use Permit.
- D. Lighting. Illuminated outdoor dining areas shall not result in glare onto, or direct illumination of, any residential property or use, in compliance with Section 36.300.090 (Outdoor Lighting).
- E. Alcoholic beverage sales. A restaurant that proposes to serve alcoholic beverages within an outdoor dining area shall comply with the standards established by the State Department of Alcoholic Beverage Control. The dining area shall be:
  - 1. Physically defined and clearly a part of the restaurant it serves; and
  - 2. Supervised by a restaurant employee to ensure compliance with laws regarding the on-site consumption of alcoholic beverages.
- F. Operating requirements.
  - 1. Clean-up facilities and maintenance. Outdoor dining areas shall be kept in a clean condition and free of litter and food items which constitute a nuisance to public health, safety, and welfare.
  - 2. Outdoor cooking. Cooking within an outdoor dining area may occur only with Administrative Use Permit approval issued by the Planning Director.
  - 3. Placement of tables. Tables shall be placed only in the locations shown on the approved site plan.
- G. Design compatibility. The following standards are intended to ensure compatibility with surrounding uses and a high standard of design quality wherever possible.
  - 1. Outdoor dining areas and associated structural elements, awnings, covers, furniture, umbrellas, or other physical elements which are visible from the public rights-of-way, shall be compatible with the overall design of the main structures.
  - 2. The use of awnings, plants, umbrellas, and other human scale elements is encouraged to enhance the pedestrian experience.
  - 3. The relationship of outdoor dining areas to churches, hospitals, public schools, and residential uses shall be considered by the Planning Director. Proper mitigation measures should be applied to eliminate potential impacts related to glare, light, loitering, and noise.
  - 4. Outdoor dining areas shall maintain adequate vehicular or pedestrian traffic flow.
- H. Additional standards. At the discretion of the Planning Director, the following additional standards may apply to outdoor dining areas. The applicability of these standards shall be specified in the permit approving the outdoor seating area.
  - 1. Amplified sound and music may be prohibited within the outdoor dining area.
  - 2. A sound buffering, acoustic wall may be required along property lines adjacent to the outdoor dining area. The design and height of the wall shall be approved by the Planning Director.

**Outdoor Display and Retail Activities.**

- A. Accessory outdoor display. Outdoor displays incidental and complementary to an allowed use on commercially or publicly zoned parcels shall be subject to the approval of a Temporary Use Permit approved by the Director, and all of the following standards, as modified from SPMC Section 36.350.140.
  - 1. Outdoor displays shall be:



- a. Compliant with to the appropriate social distancing protocols established by the Los Angeles County Department of Public Health.
  - b. Approved with a defined fixed location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, or parking spaces, unless otherwise authorized by the Public Works Director, or their designee. Displays shall not obstruct traffic safety sight areas or otherwise create hazards for vehicle or pedestrian traffic. They shall also be placed so that the clear space for the passage of pedestrians upon the sidewalk is not reduced to less than six feet on minor arterials and eight feet on major arterials. All placement within the public right-of-way shall require the approval of a Temporary Encroachment Permit issued by the Public Works Director.
  - c. Directly related to a business occupying a permanent structure on the same site, and shall display only goods of the primary business on the same site, provided that display may extend into or enter over any public sidewalk by a maximum of two feet, where authorized by a Temporary Encroachment Permit issued by the Public Works Director;
  - d. Limited to the hours of operation of the business, be portable and removed from public view at the close of each business day.
  - e. Managed so that display structures and goods are maintained at all times in a clean and neat condition, and in good repair;
  - f. All temporary displays shall ensure enough space to adhere to the appropriate social distancing protocols; and
  - g. Placed to not block structure entrances and on-site driveways.
2. Outdoor displays shall not be:
- a. Placed within 100 feet of any residential dwelling, except for mixed-use projects;  
or
  - b. Placed so as to impede or interfere with the reasonable use of the store front windows for display purposes.

**Attachment D**

## ANALYSIS

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

MARY C. WICKHAM  
County Counsel

By 

JASON CARNEVALE  
Deputy County Counsel  
Government Services Division

JC:eb

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

**ORDINANCE NO. \_\_\_\_\_**

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

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

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

**Chapter 8.203 COVID – 19 Food Delivery Platforms**

**8.203.010 Purpose.**

**8.203.020 Definitions.**

**8.203.030 Prohibitions.**

**8.203.040 Disclosures.**

**8.203.050 Enforcement.**

**8.203.060 No Waiver of Rights.**

**8.203.060 Severability.**

**8.203.070 Report.**

**8.203.010 Purpose.**

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

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

**8.203.020                      Definitions.**

The following definitions shall apply to this Chapter:

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

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

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

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

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

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

**8.203.030 Prohibitions.**

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

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

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

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

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

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

**8.203.040 Disclosures.**

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

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

Restaurant, including any Delivery Fee.

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

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

**8.203.050 Enforcement.**

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

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

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

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

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

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



**8.203.060                      No Waiver of Rights.**

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

**8.203.070                      Severability.**

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

**8.203.080                      Report.**

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

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

[CH8203CCJC]

# Attachment E

## Assembly Bill No. 3088

### CHAPTER 37

An act to amend Sections 1946.2, 1947.12, and 1947.13 of, to amend, repeal, and add Sections 798.56, 1942.5, 2924.15 of, to add Title 19 (commencing with Section 3273.01) to Part 4 of Division 3 of, and to add and repeal Section 789.4 of, the Civil Code, and to amend, repeal, and add Sections 1161 and 1161.2 of, to add Section 1161.2.5 to, to add and repeal Section 116.223 of, and to add and repeal Chapter 5 (commencing with Section 1179.01) of Title 3 of Part 3 of, the Code of Civil Procedure, relating to COVID-19 relief, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 31, 2020. Filed with Secretary  
of State August 31, 2020.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 3088, Chiu. Tenancy: rental payment default: mortgage forbearance: state of emergency: COVID-19.

Existing law prescribes various requirements to be satisfied before the exercise of a power of sale under a mortgage or deed of trust. Existing law requires that a notice of default and a notice of sale be recorded and that specified periods of time elapse between the recording and the sale. Existing law establishes certain requirements in connection with foreclosures on mortgages and deeds of trust, including restrictions on the actions mortgage servicers may take while a borrower is attempting to secure a loan modification or has submitted a loan modification application. Existing law applies certain of those requirements only to a first lien mortgage or deed of trust that is secured by owner-occupied residential real property containing no more than four dwelling units.

This bill, the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020, would, among other things, until January 1, 2023, additionally apply those protections to a first lien mortgage or deed of trust that is secured by residential real property that is occupied by a tenant, contains no more than four dwelling units, and meets certain criteria, including that a tenant occupying the property is unable to pay rent due to a reduction in income resulting from the novel coronavirus.

The bill would also enact the COVID-19 Small Landlord and Homeowner Relief Act of 2020 (Homeowner Act), which would require a mortgage servicer, as defined, to provide a specified written notice to a borrower, as defined, if the mortgage servicer denies forbearance during the effective time period, as defined, that states the reasons for that denial if the borrower was both current on payments as of February 1, 2020, and is experiencing a financial hardship that prevents the borrower from making timely payments

on the mortgage obligation due, directly or indirectly, to the COVID-19 emergency. The Homeowner Act would also require a mortgage servicer to comply with applicable federal guidance regarding borrower options following a COVID-19 related forbearance.

Existing law provides that a tenant is guilty of unlawful detainer if the tenant continues to possess the property without permission of the landlord after the tenant defaults on rent or fails to perform a condition or covenant of the lease under which the property is held, among other reasons. Existing law requires a tenant be served a 3 days' notice in writing to cure a default or perform a condition of the lease, or return possession of the property to the landlord, as specified. Existing law, the Mobilehome Residency Law, prohibits a tenancy from being terminated unless specified conditions are met, including that the tenant fails to pay rent, utility charges, or reasonable incidental service charges, and 3 days' notice in writing is provided to the tenant, as specified.

This bill would, until February 1, 2025, enact the COVID-19 Tenant Relief Act of 2020 (Tenant Act). The Tenant Act would require that any 3 days' notice that demands payment of COVID-19 rental debt that is served on a tenant during the covered time period meet specified criteria, including that the notice include an unsigned copy of a declaration of COVID-19-related financial distress and that the notice advise the tenant that the tenant will not be evicted for failure to comply with the notice if the tenant delivers a signed declaration of COVID-19-related financial distress to the landlord, as specified. The Tenant Act would define "covered time period" for purposes of these provisions to mean the time between March 1, 2020, and January 31, 2021. The Tenant Act would deem a 3 days' notice that fails to comply with this criteria void and insufficient to support a judgment for unlawful detainer or to terminate a tenancy under the Mobilehome Residency Law. The Tenant Act would prohibit a tenant that delivers a declaration, under penalty of perjury, of COVID-19-related financial distress pursuant to these provisions from being deemed in default with regard to the COVID-19 rental debt, as specified. By expanding the crime of perjury, this bill would create a state-mandated local program. The Tenant Act would prohibit a court from finding a tenant guilty of an unlawful detainer before February 1, 2021, subject to certain exceptions, including if the tenant was guilty of the unlawful detainer before March 1, 2020. The bill would prohibit, before October 5, 2020, a court from taking specified actions with respect to unlawful detainer actions, including issuing a summons on a complaint for unlawful detainer in any action that seeks possession of residential real property and that is based, in whole or in part, on nonpayment of rent or other charges.

The Tenant Act would also authorize a landlord to require a high-income tenant, as defined, to additionally submit documentation supporting the claim that the tenant has suffered COVID-19-related financial distress if the landlord has proof of income showing the tenant is a high-income tenant.

The Tenant Act would preempt an ordinance, resolution, regulation, or administrative action adopted by a city, county, or city and county in

response to the COVID-19 pandemic to protect tenants from eviction based on nonpayment of rental payments, as specified.

The bill would require the Business, Consumer Services and Housing Agency to, in consultation with the Department of Finance, engage with residential tenants, landlords, property owners, deed-restricted affordable housing providers, and financial sector stakeholders about strategies and approaches to direct potential future federal stimulus funding to most effectively and efficiently provide relief to distressed tenants, landlords, and property owners, as specified.

Existing law prohibits a landlord from taking specified actions with intent to terminate the occupancy under any lease or other tenancy or estate at will, however created, of property used by a tenant as the tenant's residence. Existing law makes a violator of those provisions subject to certain damages in a civil action.

This bill would, until February 1, 2021, make a violator of those provisions whose tenant has provided to that violator the declaration of COVID-19-related financial distress described above liable for damages in an amount between \$1,000 and \$2,500.

Existing law, The Small Claims Act, grants jurisdiction to a small claims court in cases where the amount demanded does not exceed \$5,000, as specified, and prohibits a person from filing more than 2 small claims actions in which the amount demanded exceeds \$2,500 anywhere in the state in any calendar year.

This bill would instead, until February 1, 2025, provide that a small claims court has jurisdiction in any action for recovery of COVID-19 rental debt, as defined, regardless of the amount demanded and would provide that a claim for recovery of a COVID-19 rental debt is exempt from the prohibition on filing more than 2 small claims actions described above.

Existing law, the Tenant Protection Act of 2019, prohibits, with certain exceptions, an owner of residential real property from increasing the gross rental rate for a dwelling or unit more than 5% plus the "percentage change in the cost of living," as defined, or 10%, whichever is lower, of the lowest gross rental rate charged for the immediately preceding 12 months, subject to specified conditions. The act exempts certain types of residential real properties, including dormitories constructed and maintained in connection with any higher education institution within the state for use and occupancy by students in attendance at the institution and housing that has been issued a certificate of occupancy within the previous 15 years.

This bill would revise and recast those exemptions to exempt dormitories owned and operated by an institution of higher education or a kindergarten and grades 1 to 12, inclusive, school. The bill would also make clarifying changes to the definition of "percentage change in the cost of living."

This bill would also make clarifying and conforming changes.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

*The people of the State of California do enact as follows:*

SECTION 1. This act shall be known, and may be cited, as the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020.

SEC. 2. The Legislature finds and declares all of the following:

(a) On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency in response to the COVID-19 pandemic. Measures necessary to contain the spread of COVID-19 have brought about widespread economic and societal disruption, placing the state in unprecedented circumstances.

(b) At the end of 2019, California already faced a housing affordability crisis. United States Census data showed that a majority of California tenant households qualified as “rent-burdened,” meaning that 30 percent or more of their income was used to pay rent. Over one-quarter of California tenant households were “severely rent-burdened,” meaning that they were spending over one-half of their income on rent alone.

(c) Millions of Californians are unexpectedly, and through no fault of their own, facing new public health requirements and unable to work and cover many basic expenses, creating tremendous uncertainty for California tenants, small landlords, and homeowners. While the Judicial Council’s Emergency Rule 1, effective April 6, 2020, temporarily halted evictions and stabilized housing for distressed Californians in furtherance of public health goals, the Judicial Council voted on August 14, 2020, to extend these protections through September 1, 2020, to allow the Legislature time to act before the end of the 2019-20 Legislative Session.

(d) There are strong indications that large numbers of California tenants will soon face eviction from their homes based on an inability to pay the rent or other financial obligations. Even if tenants are eventually able to pay their rent, small landlords will continue to face challenges covering their expenses, including mortgage payments in the ensuing months, placing them at risk of default and broader destabilization of the economy.

(e) There are strong indications that many homeowners will also lose their homes to foreclosure. While temporary forbearance is available to homeowners with federally backed mortgages pursuant to the CARES Act, and while some other lenders have voluntarily agreed to provide borrowers with additional time to pay, not all mortgages are covered.

(f) Stabilizing the housing situation for tenants and landlords is to the mutual benefit of both groups and will help the state address the pandemic, protect public health, and set the stage for recovery. It is, therefore, the

intent of the Legislature and the State of California to establish through statute a framework for all impacted parties to negotiate and avoid as many evictions and foreclosures as possible.

(g) This bill shall not relieve tenants, homeowners, or landlords of their financial and contractual obligations, but rather it seeks to forestall massive social and public health harm by preventing unpaid rental debt from serving as a cause of action for eviction or foreclosure during this historic and unforeseeable period and from unduly burdening the recovery through negative credit reporting. This framework for temporary emergency relief for financially distressed tenants, homeowners, and small landlords seeks to help stabilize Californians through the state of emergency in protection of their health and without the loss of their homes and property.

SEC. 3. Section 789.4 is added to the Civil Code, to read:

789.4. (a) In addition to the damages provided in subdivision (c) of Section 789.3 of the Civil Code, a landlord who violates Section 789.3 of the Civil Code, if the tenant has provided a declaration of COVID-19 financial distress pursuant to Section 1179.03 of the Code of Civil Procedure, shall be liable for damages in an amount that is at least one thousand dollars (\$1,000) but not more than two thousand five hundred dollars (\$2,500), as determined by the trier of fact.

(b) This section shall remain in effect until February 1, 2021, and as of that date is repealed.

SEC. 4. Section 798.56 of the Civil Code is amended to read:

798.56. A tenancy shall be terminated by the management only for one or more of the following reasons:

(a) Failure of the homeowner or resident to comply with a local ordinance or state law or regulation relating to mobilehomes within a reasonable time after the homeowner receives a notice of noncompliance from the appropriate governmental agency.

(b) Conduct by the homeowner or resident, upon the park premises, that constitutes a substantial annoyance to other homeowners or residents.

(c) (1) Conviction of the homeowner or resident for prostitution, for a violation of subdivision (d) of Section 243, paragraph (2) of subdivision (a), or subdivision (b), of Section 245, Section 288, or Section 451, of the Penal Code, or a felony controlled substance offense, if the act resulting in the conviction was committed anywhere on the premises of the mobilehome park, including, but not limited to, within the homeowner's mobilehome.

(2) However, the tenancy may not be terminated for the reason specified in this subdivision if the person convicted of the offense has permanently vacated, and does not subsequently reoccupy, the mobilehome.

(d) Failure of the homeowner or resident to comply with a reasonable rule or regulation of the park that is part of the rental agreement or any amendment thereto.

No act or omission of the homeowner or resident shall constitute a failure to comply with a reasonable rule or regulation unless and until the management has given the homeowner written notice of the alleged rule or regulation violation and the homeowner or resident has failed to adhere to



the rule or regulation within seven days. However, if a homeowner has been given a written notice of an alleged violation of the same rule or regulation on three or more occasions within a 12-month period after the homeowner or resident has violated that rule or regulation, no written notice shall be required for a subsequent violation of the same rule or regulation.

Nothing in this subdivision shall relieve the management from its obligation to demonstrate that a rule or regulation has in fact been violated.

(e) (1) Except as provided for in the COVID-19 Tenant Relief Act of 2020 (Chapter 5 (commencing with Section 1179.01) of Title 3 of Part 3 of the Code of Civil Procedure), nonpayment of rent, utility charges, or reasonable incidental service charges; provided that the amount due has been unpaid for a period of at least five days from its due date, and provided that the homeowner shall be given a three-day written notice subsequent to that five-day period to pay the amount due or to vacate the tenancy. For purposes of this subdivision, the five-day period does not include the date the payment is due. The three-day written notice shall be given to the homeowner in the manner prescribed by Section 1162 of the Code of Civil Procedure. A copy of this notice shall be sent to the persons or entities specified in subdivision (b) of Section 798.55 within 10 days after notice is delivered to the homeowner. If the homeowner cures the default, the notice need not be sent. The notice may be given at the same time as the 60 days' notice required for termination of the tenancy. A three-day notice given pursuant to this subdivision shall contain the following provisions printed in at least 12-point boldface type at the top of the notice, with the appropriate number written in the blank:

“Warning: This notice is the (insert number) three-day notice for nonpayment of rent, utility charges, or other reasonable incidental services that has been served upon you in the last 12 months. Pursuant to Civil Code Section 798.56 (e) (5), if you have been given a three-day notice to either pay rent, utility charges, or other reasonable incidental services or to vacate your tenancy on three or more occasions within a 12-month period, management is not required to give you a further three-day period to pay rent or vacate the tenancy before your tenancy can be terminated.”

(2) Payment by the homeowner prior to the expiration of the three-day notice period shall cure a default under this subdivision. If the homeowner does not pay prior to the expiration of the three-day notice period, the homeowner shall remain liable for all payments due up until the time the tenancy is vacated.

(3) Payment by the legal owner, as defined in Section 18005.8 of the Health and Safety Code, any junior lienholder, as defined in Section 18005.3 of the Health and Safety Code, or the registered owner, as defined in Section 18009.5 of the Health and Safety Code, if other than the homeowner, on behalf of the homeowner prior to the expiration of 30 calendar days following the mailing of the notice to the legal owner, each junior lienholder, and the registered owner provided in subdivision (b) of Section 798.55, shall cure a default under this subdivision with respect to that payment.

(4) Cure of a default of rent, utility charges, or reasonable incidental service charges by the legal owner, any junior lienholder, or the registered owner, if other than the homeowner, as provided by this subdivision, may not be exercised more than twice during a 12-month period.

(5) If a homeowner has been given a three-day notice to pay the amount due or to vacate the tenancy on three or more occasions within the preceding 12-month period and each notice includes the provisions specified in paragraph (1), no written three-day notice shall be required in the case of a subsequent nonpayment of rent, utility charges, or reasonable incidental service charges.

In that event, the management shall give written notice to the homeowner in the manner prescribed by Section 1162 of the Code of Civil Procedure to remove the mobilehome from the park within a period of not less than 60 days, which period shall be specified in the notice. A copy of this notice shall be sent to the legal owner, each junior lienholder, and the registered owner of the mobilehome, if other than the homeowner, as specified in paragraph (b) of Section 798.55, by certified or registered mail, return receipt requested, within 10 days after notice is sent to the homeowner.

(6) When a copy of the 60 days' notice described in paragraph (5) is sent to the legal owner, each junior lienholder, and the registered owner of the mobilehome, if other than the homeowner, the default may be cured by any of them on behalf of the homeowner prior to the expiration of 30 calendar days following the mailing of the notice, if all of the following conditions exist:

(A) A copy of a three-day notice sent pursuant to subdivision (b) of Section 798.55 to a homeowner for the nonpayment of rent, utility charges, or reasonable incidental service charges was not sent to the legal owner, junior lienholder, or registered owner, of the mobilehome, if other than the homeowner, during the preceding 12-month period.

(B) The legal owner, junior lienholder, or registered owner of the mobilehome, if other than the homeowner, has not previously cured a default of the homeowner during the preceding 12-month period.

(C) The legal owner, junior lienholder or registered owner, if other than the homeowner, is not a financial institution or mobilehome dealer.

If the default is cured by the legal owner, junior lienholder, or registered owner within the 30-day period, the notice to remove the mobilehome from the park described in paragraph (5) shall be rescinded.

(f) Condemnation of the park.

(g) Change of use of the park or any portion thereof, provided:

(1) The management gives the homeowners at least 15 days' written notice that the management will be appearing before a local governmental board, commission, or body to request permits for a change of use of the mobilehome park.

(2) After all required permits requesting a change of use have been approved by the local governmental board, commission, or body, the management shall give the homeowners six months' or more written notice of termination of tenancy.

If the change of use requires no local governmental permits, then notice shall be given 12 months or more prior to the management's determination that a change of use will occur. The management in the notice shall disclose and describe in detail the nature of the change of use.

(3) The management gives each proposed homeowner written notice thereof prior to the inception of the homeowner's tenancy that the management is requesting a change of use before local governmental bodies or that a change of use request has been granted.

(4) The notice requirements for termination of tenancy set forth in Sections 798.56 and 798.57 shall be followed if the proposed change actually occurs.

(5) A notice of a proposed change of use given prior to January 1, 1980, that conforms to the requirements in effect at that time shall be valid. The requirements for a notice of a proposed change of use imposed by this subdivision shall be governed by the law in effect at the time the notice was given.

(h) The report required pursuant to subdivisions (b) and (i) of Section 65863.7 of the Government Code shall be given to the homeowners or residents at the same time that notice is required pursuant to subdivision (g) of this section.

(i) For purposes of this section, "financial institution" means a state or national bank, state or federal savings and loan association or credit union, or similar organization, and mobilehome dealer as defined in Section 18002.6 of the Health and Safety Code or any other organization that, as part of its usual course of business, originates, owns, or provides loan servicing for loans secured by a mobilehome.

(j) This section remain in effect until February 1, 2025, and as of that date is repealed.

SEC. 5. Section 798.56 is added to the Civil Code, to read:

798.56. A tenancy shall be terminated by the management only for one or more of the following reasons:

(a) Failure of the homeowner or resident to comply with a local ordinance or state law or regulation relating to mobilehomes within a reasonable time after the homeowner receives a notice of noncompliance from the appropriate governmental agency.

(b) Conduct by the homeowner or resident, upon the park premises, that constitutes a substantial annoyance to other homeowners or residents.

(c) (1) Conviction of the homeowner or resident for prostitution, for a violation of subdivision (d) of Section 243, paragraph (2) of subdivision (a), or subdivision (b), of Section 245, Section 288, or Section 451, of the Penal Code, or a felony controlled substance offense, if the act resulting in the conviction was committed anywhere on the premises of the mobilehome park, including, but not limited to, within the homeowner's mobilehome.

(2) However, the tenancy may not be terminated for the reason specified in this subdivision if the person convicted of the offense has permanently vacated, and does not subsequently reoccupy, the mobilehome.

(d) Failure of the homeowner or resident to comply with a reasonable rule or regulation of the park that is part of the rental agreement or any amendment thereto.

No act or omission of the homeowner or resident shall constitute a failure to comply with a reasonable rule or regulation unless and until the management has given the homeowner written notice of the alleged rule or regulation violation and the homeowner or resident has failed to adhere to the rule or regulation within seven days. However, if a homeowner has been given a written notice of an alleged violation of the same rule or regulation on three or more occasions within a 12-month period after the homeowner or resident has violated that rule or regulation, no written notice shall be required for a subsequent violation of the same rule or regulation.

Nothing in this subdivision shall relieve the management from its obligation to demonstrate that a rule or regulation has in fact been violated.

(e) (1) Nonpayment of rent, utility charges, or reasonable incidental service charges; provided that the amount due has been unpaid for a period of at least five days from its due date, and provided that the homeowner shall be given a three-day written notice subsequent to that five-day period to pay the amount due or to vacate the tenancy. For purposes of this subdivision, the five-day period does not include the date the payment is due. The three-day written notice shall be given to the homeowner in the manner prescribed by Section 1162 of the Code of Civil Procedure. A copy of this notice shall be sent to the persons or entities specified in subdivision (b) of Section 798.55 within 10 days after notice is delivered to the homeowner. If the homeowner cures the default, the notice need not be sent. The notice may be given at the same time as the 60 days' notice required for termination of the tenancy. A three-day notice given pursuant to this subdivision shall contain the following provisions printed in at least 12-point boldface type at the top of the notice, with the appropriate number written in the blank:

“Warning: This notice is the (insert number) three-day notice for nonpayment of rent, utility charges, or other reasonable incidental services that has been served upon you in the last 12 months. Pursuant to Civil Code Section 798.56 (e) (5), if you have been given a three-day notice to either pay rent, utility charges, or other reasonable incidental services or to vacate your tenancy on three or more occasions within a 12-month period, management is not required to give you a further three-day period to pay rent or vacate the tenancy before your tenancy can be terminated.”

(2) Payment by the homeowner prior to the expiration of the three-day notice period shall cure a default under this subdivision. If the homeowner does not pay prior to the expiration of the three-day notice period, the homeowner shall remain liable for all payments due up until the time the tenancy is vacated.

(3) Payment by the legal owner, as defined in Section 18005.8 of the Health and Safety Code, any junior lienholder, as defined in Section 18005.3 of the Health and Safety Code, or the registered owner, as defined in Section 18009.5 of the Health and Safety Code, if other than the homeowner, on

behalf of the homeowner prior to the expiration of 30 calendar days following the mailing of the notice to the legal owner, each junior lienholder, and the registered owner provided in subdivision (b) of Section 798.55, shall cure a default under this subdivision with respect to that payment.

(4) Cure of a default of rent, utility charges, or reasonable incidental service charges by the legal owner, any junior lienholder, or the registered owner, if other than the homeowner, as provided by this subdivision, may not be exercised more than twice during a 12-month period.

(5) If a homeowner has been given a three-day notice to pay the amount due or to vacate the tenancy on three or more occasions within the preceding 12-month period and each notice includes the provisions specified in paragraph (1), no written three-day notice shall be required in the case of a subsequent nonpayment of rent, utility charges, or reasonable incidental service charges.

In that event, the management shall give written notice to the homeowner in the manner prescribed by Section 1162 of the Code of Civil Procedure to remove the mobilehome from the park within a period of not less than 60 days, which period shall be specified in the notice. A copy of this notice shall be sent to the legal owner, each junior lienholder, and the registered owner of the mobilehome, if other than the homeowner, as specified in paragraph (b) of Section 798.55, by certified or registered mail, return receipt requested, within 10 days after notice is sent to the homeowner.

(6) When a copy of the 60 days' notice described in paragraph (5) is sent to the legal owner, each junior lienholder, and the registered owner of the mobilehome, if other than the homeowner, the default may be cured by any of them on behalf of the homeowner prior to the expiration of 30 calendar days following the mailing of the notice, if all of the following conditions exist:

(A) A copy of a three-day notice sent pursuant to subdivision (b) of Section 798.55 to a homeowner for the nonpayment of rent, utility charges, or reasonable incidental service charges was not sent to the legal owner, junior lienholder, or registered owner, of the mobilehome, if other than the homeowner, during the preceding 12-month period.

(B) The legal owner, junior lienholder, or registered owner of the mobilehome, if other than the homeowner, has not previously cured a default of the homeowner during the preceding 12-month period.

(C) The legal owner, junior lienholder or registered owner, if other than the homeowner, is not a financial institution or mobilehome dealer.

If the default is cured by the legal owner, junior lienholder, or registered owner within the 30-day period, the notice to remove the mobilehome from the park described in paragraph (5) shall be rescinded.

(f) Condemnation of the park.

(g) Change of use of the park or any portion thereof, provided:

(1) The management gives the homeowners at least 15 days' written notice that the management will be appearing before a local governmental board, commission, or body to request permits for a change of use of the mobilehome park.

(2) After all required permits requesting a change of use have been approved by the local governmental board, commission, or body, the management shall give the homeowners six months' or more written notice of termination of tenancy.

If the change of use requires no local governmental permits, then notice shall be given 12 months or more prior to the management's determination that a change of use will occur. The management in the notice shall disclose and describe in detail the nature of the change of use.

(3) The management gives each proposed homeowner written notice thereof prior to the inception of the homeowner's tenancy that the management is requesting a change of use before local governmental bodies or that a change of use request has been granted.

(4) The notice requirements for termination of tenancy set forth in Sections 798.56 and 798.57 shall be followed if the proposed change actually occurs.

(5) A notice of a proposed change of use given prior to January 1, 1980, that conforms to the requirements in effect at that time shall be valid. The requirements for a notice of a proposed change of use imposed by this subdivision shall be governed by the law in effect at the time the notice was given.

(h) The report required pursuant to subdivisions (b) and (i) of Section 65863.7 of the Government Code shall be given to the homeowners or residents at the same time that notice is required pursuant to subdivision (g) of this section.

(i) For purposes of this section, "financial institution" means a state or national bank, state or federal savings and loan association or credit union, or similar organization, and mobilehome dealer as defined in Section 18002.6 of the Health and Safety Code or any other organization that, as part of its usual course of business, originates, owns, or provides loan servicing for loans secured by a mobilehome.

(j) This section shall become operative on February 1, 2025.

SEC. 6. Section 1942.5 of the Civil Code is amended to read:

1942.5. (a) If the lessor retaliates against the lessee because of the exercise by the lessee of the lessee's rights under this chapter or because of the lessee's complaint to an appropriate agency as to tenantability of a dwelling, and if the lessee of a dwelling is not in default as to the payment of rent, the lessor may not recover possession of a dwelling in any action or proceeding, cause the lessee to quit involuntarily, increase the rent, or decrease any services within 180 days of any of the following:

(1) After the date upon which the lessee, in good faith, has given notice pursuant to Section 1942, has provided notice of a suspected bed bug infestation, or has made an oral complaint to the lessor regarding tenantability.

(2) After the date upon which the lessee, in good faith, has filed a written complaint, or an oral complaint which is registered or otherwise recorded in writing, with an appropriate agency, of which the lessor has notice, for the purpose of obtaining correction of a condition relating to tenantability.



(3) After the date of an inspection or issuance of a citation, resulting from a complaint described in paragraph (2) of which the lessor did not have notice.

(4) After the filing of appropriate documents commencing a judicial or arbitration proceeding involving the issue of tenantability.

(5) After entry of judgment or the signing of an arbitration award, if any, when in the judicial proceeding or arbitration the issue of tenantability is determined adversely to the lessor.

In each instance, the 180-day period shall run from the latest applicable date referred to in paragraphs (1) to (5), inclusive.

(b) A lessee may not invoke subdivision (a) more than once in any 12-month period.

(c) To report, or to threaten to report, the lessee or individuals known to the landlord to be associated with the lessee to immigration authorities is a form of retaliatory conduct prohibited under subdivision (a). This subdivision shall in no way limit the definition of retaliatory conduct prohibited under this section.

(d) Notwithstanding subdivision (a), it is unlawful for a lessor to increase rent, decrease services, cause a lessee to quit involuntarily, bring an action to recover possession, or threaten to do any of those acts, for the purpose of retaliating against the lessee because the lessee has lawfully organized or participated in a lessees' association or an organization advocating lessees' rights or has lawfully and peaceably exercised any rights under the law. It is also unlawful for a lessor to bring an action for unlawful detainer based on a cause of action other than nonpayment of COVID-19 rental debt, as defined in Section 1179.02 of the Code of Civil Procedure, for the purpose of retaliating against the lessee because the lessee has a COVID-19 rental debt. In an action brought by or against the lessee pursuant to this subdivision, the lessee shall bear the burden of producing evidence that the lessor's conduct was, in fact, retaliatory.

(e) To report, or to threaten to report, the lessee or individuals known to the landlord to be associated with the lessee to immigration authorities is a form of retaliatory conduct prohibited under subdivision (d). This subdivision shall in no way limit the definition of retaliatory conduct prohibited under this section.

(f) This section does not limit in any way the exercise by the lessor of the lessor's rights under any lease or agreement or any law pertaining to the hiring of property or the lessor's right to do any of the acts described in subdivision (a) or (d) for any lawful cause. Any waiver by a lessee of the lessee's rights under this section is void as contrary to public policy.

(g) Notwithstanding subdivisions (a) to (f), inclusive, a lessor may recover possession of a dwelling and do any of the other acts described in subdivision (a) within the period or periods prescribed therein, or within subdivision (d), if the notice of termination, rent increase, or other act, and any pleading or statement of issues in an arbitration, if any, states the ground upon which the lessor, in good faith, seeks to recover possession, increase rent, or do

any of the other acts described in subdivision (a) or (d). If the statement is controverted, the lessor shall establish its truth at the trial or other hearing.

(h) Any lessor or agent of a lessor who violates this section shall be liable to the lessee in a civil action for all of the following:

(1) The actual damages sustained by the lessee.

(2) Punitive damages in an amount of not less than one hundred dollars (\$100) nor more than two thousand dollars (\$2,000) for each retaliatory act where the lessor or agent has been guilty of fraud, oppression, or malice with respect to that act.

(i) In any action brought for damages for retaliatory eviction, the court shall award reasonable attorney's fees to the prevailing party if either party requests attorney's fees upon the initiation of the action.

(j) The remedies provided by this section shall be in addition to any other remedies provided by statutory or decisional law.

(k) A lessor does not violate subdivision (c) or (e) by complying with any legal obligation under any federal government program that provides for rent limitations or rental assistance to a qualified tenant.

(l) This section shall remain in effect until February 1, 2021, and as of that date is repealed.

SEC. 7. Section 1942.5 is added to the Civil Code, to read:

1942.5. (a) If the lessor retaliates against the lessee because of the exercise by the lessee of the lessee's rights under this chapter or because of the lessee's complaint to an appropriate agency as to tenantability of a dwelling, and if the lessee of a dwelling is not in default as to the payment of rent, the lessor may not recover possession of a dwelling in any action or proceeding, cause the lessee to quit involuntarily, increase the rent, or decrease any services within 180 days of any of the following:

(1) After the date upon which the lessee, in good faith, has given notice pursuant to Section 1942, has provided notice of a suspected bed bug infestation, or has made an oral complaint to the lessor regarding tenantability.

(2) After the date upon which the lessee, in good faith, has filed a written complaint, or an oral complaint which is registered or otherwise recorded in writing, with an appropriate agency, of which the lessor has notice, for the purpose of obtaining correction of a condition relating to tenantability.

(3) After the date of an inspection or issuance of a citation, resulting from a complaint described in paragraph (2) of which the lessor did not have notice.

(4) After the filing of appropriate documents commencing a judicial or arbitration proceeding involving the issue of tenantability.

(5) After entry of judgment or the signing of an arbitration award, if any, when in the judicial proceeding or arbitration the issue of tenantability is determined adversely to the lessor.

In each instance, the 180-day period shall run from the latest applicable date referred to in paragraphs (1) to (5), inclusive.

(b) A lessee may not invoke subdivision (a) more than once in any 12-month period.



(c) To report, or to threaten to report, the lessee or individuals known to the landlord to be associated with the lessee to immigration authorities is a form of retaliatory conduct prohibited under subdivision (a). This subdivision shall in no way limit the definition of retaliatory conduct prohibited under this section.

(d) Notwithstanding subdivision (a), it is unlawful for a lessor to increase rent, decrease services, cause a lessee to quit involuntarily, bring an action to recover possession, or threaten to do any of those acts, for the purpose of retaliating against the lessee because the lessee has lawfully organized or participated in a lessees' association or an organization advocating lessees' rights or has lawfully and peaceably exercised any rights under the law. In an action brought by or against the lessee pursuant to this subdivision, the lessee shall bear the burden of producing evidence that the lessor's conduct was, in fact, retaliatory.

(e) To report, or to threaten to report, the lessee or individuals known to the landlord to be associated with the lessee to immigration authorities is a form of retaliatory conduct prohibited under subdivision (d). This subdivision shall in no way limit the definition of retaliatory conduct prohibited under this section.

(f) This section does not limit in any way the exercise by the lessor of the lessor's rights under any lease or agreement or any law pertaining to the hiring of property or the lessor's right to do any of the acts described in subdivision (a) or (d) for any lawful cause. Any waiver by a lessee of the lessee's rights under this section is void as contrary to public policy.

(g) Notwithstanding subdivisions (a) to (f), inclusive, a lessor may recover possession of a dwelling and do any of the other acts described in subdivision (a) within the period or periods prescribed therein, or within subdivision (d), if the notice of termination, rent increase, or other act, and any pleading or statement of issues in an arbitration, if any, states the ground upon which the lessor, in good faith, seeks to recover possession, increase rent, or do any of the other acts described in subdivision (a) or (d). If the statement is controverted, the lessor shall establish its truth at the trial or other hearing.

(h) Any lessor or agent of a lessor who violates this section shall be liable to the lessee in a civil action for all of the following:

(1) The actual damages sustained by the lessee.

(2) Punitive damages in an amount of not less than one hundred dollars (\$100) nor more than two thousand dollars (\$2,000) for each retaliatory act where the lessor or agent has been guilty of fraud, oppression, or malice with respect to that act.

(i) In any action brought for damages for retaliatory eviction, the court shall award reasonable attorney's fees to the prevailing party if either party requests attorney's fees upon the initiation of the action.

(j) The remedies provided by this section shall be in addition to any other remedies provided by statutory or decisional law.

(k) A lessor does not violate subdivision (c) or (e) by complying with any legal obligation under any federal government program that provides for rent limitations or rental assistance to a qualified tenant.

(l) This section shall become operative on February 1, 2021.

SEC. 8. Section 1946.2 of the Civil Code is amended to read:

1946.2. (a) Notwithstanding any other law, after a tenant has continuously and lawfully occupied a residential real property for 12 months, the owner of the residential real property shall not terminate the tenancy without just cause, which shall be stated in the written notice to terminate tenancy. If any additional adult tenants are added to the lease before an existing tenant has continuously and lawfully occupied the residential real property for 24 months, then this subdivision shall only apply if either of the following are satisfied:

(1) All of the tenants have continuously and lawfully occupied the residential real property for 12 months or more.

(2) One or more tenants have continuously and lawfully occupied the residential real property for 24 months or more.

(b) For purposes of this section, “just cause” includes either of the following:

(1) At-fault just cause, which is any of the following:

(A) Default in the payment of rent.

(B) A breach of a material term of the lease, as described in paragraph (3) of Section 1161 of the Code of Civil Procedure, including, but not limited to, violation of a provision of the lease after being issued a written notice to correct the violation.

(C) Maintaining, committing, or permitting the maintenance or commission of a nuisance as described in paragraph (4) of Section 1161 of the Code of Civil Procedure.

(D) Committing waste as described in paragraph (4) of Section 1161 of the Code of Civil Procedure.

(E) The tenant had a written lease that terminated on or after January 1, 2020, and after a written request or demand from the owner, the tenant has refused to execute a written extension or renewal of the lease for an additional term of similar duration with similar provisions, provided that those terms do not violate this section or any other provision of law.

(F) Criminal activity by the tenant on the residential real property, including any common areas, or any criminal activity or criminal threat, as defined in subdivision (a) of Section 422 of the Penal Code, on or off the residential real property, that is directed at any owner or agent of the owner of the residential real property.

(G) Assigning or subletting the premises in violation of the tenant’s lease, as described in paragraph (4) of Section 1161 of the Code of Civil Procedure.

(H) The tenant’s refusal to allow the owner to enter the residential real property as authorized by Sections 1101.5 and 1954 of this code, and Sections 13113.7 and 17926.1 of the Health and Safety Code.

(I) Using the premises for an unlawful purpose as described in paragraph (4) of Section 1161 of the Code of Civil Procedure.

(J) The employee, agent, or licensee’s failure to vacate after their termination as an employee, agent, or a licensee as described in paragraph (1) of Section 1161 of the Code of Civil Procedure.

(K) When the tenant fails to deliver possession of the residential real property after providing the owner written notice as provided in Section 1946 of the tenant's intention to terminate the hiring of the real property, or makes a written offer to surrender that is accepted in writing by the landlord, but fails to deliver possession at the time specified in that written notice as described in paragraph (5) of Section 1161 of the Code of Civil Procedure.

(2) No-fault just cause, which includes any of the following:

(A) (i) Intent to occupy the residential real property by the owner or their spouse, domestic partner, children, grandchildren, parents, or grandparents.

(ii) For leases entered into on or after July 1, 2020, clause (i) shall apply only if the tenant agrees, in writing, to the termination, or if a provision of the lease allows the owner to terminate the lease if the owner, or their spouse, domestic partner, children, grandchildren, parents, or grandparents, unilaterally decides to occupy the residential real property. Addition of a provision allowing the owner to terminate the lease as described in this clause to a new or renewed rental agreement or fixed-term lease constitutes a similar provision for the purposes of subparagraph (E) of paragraph (1).

(B) Withdrawal of the residential real property from the rental market.

(C) (i) The owner complying with any of the following:

(I) An order issued by a government agency or court relating to habitability that necessitates vacating the residential real property.

(II) An order issued by a government agency or court to vacate the residential real property.

(III) A local ordinance that necessitates vacating the residential real property.

(ii) If it is determined by any government agency or court that the tenant is at fault for the condition or conditions triggering the order or need to vacate under clause (i), the tenant shall not be entitled to relocation assistance as outlined in paragraph (3) of subdivision (d).

(D) (i) Intent to demolish or to substantially remodel the residential real property.

(ii) For purposes of this subparagraph, "substantially remodel" means the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, state, and local laws, that cannot be reasonably accomplished in a safe manner with the tenant in place and that requires the tenant to vacate the residential real property for at least 30 days. Cosmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated, do not qualify as substantial rehabilitation.

(c) Before an owner of residential real property issues a notice to terminate a tenancy for just cause that is a curable lease violation, the owner shall first give notice of the violation to the tenant with an opportunity to

cure the violation pursuant to paragraph (3) of Section 1161 of the Code of Civil Procedure. If the violation is not cured within the time period set forth in the notice, a three-day notice to quit without an opportunity to cure may thereafter be served to terminate the tenancy.

(d) (1) For a tenancy for which just cause is required to terminate the tenancy under subdivision (a), if an owner of residential real property issues a termination notice based on a no-fault just cause described in paragraph (2) of subdivision (b), the owner shall, regardless of the tenant's income, at the owner's option, do one of the following:

(A) Assist the tenant to relocate by providing a direct payment to the tenant as described in paragraph (3).

(B) Waive in writing the payment of rent for the final month of the tenancy, prior to the rent becoming due.

(2) If an owner issues a notice to terminate a tenancy for no-fault just cause, the owner shall notify the tenant of the tenant's right to relocation assistance or rent waiver pursuant to this section. If the owner elects to waive the rent for the final month of the tenancy as provided in subparagraph (B) of paragraph (1), the notice shall state the amount of rent waived and that no rent is due for the final month of the tenancy.

(3) (A) The amount of relocation assistance or rent waiver shall be equal to one month of the tenant's rent that was in effect when the owner issued the notice to terminate the tenancy. Any relocation assistance shall be provided within 15 calendar days of service of the notice.

(B) If a tenant fails to vacate after the expiration of the notice to terminate the tenancy, the actual amount of any relocation assistance or rent waiver provided pursuant to this subdivision shall be recoverable as damages in an action to recover possession.

(C) The relocation assistance or rent waiver required by this subdivision shall be credited against any other relocation assistance required by any other law.

(4) An owner's failure to strictly comply with this subdivision shall render the notice of termination void.

(e) This section shall not apply to the following types of residential real properties or residential circumstances:

(1) Transient and tourist hotel occupancy as defined in subdivision (b) of Section 1940.

(2) Housing accommodations in a nonprofit hospital, religious facility, extended care facility, licensed residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code, or an adult residential facility, as defined in Chapter 6 of Division 6 of Title 22 of the Manual of Policies and Procedures published by the State Department of Social Services.

(3) Dormitories owned and operated by an institution of higher education or a kindergarten and grades 1 to 12, inclusive, school.

(4) Housing accommodations in which the tenant shares bathroom or kitchen facilities with the owner who maintains their principal residence at the residential real property.

(5) Single-family owner-occupied residences, including a residence in which the owner-occupant rents or leases no more than two units or bedrooms, including, but not limited to, an accessory dwelling unit or a junior accessory dwelling unit.

(6) A property containing two separate dwelling units within a single structure in which the owner occupied one of the units as the owner's principal place of residence at the beginning of the tenancy, so long as the owner continues in occupancy, and neither unit is an accessory dwelling unit or a junior accessory dwelling unit.

(7) Housing that has been issued a certificate of occupancy within the previous 15 years.

(8) Residential real property that is alienable separate from the title to any other dwelling unit, provided that both of the following apply:

(A) The owner is not any of the following:

(i) A real estate investment trust, as defined in Section 856 of the Internal Revenue Code.

(ii) A corporation.

(iii) A limited liability company in which at least one member is a corporation.

(B) (i) The tenants have been provided written notice that the residential property is exempt from this section using the following statement:

“This property is not subject to the rent limits imposed by Section 1947.12 of the Civil Code and is not subject to the just cause requirements of Section 1946.2 of the Civil Code. This property meets the requirements of Sections 1947.12 (d)(5) and 1946.2 (e)(8) of the Civil Code and the owner is not any of the following: (1) a real estate investment trust, as defined by Section 856 of the Internal Revenue Code; (2) a corporation; or (3) a limited liability company in which at least one member is a corporation.”

(ii) For a tenancy existing before July 1, 2020, the notice required under clause (i) may, but is not required to, be provided in the rental agreement.

(iii) For any tenancy commenced or renewed on or after July 1, 2020, the notice required under clause (i) must be provided in the rental agreement.

(iv) Addition of a provision containing the notice required under clause (i) to any new or renewed rental agreement or fixed-term lease constitutes a similar provision for the purposes of subparagraph (E) of paragraph (1) of subdivision (b).

(9) Housing restricted by deed, regulatory restriction contained in an agreement with a government agency, or other recorded document as affordable housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code, or subject to an agreement that provides housing subsidies for affordable housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code or comparable federal statutes.

(f) An owner of residential real property subject to this section shall provide notice to the tenant as follows:

(1) For any tenancy commenced or renewed on or after July 1, 2020, as an addendum to the lease or rental agreement, or as a written notice signed by the tenant, with a copy provided to the tenant.

(2) For a tenancy existing prior to July 1, 2020, by written notice to the tenant no later than August 1, 2020, or as an addendum to the lease or rental agreement.

(3) The notification or lease provision shall be in no less than 12-point type, and shall include the following:

“California law limits the amount your rent can be increased. See Section 1947.12 of the Civil Code for more information. California law also provides that after all of the tenants have continuously and lawfully occupied the property for 12 months or more or at least one of the tenants has continuously and lawfully occupied the property for 24 months or more, a landlord must provide a statement of cause in any notice to terminate a tenancy. See Section 1946.2 of the Civil Code for more information.”

The provision of the notice shall be subject to Section 1632.

(g) (1) This section does not apply to the following residential real property:

(A) Residential real property subject to a local ordinance requiring just cause for termination of a residential tenancy adopted on or before September 1, 2019, in which case the local ordinance shall apply.

(B) Residential real property subject to a local ordinance requiring just cause for termination of a residential tenancy adopted or amended after September 1, 2019, that is more protective than this section, in which case the local ordinance shall apply. For purposes of this subparagraph, an ordinance is “more protective” if it meets all of the following criteria:

(i) The just cause for termination of a residential tenancy under the local ordinance is consistent with this section.

(ii) The ordinance further limits the reasons for termination of a residential tenancy, provides for higher relocation assistance amounts, or provides additional tenant protections that are not prohibited by any other provision of law.

(iii) The local government has made a binding finding within their local ordinance that the ordinance is more protective than the provisions of this section.

(2) A residential real property shall not be subject to both a local ordinance requiring just cause for termination of a residential tenancy and this section.

(3) A local ordinance adopted after September 1, 2019, that is less protective than this section shall not be enforced unless this section is repealed.

(h) Any waiver of the rights under this section shall be void as contrary to public policy.

(i) For the purposes of this section, the following definitions shall apply:

(1) “Owner” and “residential real property” have the same meaning as those terms are defined in Section 1954.51.

(2) “Tenancy” means the lawful occupation of residential real property and includes a lease or sublease.

(j) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

SEC. 9. Section 1947.12 of the Civil Code is amended to read:

1947.12. (a) (1) Subject to subdivision (b), an owner of residential real property shall not, over the course of any 12-month period, increase the gross rental rate for a dwelling or a unit more than 5 percent plus the percentage change in the cost of living, or 10 percent, whichever is lower, of the lowest gross rental rate charged for that dwelling or unit at any time during the 12 months prior to the effective date of the increase. In determining the lowest gross rental amount pursuant to this section, any rent discounts, incentives, concessions, or credits offered by the owner of such unit of residential real property and accepted by the tenant shall be excluded. The gross per-month rental rate and any owner-offered discounts, incentives, concessions, or credits shall be separately listed and identified in the lease or rental agreement or any amendments to an existing lease or rental agreement.

(2) If the same tenant remains in occupancy of a unit of residential real property over any 12-month period, the gross rental rate for the unit of residential real property shall not be increased in more than two increments over that 12-month period, subject to the other restrictions of this subdivision governing gross rental rate increase.

(b) For a new tenancy in which no tenant from the prior tenancy remains in lawful possession of the residential real property, the owner may establish the initial rental rate not subject to subdivision (a). Subdivision (a) is only applicable to subsequent increases after that initial rental rate has been established.

(c) A tenant of residential real property subject to this section shall not enter into a sublease that results in a total rent for the premises that exceeds the allowable rental rate authorized by subdivision (a). Nothing in this subdivision authorizes a tenant to sublet or assign the tenant’s interest where otherwise prohibited.

(d) This section shall not apply to the following residential real properties:

(1) Housing restricted by deed, regulatory restriction contained in an agreement with a government agency, or other recorded document as affordable housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code, or subject to an agreement that provides housing subsidies for affordable housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code or comparable federal statutes.

(2) Dormitories owned and operated by an institution of higher education or a kindergarten and grades 1 to 12, inclusive, school.



(3) Housing subject to rent or price control through a public entity’s valid exercise of its police power consistent with Chapter 2.7 (commencing with Section 1954.50) that restricts annual increases in the rental rate to an amount less than that provided in subdivision (a).

(4) Housing that has been issued a certificate of occupancy within the previous 15 years.

(5) Residential real property that is alienable separate from the title to any other dwelling unit, provided that both of the following apply:

(A) The owner is not any of the following:

(i) A real estate investment trust, as defined in Section 856 of the Internal Revenue Code.

(ii) A corporation.

(iii) A limited liability company in which at least one member is a corporation.

(B) (i) The tenants have been provided written notice that the residential real property is exempt from this section using the following statement:

“This property is not subject to the rent limits imposed by Section 1947.12 of the Civil Code and is not subject to the just cause requirements of Section 1946.2 of the Civil Code. This property meets the requirements of Sections 1947.12 (d)(5) and 1946.2 (e)(8) of the Civil Code and the owner is not any of the following: (1) a real estate investment trust, as defined by Section 856 of the Internal Revenue Code; (2) a corporation; or (3) a limited liability company in which at least one member is a corporation.”

(ii) For a tenancy existing before July 1, 2020, the notice required under clause (i) may, but is not required to, be provided in the rental agreement.

(iii) For a tenancy commenced or renewed on or after July 1, 2020, the notice required under clause (i) must be provided in the rental agreement.

(iv) Addition of a provision containing the notice required under clause (i) to any new or renewed rental agreement or fixed-term lease constitutes a similar provision for the purposes of subparagraph (E) of paragraph (1) of subdivision (b) of Section 1946.2.

(6) A property containing two separate dwelling units within a single structure in which the owner occupied one of the units as the owner’s principal place of residence at the beginning of the tenancy, so long as the owner continues in occupancy, and neither unit is an accessory dwelling unit or a junior accessory dwelling unit.

(e) An owner shall provide notice of any increase in the rental rate, pursuant to subdivision (a), to each tenant in accordance with Section 827.

(f) (1) On or before January 1, 2030, the Legislative Analyst’s Office shall report to the Legislature regarding the effectiveness of this section and Section 1947.13. The report shall include, but not be limited to, the impact of the rental rate cap pursuant to subdivision (a) on the housing market within the state.

(2) The report required by paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.



(g) For the purposes of this section, the following definitions shall apply:

(1) “Consumer Price Index for All Urban Consumers for All Items” means the following:

(A) The Consumer Price Index for All Urban Consumers for All Items (CPI-U) for the metropolitan area in which the property is located, as published by the United States Bureau of Labor Statistics, which are as follows:

(i) The CPI-U for the Los Angeles-Long Beach-Anaheim metropolitan area covering the Counties of Los Angeles and Orange.

(ii) The CPI-U for the Riverside-San Bernardo-Ontario metropolitan area covering the Counties of Riverside and San Bernardino.

(iii) The CPI-U for the San Diego-Carlsbad metropolitan area covering the County of San Diego.

(iv) The CPI-U for the San Francisco-Oakland-Hayward metropolitan area covering the Counties of Alameda, Contra Costa, Marin, San Francisco, and San Mateo.

(v) Any successor metropolitan area index to any of the indexes listed in clauses (i) to (iv), inclusive.

(B) If the United States Bureau of Labor Statistics does not publish a CPI-U for the metropolitan area in which the property is located, the California Consumer Price Index for All Urban Consumers for All Items as published by the Department of Industrial Relations.

(C) On or after January 1, 2021, if the United States Bureau of Labor Statistics publishes a CPI-U index for one or more metropolitan areas not listed in subparagraph (A), that CPI-U index shall apply in those areas with respect to rent increases that take effect on or after August 1 of the calendar year in which the 12-month change in that CPI-U, as described in subparagraph (B) of paragraph (3), is first published.

(2) “Owner” and “residential real property” shall have the same meaning as those terms are defined in Section 1954.51.

(3) (A) “Percentage change in the cost of living” means the percentage change, computed pursuant to subparagraph (B), in the applicable, as determined pursuant to paragraph (1), Consumer Price Index for All Urban Consumers for All Items.

(B) (i) For rent increases that take effect before August 1 of any calendar year, the following shall apply:

(I) The percentage change shall be the percentage change in the amount published for April of the immediately preceding calendar year and April of the year before that.

(II) If there is not an amount published in April for the applicable geographic area, the percentage change shall be the percentage change in the amount published for March of the immediately preceding calendar year and March of the year before that.

(ii) For rent increases that take effect on or after August 1 of any calendar year, the following shall apply:

(I) The percentage change shall be the percentage change in the amount published for April of that calendar year and April of the immediately preceding calendar year.

(II) If there is not an amount published in April for the applicable geographic area, the percentage change shall be the percentage change in the amount published for March of that calendar year and March of the immediately preceding calendar year.

(iii) The percentage change shall be rounded to the nearest one-tenth of 1 percent.

(4) “Tenancy” means the lawful occupation of residential real property and includes a lease or sublease.

(h) (1) This section shall apply to all rent increases subject to subdivision (a) occurring on or after March 15, 2019.

(2) In the event that an owner has increased the rent by more than the amount permissible under subdivision (a) between March 15, 2019, and January 1, 2020, both of the following shall apply:

(A) The applicable rent on January 1, 2020, shall be the rent as of March 15, 2019, plus the maximum permissible increase under subdivision (a).

(B) An owner shall not be liable to the tenant for any corresponding rent overpayment.

(3) An owner of residential real property subject to subdivision (a) who increased the rental rate on that residential real property on or after March 15, 2019, but prior to January 1, 2020, by an amount less than the rental rate increase permitted by subdivision (a) shall be allowed to increase the rental rate twice, as provided in paragraph (2) of subdivision (a), within 12 months of March 15, 2019, but in no event shall that rental rate increase exceed the maximum rental rate increase permitted by subdivision (a).

(i) Any waiver of the rights under this section shall be void as contrary to public policy.

(j) This section shall remain in effect until January 1, 2030, and as of that date is repealed.

(k) (1) The Legislature finds and declares that the unique circumstances of the current housing crisis require a statewide response to address rent gouging by establishing statewide limitations on gross rental rate increases.

(2) It is the intent of the Legislature that this section should apply only for the limited time needed to address the current statewide housing crisis, as described in paragraph (1). This section is not intended to expand or limit the authority of local governments to establish local policies regulating rents consistent with Chapter 2.7 (commencing with Section 1954.50), nor is it a statement regarding the appropriate, allowable rental rate increase when a local government adopts a policy regulating rent that is otherwise consistent with Chapter 2.7 (commencing with Section 1954.50).

(3) Nothing in this section authorizes a local government to establish limitations on any rental rate increases not otherwise permissible under Chapter 2.7 (commencing with Section 1954.50), or affects the existing authority of a local government to adopt or maintain rent controls or price controls consistent with that chapter.

SEC. 10. Section 1947.13 of the Civil Code is amended to read:

1947.13. (a) Notwithstanding subdivision (a) of Section 1947.12, upon the expiration of rental restrictions, the following shall apply:

(1) The owner of an assisted housing development who demonstrates, under penalty of perjury, compliance with all applicable provisions of Sections 65863.10, 65863.11, and 65863.13 of the Government Code and any other applicable federal, state, or local law or regulation may establish the initial unassisted rental rate for units in the applicable housing development. Any subsequent rent increase in the development shall be subject to Section 1947.12.

(2) The owner of a deed-restricted affordable housing unit or an affordable housing unit subject to a regulatory restriction contained in an agreement with a government agency limiting rental rates that is not within an assisted housing development may, subject to any applicable federal, state, or local law or regulation, establish the initial rental rate for the unit upon the expiration of the restriction. Any subsequent rent increase for the unit shall be subject to Section 1947.12.

(b) For purposes of this section:

(1) “Assisted housing development” has the same meaning as defined in paragraph (3) of subdivision (a) of Section 65863.10 of the Government Code.

(2) “Expiration of rental restrictions” has the same meaning as defined in paragraph (5) of subdivision (a) of Section 65863.10 of the Government Code.

(c) This section shall remain in effect until January 1, 2030, and as of that date is repealed.

(d) Any waiver of the rights under this section shall be void as contrary to public policy.

(e) This section shall not be construed to preempt any local law.

SEC. 11. Section 2924.15 of the Civil Code is amended to read:

2924.15. (a) Unless otherwise provided, paragraph (5) of subdivision (a) of Section 2924, and Sections 2923.5, 2923.55, 2923.6, 2923.7, 2924.9, 2924.10, 2924.11, and 2924.18 shall apply only to a first lien mortgage or deed of trust that meets either of the following criteria:

(1) (A) The first lien mortgage or deed of trust is secured by owner-occupied residential real property containing no more than four dwelling units.

(B) For purposes of this paragraph, “owner-occupied” means that the property is the principal residence of the borrower and is security for a loan made for personal, family, or household purposes.

(2) The first lien mortgage or deed of trust is secured by residential real property that is occupied by a tenant, contains no more than four dwelling units, and meets all of the conditions described in subparagraph (B).

(A) For the purposes of this paragraph:

(i) “Applicable lease” means a lease entered pursuant to an arm’s length transaction before, and in effect on, March 4, 2020.

(ii) “Arm’s length transaction” means a lease entered into in good faith and for valuable consideration that reflects the fair market value in the open market between informed and willing parties.

(iii) “Occupied by a tenant” means that the property is the principal residence of a tenant.

(B) To meet the conditions of this subdivision, a first lien mortgage or deed of trust shall have all of the following characteristics:

(i) The property is owned by an individual who owns no more than three residential real properties, or by one or more individuals who together own no more than three residential real properties, each of which contains no more than four dwelling units.

(ii) The property is occupied by a tenant pursuant to an applicable lease.

(iii) A tenant occupying the property is unable to pay rent due to a reduction in income resulting from the novel coronavirus.

(C) Relief shall be available pursuant to subdivision (a) of Section 2924 and Sections 2923.5, 2923.55, 2923.6, 2923.7, 2924.9, 2924.10, 2924.11, and 2924.18 for so long as the property remains occupied by a tenant pursuant to a lease entered in an arm’s length transaction.

(b) This section shall remain in effect until January 1, 2023, and as of that date is repealed.

SEC. 12. Section 2924.15 is added to the Civil Code, to read:

2924.15. (a) Unless otherwise provided, paragraph (5) of subdivision (a) of Section 2924 and Sections 2923.5, 2923.55, 2923.6, 2923.7, 2924.9, 2924.10, 2924.11, and 2924.18 shall apply only to a first lien mortgage or deed of trust that is secured by owner-occupied residential real property containing no more than four dwelling units.

(b) As used in this section, “owner-occupied” means that the property is the principal residence of the borrower and is security for a loan made for personal, family, or household purposes.

(c) This section shall become operative on January 1, 2023.

SEC. 13. Title 19 (commencing with Section 3273.01) is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 19. COVID-19 SMALL LANDLORD AND HOMEOWNER RELIEF ACT

CHAPTER 1. TITLE AND DEFINITIONS

3273.01. This title is known, and may be cited, as the “COVID-19 Small Landlord and Homeowner Relief Act of 2020.”

3273.1. For purposes of this title:

(a) (1) “Borrower” means any of the following:

(A) A natural person who is a mortgagor or trustor or a confirmed successor in interest, as defined in Section 1024.31 of Title 12 of the Code of Federal Regulations.

(B) An entity other than a natural person only if the secured property contains no more than four dwelling units and is currently occupied by one or more residential tenants.

(2) “Borrower” shall not include an individual who has surrendered the secured property as evidenced by either a letter confirming the surrender or delivery of the keys to the property to the mortgagee, trustee, beneficiary, or authorized agent.

(3) Unless the property securing the mortgage contains one or more deed-restricted affordable housing units or one or more affordable housing units subject to a regulatory restriction limiting rental rates that is contained in an agreement with a government agency, the following mortgagors shall not be considered a “borrower”:

(A) A real estate investment trust, as defined in Section 856 of the Internal Revenue Code.

(B) A corporation.

(C) A limited liability company in which at least one member is a corporation.

(4) “Borrower” shall also mean a person who holds a power of attorney for a borrower described in paragraph (1).

(b) “Effective time period” means the time period between the operational date of this title and April 1, 2021.

(c) (1) “Mortgage servicer” or “lienholder” means a person or entity who directly services a loan or who is responsible for interacting with the borrower, managing the loan account on a daily basis, including collecting and crediting periodic loan payments, managing any escrow account, or enforcing the note and security instrument, either as the current owner of the promissory note or as the current owner’s authorized agent.

(2) “Mortgage servicer” or “lienholder” also means a subservicing agent to a master servicer by contract.

(3) “Mortgage servicer” shall not include a trustee, or a trustee’s authorized agent, acting under a power of sale pursuant to a deed of trust.

3273.2. (a) The provisions of this title apply to a mortgage or deed of trust that is secured by residential property containing no more than four dwelling units, including individual units of condominiums or cooperatives, and that was outstanding as of the enactment date of this title.

(b) The provisions of this title shall apply to a depository institution chartered under federal or state law, a person covered by the licensing requirements of Division 9 (commencing with Section 22000) or Division 20 (commencing with Section 50000) of the Financial Code, or a person licensed pursuant to Part 1 (commencing with Section 10000) of Division 4 of the Business and Professions Code.

## CHAPTER 2. MORTGAGES

3273.10. (a) If a mortgage servicer denies a forbearance request made during the effective time period, the mortgage servicer shall provide written

notice to the borrower that sets forth the specific reason or reasons that forbearance was not provided, if both of the following conditions are met:

(1) The borrower was current on payment as of February 1, 2020.

(2) The borrower is experiencing a financial hardship that prevents the borrower from making timely payments on the mortgage obligation due, directly or indirectly, to the COVID-19 emergency.

(b) If the written notice in subdivision (a) cites any defect in the borrower's request, including an incomplete application or missing information, that is curable, the mortgage servicer shall do all of the following:

(1) Specifically identify any curable defect in the written notice.

(2) Provide 21 days from the mailing date of the written notice for the borrower to cure any identified defect.

(3) Accept receipt of the borrower's revised request for forbearance before the aforementioned 21-day period lapses.

(4) Respond to the borrower's revised request within five business days of receipt of the revised request.

(c) If a mortgage servicer denies a forbearance request, the declaration required by subdivision (b) of Section 2923.5 shall include the written notice together with a statement as to whether forbearance was or was not subsequently provided.

(d) A mortgage servicer, mortgagee, or beneficiary of the deed of trust, or an authorized agent thereof, who, with respect to a borrower of a federally backed mortgage, complies with the relevant provisions regarding forbearance in Section 4022 of the federal Coronavirus Aid, Relief, and Economic Security Act (the CARES Act) (Public Law 116-136), including any amendments or revisions to those provisions, shall be deemed to be in compliance with this section. A mortgage servicer of a nonfederally backed mortgage that provides forbearance that is consistent with the requirements of the CARES Act for federally backed mortgages shall be deemed to be in compliance with this section.

3273.11. (a) A mortgage servicer shall comply with applicable federal guidance regarding borrower options following a COVID-19 related forbearance.

(b) Any mortgage servicer, mortgagee, or beneficiary of the deed of trust, or authorized agent thereof, who, with respect to a borrower of a federally backed loan, complies with the guidance to mortgagees regarding borrower options following a COVID-19-related forbearance provided by the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), the Federal Housing Administration of the United States Department of Housing and Urban Development, the United States Department of Veterans Affairs, or the Rural Development division of the United States Department of Agriculture, including any amendments, updates, or revisions to that guidance, shall be deemed to be in compliance with this section.

(c) With respect to a nonfederally backed loan, any mortgage servicer, mortgagee, or beneficiary of the deed of trust, or authorized agent thereof,



who, regarding borrower options following a COVID-19 related forbearance, reviews a customer for a solution that is consistent with the guidance to servicers, mortgagees, or beneficiaries provided by Fannie Mae, Freddie Mac, the Federal Housing Administration of the Department of Housing and Urban Development, the Department of Veterans Affairs, or the Rural Development division of the Department of Agriculture, including any amendments, updates or revisions to such guidance, shall be deemed to be in compliance with this section.

3273.12. It is the intent of the Legislature that a mortgage servicer offer a borrower a postforbearance loss mitigation option that is consistent with the mortgage servicer's contractual or other authority.

3273.14. A mortgage servicer shall communicate about forbearance and postforbearance options described in this article in the borrower's preferred language when the mortgage servicer regularly communicates with any borrower in that language.

3273.15. (a) A borrower who is harmed by a material violation of this title may bring an action to obtain injunctive relief, damages, restitution, and any other remedy to redress the violation.

(b) A court may award a prevailing borrower reasonable attorney's fees and costs in any action based on any violation of this title in which injunctive relief against a sale, including a temporary restraining order, is granted. A court may award a prevailing borrower reasonable attorney's fees and costs in an action for a violation of this article in which relief is granted but injunctive relief against a sale is not granted.

(c) The rights, remedies, and procedures provided to borrowers by this section are in addition to and independent of any other rights, remedies, or procedures under any other law. This section shall not be construed to alter, limit, or negate any other rights, remedies, or procedures provided to borrowers by law.

3273.16. Any waiver by a borrower of the provisions of this article is contrary to public policy and shall be void.

SEC. 14. Section 116.223 is added to the Code of Civil Procedure, to read:

116.223. (a) The Legislature hereby finds and declares as follows:

(1) There is anticipated to be an unprecedented number of claims arising out of nonpayment of residential rent that occurred between March 1, 2020, and January 31, 2021, related to the COVID-19 pandemic.

(2) These disputes are of special importance to the parties and of significant social and economic consequence collectively as the people of the State of California grapple with the health, economic, and social impacts of the COVID-19 pandemic.

(3) It is essential that the parties have access to a judicial forum to resolve these disputes expeditiously, inexpensively, and fairly.

(4) It is the intent of the Legislature that landlords of residential real property and their tenants have the option to litigate disputes regarding rent which is unpaid for the time period between March 1, 2020, and January 31, 2021, in the small claims court. It is the intent of the Legislature that

the jurisdictional limits of the small claims court not apply to these disputes over COVID-19 rental debt.

(b) (1) Notwithstanding paragraph (1) of subdivision (a) Section 116.220, Section 116.221, or any other law, the small claims court has jurisdiction in any action for recovery of COVID-19 rental debt, as defined in Section 1179.02, and any defenses thereto, regardless of the amount demanded.

(2) In an action described in paragraph (1), the court shall reduce the damages awarded for any amount of COVID-19 rental debt sought by payments made to the landlord to satisfy the COVID-19 rental debt, including payments by the tenant, rental assistance programs, or another third party pursuant to paragraph (3) of subdivision (a) of Section 1947.3 of the Civil Code.

(3) An action to recover COVID-19 rental debt, as defined in Section 1179.02, brought pursuant to this subdivision shall not be commenced before March 1, 2021.

(c) Any claim for recovery of COVID-19 rental debt, as defined in Section 1179.02, shall not be subject to Section 116.231, notwithstanding the fact that a landlord of residential rental property may have brought two or more small claims actions in which the amount demanded exceeded two thousand five hundred dollars (\$2,500) in any calendar year.

(d) This section shall remain in effect until February 1, 2025, and as of that date is repealed.

SEC. 15. Section 1161 of the Code of Civil Procedure is amended to read:

1161. A tenant of real property, for a term less than life, or the executor or administrator of the tenant’s estate heretofore qualified and now acting or hereafter to be qualified and act, is guilty of unlawful detainer:

1. When the tenant continues in possession, in person or by subtenant, of the property, or any part thereof, after the expiration of the term for which it is let to the tenant; provided the expiration is of a nondefault nature however brought about without the permission of the landlord, or the successor in estate of the landlord, if applicable; including the case where the person to be removed became the occupant of the premises as a servant, employee, agent, or licensee and the relation of master and servant, or employer and employee, or principal and agent, or licensor and licensee, has been lawfully terminated or the time fixed for occupancy by the agreement between the parties has expired; but nothing in this subdivision shall be construed as preventing the removal of the occupant in any other lawful manner; but in case of a tenancy at will, it shall first be terminated by notice, as prescribed in the Civil Code.

2. When the tenant continues in possession, in person or by subtenant, without the permission of the landlord, or the successor in estate of the landlord, if applicable, after default in the payment of rent, pursuant to the lease or agreement under which the property is held, and three days’ notice, excluding Saturdays and Sundays and other judicial holidays, in writing, requiring its payment, stating the amount that is due, the name, telephone number, and address of the person to whom the rent payment shall be made,

and, if payment may be made personally, the usual days and hours that person will be available to receive the payment (provided that, if the address does not allow for personal delivery, then it shall be conclusively presumed that upon the mailing of any rent or notice to the owner by the tenant to the name and address provided, the notice or rent is deemed received by the owner on the date posted, if the tenant can show proof of mailing to the name and address provided by the owner), or the number of an account in a financial institution into which the rental payment may be made, and the name and street address of the institution (provided that the institution is located within five miles of the rental property), or if an electronic funds transfer procedure has been previously established, that payment may be made pursuant to that procedure, or possession of the property, shall have been served upon the tenant and if there is a subtenant in actual occupation of the premises, also upon the subtenant.

The notice may be served at any time within one year after the rent becomes due. In all cases of tenancy upon agricultural lands, if the tenant has held over and retained possession for more than 60 days after the expiration of the term without any demand of possession or notice to quit by the landlord or the successor in estate of the landlord, if applicable, the tenant shall be deemed to be holding by permission of the landlord or successor in estate of the landlord, if applicable, and shall be entitled to hold under the terms of the lease for another full year, and shall not be guilty of an unlawful detainer during that year, and the holding over for that period shall be taken and construed as a consent on the part of a tenant to hold for another year.

An unlawful detainer action under this paragraph shall be subject to the COVID-19 Tenant Relief Act of 2020 (Chapter 5 (commencing with Section 1179.01)) if the default in the payment of rent is based upon the COVID-19 rental debt.

3. When the tenant continues in possession, in person or by subtenant, after a neglect or failure to perform other conditions or covenants of the lease or agreement under which the property is held, including any covenant not to assign or sublet, than the one for the payment of rent, and three days' notice, excluding Saturdays and Sundays and other judicial holidays, in writing, requiring the performance of those conditions or covenants, or the possession of the property, shall have been served upon the tenant, and if there is a subtenant in actual occupation of the premises, also, upon the subtenant. Within three days, excluding Saturdays and Sundays and other judicial holidays, after the service of the notice, the tenant, or any subtenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform the conditions or covenants of the lease or pay the stipulated rent, as the case may be, and thereby save the lease from forfeiture; provided, if the conditions and covenants of the lease, violated by the lessee, cannot afterward be performed, then no notice, as last prescribed herein, need be given to the lessee or the subtenant, demanding the performance of the violated conditions or covenants of the lease.

A tenant may take proceedings, similar to those prescribed in this chapter, to obtain possession of the premises let to a subtenant or held by a servant, employee, agent, or licensee, in case of that person's unlawful detention of the premises underlet to or held by that person.

An unlawful detainer action under this paragraph shall be subject to the COVID-19 Tenant Relief Act of 2020 (Chapter 5 (commencing with Section 1179.01)) if the neglect or failure to perform other conditions or covenants of the lease or agreement is based upon the COVID-19 rental debt.

4. Any tenant, subtenant, or executor or administrator of that person's estate heretofore qualified and now acting, or hereafter to be qualified and act, assigning or subletting or committing waste upon the demised premises, contrary to the conditions or covenants of the lease, or maintaining, committing, or permitting the maintenance or commission of a nuisance upon the demised premises or using the premises for an unlawful purpose, thereby terminates the lease, and the landlord, or the landlord's successor in estate, shall upon service of three days' notice to quit upon the person or persons in possession, be entitled to restitution of possession of the demised premises under this chapter. For purposes of this subdivision, a person who commits or maintains a public nuisance as described in Section 3482.8 of the Civil Code, or who commits an offense described in subdivision (c) of Section 3485 of the Civil Code, or subdivision (c) of Section 3486 of the Civil Code, or uses the premises to further the purpose of that offense shall be deemed to have committed a nuisance upon the premises.

5. When the tenant gives written notice as provided in Section 1946 of the Civil Code of the tenant's intention to terminate the hiring of the real property, or makes a written offer to surrender which is accepted in writing by the landlord, but fails to deliver possession at the time specified in that written notice, without the permission of the landlord, or the successor in estate of the landlord, if applicable.

6. As used in this section:

"COVID-19 rental debt" has the same meaning as defined in Section 1179.02.

"Tenant" includes any person who hires real property except those persons whose occupancy is described in subdivision (b) of Section 1940 of the Civil Code.

7. This section shall remain in effect until February 1, 2025, and as of that date is repealed.

SEC. 16. Section 1161 is added to the Code of Civil Procedure, to read:

1161. A tenant of real property, for a term less than life, or the executor or administrator of the tenant's estate heretofore qualified and now acting or hereafter to be qualified and act, is guilty of unlawful detainer:

1. When the tenant continues in possession, in person or by subtenant, of the property, or any part thereof, after the expiration of the term for which it is let to the tenant; provided the expiration is of a nondefault nature however brought about without the permission of the landlord, or the successor in estate of the landlord, if applicable; including the case where the person to be removed became the occupant of the premises as a servant,

employee, agent, or licensee and the relation of master and servant, or employer and employee, or principal and agent, or licensor and licensee, has been lawfully terminated or the time fixed for occupancy by the agreement between the parties has expired; but nothing in this subdivision shall be construed as preventing the removal of the occupant in any other lawful manner; but in case of a tenancy at will, it shall first be terminated by notice, as prescribed in the Civil Code.

2. When the tenant continues in possession, in person or by subtenant, without the permission of the landlord, or the successor in estate of the landlord, if applicable, after default in the payment of rent, pursuant to the lease or agreement under which the property is held, and three days' notice, excluding Saturdays and Sundays and other judicial holidays, in writing, requiring its payment, stating the amount that is due, the name, telephone number, and address of the person to whom the rent payment shall be made, and, if payment may be made personally, the usual days and hours that person will be available to receive the payment (provided that, if the address does not allow for personal delivery, then it shall be conclusively presumed that upon the mailing of any rent or notice to the owner by the tenant to the name and address provided, the notice or rent is deemed received by the owner on the date posted, if the tenant can show proof of mailing to the name and address provided by the owner), or the number of an account in a financial institution into which the rental payment may be made, and the name and street address of the institution (provided that the institution is located within five miles of the rental property), or if an electronic funds transfer procedure has been previously established, that payment may be made pursuant to that procedure, or possession of the property, shall have been served upon the tenant and if there is a subtenant in actual occupation of the premises, also upon the subtenant.

The notice may be served at any time within one year after the rent becomes due. In all cases of tenancy upon agricultural lands, if the tenant has held over and retained possession for more than 60 days after the expiration of the term without any demand of possession or notice to quit by the landlord or the successor in estate of the landlord, if applicable, the tenant shall be deemed to be holding by permission of the landlord or successor in estate of the landlord, if applicable, and shall be entitled to hold under the terms of the lease for another full year, and shall not be guilty of an unlawful detainer during that year, and the holding over for that period shall be taken and construed as a consent on the part of a tenant to hold for another year.

3. When the tenant continues in possession, in person or by subtenant, after a neglect or failure to perform other conditions or covenants of the lease or agreement under which the property is held, including any covenant not to assign or sublet, than the one for the payment of rent, and three days' notice, excluding Saturdays and Sundays and other judicial holidays, in writing, requiring the performance of those conditions or covenants, or the possession of the property, shall have been served upon the tenant, and if there is a subtenant in actual occupation of the premises, also, upon the

subtenant. Within three days, excluding Saturdays and Sundays and other judicial holidays, after the service of the notice, the tenant, or any subtenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform the conditions or covenants of the lease or pay the stipulated rent, as the case may be, and thereby save the lease from forfeiture; provided, if the conditions and covenants of the lease, violated by the lessee, cannot afterward be performed, then no notice, as last prescribed herein, need be given to the lessee or the subtenant, demanding the performance of the violated conditions or covenants of the lease.

A tenant may take proceedings, similar to those prescribed in this chapter, to obtain possession of the premises let to a subtenant or held by a servant, employee, agent, or licensee, in case of that person's unlawful detention of the premises underlet to or held by that person.

4. Any tenant, subtenant, or executor or administrator of that person's estate heretofore qualified and now acting, or hereafter to be qualified and act, assigning or subletting or committing waste upon the demised premises, contrary to the conditions or covenants of the lease, or maintaining, committing, or permitting the maintenance or commission of a nuisance upon the demised premises or using the premises for an unlawful purpose, thereby terminates the lease, and the landlord, or the landlord's successor in estate, shall upon service of three days' notice to quit upon the person or persons in possession, be entitled to restitution of possession of the demised premises under this chapter. For purposes of this subdivision, a person who commits or maintains a public nuisance as described in Section 3482.8 of the Civil Code, or who commits an offense described in subdivision (c) of Section 3485 of the Civil Code, or subdivision (c) of Section 3486 of the Civil Code, or uses the premises to further the purpose of that offense shall be deemed to have committed a nuisance upon the premises.

5. When the tenant gives written notice as provided in Section 1946 of the Civil Code of the tenant's intention to terminate the hiring of the real property, or makes a written offer to surrender which is accepted in writing by the landlord, but fails to deliver possession at the time specified in that written notice, without the permission of the landlord, or the successor in estate of the landlord, if applicable.

6. As used in this section, "tenant" includes any person who hires real property except those persons whose occupancy is described in subdivision (b) of Section 1940 of the Civil Code.

7. This section shall become operative on February 1, 2025.

SEC. 17. Section 1161.2 of the Code of Civil Procedure is amended to read:

1161.2. (a) (1) The clerk shall allow access to limited civil case records filed under this chapter, including the court file, index, and register of actions, only as follows:

(A) To a party to the action, including a party's attorney.



(B) To a person who provides the clerk with the names of at least one plaintiff and one defendant and the address of the premises, including the apartment or unit number, if any.

(C) To a resident of the premises who provides the clerk with the name of one of the parties or the case number and shows proof of residency.

(D) To a person by order of the court, which may be granted ex parte, on a showing of good cause.

(E) Except as provided in subparagraph (G), to any person by order of the court if judgment is entered for the plaintiff after trial more than 60 days since the filing of the complaint. The court shall issue the order upon issuing judgment for the plaintiff.

(F) Except as provided in subparagraph (G), to any other person 60 days after the complaint has been filed if the plaintiff prevails in the action within 60 days of the filing of the complaint, in which case the clerk shall allow access to any court records in the action. If a default or default judgment is set aside more than 60 days after the complaint has been filed, this section shall apply as if the complaint had been filed on the date the default or default judgment is set aside.

(G) (i) In the case of a complaint involving residential property based on Section 1161a as indicated in the caption of the complaint, as required in subdivision (c) of Section 1166, to any other person, if 60 days have elapsed since the complaint was filed with the court, and, as of that date, judgment against all defendants has been entered for the plaintiff, after a trial.

(ii) Subparagraphs (E) and (F) shall not apply if the plaintiff filed the action between March 4, 2020, and January 31, 2021, and the action is based on an alleged default in the payment of rent.

(2) This section shall not be construed to prohibit the court from issuing an order that bars access to the court record in an action filed under this chapter if the parties to the action so stipulate.

(b) (1) For purposes of this section, “good cause” includes, but is not limited to, both of the following:

(A) The gathering of newsworthy facts by a person described in Section 1070 of the Evidence Code.

(B) The gathering of evidence by a party to an unlawful detainer action solely for the purpose of making a request for judicial notice pursuant to subdivision (d) of Section 452 of the Evidence Code.

(2) It is the intent of the Legislature that a simple procedure be established to request the ex parte order described in subparagraph (D) of paragraph (1) of subdivision (a).

(c) Upon the filing of a case so restricted, the court clerk shall mail notice to each defendant named in the action. The notice shall be mailed to the address provided in the complaint. The notice shall contain a statement that an unlawful detainer complaint (eviction action) has been filed naming that party as a defendant, and that access to the court file will be delayed for 60 days except to a party, an attorney for one of the parties, or any other person who (1) provides to the clerk the names of at least one plaintiff and one

defendant in the action and provides to the clerk the address, including any applicable apartment, unit, or space number, of the subject premises, or (2) provides to the clerk the name of one of the parties in the action or the case number and can establish through proper identification that the person lives at the subject premises. The notice shall also contain a statement that access to the court index, register of actions, or other records is not permitted until 60 days after the complaint is filed, except pursuant to an order upon a showing of good cause for access. The notice shall contain on its face the following information:

(1) The name and telephone number of the county bar association.

(2) The name and telephone number of any entity that requests inclusion on the notice and demonstrates to the satisfaction of the court that it has been certified by the State Bar of California as a lawyer referral service and maintains a panel of attorneys qualified in the practice of landlord-tenant law pursuant to the minimum standards for a lawyer referral service established by the State Bar of California and Section 6155 of the Business and Professions Code.

(3) The following statement:

“The State Bar of California certifies lawyer referral services in California and publishes a list of certified lawyer referral services organized by county. To locate a lawyer referral service in your county, go to the State Bar’s internet website at [www.calbar.ca.gov](http://www.calbar.ca.gov) or call 1-866-442-2529.”

(4) The name and telephone number of an office or offices funded by the federal Legal Services Corporation or qualified legal services projects that receive funds distributed pursuant to Section 6216 of the Business and Professions Code that provide legal services to low-income persons in the county in which the action is filed. The notice shall state that these telephone numbers may be called for legal advice regarding the case. The notice shall be issued between 24 and 48 hours of the filing of the complaint, excluding weekends and holidays. One copy of the notice shall be addressed to “all occupants” and mailed separately to the subject premises. The notice shall not constitute service of the summons and complaint.

(d) Notwithstanding any other law, the court shall charge an additional fee of fifteen dollars (\$15) for filing a first appearance by the plaintiff. This fee shall be added to the uniform filing fee for actions filed under this chapter.

(e) This section does not apply to a case that seeks to terminate a mobilehome park tenancy if the statement of the character of the proceeding in the caption of the complaint clearly indicates that the complaint seeks termination of a mobilehome park tenancy.

(f) This section does not alter any provision of the Evidence Code.

(g) This section shall remain in effect until February 1, 2021, and as of that date is repealed.

SEC. 18. Section 1161.2 is added to the Code of Civil Procedure, to read:

1161.2. (a) (1) The clerk shall allow access to limited civil case records filed under this chapter, including the court file, index, and register of actions, only as follows:

(A) To a party to the action, including a party's attorney.

(B) To a person who provides the clerk with the names of at least one plaintiff and one defendant and the address of the premises, including the apartment or unit number, if any.

(C) To a resident of the premises who provides the clerk with the name of one of the parties or the case number and shows proof of residency.

(D) To a person by order of the court, which may be granted ex parte, on a showing of good cause.

(E) To any person by order of the court if judgment is entered for the plaintiff after trial more than 60 days since the filing of the complaint. The court shall issue the order upon issuing judgment for the plaintiff.

(F) Except as provided in subparagraph (G), to any other person 60 days after the complaint has been filed if the plaintiff prevails in the action within 60 days of the filing of the complaint, in which case the clerk shall allow access to any court records in the action. If a default or default judgment is set aside more than 60 days after the complaint has been filed, this section shall apply as if the complaint had been filed on the date the default or default judgment is set aside.

(G) In the case of a complaint involving residential property based on Section 1161a as indicated in the caption of the complaint, as required in subdivision (c) of Section 1166, to any other person, if 60 days have elapsed since the complaint was filed with the court, and, as of that date, judgment against all defendants has been entered for the plaintiff, after a trial.

(2) This section shall not be construed to prohibit the court from issuing an order that bars access to the court record in an action filed under this chapter if the parties to the action so stipulate.

(b) (1) For purposes of this section, "good cause" includes, but is not limited to, both of the following:

(A) The gathering of newsworthy facts by a person described in Section 1070 of the Evidence Code.

(B) The gathering of evidence by a party to an unlawful detainer action solely for the purpose of making a request for judicial notice pursuant to subdivision (d) of Section 452 of the Evidence Code.

(2) It is the intent of the Legislature that a simple procedure be established to request the ex parte order described in subparagraph (D) of paragraph (1) of subdivision (a).

(c) Upon the filing of a case so restricted, the court clerk shall mail notice to each defendant named in the action. The notice shall be mailed to the address provided in the complaint. The notice shall contain a statement that an unlawful detainer complaint (eviction action) has been filed naming that party as a defendant, and that access to the court file will be delayed for 60 days except to a party, an attorney for one of the parties, or any other person who (1) provides to the clerk the names of at least one plaintiff and one defendant in the action and provides to the clerk the address, including any

applicable apartment, unit, or space number, of the subject premises, or (2) provides to the clerk the name of one of the parties in the action or the case number and can establish through proper identification that the person lives at the subject premises. The notice shall also contain a statement that access to the court index, register of actions, or other records is not permitted until 60 days after the complaint is filed, except pursuant to an order upon a showing of good cause for access. The notice shall contain on its face the following information:

(1) The name and telephone number of the county bar association.

(2) The name and telephone number of any entity that requests inclusion on the notice and demonstrates to the satisfaction of the court that it has been certified by the State Bar of California as a lawyer referral service and maintains a panel of attorneys qualified in the practice of landlord-tenant law pursuant to the minimum standards for a lawyer referral service established by the State Bar of California and Section 6155 of the Business and Professions Code.

(3) The following statement:

“The State Bar of California certifies lawyer referral services in California and publishes a list of certified lawyer referral services organized by county. To locate a lawyer referral service in your county, go to the State Bar’s internet website at [www.calbar.ca.gov](http://www.calbar.ca.gov) or call 1-866-442-2529.”

(4) The name and telephone number of an office or offices funded by the federal Legal Services Corporation or qualified legal services projects that receive funds distributed pursuant to Section 6216 of the Business and Professions Code that provide legal services to low-income persons in the county in which the action is filed. The notice shall state that these telephone numbers may be called for legal advice regarding the case. The notice shall be issued between 24 and 48 hours of the filing of the complaint, excluding weekends and holidays. One copy of the notice shall be addressed to “all occupants” and mailed separately to the subject premises. The notice shall not constitute service of the summons and complaint.

(d) Notwithstanding any other law, the court shall charge an additional fee of fifteen dollars (\$15) for filing a first appearance by the plaintiff. This fee shall be added to the uniform filing fee for actions filed under this chapter.

(e) This section does not apply to a case that seeks to terminate a mobilehome park tenancy if the statement of the character of the proceeding in the caption of the complaint clearly indicates that the complaint seeks termination of a mobilehome park tenancy.

(f) This section does not alter any provision of the Evidence Code.

(g) This section shall become operative on February 1, 2021.

SEC. 19. Section 1161.2.5 is added to the Code of Civil Procedure, to read:

1161.2.5. (a) (1) Except as provided in Section 1161.2, the clerk shall allow access to civil case records for actions seeking recovery of COVID-19 rental debt, as defined in Section 1179.02, including the court file, index, and register of actions, only as follows:

- (A) To a party to the action, including a party’s attorney.
  - (B) To a person who provides the clerk with the names of at least one plaintiff and one defendant.
  - (C) To a resident of the premises for which the COVID-19 rental debt is owed who provides the clerk with the name of one of the parties or the case number and shows proof of residency.
  - (D) To a person by order of the court, which may be granted ex parte, on a showing of good cause.
- (2) To give the court notice that access to the records in an action is limited, any complaint or responsive pleading in a case subject to this section shall include on either the first page of the pleading or a cover page, the phrase “ACTION FOR RECOVERY OF COVID-19 RENTAL DEBT AS DEFINED UNDER SECTION 1179.02” in bold, capital letters, in 12 point or larger font.
- (b) (1) For purposes of this section, “good cause” includes, but is not limited to, both of the following:
    - (A) The gathering of newsworthy facts by a person described in Section 1070 of the Evidence Code.
    - (B) The gathering of evidence by a party to a civil action solely for the purpose of making a request for judicial notice pursuant to subdivision (d) of Section 452 of the Evidence Code.
  - (2) It is the intent of the Legislature that a simple procedure be established to request the ex parte order described in subparagraph (D) of paragraph (1) of subdivision (a).
  - (c) This section does not alter any provision of the Evidence Code.
  - (d) This section shall remain in effect until February 1, 2021, and as of that date is repealed.
- SEC. 20. Chapter 5 (commencing with Section 1179.01) is added to Title 3 of Part 3 of the Code of Civil Procedure, to read:

CHAPTER 5. COVID-19 TENANT RELIEF ACT OF 2020

1179.01. This chapter is known, and may be cited, as the COVID-19 Tenant Relief Act of 2020.

1179.01.5. (a) It is the intent of the Legislature that the Judicial Council and the courts have adequate time to prepare to implement the new procedures resulting from this chapter, including educating and training judicial officers and staff.

(b) Notwithstanding any other law, before October 5, 2020, a court shall not do any of the following:

- (1) Issue a summons on a complaint for unlawful detainer in any action that seeks possession of residential real property and that is based, in whole or in part, on nonpayment of rent or other charges.
- (2) Enter a default or a default judgment for restitution in an unlawful detainer action that seeks possession of residential real property and that is based, in whole or in part, on nonpayment of rent or other charges.

(c) (1) A plaintiff in an unlawful detainer action shall file a cover sheet in the form specified in paragraph (2) that indicates both of the following:

(A) Whether the action seeks possession of residential real property.

(B) If the action seeks possession of residential real property, whether the action is based, in whole or part, on an alleged default in payment of rent or other charges.

(2) The cover sheet specified in paragraph (1) shall be in the following form:

“UNLAWFUL DETAINER SUPPLEMENTAL COVER SHEET

1. This action seeks possession of real property that is:

a.  Residential

b.  Commercial

2. (Complete only if paragraph 1(a) is checked) This action is based, in whole or in part, on an alleged default in payment of rent or other charges.

a.  Yes

b.  No

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

-----

\_\_\_\_\_  
Type Or Print Name Signature Of Party Or Attorney For Party”

(3) The cover sheet required by this subdivision shall be in addition to any civil case cover sheet or other form required by law, the California Rules of Court, or a local court rule.

(4) The Judicial Council may develop a form for mandatory use that includes the information in paragraph (2).

(d) This section does not prevent a court from issuing a summons or entering default in an unlawful detainer action that seeks possession of residential real property and that is not based, in whole or in part, on nonpayment of rent or other charges.

1179.02. For purposes of this chapter:

(a) “Covered time period” means the time period between March 1, 2020, and January 31, 2021.

(b) “COVID-19-related financial distress” means any of the following:

(1) Loss of income caused by the COVID-19 pandemic.

(2) Increased out-of-pocket expenses directly related to performing essential work during the COVID-19 pandemic.

(3) Increased expenses directly related to the health impact of the COVID-19 pandemic.

(4) Childcare responsibilities or responsibilities to care for an elderly, disabled, or sick family member directly related to the COVID-19 pandemic that limit a tenant’s ability to earn income.

(5) Increased costs for childcare or attending to an elderly, disabled, or sick family member directly related to the COVID-19 pandemic.

(6) Other circumstances related to the COVID-19 pandemic that have reduced a tenant’s income or increased a tenant’s expenses.



(c) “COVID-19 rental debt” means unpaid rent or any other unpaid financial obligation of a tenant under the tenancy that came due during the covered time period.

(d) “Declaration of COVID-19-related financial distress” means the following written statement:

I am currently unable to pay my rent or other financial obligations under the lease in full because of one or more of the following:

1. Loss of income caused by the COVID-19 pandemic.
2. Increased out-of-pocket expenses directly related to performing essential work during the COVID-19 pandemic.
3. Increased expenses directly related to health impacts of the COVID-19 pandemic.
4. Childcare responsibilities or responsibilities to care for an elderly, disabled, or sick family member directly related to the COVID-19 pandemic that limit my ability to earn income.
5. Increased costs for childcare or attending to an elderly, disabled, or sick family member directly related to the COVID-19 pandemic.
6. Other circumstances related to the COVID-19 pandemic that have reduced my income or increased my expenses.

Any public assistance, including unemployment insurance, pandemic unemployment assistance, state disability insurance (SDI), or paid family leave, that I have received since the start of the COVID-19 pandemic does not fully make up for my loss of income and/or increased expenses.

Signed under penalty of perjury:

Dated:

(e) “Landlord” includes all of the following or the agent of any of the following:

- (1) An owner of residential real property.
- (2) An owner of a residential rental unit.
- (3) An owner of a mobilehome park.
- (4) An owner of a mobilehome park space or lot.

(f) “Protected time period” means the time period between March 1, 2020, and August 31, 2020.

(g) “Rental payment” means rent or any other financial obligation of a tenant under the tenancy.

(h) “Tenant” means any natural person who hires real property except any of the following:

- (1) Tenants of commercial property, as defined in subdivision (c) of Section 1162 of the Civil Code.
- (2) Those persons whose occupancy is described in subdivision (b) of Section 1940 of the Civil Code.

(i) “Transition time period” means the time period between September 1, 2020, and January 31, 2021.

1179.02.5. (a) For purposes of this section:

(1) (A) “High-income tenant” means a tenant with an annual household income of 130 percent of the median income, as published by the Department of Housing and Community Development in the Official State Income

Limits for 2020, for the county in which the residential rental property is located.

(B) For purposes of this paragraph, all lawful occupants of the residential rental unit, including minor children, shall be considered in determining household size.

(C) “High-income tenant” shall not include a tenant with a household income of less than one hundred thousand dollars (\$100,000).

(2) “Proof of income” means any of the following:

(A) A tax return.

(B) A W-2.

(C) A written statement from a tenant’s employer that specifies the tenant’s income.

(D) Pay stubs.

(E) Documentation showing regular distributions from a trust, annuity, 401k, pension, or other financial instrument.

(F) Documentation of court-ordered payments, including, but not limited to, spousal support or child support.

(G) Documentation from a government agency showing receipt of public assistance benefits, including, but not limited to, social security, unemployment insurance, disability insurance, or paid family leave.

(H) A written statement signed by the tenant that states the tenant’s income, including, but not limited to, a rental application.

(b) (1) This section shall apply only if the landlord has proof of income in the landlord’s possession before the service of the notice showing that the tenant is a high-income tenant.

(2) This section does not do any of the following:

(A) Authorize a landlord to demand proof of income from the tenant.

(B) Require the tenant to provide proof of income for the purposes of determining whether the tenant is a high-income tenant.

(C) (i) Entitle a landlord to obtain, or authorize a landlord to attempt to obtain, confidential financial records from a tenant’s employer, a government agency, financial institution, or any other source.

(ii) Confidential information described in clause (i) shall not constitute valid proof of income unless it was lawfully obtained by the landlord with the tenant’s consent during the tenant screening process.

(3) Paragraph (2) does not alter a party’s rights under Title 4 (commencing with Section 2016.010), Chapter 4 (commencing with Section 708.010) of Title 9, or any other law.

(c) A landlord may require a high-income tenant that is served a notice pursuant to subdivision (b) or (c) of Section 1179.03 to submit, in addition to and together with a declaration of COVID-19-related financial distress, documentation supporting the claim that the tenant has suffered COVID-19-related financial distress. Any form of objectively verifiable documentation that demonstrates the COVID-19-related financial distress the tenant has experienced is sufficient to satisfy the requirements of this subdivision, including the proof of income, as defined in subparagraphs (A)

to (G), inclusive, of paragraph (2) of subdivision (a), a letter from an employer, or an unemployment insurance record.

(d) A high-income tenant is required to comply with the requirements of subdivision (c) only if the landlord has included the following language on the notice served pursuant to subdivision (b) or (c) of Section 1179.03 in at least 12-point font:

“Proof of income on file with your landlord indicates that your household makes at least 130 percent of the median income for the county where the rental property is located, as published by the Department of Housing and Community Development in the Official State Income Limits for 2020. As a result, if you claim that you are unable to pay the amount demanded by this notice because you have suffered COVID-19-related financial distress, you are required to submit to your landlord documentation supporting your claim together with the completed declaration of COVID-19-related financial distress provided with this notice. If you fail to submit this documentation together with your declaration of COVID-19-related financial distress, and you do not either pay the amount demanded in this notice or deliver possession of the premises back to your landlord as required by this notice, you will not be covered by the eviction protections enacted by the California Legislature as a result of the COVID-19 pandemic, and your landlord can begin eviction proceedings against you as soon as this 15-day notice expires.”

(e) A high-income tenant that fails to comply with subdivision (c) shall not be subject to the protections of subdivision (g) of Section 1179.03.

(f) (1) A landlord shall be required to plead compliance with this section in any unlawful detainer action based upon a notice that alleges that the tenant is a high-income tenant. If that allegation is contested, the landlord shall be required to submit to the court the proof of income upon which the landlord relied at the trial or other hearing, and the tenant shall be entitled to submit rebuttal evidence.

(2) If the court in an unlawful detainer action based upon a notice that alleges that the tenant is a high-income tenant determines that at the time the notice was served the landlord did not have proof of income establishing that the tenant is a high-income tenant, the court shall award attorney’s fees to the prevailing tenant.

1179.03. (a) (1) Any notice that demands payment of COVID-19 rental debt served pursuant to subdivision (e) of Section 798.56 of the Civil Code or paragraph (2) or (3) of Section 1161 shall be modified as required by this section. A notice which does not meet the requirements of this section, regardless of when the notice was issued, shall not be sufficient to establish a cause of action for unlawful detainer or a basis for default judgment.

(2) Any case based solely on a notice that demands payment of COVID-19 rental debt served pursuant to subdivision (e) of Section 798.56 of the Civil Code or paragraph (2) or (3) of Section 1161 may be dismissed if the notice does not meet the requirements of this section, regardless of when the notice was issued.

(3) Notwithstanding paragraphs (1) and (2), this section shall have no effect if the landlord lawfully regained possession of the property or obtained

a judgment for possession of the property before the operative date of this section.

(b) If the notice demands payment of rent that came due during the protected time period, as defined in Section 1179.02, the notice shall comply with all of the following:

(1) The time period in which the tenant may pay the amount due or deliver possession of the property shall be no shorter than 15 days, excluding Saturdays, Sundays, and other judicial holidays.

(2) The notice shall set forth the amount of rent demanded and the date each amount became due.

(3) The notice shall advise the tenant that the tenant cannot be evicted for failure to comply with the notice if the tenant delivers a signed declaration of COVID-19-related financial distress to the landlord on or before the date that the notice to pay rent or quit or notice to perform covenants or quit expires, by any of the methods specified in subdivision (f).

(4) The notice shall include the following text in at least 12-point font:

“NOTICE FROM THE STATE OF CALIFORNIA: If you are unable to pay the amount demanded in this notice, and have decreased income or increased expenses due to COVID-19, your landlord will not be able to evict you for this missed payment if you sign and deliver the declaration form included with your notice to your landlord within 15 days, excluding Saturdays, Sundays, and other judicial holidays, but you will still owe this money to your landlord. If you do not sign and deliver the declaration within this time period, you may lose the eviction protections available to you. You must return this form to be protected. You should keep a copy or picture of the signed form for your records.

You will still owe this money to your landlord and can be sued for the money, but you cannot be evicted from your home if you comply with these requirements. You should keep careful track of what you have paid and any amount you still owe to protect your rights and avoid future disputes. Failure to respond to this notice may result in an unlawful detainer action (eviction) being filed against you.

For information about legal resources that may be available to you, visit [lawhelpca.org](http://lawhelpca.org).”

(c) If the notice demands payment of rent that came due during the transition time period, as defined in Section 1179.02, the notice shall comply with all of the following:

(1) The time period in which the tenant may pay the amount due or deliver possession of the property shall be no shorter than 15 days, excluding Saturdays, Sundays, and other judicial holidays.

(2) The notice shall set forth the amount of rent demanded and the date each amount became due.

(3) The notice shall advise the tenant that the tenant will not be evicted for failure to comply with the notice, except as allowed by this chapter, if the tenant delivers a signed declaration of COVID-19-related financial distress to the landlord on or before the date the notice to pay rent or quit

or notice to perform covenants or quit expires, by any of the methods specified in subdivision (f).

(4) The notice shall include the following text in at least 12-point font:

“NOTICE FROM THE STATE OF CALIFORNIA: If you are unable to pay the amount demanded in this notice, and have decreased income or increased expenses due to COVID-19, you may sign and deliver the declaration form included with your notice to your landlord within 15 days, excluding Saturdays, Sundays, and other judicial holidays, and your landlord will not be able to evict you for this missed payment so long as you make the minimum payment (see below). You will still owe this money to your landlord. You should keep a copy or picture of the signed form for your records.

If you provide the declaration form to your landlord as described above AND, on or before January 31, 2021, you pay an amount that equals at least 25 percent of each rental payment that came due or will come due during the period between September 1, 2020, and January 31, 2021, that you were unable to pay as a result of decreased income or increased expenses due to COVID-19, your landlord cannot evict you. Your landlord may require you to submit a new declaration form for each rental payment that you do not pay that comes due between September 1, 2020, and January 31, 2021.

For example, if you provided a declaration form to your landlord regarding your decreased income or increased expenses due to COVID-19 that prevented you from making your rental payment in September and October of 2020, your landlord could not evict you if, on or before January 31, 2021, you made a payment equal to 25 percent of September’s and October’s rental payment (i.e., half a month’s rent). If you were unable to pay any of the rental payments that came due between September 1, 2020, and January 31, 2021, and you provided your landlord with the declarations in response to each 15-day notice your landlord sent to you during that time period, your landlord could not evict you if, on or before January 31, 2021, you paid your landlord an amount equal to 25 percent of all the rental payments due from September through January (i.e., one and a quarter month’s rent).

You will still owe the full amount of the rent to your landlord, but you cannot be evicted from your home if you comply with these requirements. You should keep careful track of what you have paid and any amount you still owe to protect your rights and avoid future disputes. Failure to respond to this notice may result in an unlawful detainer action (eviction) being filed against you.

For information about legal resources that may be available to you, visit [lawhelpca.org](http://lawhelpca.org).”

(d) An unsigned copy of a declaration of COVID-19-related financial distress shall accompany each notice delivered to a tenant to which subdivision (b) or (c) is applicable. If the landlord was required, pursuant to Section 1632 of the Civil Code, to provide a translation of the rental contract or agreement in the language in which the contract or agreement was negotiated, the landlord shall also provide the unsigned copy of a declaration of COVID-19-related financial distress to the tenant in the

language in which the contract or agreement was negotiated. The Department of Real Estate shall make available an official translation of the text required by paragraph (4) of subdivision (b) and paragraph (4) of subdivision (c) in the languages specified in Section 1632 of the Civil Code by no later than September 15, 2020.

(e) If a tenant owes a COVID-19 rental debt to which both subdivisions (b) and (c) apply, the landlord shall serve two separate notices that comply with subdivisions (b) and (c), respectively.

(f) A tenant may deliver the declaration of COVID-19-related financial distress to the landlord by any of the following methods:

(1) In person, if the landlord indicates in the notice an address at which the declaration may be delivered in person.

(2) By electronic transmission, if the landlord indicates an email address in the notice to which the declaration may be delivered.

(3) Through United States mail to the address indicated by the landlord in the notice. If the landlord does not provide an address pursuant to subparagraph (1), then it shall be conclusively presumed that upon the mailing of the declaration by the tenant to the address provided by the landlord, the declaration is deemed received by the landlord on the date posted, if the tenant can show proof of mailing to the address provided by the landlord.

(4) Through any of the same methods that the tenant can use to deliver the payment pursuant to the notice if delivery of the declaration by that method is possible.

(g) Except as provided in Section 1179.02.5, the following shall apply to a tenant who, within 15 days of service of the notice specified in subdivision (b) or (c), excluding Saturdays, Sundays, and other judicial holidays, demanding payment of COVID-19 rental debt delivers a declaration of COVID-19-related financial distress to the landlord by any of the methods provided in subdivision (f):

(1) With respect to a notice served pursuant to subdivision (b), the tenant shall not then or thereafter be deemed to be in default with regard to that COVID-19 rental debt for purposes of subdivision (e) of Section 798.56 of the Civil Code or paragraphs (2) and (3) of Section 1161.

(2) With respect to a notice served pursuant to subdivision (c), the following shall apply:

(A) Except as provided by subparagraph (B), the landlord may not initiate an unlawful detainer action before February 1, 2021.

(B) A tenant shall not be guilty of unlawful detainer, now or in the future, based upon nonpayment of COVID-19 rental debt that came due during the transition period if, on or before January 31, 2021, the tenant tenders one or more payments that, when taken together, are of an amount equal to or not less than 25 percent of each transition period rental payment demanded in one or more notices served pursuant to subsection (c) and for which the tenant complied with this subdivision by timely delivering a declaration of COVID-19-related financial distress to the landlord.



(h) (1) (A) Within the time prescribed in Section 1167, a tenant shall be permitted to file a signed declaration of COVID-19-related financial distress with the court.

(B) If the tenant files a signed declaration of COVID-19-related financial distress with the court pursuant to this subdivision, the court shall dismiss the case, pursuant to paragraph (2), if the court finds, after a noticed hearing on the matter, that the tenant's failure to return a declaration of COVID-19-related financial distress within the time required by subdivision (g) was the result of mistake, inadvertence, surprise, or excusable neglect, as those terms have been interpreted under subdivision (b) of Section 473.

(C) The noticed hearing required by this paragraph shall be held with not less than five days' notice and not more than 10 days' notice, to be given by the court, and may be held separately or in conjunction with any regularly noticed hearing in the case, other than a trial.

(2) If the court dismisses the case pursuant to paragraph (1), that dismissal shall be without prejudice as follows:

(A) If the case was based in whole or in part upon a notice served pursuant to subdivision (b), the court shall dismiss any cause of action based on the notice served pursuant to subdivision (b).

(B) Before February 1, 2021, if the case is based in whole or in part on a notice served pursuant to subdivision (c), the court shall dismiss any cause of action based on the notice served pursuant to subdivision (c).

(C) On or after February 1, 2021, if the case is based in whole or in part on a notice served pursuant to subdivision (c), the court shall dismiss any cause of action based upon the notice served pursuant to subdivision (c) if the tenant, within five days of the court's order to do so, makes the payment required by subparagraph (B) of paragraph (1) of subdivision (g), provided that if the fifth day falls on a Saturday, Sunday, or judicial holiday the last day to pay shall be extended to the next court day.

(3) If the court dismisses the case pursuant to this subdivision, the tenant shall not be considered the prevailing party for purposes of Section 1032, any attorney's fee provision appearing in contract or statute, or any other law.

(i) Notwithstanding any other law, a notice which is served pursuant to subdivision (b) or (c) that complies with the requirements of this chapter and subdivision (e) of Section 798.56 of the Civil Code or paragraphs (2) and (3) of Section 1161, as applicable, need not include specific language required by any ordinance, resolution, regulation, or administrative action adopted by a city, county, or city and county.

1179.03.5. (a) Before February 1, 2021, a court may not find a tenant guilty of an unlawful detainer unless it finds that one of the following applies:

(1) The tenant was guilty of the unlawful detainer before March 1, 2020.

(2) In response to service of a notice demanding payment of COVID-19 rental debt pursuant to subdivision (e) of Section 798.56 of the Civil Code or paragraph (2) or (3) of Section 1161, the tenant failed to comply with the requirements of Section 1179.03.

(3) (A) The unlawful detainer arises because of a termination of tenancy for any of the following:

(i) An at-fault just cause, as defined in paragraph (1) of subdivision (b) of Section 1946.2 of the Civil Code.

(ii) (I) A no-fault just cause, as defined in paragraph (2) of subdivision (b) of Section 1946.2 of the Civil Code, other than intent to demolish or to substantially remodel the residential real property, as defined in subparagraph (D) of paragraph (2) of subdivision (b) of Section 1946.2.

(II) Notwithstanding subclause (I), termination of a tenancy based on intent to demolish or to substantially remodel the residential real property shall be permitted if necessary to maintain compliance with the requirements of Section 1941.1 of the Civil Code, Section 17920.3 or 17920.10 of the Health and Safety Code, or any other applicable law governing the habitability of residential rental units.

(iii) The owner of the property has entered into a contract for the sale of that property with a buyer who intends to occupy the property, and all the requirements of paragraph (8) of subdivision (e) of Section 1946.2 of the Civil Code have been satisfied.

(B) In an action under this paragraph, other than an action to which paragraph (2) also applies, the landlord shall be precluded from recovering COVID-19 rental debt in connection with any award of damages.

(b) (1) This section does not require a landlord to assist the tenant to relocate through the payment of relocation costs if the landlord would not otherwise be required to do so pursuant to Section 1946.2 of the Civil Code or any other law.

(2) A landlord who is required to assist the tenant to relocate pursuant to Section 1946.2 of the Civil Code or any other law, may offset the tenant's COVID-19 rental debt against their obligation to assist the tenant to relocate.

1179.04. (a) On or before September 30, 2020, a landlord shall provide, in at least 12-point font, the following notice to tenants who, as of September 1, 2020, have not paid one or more rental payments that came due during the protected time period:

“NOTICE FROM THE STATE OF CALIFORNIA: The California Legislature has enacted the COVID-19 Tenant Relief Act of 2020 which protects renters who have experienced COVID-19-related financial distress from being evicted for failing to make rental payments due between March 1, 2020, and January 31, 2021.

“COVID-19-related financial distress” means any of the following:

1. Loss of income caused by the COVID-19 pandemic.
2. Increased out-of-pocket expenses directly related to performing essential work during the COVID-19 pandemic.
3. Increased expenses directly related to the health impact of the COVID-19 pandemic.
4. Childcare responsibilities or responsibilities to care for an elderly, disabled, or sick family member directly related to the COVID-19 pandemic that limit your ability to earn income.

5. Increased costs for childcare or attending to an elderly, disabled, or sick family member directly related to the COVID-19 pandemic.

6. Other circumstances related to the COVID-19 pandemic that have reduced your income or increased your expenses.

This law gives you the following protections:

1. If you failed to make rental payments due between March 1, 2020, and August 31, 2020, because you had decreased income or increased expenses due to the COVID-19 pandemic, as described above, you cannot be evicted based on this nonpayment.

2. If you are unable to pay rental payments that come due between September 1, 2020, and January 31, 2021, because of decreased income or increased expenses due to the COVID-19 pandemic, as described above, you cannot be evicted if you pay 25 percent of the rental payments missed during that time period on or before January 31, 2021.

You must provide, to your landlord, a declaration under penalty of perjury of your COVID-19-related financial distress attesting to the decreased income or increased expenses due to the COVID-19 pandemic to be protected by the eviction limitations described above. Before your landlord can seek to evict you for failing to make a payment that came due between March 1, 2020, and January 31, 2021, your landlord will be required to give you a 15-day notice that informs you of the amounts owed and includes a blank declaration form you can use to comply with this requirement.

If your landlord has proof of income on file which indicates that your household makes at least 130 percent of the median income for the county where the rental property is located, as published by the Department of Housing and Community Development in the Official State Income Limits for 2020, your landlord may also require you to provide documentation which shows that you have experienced a decrease in income or increase in expenses due to the COVID-19 pandemic. Your landlord must tell you in the 15-day notice whether your landlord is requiring that documentation. Any form of objectively verifiable documentation that demonstrates the financial impact you have experienced is sufficient, including a letter from your employer, an unemployment insurance record, or medical bills, and may be provided to satisfy the documentation requirement.

It is very important you do not ignore a 15-day notice to pay rent or quit or a notice to perform covenants or quit from your landlord. If you are served with a 15-day notice and do not provide the declaration form to your landlord before the 15-day notice expires, you could be evicted. You could also be evicted beginning February 1, 2021, if you owe rental payments due between September 1, 2020, and January 31, 2021, and you do not pay an amount equal to at least 25 percent of the payments missed for that time period.

For information about legal resources that may be available to you, visit [lawhelpca.org](http://lawhelpca.org).”

(b) The landlord may provide the notice required by subdivision (a) in the manner prescribed by Section 1162 or by mail.

(c) (1) A landlord may not serve a notice pursuant to subdivision (b) or (c) of Section 1179.03 before the landlord has provided the notice required by subdivision (a).

(2) The notice required by subdivision (a) may be provided to a tenant concurrently with a notice pursuant to subdivision (b) or (c) of Section 1179.03 that is served on or before September 30, 2020.

1179.05. (a) Any ordinance, resolution, regulation, or administrative action adopted by a city, county, or city and county in response to the COVID-19 pandemic to protect tenants from eviction is subject to all of the following:

(1) Any extension, expansion, renewal, reenactment, or new adoption of a measure, however delineated, that occurs between August 19, 2020, and January 31, 2021, shall have no effect before February 1, 2021.

(2) Any provision which allows a tenant a specified period of time in which to repay COVID-19 rental debt shall be subject to all of the following:

(A) If the provision in effect on August 19, 2020, required the repayment period to commence on a specific date on or before March 1, 2021, any extension of that date made after August 19, 2020, shall have no effect.

(B) If the provision in effect on August 19, 2020, required the repayment period to commence on a specific date after March 1, 2021, or conditioned commencement of the repayment period on the termination of a proclamation of state of emergency or local emergency, the repayment period is deemed to begin on March 1, 2021.

(C) The specified period of time during which a tenant is permitted to repay COVID-19 rental debt may not extend beyond the period that was in effect on August 19, 2020. In addition, a provision may not permit a tenant a period of time that extends beyond March 31, 2022, to repay COVID-19 rental debt.

(b) This section does not alter a city, county, or city and county's authority to extend, expand, renew, reenact, or newly adopt an ordinance that requires just cause for termination of a residential tenancy or amend existing ordinances that require just cause for termination of a residential tenancy, consistent with subdivision (g) of Section 1946.2, provided that a provision enacted or amended after August 19, 2020, shall not apply to rental payments that came due between March 1, 2020, and January 31, 2021.

(c) The one-year limitation provided in subdivision (2) of Section 1161 is tolled during any time period that a landlord is or was prohibited by any ordinance, resolution, regulation, or administrative action adopted by a city, county, or city and county in response to the COVID-19 pandemic to protect tenants from eviction based on nonpayment of rental payments from serving a notice that demands payment of COVID-19 rental debt pursuant to subdivision (e) of Section 798.56 of the Civil Code or paragraph (2) of Section 1161.

(d) It is the intent of the Legislature that this section be applied retroactively to August 19, 2020.

(e) The Legislature finds and declares that this section addresses a matter of statewide concern rather than a municipal affair as that term is used in

Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.

(f) It is the intent of the Legislature that the purpose of this section is to protect individuals negatively impacted by the COVID-19 pandemic, and that this section does not provide the Legislature's understanding of the legal validity on any specific ordinance, resolution, regulation, or administrative action adopted by a city, county, or city and county in response to the COVID-19 pandemic to protect tenants from eviction.

1179.06. Any provision of a stipulation, settlement agreement, or other agreement entered into on or after the effective date of this chapter, including a lease agreement, that purports to waive the provisions of this chapter is prohibited and is void as contrary to public policy.

1179.07. This chapter shall remain in effect until February 1, 2025, and as of that date is repealed.

SEC. 21. (a) The Business, Consumer Services and Housing Agency shall, in consultation with the Department of Finance, engage with residential tenants, landlords, property owners, deed restricted affordable housing providers, and financial sector stakeholders about strategies and approaches to direct potential future federal stimulus funding to most effectively and efficiently provide relief to distressed tenants, landlords, and property owners, including exploring strategies to create access to liquidity in partnership with financial institutions or other financial assistance. Subject to availability of funds and other budget considerations, and only upon appropriation by the Legislature, these strategies should inform implementation of the funds. In creating these strategies, special focus shall be given to low-income tenants, small property owners, and affordable housing providers who have suffered direct financial hardship as a result of the COVID-19 pandemic.

(b) For the purposes of this section, "future federal stimulus funding" does not include funding identified in the 2020 Budget Act.

SEC. 22. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 23. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 24. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

To avert economic and social harm by providing a structure for temporary relief to financially distressed tenants, homeowners, and small landlords during the public health emergency, and to ensure that landlords and tenants are able to calculate the maximum allowable rental rate increase within a 12-month period at the earliest possible time, it is necessary that this act take effect immediately.

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# City Council Agenda Report

ITEM NO. 8

**DATE:** October 21, 2020

**FROM:** Sean Joyce, Interim City Manager

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

**SUBJECT:** **Resolution Supporting Governor Newsom’s Executive Order N-79-20 Requiring Sales of All New Passenger Vehicles to be Zero-Emission by 2035 and Additional Measures to Eliminate Harmful Emissions from the Transportation Sector**

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## **Recommendation Action**

It is recommended that the City Council adopt a resolution in support of Governor Newsom’s Executive Order N-79-20, requiring sales of all new passenger vehicles to be zero-emission by 2035 and additional measures to eliminate harmful emissions from the transportation sector.

## **Discussion/Analysis**

On September 23, 2020, Governor Newsom announced that he will aggressively move the state further away from its reliance on climate change-causing fossil fuels while retaining and creating jobs and spurring economic growth. The Governor issued an executive order which, among other directives, requires the state develop mandates 100 percent of all new cars and passenger trucks sold in California be zero-emission by 2035.

To ensure needed infrastructure to support zero-emission vehicles, the order requires state agencies, in partnership with the private sector, to accelerate deployment of affordable fueling and charging options. The order also directs state agencies to develop strategies for an integrated, statewide rail and transit network, and incorporate safe and accessible infrastructure into projects to support bicycle and pedestrian options, particularly in low-income and disadvantaged communities.

## **Background**

On October 7, 2020, Councilmember Cacciotti, seconded by Mayor Pro Tem Mahmud, requested a resolution of support for Executive Order N-79-20.

The City of South Pasadena holds paramount the health, safety, and welfare of the community, and recognizes the profound impacts of the climate change crisis, affecting the health and safety of Californians. In 2005, the Council adopted a low emission vehicle purchasing policy to promote the procurement and use of low emission vehicles in the City of South Pasadena motor vehicle fleet.

**Legal Review**

The City Attorney has not reviewed this item.

**Fiscal Impact**

There are no fiscal impacts with the adoption of the resolution of support.

**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 Supporting Executive Order N-79-20

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,  
SUPPORTING EXECUTIVE ORDER N-79-20**

**WHEREAS**, the climate change crisis is happening now, impacting California in unprecedented ways, and affecting the health and safety of too many Californians; and

**WHEREAS**, the state must accelerate its actions to mitigate and adapt to climate change, and more quickly move toward low-carbon, sustainable and resilient future; and

**WHEREAS**, the COVID-19 pandemic has disrupted the entire transportation sector, bringing a sharp decline in demand for fuels and adversely impacting public transportation; and

**WHEREAS**, as the economy recovers, California must accelerate the transition to a carbon neutral future that supports the retention and creation of jobs; and

**WHEREAS**, California's long-term economic resilience requires bold action to eliminate emissions from transportation, which is the largest source of emissions in the State; and

**WHEREAS**, the State must prioritize clean transportation solutions that are accessible to all Californians, particularly those who are low-income or experience a disproportionate share of pollution; and

**WHEREAS**, zero emissions technologies, especially trucks and equipment, reduce both greenhouse gas emissions and toxic air pollutants that disproportionately burden disadvantaged communities of color; and

**WHEREAS**, California is a world leader in manufacturing and deploying zero-emission vehicles and chargers and fueling stations for cars, trucks, buses and freight-related equipment; and

**WHEREAS**, passenger rail, transit, bicycle and pedestrian infrastructure, and micro-mobility options are critical components to the State achieving carbon neutrality and connecting communities, requiring coordination of investments and work with all levels of governments including rail and transit agencies to support these mobility options; and

**WHEREAS**, California's policies have contributed to an on-going reduction in in-state oil extraction, which has declined by over 60 percent since 1985, but demand for oil has not correspondingly declined over the same period of time; and

**WHEREAS**, California is already working to decarbonize the transportation fuel sector through the Low Carbon Fuel Standard, which recognizes the full life cycle of carbon in transportation emissions including transport into the State; and

**WHEREAS**, clean renewable fuels play a role as California transitions to a decarbonized transportation sector; and

**WHEREAS**, to protect the health and safety of communities and workers the State must focus on the impacts of oil extraction as it transitions away from fossil fuel, by working to end the issuance of new hydraulic fracturing permits by 2024; and

**WHEREAS**, a sustainable and inclusive economic future for California will require retaining and creating high-road, high-quality jobs through sustained engagement with communities, workers and industries in changing and growing industries.

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

**SECTION 1.** The City of South Pasadena City Council supports State Executive Order N-79-20, incorporated herein as Exhibit A.

**SECTION 2.** The City Clerk of the City of South Pasadena shall certify to the passage and adoption of this resolution and its approval by the City Council and shall cause the same to be listed in the records of the City.

**PASSED, APPROVED AND ADOPTED ON** this 21<sup>th</sup> day of October, 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 21<sup>th</sup> day of October, 2020, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

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Evelyn G. Zneimer, City Clerk  
(seal)

**“EXHIBIT A”**

**EXECUTIVE ORDER N-79-20**

**WHEREAS** the climate change crisis is happening now, impacting California in unprecedented ways, and affecting the health and safety of too many Californians; and

**WHEREAS** we must accelerate our actions to mitigate and adapt to climate change, and more quickly move toward our low-carbon, sustainable and resilient future; and

**WHEREAS** the COVID-19 pandemic has disrupted the entire transportation sector, bringing a sharp decline in demand for fuels and adversely impacting public transportation; and

**WHEREAS** as our economy recovers, we must accelerate the transition to a carbon neutral future that supports the retention and creation of high-road, high-quality jobs; and

**WHEREAS** California’s long-term economic resilience requires bold action to eliminate emissions from transportation, which is the largest source of emissions in the State; and

**WHEREAS** the State must prioritize clean transportation solutions that are accessible to all Californians, particularly those who are low-income or experience a disproportionate share of pollution; and

**WHEREAS** zero emissions technologies, especially trucks and equipment, reduce both greenhouse gas emissions and toxic air pollutants that disproportionately burden our disadvantaged communities of color; and

**WHEREAS** California is a world leader in manufacturing and deploying zero-emission vehicles and chargers and fueling stations for cars, trucks, buses and freight-related equipment; and

**WHEREAS** passenger rail, transit, bicycle and pedestrian infrastructure, and micro-mobility options are critical components to the State achieving carbon neutrality and connecting communities, requiring coordination of investments and work with all levels of governments including rail and transit agencies to support these mobility options; and



**WHEREAS** California's policies have contributed to an on-going reduction in in-state oil extraction, which has declined by over 60 percent since 1985, but demand for oil has not correspondingly declined over the same period of time; and

**WHEREAS** California is already working to decarbonize the transportation fuel sector through the Low Carbon Fuel Standard, which recognizes the full life cycle of carbon in transportation emissions including transport into the State; and

**WHEREAS** clean renewable fuels play a role as California transitions to a decarbonized transportation sector; and

**WHEREAS** to protect the health and safety of our communities and workers the State must focus on the impacts of oil extraction as it transitions away from fossil fuel, by working to end the issuance of new hydraulic fracturing permits by 2024; and

**WHEREAS** a sustainable and inclusive economic future for California will require retaining and creating high-road, high-quality jobs through sustained engagement with communities, workers and industries in changing and growing industries.

**NOW THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California by virtue of the power and authority vested in me by the Constitution and the statutes of the State of California, do hereby issue the following Order to pursue actions necessary to combat the climate crisis.

**IT IS HEREBY ORDERED THAT:**

1. It shall be a goal of the State that 100 percent of in-state sales of new passenger cars and trucks will be zero-emission by 2035. It shall be a further goal of the State that 100 percent of medium- and heavy-duty vehicles in the State be zero-emission by 2045 for all operations where feasible and by 2035 for drayage trucks. It shall be further a goal of the State to transition to 100 percent zero-emission off-road vehicles and equipment by 2035 where feasible.
2. The State Air Resources Board, to the extent consistent with State and federal law, shall develop and propose:

- a) Passenger vehicle and truck regulations requiring increasing volumes of new zero-emission vehicles sold in the State towards the target of 100 percent of in-state sales by 2035.
- b) Medium- and heavy-duty vehicle regulations requiring increasing volumes of new zero-emission trucks and buses sold and operated in the State towards the target of 100 percent of the fleet transitioning to zero-emission vehicles by 2045 everywhere feasible and for all drayage trucks to be zero-emission by 2035.
- c) Strategies, in coordination with other State agencies, U.S. Environmental Protection Agency and local air districts, to achieve 100 percent zero-emission from off-road vehicles and equipment operations in the State by 2035.

In implementing this Paragraph, the State Air Resources Board shall act consistently with technological feasibility and cost-effectiveness.

3. The Governor's Office of Business and Economic Development, in consultation with the State Air Resources Board, Energy Commission, Public Utilities Commission, State Transportation Agency, the Department of Finance and other State agencies, local agencies and the private sector, shall develop a Zero-Emissions Vehicle Market Development Strategy by January 31, 2021, and update every three years thereafter, that:
  - a) Ensures coordinated and expeditious implementation of the system of policies, programs and regulations necessary to achieve the goals and orders established by this Order.
  - b) Outlines State agencies' actions to support new and used zero-emission vehicle markets for broad accessibility for all Californians.
4. The State Air Resources Board, the Energy Commission, Public Utilities Commission and other relevant State agencies, shall use existing authorities to accelerate deployment of affordable fueling and charging options for zero-emission vehicles, in ways that serve all communities and in particular low-income and disadvantaged communities, consistent with State and federal law.

5. The Energy Commission, in consultation with the State Air Resources Board and the Public Utilities Commission, shall update the biennial statewide assessment of zero-emission vehicle infrastructure required by Assembly Bill 2127 (Chapter 365, Statutes of 2018) to support the levels of electric vehicle adoption required by this Order.
6. The State Transportation Agency, the Department of Transportation and the California Transportation Commission, in consultation with the Department of Finance and other State agencies, shall by July 15, 2021 identify near term actions, and investment strategies, to improve clean transportation, sustainable freight and transit options, while continuing a “fix-it-first” approach to our transportation system, including where feasible:
  - a) Building towards an integrated, statewide rail and transit network, consistent with the California State Rail Plan, to provide seamless, affordable multimodal travel options for all.
  - b) Supporting bicycle, pedestrian, and micro-mobility options, particularly in low-income and disadvantaged communities in the State, by incorporating safe and accessible infrastructure into projects where appropriate.
  - c) Supporting light, medium, and heavy duty zero-emission vehicles and infrastructure as part of larger transportation projects, where appropriate.
7. The Labor and Workforce Development Agency and the Office of Planning and Research, in consultation with the Department of Finance and other State agencies, shall develop by July 15, 2021 and expeditiously implement a Just Transition Roadmap, consistent with the recommendations in the “Putting California on the High Road: A Jobs and Climate Action Plan for 2030” report pursuant to Assembly Bill 398 (Chapter 135, Statutes of 2017).
8. To support the transition away from fossil fuels consistent with the goals established in this Order and California’s goal to achieve carbon neutrality by no later than 2045, the California Environmental Protection Agency and the California Natural Resources Agency, in consultation with other State, local and federal agencies, shall expedite regulatory processes to repurpose and transition upstream and downstream oil

production facilities, while supporting community participation, labor standards, and protection of public health, safety and the environment. The agencies shall report on progress and provide an action plan, including necessary changes in regulations, laws or resources, by July 15, 2021.

9. The State Air Resources Board, in consultation with other State agencies, shall develop and propose strategies to continue the State's current efforts to reduce the carbon intensity of fuels beyond 2030 with consideration of the full life cycle of carbon.
10. The California Environmental Protection Agency and the California Natural Resources Agency, in consultation with the Office of Planning and Research, the Department of Finance, the Governor's Office of Business and Economic Development and other local and federal agencies, shall develop strategies, recommendations and actions by July 15, 2021 to manage and expedite the responsible closure and remediation of former oil extraction sites as the State transitions to a carbon-neutral economy.
11. The Department of Conservation's Geologic Energy Management Division and other relevant State agencies shall strictly enforce bonding requirements and other regulations to ensure oil extraction operators are responsible for the proper closure and remediation of their sites.
12. The Department of Conservation's Geologic Energy Management Division shall:
  - a) Propose a significantly strengthened, stringent, science-based health and safety draft rule that protects communities and workers from the impacts of oil extraction activities by December 31, 2020.
  - b) Post on its website for public review and consultation a draft rule at least 60 days before submitting to the Office of Administrative Law.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, the Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 23rd day of September 2020.

GAVIN NEWSOM  
Governor of California

**ATTEST:**

ALEX PADILLA  
Secretary of State



# City Council Agenda Report

ITEM NO. 9

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**DATE:** October 21, 2020

**FROM:** Sean Joyce, Interim City Manager

**PREPARED BY:** Joe Ortiz, Chief of Police

**SUBJECT:** **Award of Contract to Motorola Solutions for the Purchase and Implementation of a Computer Aided Dispatch and Records Management System for a Not-to-Exceed Amount of \$579,257.82**

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## **Recommendation**

It is recommended that the City Council approve a sole source contract with Motorola Solutions, Inc. for the purchase of a new Computer Aided Dispatch (CAD) and Records Management System (RMS) for a not-to-exceed amount of \$579,257.82, as authorized by SPMC Sec 2.99-29 (21).

## **Commission Review and Recommendation**

On May 13, 2020, the Public Safety Commission (PSC) reviewed this item during its regularly scheduled meeting. The PSC unanimously gave support to purchase a new CAD and RMS system.

## **Executive Summary**

For every public safety agency, technology is a critical component to ensuring the safety of its community and that of the first responders. The technology utilized by each agency is one of the most significant factors that affect the efficiency and operations of the organization. A CAD system is utilized by dispatchers and officers to prioritize and record incident calls, identify the status and location of first responders in the field, and to effectively dispatch first responder personnel to calls for service. A records management system (RMS) is an agency-wide system that provides for the storage, retrieval, retention, archiving, and viewing of information, records, documents, or files pertaining to law enforcement operations. The CAD and RMS database systems that are utilized have a tremendous impact on the workload and dispatching operations, which in turn benefits officer safety, while also affecting Department culture, morale, and retention of staff.

The mission-critical nature of public safety systems makes these technology solutions crucial to the South Pasadena Police Department (SPPD) operations. The most fundamental mission-critical systems utilized by all police departments are the radio, telephone, and CAD/RMS. Motorola Solutions is our vendor for two of these mission-critical systems. Motorola Solutions provides our current radio infrastructure and devices and our Vesta 911 telephone system.

For over 15-years, the South Pasadena Police Department has utilized the End-2-End system with the product name of ARMS, as its software vendor for CAD and RMS capabilities. The current CAD and RMS are complex software systems, that have surpassed its useful life cycle. The outdated software



has been significantly faltering. Critical components in its functionality are becoming unreliable and can no longer support necessary functions that public safety requires and it needs replacement.

For example, large media files such as body camera footage cannot always be uploaded and saved. The system allows for numerous duplicate name and address files, which inaccurately alters crime statistics. The current system neither provides the tools nor the ability to assist our personnel ensuring that they gather and report on all of this critical information.

The proposed replacement of our current CAD/RMS system will allow the Police Department the ability to retrieve relevant data from an integrated public safety software system to complete reports, manage cases, and respond to calls for service. The system also gives field personnel the capacity to access this critical information offsite. This is crucial for accessing vital information needed to investigate crimes, provide evidence as well as establish probable cause for possible arrests. Additionally, this replacement will provide a platform to comply with State and Federal reporting requirements that will go into effect as early as January 1, 2021. No General Fund resources are requested for this project. Funding for the Motorola Solutions, Inc Spillman Flex CAD/RMS software system at a cost of \$579,257.83 will be paid by State Citizens' Option for Public Safety (COPS) grant funds over a six-year period starting in January 2022.

### **Discussion / Analysis**

In July 2018, the Department formed an internal working group comprised of various branches of the Department as well as staff from ACORN Technology Services, the City's Information Technology vendor, to evaluate replacement options for the current CAD and RMS software. Research into upgrading the current system revealed an upgrade was not possible as the vendor did not have software available to address the pending State and Federal reporting requirements. When speaking with the vendor, they were not receptive to addressing and improving system requirements to match competitive software. The committee identified several vendors that provided multi-faceted systems that were all-inclusive for law enforcement.

After evaluation of multiple vendors and systems, the committee selected a few industry leaders and innovators in the public safety software marketplace to provide in-depth demonstrations and competitive bids for a ten-year service agreement. The committee hosted product demonstrations and conducted on-site visits with partner law enforcement agencies currently using these providers' software systems. Feedback was given and each provider was thoroughly vetted to find the best fit for the Department's long-term operational parameters.

The following benefits of Motorola Solution's Flex CAD/RMS public safety software will not only overcome the current limitations experienced by South Pasadena, but provide the Department with a level of functionality that matches industry standards and provides a platform that we can continue to build upon for future technology needs. With this new software system, the Department will be better equipped to accomplish safety goals and more effectively serve the public.

### **Background**

The FBI and State of California require every law enforcement agency to collect and report on certain incidents every month. The current system neither provides the tools nor the ability to assist our personnel in ensuring that they gather and report on all of this critical information. The Department has experienced an increased workload with all employees due to this outdated system in the form of

redundant and labor-intensive data entry. Basic data needs are not captured and require system users to often use Microsoft Excel, or other third-party applications to track data that would ideally and securely be kept in the CAD/RMS system.

As a result, the Department has found it necessary to purchase and maintain additional standalone software applications or hire an outside vendor such as Crime Reduction & Information Management Experts for Predictive Policing at a cost of \$24,960.00 per year, which will no longer be required with the purchase of a new system. End2End, another vendor that supports network infrastructure, has provided system updates in the past that have proven to be cosmetic and not functional in nature.

Additionally, there are new State and Federal reporting requirements that will go into effect as early as January 1, 2021. These are Penal Code 11115 (Arrest Reports and Disposition of Cases), California Assembly Bill 953 (Racial Profiling Tracking and Prevention), and a Federal Department of Justice requirement for crime statistics to be reported through the National Incident Based Reporting System.

Our existing vendor, End2End, does not provide software capable of capturing this mandated information, nor has End2End provided a solution or interest in meeting these new requirements. Continuing with End2End is a nonviable solution as the system cannot meet new regulatory demands. The Department has further identified the following serious challenges and associated implications from continued use of this outdated CAD/RMS software:

<b>Challenges/Implications</b>	
<b>Challenge</b>	The Department has difficulty finding accurate and timely information within our current software system.
<b>Implications</b>	<ul style="list-style-type: none"> <li>• Inability to provide timely resolutions to active cases</li> <li>• First responders risk entering the field without comprehensive information</li> <li>• Incomplete and inaccurate information is given to the public</li> </ul>
<b>Challenge</b>	The current solution lacks the automation required to populate reports and fields with the associated information.
<b>Implications</b>	<ul style="list-style-type: none"> <li>• Valuable time is spent on manual redundant data entry</li> <li>• Frequent data re-entry increases the likelihood of input error</li> </ul>
<b>Challenge</b>	The current solution requires a workflow that has resulted in the data being overrun with duplicate records.
<b>Implications</b>	<ul style="list-style-type: none"> <li>• Data is untrustworthy</li> <li>• Duplicate information compromises effective, timely, and accurate reporting practices</li> </ul>
<b>Challenge</b>	The current solution lacks integration with state and federal reporting systems.
<b>Implications</b>	<ul style="list-style-type: none"> <li>• Lack of integration requires personnel to spend extra time duplicating records</li> <li>• Inaccurate reporting takes time to correct prior to resubmission</li> <li>• Lack of understanding of crime trends and other statistics for our community</li> <li>• Current system will not achieve NIBRS compliance</li> </ul>
<b>Challenge</b>	The current solution operates without Esri mapping technology, or geo-validation.

<b>Implications</b>	<ul style="list-style-type: none"> <li>• Operational risk of allocating resources to incorrect addresses</li> <li>• Promotes inadequate response times during emergency situations</li> <li>• Poses a potential legal liability for South Pasadena</li> </ul>
<b>Challenge</b>	The Department is unable to offer full transparency in our operations to concerned citizens.
<b>Implications</b>	<ul style="list-style-type: none"> <li>• Creates a loss of trust by the public,</li> </ul>

Since the utilization of End2End began, monumental updates in technology have occurred, making an immediate replacement essential in order to reduce workloads, increase officer safety and availability, and to provide accurate and robust data necessary for 21<sup>st</sup> century policing. The Department will continue to utilize End2End as a legacy system at no charge. This will allow access to location call history for five years. The acquisition of the modern Motorola Solutions CAD and RMS system, Flex (“Flex” is the name of the product, similar to how Microsoft calls the operating system “Windows”), will permit the Department to potentially share data with nearly 20 regional partners in Los Angeles and Orange County who utilize this same system. Alhambra Police Department, our closest neighboring agency, recently purchased this system. Several other neighboring agencies, along with Pasadena Police Department are also considering purchasing this system and are in similar stages of review. By purchasing this system, this will also make transitioning to a regional San Gabriel Valley dispatch center easier.

Funding/Pricing

As part of our research evaluating potential public safety software vendors, South Pasadena reduced the evaluation down to the top two solutions. These two were Motorola Solutions and Mark43. Pricing proposals from these two vendors have been compared in-depth. The intent of the Department is to make a long-term acquisition/investment that will propel the City forward with a permanent solution that is designed to adapt to emerging needs of public safety for decades to come.

Motorola Solutions has demonstrated a commitment to building upon our existing partnership. In its proposal, they have included Esri licensing as well as first line support on all Esri-related support for the system. Esri is a geographic information system. This will result in approximately \$10,000 in savings for the Department and streamline support of the system and mapping for the life of the new Motorola Solutions system. Motorola has also discounted the project over \$35,000 to include its Vault product, which is a simple and powerful way to capture, store, manage and share digital evidence, as well as 5 terabytes (TB) of cloud storage annually during the term of the initial 6-year agreement. In addition, Motorola has offered to provide in-house financing at 0% interest for the initial term and agreed to delay the first payment until January of 2022. The second vendor, Mark43 was unable to provide these costs savings and payment flexibility that is crucial to the City at this time of budgetary struggles brought on by the Coronavirus pandemic.

The cost savings of this benefit will save the Department over \$70,000. This also allows for the Department to spread the cost of this project over 6 payments, making it possible for the Department to utilize grant funding for all payments. Motorola has offered over \$100,000 in total savings within its proposal. As a capital expenditure, the product will depreciate over the length of the payment plan.

The pricing table below outlines the estimated cost of each system over a six-year, and ten-year plan. This information provides an initial calculation of the cost required to upgrade our system and shows

Motorola Solutions to be the more cost-effective vendor long-term. Awarding this contract to Motorola Solutions complies with the City’s Purchasing Policy, SPMC Sec. 2.99-29 (21). The Department is acquiring a system that will grow and adapt to meet its needs well beyond the next decade. It is believed this is the best long-term solution and lowest cost for the Department.

<b>Initial Quotes</b>		
<b>Payment Plans</b>	<b>Motorola Solutions</b>	<b>Mark43</b>
6-Year Plan	\$579,257.82	\$656,928.00
10-Year Plan	\$783,669.00	\$1,068,672.00
<b>Yearly Maintenance</b>	\$36,993.27 *Maintenance starts at year 6, increases 5% each year after	\$102,936.00 *Maintenance starts at year 6

**Selection Process**

The Department has demonstrated the need for a software upgrade, as the search for a replacement solution was motivated by many long-standing issues experienced with the current software platform. A software upgrade that overcomes our current system’s limitations will bring South Pasadena up-to-date with technology and better permit the Department to accomplish its goals to serve the public effectively, including integration with our neighboring San Gabriel Valley partners. It is imperative that the City take action to better secure the safety of its first responders and community members and start the process toward implementation of a new system. Therefore, we respectfully request that the City Council authorizes this critical public safety software purchase.

**Legal Review**

The City Attorney has been consulted regarding this item and has stated that the proposed course of action is consistent with current laws and city policies.

**Fiscal Impact**

No General Fund resources will be used for this project. Funding for the Motorola Solutions, Inc. Spillman Flex CAD/RMS software system at a cost of \$579,257.82 will be paid by State Citizens’ Option for Public Safety (COPS) grant funds (Account # 272-0000-0000-5005-000) over six-years. The South Pasadena Police Department will receive the software up-front and Motorola will provide in-house financing at 0% interest and agreed to delay the first payment until January of 2022.

The State COPS is a public safety program funded through the State’s Vehicle Licensing Fee program and provides supplemental funding for law enforcement purposes to enhance public safety per California Government Code Sections 30061, et. seq. State COPS grants funds have been awarded annually since 1996 based on population with a minimum award of \$100,000 for each recipient city. State COPS funds may only be utilized to supplement existing services and shall not be used to supplant any existing funding. These funds do not require any matching contribution from the City.

<b>Grant Funding</b>				
<b>Grant Source</b>	<b>Year</b>	<b>Amount</b>	<b>Matching Funds</b>	<b>Account Number</b>
COPS Funds	2022	\$96,542.97	Not Required	272-0000-0000-5005-000
COPS Funds	2023	\$96,542.97	Not Required	272-0000-0000-5005-000

Police Department CAD/RMS Purchase

October 21, 2020

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COPS Funds	2024	\$96,542.97	Not Required	272-0000-0000-5005-000
COPS Funds	2025	\$96,542.97	Not Required	272-0000-0000-5005-000
COPS Funds	2026	\$96,542.97	Not Required	272-0000-0000-5005-000
COPS Funds	2027	\$96,542.97	Not Required	272-0000-0000-5005-000

The fiscal benefits of this acquisition are expected to be significant, as the system will make the Department more efficient, more accurate, better equipped to provide quality data, and ultimately, administration will be able to make decisions that are more informed. The new system is expected to reduce risk, reduce liability, and improve officer and community safety. By eliminating the need for multiple contracts with various vendors that must be accounted for separately, the SPPD is also saving staff time and costs. The anticipated benefits cannot be overstated by the Police Department.

**Environmental Analysis**

This item is exempt from any California Environmental Quality Act (CEQA) analysis based on State CEQA Guidelines Section 15061 (b)(3), the General Rule that CEQA only applies to projects that may have an effect on 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. Motorola Solution’s price quote
2. Mark43 price quote

**ATTACHMENT 1**  
Motorola Solution's price quote

## Purchased Products and Services

Pricing provided reflects the products and services as requested. We welcome the opportunity to discuss any pricing questions as needed.

### Software, Services and Hardware

Inclusions	Price
Total Software	\$236,213.07
Total Professional Services	\$105,937.01
Total Hardware	\$33,348.75
Total Third Party	\$28,745.00
Total Prepaid	\$147,973.09
Total Taxes	\$27,040.91
<b><u>Incentives – 2020 Q2 Expiration</u></b>	
Motorola 0% Finance Proposal – 6 Year Plan	Estimated Value Over \$70,000
<b>Grand Total</b>	<b>\$579,257.83</b>

### Spillman Advantages

- Spillman's site license eliminates the frustrations of limited licensing and allows for future agency growth because you will be able to access the modules it needs without paying individual license fees.
- Included with the Spillman system: First-year maintenance, a comprehensive 12-month warranty, unlimited standard business support, and free enhancements.
- Professional services included in this estimate for administrative training and setup assistance as well as thorough end user training, Go-live and refresher Go-live. All on-site services include travel and per diem; there are no hidden costs.



### Administration

Module	License	Price
CompStat Management Dashboard	Site License	\$37,935.00
<b>Administration Total</b>		<b>\$37,935.00</b>

### CAD

Module	License	Price
E9-1-1 Interface – Vesta Integration	Site License	\$7,935.65
CAD	Site License	\$35,598.46
CAD Mapping	Site License	\$15,114.45
<b>CAD Total</b>		<b>\$58,648.56</b>

### Crime Analysis

Module	License	Price
Pin Mapping	Site License	\$8,861.00
<b>Crime Analysis Total</b>		<b>\$8,861.00</b>

### Hardware

Module	Quantity	Price
Server - Windows (1-50 Concurrent)	1	\$26,799.76
GIS Server	1	\$10,278.68
Etherlite	1	\$768.56
<b>Hardware Total</b>		<b>\$37,847.00</b>

### Hub

Module	License	Price
Sentryx GIS (Geobase)	Site License	\$936.00
<b>Hub Total</b>		<b>\$936.00</b>

### Mobile

Module	License	Price
Mobile Field Report with Field Interview	Site License	\$14,615.25
Mobile Records	Site License	\$11,927.76
Driver License Scanning	Site License	\$4,614.52
Mobile Voiceless CAD	Site License	\$10,991.76
Mobile State & National Queries	Site License	\$11,927.76
Mobile AVL and Mapping	Site License	\$12,614.16
Mobile Arrest Form	Site License	\$11,178.96
<b>Mobile Total</b>		<b>\$77,870.17</b>

### Other

Module	License	Price
FLEX GIS OEM Server License HA	Site License	\$3,951.25
Acceptance Testing - Basic	Site License	\$13,520.00
Digital Evidence & Judicial Sharing	Site License	\$37,829.19
Learning Management System	Site License	\$2,236.40
<b>Other Total</b>		<b>\$57,536.84</b>

### Records

Module	License	Price
Evidence Management	Site License	\$8,798.60
Equipment Maintenance	Site License	\$7,400.06
Hub	Site License	\$62,936.12
Law Records – Includes CA IBR	Site License	\$29,355.30
Traffic Information	Site License	\$8,798.60
<b>Records Total</b>		<b>\$117,288.68</b>

### State Specific

Module	License	Price
California State Crash Form (CHP 555)	Site License	\$10,921.84
California LA County StateLink (CLETS)	Site License	\$23,439.65
<b>State Specific Total</b>		<b>\$34,361.49</b>

## Services Included

- **First-year Maintenance** – For the specific module(s) listed in this document, all upgrades and live phone support services are included for the entire first year.
- **Project Management and Installation** – Motorola Solutions will assign a Flex Project Manager as the agency's single point of contact. This individual will coordinate Motorola's expert installation and training staff as needed to ensure a smooth upgrade transition.
- **Data Conversion services not included in this project**

**Prepaid Services**

<b>Module</b>	<b>Price</b>
Prepaid Maintenance <ul style="list-style-type: none"><li>• 1<sup>st</sup> Year Included at No Cost</li><li>• Years 2-5 Included</li></ul>	\$147,973.09
<b>Services Total</b>	<b>\$147,973.09</b>

**2020 Second Quarter Financing Incentive**

**Payment Terms – 6 Year – 0% Financing Proposal (Sales Tax Included)**

<b>Module</b>	<b>Price</b>
Due by January 30, 2022	\$96,542.97
Due by January 30, 2023	\$96,542.97
Due by January 30, 2024	\$96,542.97
Due by January 30, 2025	\$96,542.97
Due by January 30, 2026	\$96,542.97
Due by January 30, 2027	\$96,542.97

**Future Maintenance**

	<b>Prepaid Years</b>	<b>Year 6 Mntc</b>
South Pasadena Police Department	4	\$36,993.27
<b>Total</b>		<b>\$36,993.27</b>

*\*\* The sixth year maintenance payment is estimated for your planning purposes and is not included in this purchase price. First year maintenance is included in the total purchase price.*

**Subscription**

	<b>Optional</b>
5TB: Digital Evidence & Judicial Sharing	\$4,800.00
<b>Total</b>	<b>\$4,800.00</b>

*\*\* This is an optional subscription price to continue purchasing after the initial 6 year term.*

This Purchase Agreement ("Agreement") is made and entered into by and between the Customer and Spillman Technologies, Inc. ("Spillman"), 4625 Lake Park Blvd, Salt Lake City, UT 84120.

I have read this agreement in its entirety and hereby approve and accept the terms and conditions of this Agreement as contained herein.

South Pasadena Police Department  
\_\_\_\_\_  
Customer

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title



**ATTACHMENT 2**  
Mark43 price quote



# MARK43

POWERFULLY SIMPLE. PURPOSEFULLY SMART.



**South Pasadena Police Department**  
Computer Aided Dispatch (CAD), Records Management System (RMS),  
Case Management, Property and Evidence Management, and BI Analytics

**ROM/BUDGETARY ESTIMATE - May 15, 2020**

**Submitted to:**

**Shannon Robledo**  
*Lieutenant*

**South Pasadena Police Department**  
1422 Mission Street  
South Pasadena, CA 91030  
p: 626-403-7270  
e: srobledo@southpasadena.gov

**Submitted by:**

**Terri Greene**  
*Account Executive*

**Mark43, Inc. (Headquarters)**  
250 Hudson Street, 3rd Floor  
New York, NY 10013

**Los Angeles Office**  
1240 Rosecrans Avenue  
Manhattan Beach, CA 90266  
p: 714-203-1000  
e: terri.greene@mark43.com

[www.mark43.com](http://www.mark43.com)

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## 1: COVER LETTER

May 15, 2020

Lieutenant Shannon Robledo  
**South Pasadena Police Department**  
1422 Mission Street  
South Pasadena, CA 91030

Dear Lt. Robledo:

We appreciate your interest and request for a budgetary estimate for the South Pasadena Police Department, for a fully integrated, CAD/RMS platform which includes Property and Evidence Management, Case Management functionality and Advanced Search and Analytical capabilities.

Mark43 offers a modern, Software-as-a-Service (SaaS) solution to support the next generation of public safety software. The Mark43 Platform is a proven system, currently supporting agencies of all sizes and more than 40 agencies throughout California, including most recently San Marino Police Department, currently implementing Mark43. Mark43 applications integrate seamlessly to facilitate a more efficient exchange of information across the agency. As a result, first responders can rely on a common operating picture and achieve significant operational efficiency with powerful, seamless information sharing.

Features of the Mark43, bi-directional CAD/RMS public safety solution include:

- 24/7/365 local support and continuous innovation within our Cloud-native application
- Flexible and robust, statistical reporting capabilities including NIBRS reporting
- Bi-directional platform that promotes situational awareness for officer safety
- Agency ability to manage configuration and add buttons to track changing initiatives

As a technology company focused exclusively on public safety, Mark43 has been engaged by agencies of all sizes throughout the country. The Mark43 Platform was originally built and designed for the Washington D.C., Metropolitan Police Department, to transition off their Intergraph I/LEADS RMS and has expanded rapidly throughout the country serving agencies in California, Florida, Louisiana, Oregon, Massachusetts, New Jersey, Texas, and Washington.

By partnering with Mark43, South Pasadena PD would benefit from a truly agile vendor, with proven experience and success throughout California, who can implement and deliver a proven, user-friendly, and secure, **public safety system that will remain current for decades to come.**





We welcome the opportunity to speak about the possibilities further.

Respectfully,

***Terri Greene***

Terri Greene  
Account Executive

## 2: MARK43 BENEFITS - S. PASADENA POLICE DEPARTMENT

 <p><b>TRANSPARENCY &amp; DATA SHARING</b></p>	<p><b>Mark43 RMS was built to meet incident-based reporting requirements</b> to collect NIBRS data in the most effective and efficient manner. Mark43 can be adapted seamlessly to fit California’s specific needs. Additionally, will have comprehensive data to report within the agency and share with neighboring agencies. <b>Mark43 CAD is also designed to disseminate data</b> from events, such as call type, details of the call, unit response, and associated messages.</p> <ul style="list-style-type: none"> <li>• <b>Securely and easily share data with neighboring agencies</b> to promote officer safety and awareness</li> <li>• Data accessibility – ability to easily extract and share information</li> </ul>
 <p><b>EFFICIENT &amp; EFFECTIVE RESOURCE MANAGEMENT</b></p>	<p><b>Mark43 CAD tracks units and their locations real-time</b>; from initial log on to the end of the shift.</p> <p><b>Mark43 offers analytic reporting functionality through the Mark43 BI Suite</b>, which contains a set of standard statistical reports that can be used as is or configured by the agency. These statistical reports cover a wide range of different use cases such as reporting for Compstat, Managerial Stats, Patrol Briefings, Crime Analysis, and Dispatch.</p> <ul style="list-style-type: none"> <li>• Real-time information on officer location and activity</li> <li>• Statistical reports to inform adjustments to first responder activity</li> <li>• BI dashboards on case activity and workload</li> </ul>
 <p><b>OFFICER &amp; PUBLIC SAFETY POWERED BY ENHANCED COMMUNICATION</b></p>	<p><b>Mark43 CAD and Mark43 RMS enable user-friendly real time data capture and information sharing.</b> Officers are able to quickly search multiple data sources and have full situational awareness to make informed decisions supported by data. Messaging, cautions, and warnings are also included, which will equip South Pasadena PD with modern tools used by public safety agencies nationwide.</p> <ul style="list-style-type: none"> <li>• Ability to make informed response decisions</li> <li>• Location verification and CAD map with multi-layers to streamline awareness and operational responsiveness</li> <li>• Increase service levels to the community</li> </ul>
 <p><b>FUTURE-PROOF AND AGILE</b></p>	<p><b>As a true cloud-native solution, Mark43 deploys new code every month. This means users can experience improvements in weeks, not years.</b> This also means the platform will never be stagnant or outdated as Mark43’s agile development methodology delivers ongoing results, improvements, and compliance with future regulation changes.</p> <ul style="list-style-type: none"> <li>• Monthly releases with improvements and bug fixes</li> <li>• Quarterly releases with new major features</li> <li>• Dedicated team to gather user feedback to inform future development</li> </ul>

## 3: FIVE YEAR BUDGETARY ESTIMATE OVERVIEW (ROM)

Mark43 welcomes the opportunity to further discuss the information presented.

Subscriber Name	<b>South Pasadena PD</b>	Date	May 15, 2020
Subscriber Address	1422 Mission Street South Pasadena, CA 91030	Expiration	October 31, 2020
Effective Date of Contract (Term Start Date)	TBD	Payment Terms	Net 30
Term Length	5 years	Mark43 Account Executive	Terri Greene (714) 203-1000 direct
		Email	terri.greene@mark43.com

FEES OVERVIEW	Estimate
Year 1 Payment, due according to the following Milestone Payment schedule:	\$142,248.00
- Contract Signing (Effective Date)	\$42,674.40
- Project Kickoff Complete	\$28,449.60
- Workflow Validation Complete	\$28,449.60
- Training Complete	\$28,449.60
- Cutover/Go-Live	\$14,224.80
Year 2 Payment, due on first anniversary of Effective Date	\$102,936.00
Year 3 Payment, due on first anniversary of Effective Date	\$102,936.00
Year 4 Payment, due on first anniversary of Effective Date	\$102,936.00
Year 5 Payment, due on first anniversary of Effective Date	\$102,936.00
<b>5 Year Total</b>	<b>\$553,992.00</b>

*This is an indicative estimate based on current Mark43 assumptions about the scope and complexity of the project. This budgetary estimate does not include any applicable sales tax. This estimate does not include potential hardware that may be required for the implementation of the solution. This estimate does not include potential reseller fees. Mark43 reserves the right to modify the offer for any reason. This estimate does not include potential fees from third party providers unless otherwise noted. This estimate is not a binding order. Orders for Mark43's Subscription Services, Software and Professional Services must be placed pursuant to a separate ordering document in the form provided by or otherwise acceptable to Mark43. Forms will not be valid unless signed by Subscriber and Mark43 and orders are not effective unless the customer has signed a Subscription Agreement with Mark43 or an authorized Mark43 reseller (the "Subscription Agreement"). Certain orders for Professional Services also require a Statement of Work, unless such requirement is waived in writing by Mark43.*

## 4: ESTIMATE OF SUBSCRIPTION - BREAKDOWN

<b>MARK43 PRODUCT SUBSCRIPTION - RECURRING FEES</b>			
	<b>QTY</b> (if applicable)	<b>LIST PRICE</b>	<b>OFFERED PRICE</b>
<b>ANALYTICS (ANA)</b>			
ANA 1: Analytics BI Suite Viewer	5	\$6,00.00	\$600.00
ANA 2: Analytics BI Suite Explorer	2	\$960.00	\$960.00
<b>RECORDS MANAGEMENT SYSTEM (RMS)</b>			
RMS 1: RMS Core	not to exceed 36 licenses	\$43,200.00	\$28,080.00
RMS 2: RMS Case Management Module	not to exceed 36 licenses	\$17,280.00	\$11,232.00
RMS 3: RMS Property and Evidence	not to exceed 36 licenses	\$17,280.00	\$11,232.00
RMS 5: Mobile Field Collection	not to exceed 36 licenses	\$17,280.00	\$11,232.00
<b>COMPUTER AIDED DISPATCH (CAD)</b>			
CAD 1: Dispatcher	not to exceed 8 licenses	\$28,800.00	\$18,720.00
CAD 2: LE First Responder	not to exceed 36 licenses	\$21,600.00	\$14,040.00
<b>SUPPORT &amp; MAINTENANCE</b>			
Support & Maintenance - Product	Included	Included	Included
Support & Maintenance - Interfaces	1	\$2,000	\$0
<b>SUBTOTAL RECURRING SUBSCRIPTION FEES PER LIST</b>		<b>\$149,000.00</b>	<b>\$96,096.00</b>

<b>PARTNER PRODUCTS OR PROFESSIONAL SERVICES - RECURRING FEES</b>			
<b>Partner Offerings (PAR)</b>	<b>QTY</b>	<b>LIST PRICE</b>	<b>OFFERED PRICE</b>



	(if applicable)		
PAR 3: Third Party Middleware Connector - Basic (via ConnectCIC)	Not to exceed 49 licenses	\$6,840.00	\$6,840.00
<b>SUBTOTAL - PARTNER PRODUCTS OR PROFESSIONAL SERVICES</b>		<b>\$6,840.00</b>	<b>\$6,840.00</b>
<b>TOTAL RECURRING FEES</b>		<b>\$155,840.00</b>	<b>\$102,936.00</b>

## 5: ESTIMATE OF ONE-TIME FEES - BREAKDOWN

<b>MARK43 SERVICES &amp; IMPLEMENTATION TENANT - ONE - TIME FEES PER LIST</b>			
<b>Mark43 Services</b>	<b>QTY (if applicable)</b>	<b>LIST PRICE</b>	<b>OFFERED PRICE</b>
<b>IMPLEMENTATION (IMP)</b>			
IMP 1 Services	1	\$30,000	\$30,000.00
<b>INTERFACE (INT)</b>			
Interface Development: one-way interfaces	3	\$15,000.00	\$15,000
<i>Final quotation for interface development subject to change pending complexity of specific interfaces identified through detailed scoping</i>			
<b>IMPLEMENTATION TENANT</b>			
Implementation Tenant for Configuration, Development, and Testing (commencing at contract signing)	n/a	\$147,000	\$96,096.00
<b>SUBTOTAL - IMPLEMENTATION FEES</b>		<b>\$192,000.00</b>	<b>\$141,096.00</b>

<b>PARTNER PRODUCTS OR PROFESSIONAL SERVICES - ONE-TIME FEES</b>			
<b>Partner Offerings (PAR)</b>	<b>QTY</b> (if applicable)	<b>LIST PRICE</b>	<b>OFFERED PRICE</b>
Implementation Services for PAR 3: Third Party Middleware Connector - Basic (via Commsys ConnectCIC)	n/a	\$1,152.00	\$1,152.00
<b>SUBTOTAL - PARTNER PRODUCTS OR PROFESSIONAL SERVICES</b>		<b>\$1,152.00</b>	<b>\$1,152.00</b>
<b>TOTAL ONE-TIME FEES</b>		<b>\$193,152.00</b>	<b>\$142,248.00</b>

## 6: ASSUMPTIONS

*This section outlines the relevant assumptions and considerations that were the basis for the offered quotes.*

- This ROM is assuming a purchase in the calendar year 2020 or 2021
- This ROM assumes no data migration and no interfaces beyond what has been quoted above
- Changes to the scope or complexity of interfaces is subject to a change in fees
- This ROM assumes that South Pasadena PD will accept Mark43 standard terms and conditions, offered fees, and offered payment schedule
- This ROM does not cover any third-party vendor-imposed fees to convert to a new CAD/RMS
- Interfaces included in above ROM/quote:
  - ANI/ALI (Vesta) - \$15,000 one-time cost
  - Crossroads eCitation & Traffic Collision - \$0.00 (Mark43 Partner)
  - Coplink (Forensic Logic) - \$0.00 (Mark43 Partner)

## 7: SUBSCRIPTION SKU DESCRIPTIONS

*This section outlines descriptions and specifications for Product SKUs identified in Section 3.*

### ANALYTICS (ANA)

Customers can access **Mark43's Analytics BI Suite** by purchasing Viewer (ANA 1) or Explorer (ANA 2) accounts. Mark43's Analytics BI Suite includes the following capabilities:

- Interactive dashboards that update visualizations based on filters and legends
- Drill into data points on visualizations for additional details and analysis
- Mark43 RMS clients will be able to link from the interactive dashboards directly to Mark43 RMS reports and cases
- Segment (Pivot) and Filter by any available data explorer field to narrow down queries
- Visualize lat/long coordinates with pin and heat mapping functionality
- Visualize data with tables, column graphs, bar graphs, scatter plots, line graph, area graph, pie chart, single value, funnel, timeline and donut graphics
- Save dashboards for future access
- Share dashboards with other Analytics Viewer and Explorer users at the department.
- Export data into a variety of formats (Text, Excel, CSV, JSON, HTML, Markdown and PNG)
- Data from RMS/CAD modules is available in near-real-time

#### ❑ **ANA 1: Analytics BI Suite Viewer**

**DESCRIPTION:** Analytics Viewer licenses provide licensees the ability to view and export business intelligence (BI) dashboards that are either (a) provided in Mark43's default BI suite or (b) created and shared by an Analytics Explorer in the subscriber's agency. The number of user licenses for Analytics Viewers will be specified in the contract.

**SPECIFICATIONS/FEATURES:**

- View/export business intelligence dashboards provided by Mark43
- View/export business intelligence dashboards created and shared by an agency Analytics Explorer user

#### ❑ **ANA 2: Analytics BI Suite Explorer**

**DESCRIPTION:** Analytics Explorer licenses provide licensees the ability to perform all the actions of an Analytics View user plus the ability to create, modify and delete business intelligence dashboards. Analytics Explorer users can share their business intelligence dashboards with all of the Analytics Viewer and Analytics Explorer users in the agency. Analytics Explorer users can explore the data from any Data Explorer based Dashboard. The number of user licenses for Analytics Explorer will be specified in the contract.

**SPECIFICATIONS/FEATURES:**

- Analytics Explorer users can perform all the actions of an Analytics View user plus the ability to create, modify and delete business intelligence dashboards.
- Analytics Explorer users can share their business intelligence dashboards with all of the Analytics Viewer and Analytics Explorer users in the agency.
- Analytics Explorer users can explore the data from any Data Explorer based Dashboard.

**RECORDS MANAGEMENT SYSTEM (RMS)**

**❑ RMS 1: RMS CORE**

**DESCRIPTION:** Mark43 Core Platform supports advanced functionality around report-writing; data sharing; locations, persons, and entity management; and field-based reporting. RMS Core includes Mark43 Records Compliance functionality, which enables records personnel to efficiently generate compliance-related information required by governing LE authorities. The Records Compliance module seamlessly generates the Federal NIBRS and SRS validations for officers, enabling workflows that ensure low error rates for submission, keep track of submissions, and generate the submission file from the data within the RMS.).

**PRODUCT SPECIFICATION/FEATURES**

- Arrest Reporting
- Case Management
- Case Supplemental Reporting
- Configurable Fields, Codes, and Validation Rules
- Field-Based Reporting
- Field Interviews / Racial profiling reporting
- File Attachments and Multimedia
- Gang Tracking
- Incident Reporting
- Location Verification / Resolution
- Master Entities / Name Index (Locations, Persons, Property, Organizations, Vehicles)
- Missing Persons Reporting
- Multi-Agency Data Sharing
- Notifications and Agency-wide BOLO/Alerts
- PDF and CSV Exports
- Quick Search / Advanced Search
- Records Privacy (Sealing, Purging, and Expunging)
- Shapefile Management

- System Auditing
- Use of Force Reporting
- Tow / Impound Vehicle Reporting
- User Management
- Compliance code mapping for automated data capture
- View and create queue of reports needing records review
- Data validation during report submission to ensure compliant reporting
- Configurable fields and validation rules
- Ability for administrators to override automated SRS or NIBRS coding
- Automatically generate monthly SRS and NIBRS submissions
- Task & Request Tracking
- Records without a REN
- Behavior Crisis Report
- Flexible Report Configurations for custom report types (e.g. Permits, Registrations, False Alarm Reports, etc.)
- NIBRS workspace features:
  - History of previous NIBRS submissions and re-download previous submissions
  - Submission summary statistics to understand number of reports, number of reports with errors, and current error rates
  - Interactive dashboard allowing users to directly access reports that contain submission errors and require updates
  - Customized error message for improved usability and step-by-step instructions for resolving errors

## ❑ **RMS 2: RMS CASE MANAGEMENT MODULE**

**DESCRIPTION:** The Mark43 Case Management module that enables detectives to seamlessly use the RMS to manage their cases. Incidents that require further investigation or follow-up may be referred to an investigator before they are closed or submitted to the prosecutor for a charging decision. Depending on the department's size and policies, the assignment may be made to a patrol officer, generally the officer who responded to the original incident, or the department's investigative unit.

### **PRODUCT SPECIFICATION/FEATURES**

- View and create case assignment and routing queues
- Assign lead investigator, supervisors, and assigned unit
- Configurable case due dates and reminders
- Create and assign tasks and set due dates
- Create case notes for internal activity tracking
- View and download case associated files and multimedia
- Export case information to PDF
- Search and sort cases by a number of criteria, including date, assignee,

- investigative unit, status, and more
- Configurable case type templates
- Configurable role-based Case Management permissions and abilities
- Robust audit logs and activity tracking
- View case history from initial assignment through final disposition
- Separate statuses for compliance reporting (UCR/NIBRS) and internal case status tracking
- Seamless integration between Case Management and RMS reporting and master entity profiles modules
- Availability of Case Management data in Analytics BI Suite for robust reporting capabilities
- Case review and approval workflows
- Automated triggered notifications and alerts
- Link related cases to one another

#### ❑ **RMS 5: RMS HANDHELD MOBILE COLLECTION**

**DESCRIPTION:** RMS module that enables collection of data, media, and notes through a mobile device.

##### **PRODUCT SPECIFICATION/FEATURES**

- Touch ID and Face ID login
- SSO login support (purchased separately)
- Capture and view photos
- Create notes using speech-to-text
- Scan driver's licenses (select State support)
- Set current location on map using phone GPS
- Search and view integrated master entity profiles (Persons, Property, Organizations, and Vehicles)
- Search and view RMS reports
- Archive capability
- Seamless sync of data between mobile and web RMS applications
- Create and pre-fill RMS report using mobile collection data

## TRAINING

### Agency Size: <100 Sworn

Module	Number of Training Sessions Offered	Number of Maximum Attendees Per Session	Number of Physical Sites for Onsite Training
RMS Fundamentals	1 remote TtT	30	N/A
RMS Mobile	1 remote TtT	30	N/A
System Administration (RMS/CAD)	1 remote session	10	NA
RMS Case Management	1 remote session	30	N/A
RMS Evidence	1 onsite session	15	1
RMS Warrants	1 remote session	15	N/A
Records Group / Compliance	1 onsite session	25	1
BI Suite (full)	1 remote session	10	N/A
Data Lake	1 remote session	10	N/A
CAD Dispatch (all agencies, includes DEx)	1 onsite session	10	1
CAD FR (includes DEx)	1 onsite TtT	30	1





# City Council Agenda Report

ITEM NO. 10

**DATE:** October 21, 2020

**FROM:** Sean Joyce, Interim City Manager

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

**SUBJECT:** **Receive and File an Update on the 2021 Housing Element**

---

## **Recommendation**

It is recommended that the City Council receive and file an update on the 2021 Housing Element.

## **Commission Review and Recommendation**

The Planning Commission has received the following presentations regarding the 2021 Housing Element:

- July 21, 2020 – Presentation of preliminary sites analysis and selected height considerations; and Inclusionary Housing and Accessory Dwelling Unit policies presentation
- August 11, 2020 - Continued discussion on height considerations; and continued Inclusionary Housing and Accessory Dwelling Unit Ordinance presentation
- September 8, 2020 - Regional Housing Needs Assessment (RHNA) appeal presentation; and ADU policies and programs presentation
- October 13, 2020 – Tenant Protections and Occupancy Inspection Program discussion (continued)

Additional presentations will be made to the Planning Commission for recommendations to City Council and to provide additional opportunities for stakeholder feedback.

## **Community Outreach**

A series of surveys and public workshops regarding the 2021 Housing Element have been conducted to engage the public and solicit input regarding potential policies and strategies:

- May 30, 2020 and June 2, 2020 - Introductory presentation and Housing Element overview; with an online survey conducted between April 30, 2020 and September 5, 2020
- September 23 and 26, 2020 - Housing sites analysis and options to address lower income RHNA units, including 3-4 breakout group discussions per workshop; with an online survey conducted between September 10, 2020 and October 2, 2020.

Additional community workshops are planned as part of the 2021 Housing Element public engagement plan.

### **Discussion/Analysis**

In accordance with State law, the City is required to update its housing element every eight years with new state-mandated housing targets, as allocated by the Southern California Council of Governments (SCAG) and the City's Regional Housing Needs Assessment (RHNA). The City recently received a Notice of Draft RHNA Allocation from SCAG confirming that the City is required to plan for 2,062 new housing units over the next 8-year cycle. The City must submit an updated housing element by October 15, 2021. The new RHNA allocation is significantly higher than previous years (over 3,000 percent increase from the previous RHNA allocation) and is the result of recent changes in State legislation and Governor Newsom's goal to build 3.5 million housing units by 2025.

On March 4, 2020, the City Council approved a Professional Services Agreement (PSA) with PlaceWorks to update the City's Housing Element. PlaceWorks is the same firm that is preparing the City's General Plan Update and Downtown Specific Plan (GP/DTSP), but with the inclusion of housing specialists on the team.

The City's planning effort for the Housing Element is underway and progressing on schedule. This cycle of the Housing Element will be difficult for most jurisdictions, including the City of South Pasadena, given the significantly increased housing goal put forth by the state. For example, the City's draft GP/DTPS proposes a maximum of 589 units over the next twenty years, yet the state is mandating that the City plan for 2,062 new housing units over the next eight years. In addition, the State Department of Housing and Community Development (HCD) is tightening its evaluation and controls over jurisdictions that do not comply with RHNA mandates in their Housing Elements.

The basis of the state's evaluation of the City's Housing Element is the City's "sites analysis", which is the required exercise of analyzing, parcel by parcel, to locate the properties ("sites") where the 2,062 new housing units can be accommodated. Because South Pasadena is a built-out city with a predominant single-family neighborhood pattern, with a third of its properties containing historic or eligible as historic resources, identifying sites for 2,062 new housing units is cumbersome and requires a lengthy public education and outreach process. Placeworks has already evaluated the number of housing units that can be accommodated under the City's current zoning and proposed draft General Plan and Downtown Specific Plans as approximately 1,122 units, and has conducted community workshops and two Planning Commission meetings on the sites analysis, introducing potential strategies to address the shortfall of approximately 840 units. To address the shortfall of housing units within the range of income levels required to comply with state law, the City must propose zoning changes.

The community workshops held September 23rd and 26th proposed strategy options to meet the housing unit shortfall. PlaceWorks is currently preparing on-site simulations to present to the public illustrating potential zoning changes, including the impact of an Inclusionary Housing ordinance, at specific housing opportunity sites and developing financial proformas to

demonstrate the economic feasibility of desired contextual design standards. Staff and PlaceWorks will use feedback provided in public workshops and Planning Commission discussions to create a preliminary sites analysis that will be reviewed by HCD.

City staff has been preparing presentations on housing policies interrelated to the sites analysis - such as Inclusionary Housing, Accessory Dwelling Unit ordinance updates, and Tenant Protections (including Occupancy Inspection Program) – for community and Planning Commission feedback prior to City Council’s consideration in coordination with the Housing Element.

PlaceWorks will submit a preliminary sites analysis in November to the State HCD Office for its early feedback. The public has been, and will continue to be, engaged in an extensive public outreach process to discuss the potential locations, strategies, and policies needed to accommodate the new housing units. Staff and PlaceWorks will hold 2-4 more workshops before the Sites Analysis is finalized. Staff anticipates releasing a Draft Sites Analysis and Housing Element Document for public review in early spring.

The following table provides a status update on the various phases of the 2021 Housing Element and next steps.

Scope of Work	Status
<b>Phase I: Introduction to the Housing Element, Sites Analysis, Existing Capacity and RHNA Shortfall</b>	
• Community Survey 1 and Community Workshops 1, 2	Complete
• Planning Commission Discussions	Complete
• Community Survey 2 and Community Workshops 3, 4	Complete
• Site simulations of proposed zoning changes, which will include additional Planning Commission meetings	In Progress (November 2020)
• Preliminary Review of Policies, Programs and Draft Sites Analysis Assumptions with the California Department of Housing and Community Development (HCD)	In Progress (October/November 2020)
• Planning Commission Discussions, including Inclusionary Housing and ADU policy, to Finalize Draft Sites Analysis	In Progress (November 2020)
• Initiate Environmental Review Housing Element Draft integrating with GP/DTSP	Winter 2021
<b>Phase 2: Housing Element Public Review Draft and Draft Environmental Document</b>	
• Public Review of Draft Housing Element and Draft Environmental Document	Winter/Spring 2021
• Community Workshops 5, 6	Winter/Spring 2021
• Planning Commission Hearing and City Council Hearings Ahead of Draft Housing Element Submittal to HCD	April/May 2021
<b>Phase 3: Submit Draft Housing Element to HCD</b>	
• Prepare Final Environmental Document	Spring/Summer 2021

Scope of Work	Status
<ul style="list-style-type: none"> <li>• Planning Commission Hearing and City Council Adoption Hearings</li> </ul>	Spring/Summer 2021
<ul style="list-style-type: none"> <li>• Submit Final Adopted Housing Element to HCD</li> </ul>	October 2021

### City’s RHNA Appeal

On a parallel effort to developing a compliant Housing Element, the City is also developing a formal appeal to SCAG aimed at reducing the City’s RHNA allocation to a more reasonable and achievable amount. The City Council ratified a RHNA Ad Hoc Committee on September 16, 2020. The Committee is meeting regularly, and members are preparing memos to challenge the RHNA allocation from several angles, including challenging the state’s housing targets, the effective boundary of the High Quality Transit Area (HQT), capacity of our infrastructure and schools, and preservation of historic resources. The RHNA appeal is due to SCAG by October 26, 2020, and SCAG will conduct appeal hearings in January 2021.

### Next Steps

1. October 26, 2020: City’s RHNA Appeal due to SCAG
2. November 2020: Recommendations for Inclusionary and ADU policies and completion of draft sites analysis
3. Winter 2020/2021: City Council to consider ordinances for Inclusionary Housing, Accessory Dwelling Units, and Tenant Protections (including Occupancy Inspection Program)
4. December 2020 to March 2021: Environmental analysis
5. January/February 2021: SCAG appeal hearing and adoption of Final RHNA allocations
6. April 2021: Planning Commission recommendation for adoption
7. May 2021: City Council Hearing for adoption
8. October 15, 2021: Final 2021 Housing Element due to HCD

### Background

In April 2019, the City Council approved a PSA with PlaceWorks to finalize the City’s GP/DTSP and a separate PSA with Psomas to complete the Program Environmental Impact Report (EIR). In November 2019, the City released the revised Draft GP/DTSP. In November 2019, SCAG released the approved draft RHNA methodology and the 2,062 housing units allocated to the City. In February 2020, SCAG provided an updated draft allocation of 2,062. On March 4, 2020, the City Council approved a separate PSA with PlaceWorks to update the City’s Housing Element and an amendment to Psomas to integrate the environmental study for Housing Element into the EIR for the GP/DTSP for costs savings and efficient coordination of the three planning documents. Housing elements are required by State law to be updated every eight years, and on a specific timeline. The 6<sup>th</sup> RHNA Cycle is due by October 15, 2021.

### Legal Review

The City Attorney has reviewed this item.

Receive and File an Update on the 2021 Housing Element

October 21, 2020

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**Fiscal Impact**

The PSA with PlaceWorks to update the Housing Element has a total not-to-exceed amount of \$267,598. The City was awarded \$150,000 from the Local Early Action Planning Grants program through HCD for the Housing Element. The remaining \$117,598 will be funded through a designated reserve fund. Staff has applied for an additional Regional Early Action Planning Grant through the San Gabriel Valley Council of Governments (SGVCOG) in the amount of \$150,000 to backfill the reserve fund and fund additional outreach if awarded.

**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. 11

**DATE:** October 21, 2020

**FROM:** Sean Joyce, Interim City Manager

**PREPARED BY:** Teresa L. Highsmith, City Attorney

**SUBJECT:** **Request to the Attorney General Regarding City Attorney's Authority to Provide Confidential Information to Individual Councilmember Regarding Prior Closed Sessions and Prior Deliberations**

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## **Recommendation Action**

It is recommended that the City Council review and approve the attached letter to the Attorney General.

## **Discussion/Analysis**

On September 2, 2020, Councilmember Rossi was appointed to serve on the Council until December 2, 2020, for the remaining term of prior District 2 Councilmember, Marina Khubesrian, M.D. Shortly after appointment, Councilmember Rossi requested that the City Attorney provide him with copies of all closed session materials (with the exception of anything relating to the Smith litigation) for all previous closed sessions during calendar year 2020, and one year of attorney-client privileged detailed billing accounts for all matters (with the exception of anything relating to the Smith litigation) that were previously reviewed and closed out by the Council prior to Councilmember Rossi's appointment. These are not public record documents and the City Attorney asserts that she is not authorized to release these documents to an official who did not participate in the relevant closed session or the deliberations regarding the confidential records in question.

If a waiver of the attorney-client privilege is required before the City Attorney may release the records, a majority of the City Council would have to determine to waive the privilege, resulting in the creation of a public record that would be available to anyone.

A City Attorney with prosecutorial authority may seek guidance from the Attorney General on a question of law. The Attorney General is an independent office for this purpose, whose opinion is entitled to great weight.

## **Background**

On October 7, 2020, Councilmember Cacciotti, seconded by Councilmember Rossi, directed the City Attorney to prepare a request to the Attorney General for an independent legal opinion

regarding the ability of the City Attorney to release closed session and other attorney-client privileged documents to an individual Councilmember who was not a member of the Council at the time the attorney-client privileged materials were created and deliberated upon. The City Attorney was directed to draft the question(s) to the Attorney General and bring the resulting letter back to the Council for review prior to mailing to the Attorney General.

**Legal Review**

The City Attorney has reviewed this item.

**Fiscal Impact**

There are no fiscal impacts with this matter. There is no charge for an independent analysis from the Attorney General, and the City Attorney has prepared the letter as part of the monthly retainer.

**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:** Letter to Attorney General Requesting Legal Analysis on questions posed by City Attorney will be provided to council

*(NOTE: Attachment not included at the time of agenda posting and will be forthcoming)*





# City Council Agenda Report

ITEM NO. 12

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**DATE:** October 21, 2020

**TO:** **Honorable Mayor and City Council Members**

**FROM:** Sean Joyce, Interim City Manager

**PREPARED BY:** Joanna Hankamer, Director of Planning and Community Development  
Kanika Kith, Planning Manager  
Malinda Lim, Associate Planner

**SUBJECT:** **Project No. 2355-APP - Appeal of the Planning Commission’s Decision to Approve Project No. 2191-HDP/TRP – Hillside Development Permit for the street extension of Moffat Street, which will be a private street extending westward from the northern end of Lowell Avenue to allow access to seven lots in the City of Los Angeles and a Tree Removal Permit (APN No’s: 5310-006-039, 5310-006-038, 5310-005-010, 5310-005-011, and 5310-005-004)**

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## Recommendation

Staff recommends that the City Council **uphold** the Planning Commission’s approval of Project No. 2191-HDP/TRP, Hillside Development Permit for the street design of the private street portion of Moffat Street connecting only to Lowell Avenue and Tree Removal Permit for the removal of five trees for the Moffat Street extension, subject to conditions of approval.

## Executive Summary

On August 11, 2020, the Planning Commission voted unanimously 5-0 approving the Hillside Development Permit (HDP) for the street design of the private street portion of Moffat Street connecting only to Lowell Avenue and Tree Removal Permit (TRP) for the removal of five trees.

On August 26, 2020, Micah Haserjian, submitted an Appeal of the Planning Commission’s decision to approve a Hillside Development Permit for the street design and Tree Removal Permit (see **Attachment 2**). Mr. Micah Haserjian’s request (adjacent neighbor southeast of the project site) is for the Council to overturn the Planning Commission’s approval of the project.

## Background

November 15, 2018                      The applicant, Planet Home Living (PHL), submitted an application for a Hillside Development Permit for the extension of Moffatt Street westward and a Variance for a +/- 18 foot high retaining wall.

- December 2019 The applicant redesigned the retaining wall and decided not to pursue a variance for the high retaining wall along the northern boundary of the private street.
- January 28, 2020 The applicant submitted a tree removal permit.
- March 10, 2020 First Planning Commission review. After receiving 21 written public comments and 24 verbal comments at the meeting, the Commission continued the matter to a future meeting to allow the Applicant and Staff time to provide additional information the Commission requested (see **Attachment 6**).
- June 9, 2020 Prior to the meeting, staff received complaints about the phone number for submitting verbal public comments not working. In consideration of the public not being able to submit verbal public comment, staff and the applicant requested a continuation to allow additional time for the public to provide comments; this request was granted by the Commission without opening the public hearing. Sixteen (16) written comments were received for this meeting (see **Attachment 5**).
- July 14, 2020 Second Planning Commission Review. The Applicant provided an exhibit illustrating a fire truck able to make a left turn from Lowell Avenue onto the proposed private access street. The Commission continued the project and directed the Applicant to submit an alternative street alignment design with access from Lowell Avenue (see **Attachment 4**).
- August 11, 2020 Third Planning Commission Review. The Commission voted unanimously, 5-0, approving the project showing the street alignment connecting from Lowell Avenue and not the public Moffat Street. The staff report is included as **Attachment 3**.

Several questions were raised during the Commission meetings and those questions and responses are summarized in the previous staff reports. A summary of the questions raised during the August 11, 2020 meeting is provided below because these questions are not in the previous staff reports.

- Hook-ups to utilities.

Applicant's Response: The only utility that will be coming up the hill is the water connection, which will be coming up Lowell and connecting with the vacated Moffat Street. Sewer service and electrical connection is already existing in the Los Angeles boundary.

No utilities from the City of South Pasadena will be provided for the proposed single-family homes developed by PHL.

- Concern of the California Environmental Quality Act (CEQA) and who the lead agency is.

Staff's Response: As explained by staff, the seven (7) homes proposed for development in the City of Los Angeles for which the private street will serve are subject to the City of Los Angeles' Northeast Hillside Ordinance ("NEHO"). The homes are by-right and do not require discretionary review if the homes follow the standards set forth in the NEHO.

If for some reason the homes do not comply with the NEHO standards and require discretionary review, such as for a variance, the homes and the private street will be subject to CEQA. Since a majority of the project is within the City of Los Angeles' boundary, the City of Los Angeles would be the lead agency in preparing the CEQA document.

More information on the project history is in the staff reports provided to the Planning Commission, which are included as **Attachments 3 through 6**.

### **Discussion**

The appeal is a request for City Council to overturn the Planning Commission's decision and to deny the Hillside Development Permit and Tree Removal Permit based on two reasons alleged by the appellant:

- The developer, Planet Home Living (PHL) does not have the right to put in the private road because not all the information for the vacation of the street was presented to the Commission; and
- The construction of the private road would be detrimental to the surrounding neighborhood.

Accordingly, this staff report addresses only Mr. Haserjian's reasons for the appeal.

A letter from Mr. Haserjian describing his reasoning for his appeal is included as **Attachment 2** to this report and a summary and responses are provided below.

### Issues Raised by Mr. Micah Haserjian

Mr. Haserjian provided the below list of reasons for the appeal. Below each statement from Mr. Haserjian are staff's responses.

**1. *We have received incomplete documentation providing the developer Planet Home Living's (PHL) has the right to build a private road and that South Pasadena has the right to approve said project. PHL / planning department have selectively provided historical documentation to the Planning Commission and Public. They have withdrawn important documentation about the nature of the property area and abandonment of the easement in relation to the ingress / egress easement granted. I have found some of these documents in the online portal and listed them in Exhibit A). However, as of now we have not received the following documents (PRA request submitted) which could provide key information are as follows:***

- a. Resolution 4409 for the granting of the easement after the order was made to vacate the portion of Moffat Street. This resolution may contain information as to the true intention of the abandonment of the street and granting of the easement, which was thoroughly discussed during several Council meetings from 1961-1962.***
- b. Tract 25588 map prior to 1963***
- c. O.R. 1649-122, referenced in Tract 25588 map from 1963 in relation to the Moffatt Easement***

*A full list of what City Council documents have been included and excluded in the analysis leading to the Planning Commission's decision can be found in **Exhibit B**), a letter from owner of parcel 5310-006-038, 2050 La Fremontia. It is clear that information has been selectively withheld from the Commission and the Public in order to get this project approved. We are unable to verify the validity of the easement document without fully understanding the tract map history and resolution details.*

Staff Response: Planning Staff provided the Commission and the Public all the information we had and needed in order to make an informed decision. While the following documents were not available upon staff research, the documents were not required to make an informed recommendation to Planning Commission. Planning Staff inquired with the City Clerk Department for a copy of Resolution No. 4409 and was directed to the Laserfiche portal to search for the resolution. The resolution was not available on the Laserfiche portal. A copy of Tract Map No. 25588 prior to 1963 and Ordinance 1649-122 could not be located. Staff did provide a copy of Tract Map No. 25588 from 1963 as an attachment to the March 10, 2020 PC staff report (see **Attachment 6**).

**2. *The City of South Pasadena abandoned the portion of Moffatt street and granted the easement that lies on four now privately owned parcels 5310-005-010, 011 & 004, and 5310-006-038.***

*The right to approve a grade change lies in the successor of the Grantors -- the owners of these parcels -- not the City of South Pasadena. One of these owners from 2050 La Fremontia has stated opposition to this project, and as the Grantor's successor, their input must be held legally valid. The city and developer attorney's position on the city holding the Grantor status is not valid, proved by several of the previously documents withheld. A full analysis of this issue is detailed in the letter from **Exhibit B**). In a highlight of the meeting minutes from Feb 14th, 1962 the City attorney states:*

*"...the City of South Pasadena should be divorced from anything to do with the vacated portion of Moffatt street after it has been vacated"*

Staff Response: The grantor and grantee determination was explained in detail in the July 14, 2020 staff report (see **Attachment 4**). The Applicant's attorney provided a letter analyzing the Access Easement document identifying the "Grantor" and "Grantee" and the rights that flow from each party to the successors in interest. According to the analysis, the Grantee includes the Applicant; the Grantor is the City of South Pasadena; and the approval of improvements in the access easement do not extend to the current property owners of the underlying the easement area. The letter has been reviewed by the City Attorney who concurs with the Applicant's attorney's analysis and conclusions that as Grantor, the City has the right to approve any grade change within the easement area and that the current owners of property underlying the access easement do not have the right to approve proposed changes to the grade.

**3. *If said ingress/egress easement is valid, construction of the street as planned would not be within the rights of the granted easement as it would place an undue burden on the surrounding property owners including myself. As stated in previous public comments, access to our 1932 property on 4519 Lowell Ave is through a portion of where the developer's easement lies on APN 5310-006-038. On this driveway we also have a deck, landscaping, and trees including a Southern California Black Walnut tree not in scope of the project's tree removal permits. PHL has previously stated that they can only give us access to our sub-level garage area instead of the two parking spots level with our entrance. They also stated that they must demolish our deck, trees and landscaping and that there is no way around this. If this is truly the case, then their project would clearly be overburdening the easement as it would be destroying my property and denying the access that has existed for decades***

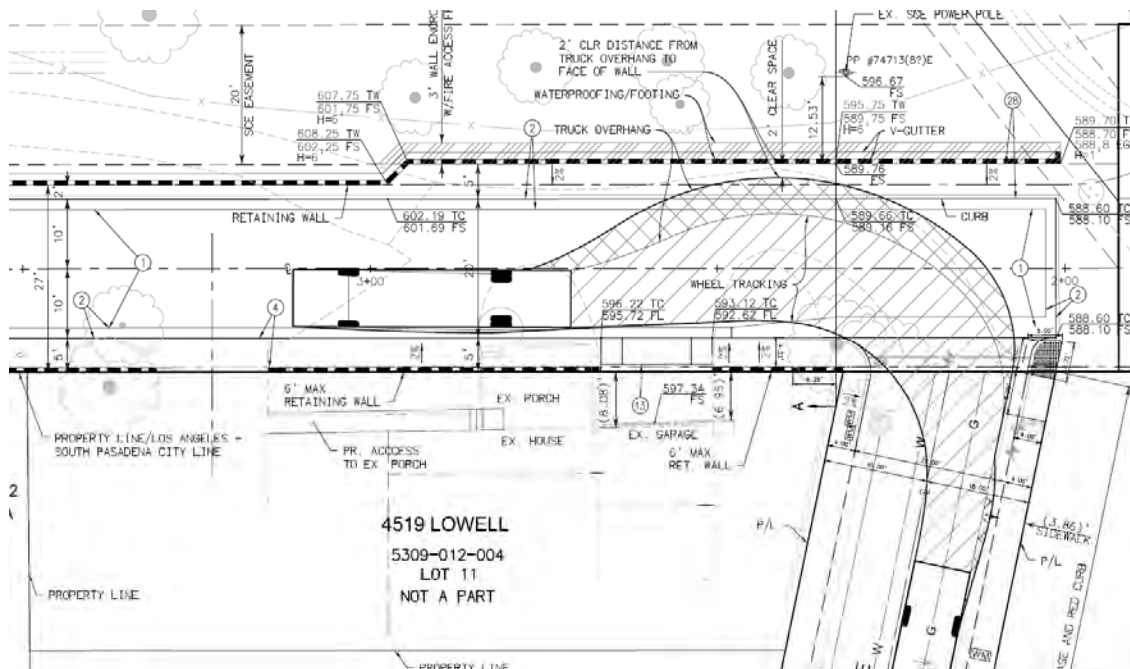
*unopposed. We have the rights to a prescriptive and equitable easement, and the developers must respect our property if they were to build a road next to it.*

*Other burdens above the legal rights of the easement involve the plans for subterranean utilities, storm drainage, street lights, and retaining walls. This type of construction is not necessary for the developers to access their lots. A simple paved street such as what currently exists connecting the western end of the easement to Richard Drive would be sufficient if a project of this scope is feasible. Based on the amount of burden placed on the surrounding property and environment, the project is not feasible.*

**Staff Response:** With the private street located within the City of South Pasadena’s boundaries, the City has the authority to review and approve the street design. The owners of 4519 Lowell Avenue are trying to protect their deck which encroaches into the ingress/egress access easement and the area outside their property. The proposed private street width is at the minimum width needed to permit a two-car width and sidewalk for pedestrian access.

In **Figure 1**, there are two openings in the retaining wall to allow the owners of 4519 Lowell Avenue access to their garage and the rear area leveled with their primary entrance to the house. The developer is only providing a curb cut to access the garage; any other curb cuts for the property is the responsibility of the owners of 4519 Lowell Avenue and would require a permit from the City of South Pasadena.

**Figure 1: Private Portion of Moffat Street Connecting to Lowell Avenue**



- The proposed street does not provide access to all 13 of the lots listed on the easement. Additionally, it inhibits access to other lots that are party to the easement. A retaining wall they propose to create at the end of their street would block off any future access to lot 28. The lots on the western portion of the easement should also be in agreement with any changes to the grade. These lots, 82-85, were not even contacted about the Planning Commission hearing as they are not within a 300 ft radius of the***

project. In addition, the owner of lot 12 -- the first lot in the easement along the proposed private road -- has not been consulted with about this project. See **Exhibit C**) for annotated radius map.

**Staff Response:** The proposed private street design only extends as far as necessary to serve the lots owned by the applicant; this is also to reduce unnecessary impact for the surrounding area. If the owner for lot 28 wishes to access their lot, they would be responsible for undergoing the necessary review and approvals needed.

Lots 82-85 mentioned by Mr. Haserjian are part of the grantees for use of the access easement and are not within a 300-foot radius of the private street proposed by the applicant. There is a gap in the Moffat Street easement (see **Figure 3**) and lots 82-85 are intended to have access off of Richard Drive which lots 82-83 currently do. The owner of lot 84 is also the owner of lot 74 directly below and lot 85 is also the owner of the lot directly below (lot 73) in which lots 84 and 85 have direct access from Richard Drive. If the owners sells lot 84 and/or 85 in the future, the current owner and future owner would have to provide appropriate access to those parcels.

**Figure 2: Area of Private Street**

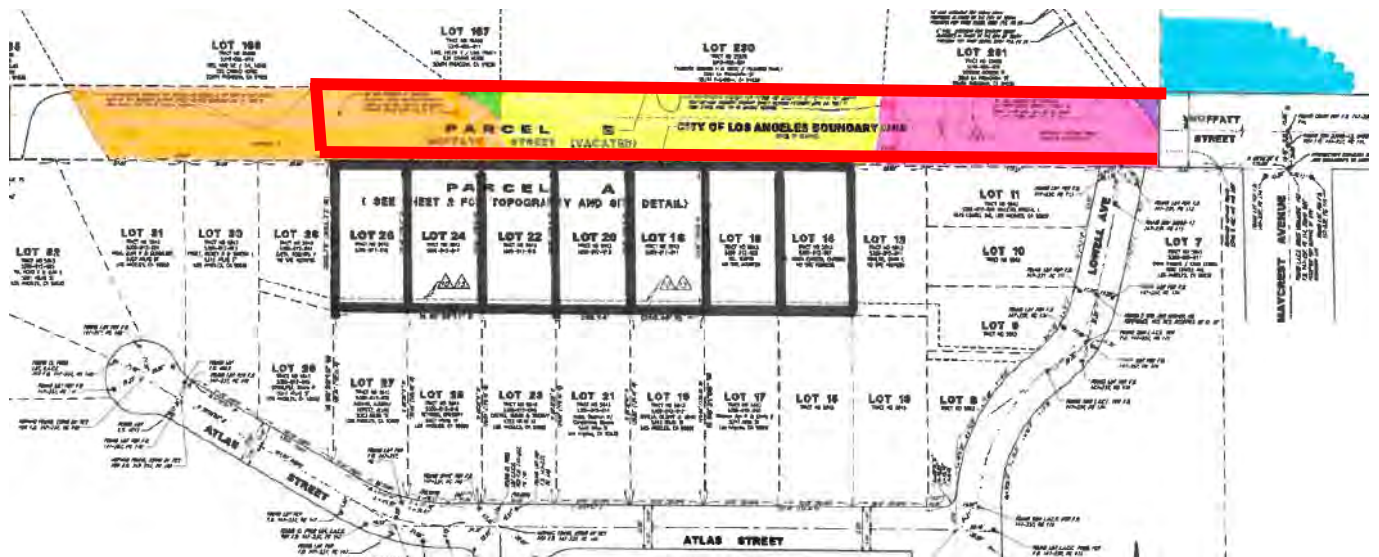
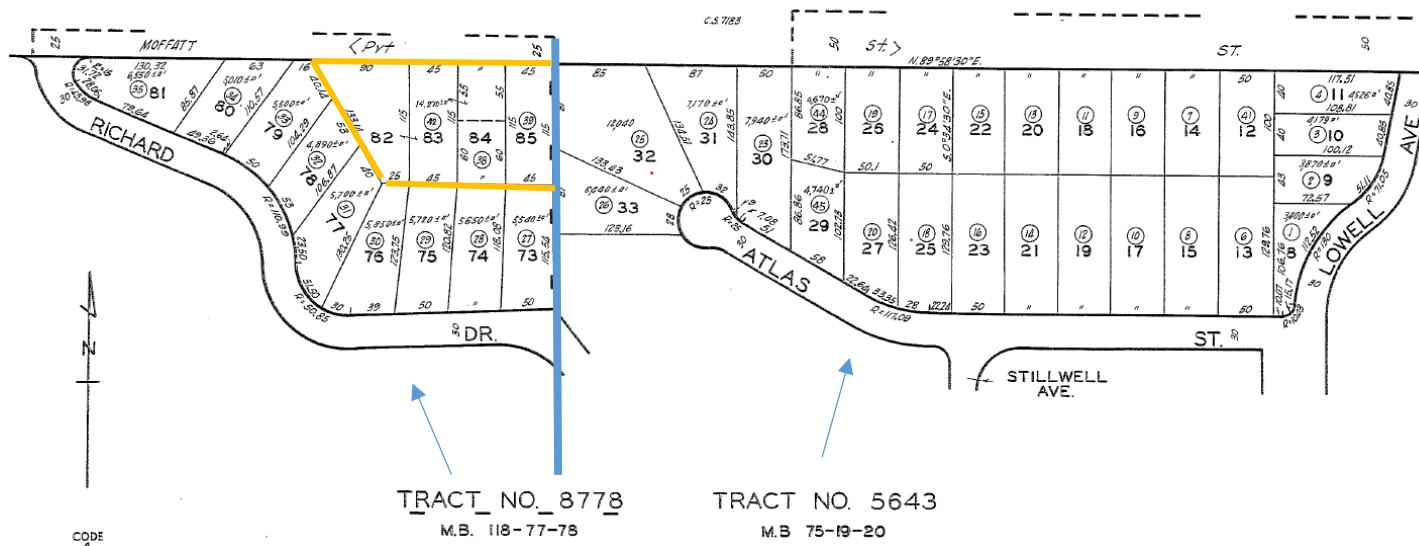


Figure 3: Lots 82-85 of Tract No. 8778



5. **The development claims a CEQA categorical exemption, class 3. This exemption is not valid since this project is inducing future growth in Los Angeles.** The developer's stated intention to build single family homes that would not require discretionary review in the City of Los Angeles are not sufficient to claim an exemption. As soon as this road is built, the developer would have the power to then change their plans and trigger a large-scale development in LA that would be subject to discretionary review. The road would then be in violation of CEQA, thus holding the City of South Pasadena liable for granting permits without a CEQA review. The fact that the developer has refused to submit design plans to South Pasadena in combination with the majority of their projects being multifamily or small lot subdivision buildings should be very worrisome for the CEQA compliance in South Pasadena. A full CEQA analysis must be performed for this project to be considered.

**Staff Response:** Since the proposed private road is merely providing access on an existing easement to legal land-lock parcels that are zoned for residential development in the City of Los Angeles, the design of the road qualifies for a categorical exemption under Section 15303, Class 3. Class 3 exemption includes water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction.

If for some reason the homes on these land-locked parcels require discretionary review, such as for a variance, the homes and the private street will be subject to CEQA. Since a majority of the project is within the City of Los Angeles' boundary, the City of Los Angeles would be the lead agency in preparing the CEQA document.

6. **Proper coordination with the City of Los Angeles on the street connection to Lowell has not been performed.** The South Pasadena Planning Commission rushed this project through without weighing the input of Los Angeles. In addition, South Pasadena **does not even have the full street plans from PHL** that show a connection to Lowell Ave. Thus, Planning Commission members approved a street improvement project without even viewing or inquiring on the specific plans.



Staff Response: The Commission has seen the full street plans in past meetings; the only change to the plans is the street alignment connecting to the existing Moffat Street is shifted to connect with Lowell Avenue. The alignment provides the capability of a 40-foot long fire truck to make the left turn from Lowell Avenue onto the proposed private street and would not require any grade changes in the public portion of Moffat Street. The full street plans will be reviewed by the Public Works and Planning & Building Department during the plan check process.

Planning Staff has provided the City of Los Angeles Planning, Building, Engineering, and Fire Departments a copy of the new street alignment with the connection to Lowell Avenue and have not heard any feedback or objection to the connection. If the City of Los Angeles objects to the connection, the applicant will need to apply for a change to the approved plan for review and approval by the Planning Commission.

7. ***This project would be detrimental to the environment and contribute to the housing crisis through indirect displacement of community members.*** *Legal issues aside, we are facing an extremely important time period in our country and globally. It is clear that we need to focus our efforts on sustainable, drought tolerable developments that provide affordable housing. Removing protected trees (with a very poor mitigation effort as required by law), adding high powered water pressure up a hill (previously denied service by South Pasadena in 2015), and creating luxury, multi million dollar housing is the exact opposite of what our city, state, and country needs to prosper. Gentrification has already started to take its hold on the community of El Sereno by displacing longtime residents, as evidenced by the many people who came to public comment in March on this project. This project would only contribute to the further depleting of our resources and housing insecurity for the working class. It is clear that the community is overwhelmingly in opposition to this project, and this cannot be ignored.*

Staff Response: As stated above in the staff's response to the CEQA analysis, the project is categorically exempt under CEQA. The construction of the private street is required in order for the applicant to develop seven single-family homes on their legal lots. Therefore, this project would help the housing crisis by providing access to eight landlocked lots and the foundation for lot 28 (located at the end of the proposed private street but has no access from it) when the owner decides to make improvements to obtain access.

8. ***The effects of the Covid-19 pandemic make an approval of this project irresponsible to the community.*** *The public input for this project has been severely limited due to the way in which South Pasadena conducts their online Council meetings. A submitted written comment that takes prior to the presentations in the meeting do not allow for the real time feedback necessary for a fully informed public comment. The city of Los Angeles allows live comments via telephone or the computer on the Zoom platform – there is no reason South Pasadena cannot do the same. Disallowing this important type of community engagement with the Council members and Commission only further shows the widely known dysfunction within the city of South Pasadena by not allowing community voices to be heard during the meetings. In addition, this highly unsustainable project would further contribute to housing instability during a time in which the citizens of LA are getting infected by Covid-19 and dying at an alarming rate. Our first priority should be taking care of the health and prosperity of those in need, not contributing to building more unnecessary luxury housing that leave these communities houseless and on the streets.*

Staff Response: Staff has provided multiple opportunities for the public to review and participate in the Planning Commission meetings. The opportunities include posting staff reports and pre-recorded staff presentations online, prior to the Planning Commission meetings, to allow the public a chance to review the materials before submitting public comment. Public comments received prior to the publication of the agenda packet are published with the staff report. Staff has also provided two options for providing public comment after the publication of the staff report. One of the options is a written comment by email or mail which is posted online, distributed to the Commission prior to the meeting, and becomes a part of the public record. The second option is by voicemail which is also distributed to the Commission prior to the meeting and played during the live public hearing prior to Commission's deliberations. Similar accommodations are being made for this public hearing in front of City Council on October 21, 2020.

### **Environmental Analysis**

This project qualifies for a categorical exemption from any California Environmental Quality Act (CEQA) analysis based on State CEQA Guidelines Section 15303, Class 3 – New Construction or Conversion of Small Structures. Class 3 exemption includes water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction. The reasons for exemption are as follows:

- The project site is a vacant land surrounded by single-family residences and unoccupied land.
- According to the City's GIS mapping system, the project site is not located within a liquefaction or landslide zone.
- A biological survey of the project site was conducted to document the existing conditions and assess the potential for special status plant or wildlife species or other regulated biological resources occurring on the project site. The report concluded that the project site contains no suitable habitat for special status plants and wildlife, and does not occur within any federal U.S. Fish and Wildlife Services Critical Habitat boundaries. A copy of the report is available as **Attachment 6**.

### **Conclusion**

The Commission approved this alternative street alignment connecting to Lowell Avenue rather than Moffat Street because it has several advantages to the prior design as follows:

1. Continues to provide access from Lowell Avenue to the garage of the resident (the appellant) on the corner of 4519 Lowell Avenue; and
2. Routes all construction traffic and future car traffic serving the seven Los Angeles properties within the City of Los Angeles' streets; and
3. Does not require our Fire Chief to approve a slope of higher than 20% for fire access since the new alignment will be connected from Lowell Avenue, which does not require any grading in the vacant dirt area on the public portion of Moffat Street.

In summary, this revised design provides access to the landlocked parcels in the City of Los Angeles as requested by the easement owner while maintaining existing circulation from Lowell Avenue, and it does not modify the public portion of Moffat Street within South Pasadena.

Staff recommends that the City Council uphold the decision of the Planning Commission for approval of the project, subject to conditions of approval. Staff recommends that the City Council make the findings as provided in more detail in the Resolution, included as **Attachment 1**, pursuant to South Pasadena Municipal Code (SPMC) Sections 36.410.065(F), 36.250.030(E), 36.410.040(I).

### **Alternatives to Consider**

If the City Council does not agree with staff's recommendation, the following options are available:

1. The City Council can Approve with additional condition(s) added (e.g. requiring the applicant to provide a second curb cut for the appellant); or
2. The City Council can remand the project back to the Planning Commission with specific direction for the Planning Commission's review and further action; or
3. The City Council can deny the project.

### **Next Steps**

This project is not like other projects which could proceed directly to the Plan Check Process with the Public Works and Building Departments. If the City Council upholds the Planning Commission's approval, the applicant is conditioned to provide documentation from the City of Los Angeles for approval of the private street connection to Lowell Avenue and a confirmation that the seven lots being developed are not subject to discretionary review.

### **Legal Review**

This report was reviewed by the City Attorney.

### **Financial Review**

This report was reviewed by the Finance Department.

### **Public Comment**

At the time of writing this report, staff received no public comments in regards to this appeal. All public comments submitted to Planning Commission are included in **Attachments 3-6**.

### **Public Notification of Agenda Item**

The public was made aware that this item 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, publication in the *South Pasadena Review* newspaper, and mailing of a postcard notice to property owners within a 300-foot radius of the subject property.

**Attachments**

1. Resolution
  - a. Exhibit A - Conditions of Approval
2. Appeal Request
3. August 11, 2020 PC Staff Report & Additional Documents
4. July 14, 2020 PC Staff Report & Additional Documents
5. June 9, 2020 PC Staff Report & Additional Documents
6. March 10, 2020 PC Staff Report & Additional Documents
7. Tract 25588 Map From 1963

**ATTACHMENT 1**  
Resolution and Conditions of Approval

**P.C. RESOLUTION NO. 20-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA UPHOLDING THE PLANNING COMMISSION DECISION OF APPROVAL FOR A HILLSIDE DEVELOPMENT PERMIT AND A TREE REMOVAL PERMIT (PROJECT NO. 2191-HDP/TRP) FOR THE EXTENSION OF MOFFATT STREET WHICH WILL BE A PRIVATE STREET EXTENDING WESTWARD FROM THE NORTHERN END OF LOWELL AVENUE TO ALLOW ACCESS TO SEVEN LANDLOCKED LOTS IN THE CITY OF LOS ANGELES (ASSESSOR'S PARCEL NUMBERS 5310-006-039, 5310-006-038, 5310-005-010, 5310-005-011, AND 5310-005-004)**

**WHEREAS**, in 1923, Tract No. 5643 was recorded in the City of Los Angeles and includes the seven landlocked legal lots south of the proposed private street Moffatt Street; and

**WHEREAS**, on July 12, 1961, the South Pasadena City Council adopted Ordinance 1373 for the vacation and abandonment of a portion of Moffatt Street as a public street, pursuant to an Act of Legislature of the State of California set forth in Sections 8300 et. Seq. of the Streets and Highway Code; and

**WHEREAS**, on April 4, 1962, the Community Redevelopment Agency of the City of South Pasadena approved an easement for ingress and egress to the owners of the thirteen lots located in the City of Los Angeles abutting along the southern boundary of Moffatt Street and the City of South Pasadena; and

**WHEREAS**, on November 15, 2018, Planet Home Living, (Applicant), submitted an application for a Hillside Development Permit for the extension of Moffatt Street westward and a Variance for a +/- 18 foot high retaining wall along the northern boundary of the proposed private street; and

**WHEREAS**, in December 2020, the applicant withdrew the variance application for the high retaining wall along the northern boundary of the private street and proposed a new retaining wall design to be a maximum height of six feet for all portion of the retaining wall; and

**WHEREAS**, the proposed project is considered a "Project" as defined by the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq.; and

**WHEREAS**, the project site is a vacant land surrounded by single-family residences and unoccupied land. According to the City's GIS mapping system, the project site is not located within a liquefaction or landslide zone. The Director of Planning and Community Development determined that a biological constraints survey of the project site was required to document the existing conditions and assess the potential for special status plant or wildlife species or other regulated biological resources occurring on the project site. The report concluded that the project site contains no suitable habitat for special status

plants and wildlife, and does not occur within any federal U.S. Fish and Wildlife Services Critical Habitat boundaries; and

**WHEREAS**, the proposed project qualifies for a categorical exemption from the CEQA pursuant to Section 15303, Class 3 – New Construction or Conversion of Small Structures. Class 3 exemption includes water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction; and

**WHEREAS**, the Planning Department evaluated the project for consistency with the City’s General Plan, City of South Pasadena Municipal Code, the City’s Design Guidelines, and all other applicable state and local regulations; and

**WHEREAS**, on February 26, 2020, notices regarding the tree removals were sent to those within a 100-foot radius of the project site; and

**WHEREAS**, in accordance with state law, on February 27, 2020, City of South Pasadena Planning and Building Department published a legal notice in compliance with the South Pasadena Municipal Code in the *South Pasadena Review*, a local newspaper of general circulation, regarding the City of South Pasadena Planning Commission meeting of March 10, 2020. In addition, on February 28, 2020, a public hearing notice was mailed to all property owners and occupants within a 300-foot radius of the project site, indicating the date and time of the public hearing at the Planning Commission meeting of March 10, 2020; and

**WHEREAS**, the South Pasadena Planning Commission held a duly noticed public hearing on March 10, 2020, at which time it considered the staff report, oral report, the testimony, and the written evidence submitted by and on behalf of the applicant and by members of the public concerning Project No. 2191-HDP/TRP and continued the proposed Hillside Development Permit and Tree Removal Permit for the extension of Moffatt Street to a date uncertain to allow the Applicant and Staff time to provide additional information the Commission requested; and

**WHEREAS**, in accordance with state law, on May 28, 2020, City of South Pasadena Planning and Building Department published a legal notice in compliance with South Pasadena Municipal Code in the *South Pasadena Review*, a local newspaper of general circulation, regarding the City of South Pasadena Planning Commission meeting of June 9, 2020. In addition, on May 29, 2020, a public hearing notice was mailed to all property owners and occupants within a 300-foot radius of the project site, indicating the date and time of the public hearing at the Planning Commission meeting of June 9, 2020; and

**WHEREAS**, the South Pasadena Planning Commission held a duly noticed public hearing on June 9, 2020, at which time continued the proposed Hillside Development Permit and Tree Removal Permit for the extension of Moffatt Street which will be a private street at the request of the applicant to allow additional time for the public to comment to the next regularly scheduled Planning Commission meeting of July 14, 2020; and



**WHEREAS**, the South Pasadena Planning Commission held a duly noticed public hearing on July 14, 2020, at which time continued the public hearing and directed the Applicant to submit an alternative street alignment design connecting the private street to Lowell Avenue to the next regularly scheduled Planning Commission meeting of August 11, 2020; and

**WHEREAS**, the South Pasadena Planning Commission held a duly noticed public hearing on August 11, 2020, at which time it considered the staff report, oral report, the testimony, and the written evidence submitted by and on behalf of the applicant and by members of the public concerning Project No. 2191-HDP/TRP and approved the proposed Hillside Development Permit for the street design of Moffatt Street which will be a private street extending westward from the northern end of Lowell Avenue and Tree Removal Permit for the removal of five trees, subject to conditions of approval; and

**WHEREAS**, on August 26, 2020, the last date of the appeal period for the August 11, 2020 Planning Commission meeting, Micah Haserjian submitted an appeal of the Planning Commission's decision; and

**WHEREAS**, in accordance with state law, on October 9, 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 Appeal of the Planning Commission's approval of Project No. 2191-HDP/TRP in the *South Pasadena Review*, a local newspaper of general circulation, regarding the City of South Pasadena City Council meeting of October 21, 2020. In addition, on October 8, 2020, a public hearing notice was mailed to all property owners and occupants within a 300-foot radius of the project site, indicating the date and time of the public hearing at the City Council meeting of October 21, 2020; and

**WHEREAS**, on October 21, 2020, the City Council conducted a duly noticed public hearing, at which time public testimony was taken concerning the Appeal of the Planning Commission's approval of Project No. 2191-HDP/TRP, a Hillside Development Permit for the street design of Moffatt Street which will be a private street extending westward from the northern end of Lowell Avenue and Tree Removal Permit for the removal of five trees, subject to conditions of approval.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:**

**SECTION 1:** The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under Article 19 Section 15303, Class 3 – New Construction or Conversion of Small Structures of the California Guidelines for Implementation of CEQA. Class 3 exemption includes water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction. Specifically, the project involves street improvements of an access easement to landlocked properties in the City of Los Angeles boundary.

**SECTION 2: DESIGN REVIEW FINDINGS**

The City Council hereby upholds the Planning Commission’s approval and finds that the proposed project is consistent with all applicable findings for approval of a Design Review Permit pursuant to South Pasadena Municipal Code (SPMC) Section 36.410.040(I), as follows:

- 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);**

The General Plan land use designation of the site is Altos De Monterey Residential which allows one single-family unit per lot. The proposed project is a private street within an access easement for seven landlocked properties in Los Angeles and does not involve the addition of another dwelling unit therefore, it is consistent with the General Plan.

- 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;**

The location of the proposed project is within the hillside. With the development of the private street, it will create an easier access for the nine properties it serves and for emergency services to reach the properties. A 4-foot wide sidewalk is proposed on the south side of the private street and a condition was added for the installation of street lighting for better visibility. Therefore, the proposed project will have no negative impact to the existing pedestrian or traffic circulation.

- 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**

The proposed project was designed to reduce the number of trees proposed for removal and to improve the street access for multiple properties. The height of the retaining wall is conditioned not to exceed six feet in height and will have landscaping to help blend the wall into the hillside.

- 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.**

The proposed project would provide a paved access road to the seven landlocked properties within the City of Los Angeles, 4519 Lowell Avenue, and 2051 La Fremontia Street. An abundance of landscaping is proposed to help screen the wall. A condition was added for the properties utilizing the private street to maintain the street to be aesthetically appealing.

**SECTION 3: ALTOS DE MONTEREY FINDINGS**

The City Council hereby upholds the Planning Commission’s approval and finds that the proposed project is consistent with all applicable findings for the Altos de Monterey zone pursuant to South Pasadena Municipal Code (SPMC) Section 36.250.030(E), as follows:

- 1. The scale of the proposed building, design, height and mass in relation to the street frontage, to all setbacks and surrounding existing property; and**  
Not applicable; no building is proposed for this project.
- 2. The relation of existing adjoining building heights and their views; and**  
The maximum height of the retaining wall may not exceed 6 feet in height and must be separated by a minimum length equal to the height of the wall, not to exceed six feet. In addition, the locations of the proposed walls are lower than the existing neighboring homes.
- 3. The relation of proposed building heights to the existing topography; and**  
Not applicable; no building is proposed for this project.
- 4. The impact on surrounding properties; and**  
The proposed private street will have a positive impact on the surrounding properties. The proposed project would provide a paved access road to the seven landlocked properties within the City of Los Angeles, 4519 Lowell Avenue, and 2051 La Fremontia Street. The proposed project will create an easier access for the nine properties it serves for emergency services to reach the properties.
- 5. The obstruction of sunlight to the existing adjoining residences.**  
The proposed retaining walls help to retain the existing hillside and will be a lower elevation than the existing property at 2051 La Fremontia Street. The existing homes on Atlas Street within the City of Los Angeles are at the top of the slope; the proposed development of the single-family homes on the vacant lots would be the cause of sunlight obstruction.

**SECTION 4: HILLSIDE DEVELOPMENT PERMIT FINDINGS**

The City Council hereby upholds the Planning Commission’s approval and finds that the proposed project is consistent with all applicable findings for approval of a Hillside Development Permit pursuant to South Pasadena Municipal Code (SPMC) Section 36.410.065(F), as follows:

- 1. The proposed use complies with the requirements of Division 36.340 (Hillside Protection) and all other applicable provisions of this Zoning Code.**

Within the AM zone, walls may not exceed six feet in height. As proposed, the concrete block retaining walls are maximized at six feet in height plus a 3’8” cable safety rail on top. A condition is added for the retaining wall height to not exceed six feet and for the retaining walls to be separated a distance equal to the height of the retaining walls, not to exceed six feet. The conceptual landscape plans show the addition of 16 required replacement trees for the removal of five (5) trees. Toyon, California sycamore, and coast live oak are the proposed replacement trees. Rosmarinus prostrates and creeping fig will be planted over the retaining wall to

help disguise and blend the wall into the natural landscape. For ground cover, twin peaks and deer grass are proposed. Due to the size of the project, the landscaping will require compliance with the City's Water Efficient Landscape Ordinance. A condition was added for the applicant to submit construction landscape and irrigation plans in compliance with the City's Water Efficient Landscape Ordinance.

**2. The proposed use is consistent with the General Plan and any applicable specific plan;**

The General Plan land use designation of the site is Altos De Monterey Residential which allows one single-family unit per lot. The proposed project is a private street within an access easement for seven landlocked properties in Los Angeles and does not involve the addition of another dwelling unit therefore, it is consistent with the General 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 the persons residing or working in the neighborhood of the proposed use;**

The proposed project would provide a paved access road to the seven landlocked properties within the City of Los Angeles, 4519 Lowell Avenue, and 2051 La Fremontia Street. The proposed project will create an easier access for the nine properties it serves for emergency services to reach the properties. The project is conditioned to install stop signs, stop pavement legends, and limit lines for the north and south approaches on Maycrest Avenue to improve traffic safety.

**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**

According to the Preliminary Geotechnical Report, the project site is suitable to be developed as proposed and will be safe against hazard from landslides, settlement, or slippage and will have no adverse effect on the geologic stability of the adjacent properties provided that the recommendations outlined in the report are implemented.

**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.**

The proposed project would provide a paved access road to the seven landlocked properties within the City of Los Angeles, 4519 Lowell Avenue, and 2051 La Fremontia Street. An abundance of landscaping is proposed to help screen the wall. A condition was added for the properties utilizing the private street to maintain the street to be aesthetically appealing.

**SECTION 5: RECORD OF PROCEEDING**

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 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. DETERMINATION**

Based upon the findings outlined in Sections 1 through 5 above and provided during the public hearing, the City Council hereby upholds the Planning Commission’s Decision of Approval on August 11, 2020 for a Hillside Development Permit for the extension of Moffatt Street, which will be a private street extending westward from the northern end of Lowell Avenue to allow access to seven lots in Los Angeles and a Tree Removal Permit for the removal of five trees (Project No. 2191-HDP/TRP) (APNs: 5310-006-039, 5310-006-038, 5310-005-010, 5310-005-011, and 5310-005-004), subject to the Conditions of Approval, attached hereto as Exhibit “A.”

**SECTION 7: CERTIFICATION OF THE RESOLUTION**

The City Clerk of the City of South Pasadena shall certify that the foregoing Resolution was adopted by the City Council of the City of South Pasadena at a duly noticed regular meeting held on the 21st day of October 2020.

**PASSED, APPROVED, AND ADOPTED this 21<sup>st</sup> day of October 2020 by the following vote:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Robert Joe, Mayor

**ATTEST:**

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Evelyn G. Zneimer, City Clerk (seal)

**APPROVED AS TO FORM:**

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Teresa L. Highsmith, City Attorney

**EXHIBIT “A”**  
**CONDITIONS OF APPROVAL**  
**Hillside Development Permit and Tree Removal Permit**

**PROJECT NO. 2355-Appeal of the Planning Commission’s**  
**Approval of Project No. 2191-HDP/TRP**  
**Moffat Street Extension**

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On October 21, 2020, the City Council upheld the Planning Commission’s approval of Project No. 2191-HDP/TRP. Therefore, the following approval is granted for the land as described in the application and any attachments thereto, as shown on the development plans submitted to and approved by the Planning Commission on August 11, 2020:

- A. **Hillside Development Permit** for the street design of an extension of Moffat Street, which will be a private street extending westward from the northern end of Lowell Avenue to allow access to seven lots in Los Angeles; and
- B. **Tree Permit** for the removal of five (5) trees and planting of 16 trees for the proposed private street development. The Tree Permit was reviewed by the Public Works Department and was recommended for approval to the Planning Commission.

**PLANNING DIVISION:**

**General Conditions**

- P-1. No construction traffic relating to the project shall occur on South Pasadena streets except for the proposed private street.
- P-2. This approval and all rights hereunder shall terminate within twelve (12) months of the effective date of their approval by the Planning Commission unless otherwise conditioned and/or unless action is taken to secure Building Permits and maintain active Building Permits with the Building Division beginning with the submittal of the plans for Plan Check review.
- P-3. Approval by the Planning Commission does not constitute a building permit or authorization to begin any construction. All appropriate permits issued by the South Pasadena Public Works Department and Building Division must be obtained prior to construction, enlargement, relocation, conversion or demolition of any building or structure on any of the project site.
- P-4. All other requirements of any law, ordinance, or regulation of the State of California, City of South Pasadena, and any other government entity shall be complied with.
- P-5. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining any final inspection clearance and/or prior to obtaining any final clearance.
- P-6. The applicant and each successor in interest to the property which is the subject of



this project approval, shall defend, indemnify and hold harmless the City of South Pasadena and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul any approval of the City, City Council or City Planning Commission concerning this use.

- P-7. The applicant shall be responsible for all costs incurred by the City for the use of professional services or consultants in the review and investigation by Planning and Public Works, which include landscape plans, construction management plan, traffic control plans, and street and off-site improvement plans. The initial Building Construction plan check fee will cover the initial plan check and one recheck only. Additional review required beyond the first recheck shall be paid for on an hourly basis in accordance with the current fee schedule. The applicant shall deposit monies into an approved project account from which the City shall draw funds to pay for said professional services.
- P-8. If subsurface artifacts are unearthed during construction activities, the Applicant shall comply with California Public Resources Code (PRC) Section 21083.2, which specifies the protocol to be followed should cultural resources be discovered during excavation, grading, or construction activities. Should that process determine that any artifacts found are tribal in origin, ground-disturbance activity shall cease, and the City shall notify the tribes known to be affiliated with the Project area to initiate development of a tribal cultural resource (TCR) monitoring plan. Construction of the proposed Project shall adhere to California Health and Safety Code Section 7050.5, which states that if human remains are encountered, no further disturbance shall occur until the Los Angeles County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. The Los Angeles County Coroner must be notified of the find immediately. If the human remains are determined to be prehistoric, the Coroner will notify the NAHC, which will determine and notify a Most Likely Descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and non-destructive analysis of human remains and items associated with Native American burials.
- P-9. The hours of construction shall be limited to 8:00 am through 7:00 pm Monday through Friday; 9:00 am through 7:00 pm on Saturday; and 10:00 am through 6:00 pm on Sunday.
- P-10. The clearing, grading, earth moving, or excavation operations that cause excessive fugitive dust emissions shall be controlled by regular water or other dust preventive measures using the following procedures:
- a. All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice daily with complete coverage, preferable in the late morning and after work is done for the day;
  - b. All material transported on-site or off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust;
  - c. The area disturbed by clearing, grading, earth moving, or excavation operations

shall be minimized so as to prevent excessive amounts of dust; and

- d. Visible dust beyond the property line emanating from the project shall be prevented to the maximum extent feasible.

### **Prior to Issuance of Grading Permit**

- P-11. The developer shall post a bond in a sufficient amount for maintaining, monitoring, and securing the private road for ten (10) years, or until the applicant demonstrates certificates of occupancy for the seven (7) properties (Tract 5643 Lot 26 APN:5309-012-019, Lot 24 APN: 5309-012-017, Lot 22 APN: 5309-012-015, Lot 20 APN: 5309-012-013, Lot 18 APN: 5309-012-011, Lot 18 APN: 5309-012-009, and Lot 16 APN: 5309-012-007) in either of the following combinations:
- a. Three (3) of the seven (7) lots listed above as long as one of the parcels is Lot 26, or
  - b. Any four (4) of the seven (7) lots listed above.
- P-12. The developer shall submit preliminary development plans (site plan and elevations) for the construction of either combination of properties reference in Condition P-11 to the City of Los Angeles Planning and provide documentation from the City of Los Angeles confirming that the plans as presented will not be subject to discretionary review.
- P-13. In the event that no homes are built on the properties listed above (Condition P-11) after ten (10) years, the bond shall be used by the bonding company for the removal of the street improvements.
- P-14. Provide revised street improvement plans for the private street for review and approval by the Planning Director and Public Works Director. The plans shall show and demonstrate the following:
- Change the 5-foot wide sidewalk adjacent to the 6-foot high retaining wall along the Southern California Edison (SCE) easement at the northern portion of the street to be a 2-foot wide landscape area with climbing vines;
  - Provide landscaping with climbing vines for the entire length of the northern retaining wall;
  - A red, "No Parking" curb along the southern side at the eastern end of the private street (adjacent to 4519 Lowell Avenue). The length of the red curb shall be determined by the City of South Pasadena Public Works Director and the City of Los Angeles/City of South Pasadena Fire Department to ensure appropriate clearance for fire truck access;
  - The street design shall not create more surcharge load where the existing curved retaining wall (north of the apartment complex) would fail; and
  - There shall be no grade change in the western end of the public portion of Moffat Street which abuts the private portion of the street.

- P-15. Retaining walls shall not exceed more than six (6) feet in height and must be separated a distance equal to the height of the retaining walls, not to exceed six (6) feet.
- P-16. The applicant shall submit a construction management plan for approval by the Building, Planning, and Public Works Departments. The construction management plan shall include, but not be limited to:
- a. A proposed haul route and location of a proposed off-site construction staging area where project construction workers and/or subcontractors will park and equipment will be stored. Equipment and construction staging area shall be located away from adjacent residential uses. Any construction activity that may require closing public roadways shall be identified and mitigation identified as part of the staging plan. The applicant shall obtain input from Public Works to identify haul route and staging area.
  - b. A plan for dust control techniques to be implemented during project construction which shall include, but not be limited to, plans for daily watering of the construction site, limitations on construction hours, and adherence to standard construction practices such as watering of inactive and perimeter areas.
  - c. A traffic control plan for the duration of the construction prepared by a licensed civil engineer for approval by the City Engineer. The applicant shall notify businesses and residents impacted by any parking restrictions during construction.
  - d. A list of construction equipment, fixed or mobile, showing that all equipment will be equipped with properly operating and maintained mufflers and other state-required noise-attenuation devices.
  - e. A plan for limiting the number of noise-generating, heavy-duty off-road construction equipment (e.g., backhoes, dozers, excavators, loaders, rollers, etc.) simultaneously used on the project site within 50 feet of adjacent residential uses surrounding the site to no more than one or two pieces of heavy-duty, off-road equipment to reduce construction noise levels.
  - f. A sign, legible at a distance of 50 feet, shall be posted at the Project construction site providing a contact name and a telephone number where residents can inquire about the construction process and register complaints. This sign shall indicate the dates and duration of construction activities. In conjunction with this required posting, a noise disturbance coordinator shall be identified to address construction noise concerns received. The contact name and the telephone number for the noise disturbance coordinator shall be posted on the sign. The coordinator shall be responsible for responding to any local complaints about construction noise and shall notify the City to determine the cause and implement reasonable measures to the complaint, as deemed acceptable by the City.

- P-17. If vegetation removal is scheduled during the nesting season (typically February 1 to September 1), then a focused survey for active nests shall be conducted by a qualified biologist (as determined by a combination of academic training and professional experience in biological sciences and related resource management activities) no more than five (5) days prior to the beginning of project-related activities (e.g., excavation, grading, vegetation removal, etc.). Surveys shall be conducted in proposed work areas, staging and storage areas, and soil, equipment, and material stockpile areas. For passerines and small raptors, surveys shall be conducted within a 250-foot radius surrounding the work area (in non-developed areas and where access is feasible). For larger raptors, such as those from the genus *Buteo*, the survey area shall encompass a 500-foot radius. Surveys shall be conducted during weather conditions suited to maximize the observation of possible nests and shall concentrate on areas of suitable habitat. If a lapse in project-related work of five (5) days or longer occurs, an additional nest survey shall be required before work can be reinitiated. If nests are encountered during any preconstruction survey, a qualified biologist shall determine if it may be feasible for construction to continue as planned without impacting the success of the nest, depending on conditions specific to each nest and the relative location and rate of construction activities. Any nest(s) within the Project Site shall be monitored by a qualified biologist during active construction if work is occurring directly adjacent to the pre-determined no-work buffer. If the qualified biologist determines construction activities have potential to adversely affect a nest, the biologist shall immediately inform the construction manager to halt construction activities within a minimum exclusion buffer, depending on species and location. Construction activities within the no-work buffer may proceed after a qualified biologist determines the nest is no longer active due to natural causes (e.g. young have fledged, predation, or other non-anthropogenic nest failure).
- P-18. The applicant shall reimburse the City for any damage to City property associated with clearing, grading, earth moving, or excavation operations. Prior to the issuance of a grading permit, the applicant will deposit funds or bond for an amount as determined by the Director of Public Works.
- P-19. The applicant shall provide details on the street light pole design to the satisfaction of the Planning Director.
- P-20. The applicant shall participate in a pre-construction meeting with property owners directly adjacent to the private street, the City of South Pasadena Planning and Building Divisions and Public Works Department, and Southern California Edison, to ensure all parties involved are aware of when construction will occur, what to expect, and to identify potential conflicts to eliminate otherwise unanticipated problems prior to the start of grading.
- P-21. The applicant shall provide documentation demonstrating approval from the City of Los Angeles for the private street connection to Lowell Avenue.

**Prior to Final Inspection**

- P-22. The applicant shall install all landscaping and irrigation per the approved final landscape plans pursuant to the City's Water Efficient Landscape Ordinance (SPMC Section 35.50). The applicant shall provide documentations as required under SPMC Section 35.50, which shall include, but not limited to the following:
- a. A Certification of Completion certifying that landscape and irrigation have been installed per the approved final landscape plan and complies with the City Water Efficient Landscape Ordinance.
  - b. A Landscape Irrigation Audit Report from a certified landscape irrigation auditor shall be submitted to the City. The landscape irrigation audit shall not be conducted by the person who designed the landscape or installed the landscape irrigation.
- P-23. The applicant shall record a covenant or other instrument acceptable to the City that runs with the land specifying the following:
- a. All common open space areas, both residential and commercial, including all courts, paseos, pedestrian access, all private water, drainage, and sewer, facilities; storm water treatment devices, landscaping within designated landscape areas (including irrigation system), and community mailboxes, etc. shall be maintained in perpetuity by a designated entity.

**PUBLIC WORKS DEPARTMENT**

**General Conditions**

- PW-1. The applicant shall obtain City approval for any modifications or revisions to the approval of this project. Deviations not identified on the plans may not be approved by the City, potentially resulting in the need for the project to be redesigned.
- PW-2. The applicant shall provide a copy of a current Title Report (within the last 60 days). The applicant shall show all easements per the Title Report to the satisfaction of the Public Works Department. Any conflict with existing easements resulting in the site being redesigned potentially requires a minor change or amendment approval by Planning Commission.
- PW-3. The applicant shall pay all applicable City and Los Angeles County fees, including Public Works Department permit fees per the current adopted Master Fee Schedule which can be found on the City's website. The applicant shall provide receipts of all applicable fees paid prior to the issuance of permits.
- PW-4. The applicant shall be responsible for all costs incurred by the City for the use of professional services or consultants in the review, investigation, and or plan check by Planning and Building, and Public Works Departments, which include construction plans, landscape plans, improvement plans, construction management plan, traffic control plans, and street improvement plans. The applicant shall deposit monies into

an approved project account from which the City shall draw funds to pay for said professional services.

### Grading Conditions

- PW-5. The applicant shall provide a detailed drainage plan signed and stamped by a CA licensed civil engineer. Cross lot drainage is not permitted. Provide a copy of the approved plan from the Building & Safety Department. The street improvement plan needs to address storm water runoff from the road.
- PW-6. The applicant shall comply with all requirements of the City of South Pasadena Low Impact Development (LID) Ordinance. The applicant shall include the necessary Best Management Practices (BMP) measures and a Standard Urban Storm Water Mitigation Plan (SUSMP) for construction and post-construction phases as part of the LID plan per SPMC Section 23.14. Provide a copy of the approved plan from the Building & Safety Department.
- PW-7. The applicant shall provide a copy of the Notice of Intent (NOI), a Waste Discharge Identification Number (WDID), and a Storm Water Pollution Prevention Plan (SWPPP) developed by a certified Qualified SWPPP Developer (QSD) per SPMC Section 23.12(b). Provide a copy of the approved plan from the Building & Safety Department.
- PW-8. Prior to issuance of a grading permit, the applicant shall provide an erosion control plan for dust control techniques to be implemented during project construction which shall include, but not be limited to, use of appropriate BMPs, plans for daily watering of the construction site, limitations on construction hours, and adherence to standard construction practices such as watering of inactive and perimeter areas.

### Utility Conditions

- PW-9. Provide a 24-hour emergency contact number for the applicant and contact information of all utility agencies involved/impacted/potentially impacted by this project on the title sheet of the plans.
- PW-10. Water and sewer utilities shall be provided by the City of Los Angeles. Show the location and area of trench sections for the proposed sewer and water lines connection within the private street including trench restoration detail and all utility points of connections (POC). The City of South Pasadena will not provide water and sewer utilities.
- PW-11. Provide a copy of an approval letter and receipt for the sewer connection fee from the Los Angeles County Sanitation District (LACSD). A copy of the receipt for any fees to be paid must be submitted before permit issuance.
- PW-12. Provide clearance letter from utility companies for any proposed relocation of utility lines that encroach on the properties prior to obtaining permits for the project.

- PW-13. Improvement plans for underground utilities (i.e. water, sewer, gas, electrical, telecommunications, etc.) to be placed in the private street or easement that will be owned and maintained by other entities shall be reviewed by the City prior to Utility Agency approval.
- PW-14. The Developer shall execute and provide to the City, a written statement from the water, sewer, electrical, and gas purveyor indicating that each system will be owned, operated, and maintained by the purveyor and that under normal condition, the system(s) will meet the requirements for the development and that each service will be provided to each building.

### Street Improvements Conditions

- PW-15. Show the existing grade, location, and dimensions of all existing and proposed conditions within street improvements including, but not limited to: curb and gutter, sidewalk, driveway, traffic striping, signage, utilities, lighting, landscaping, storm drain facilities, trees, and other features.
- PW-16. The proposed street improvement plans shall be prepared by a Registered Civil Engineer and provide the proposed cross slope for Moffat Street and the plan and profile for Moffat Street including center of the street, northerly curb and flow lines, southerly curb and flow lines. The applicant shall submit a final geotechnical report with the street improvement plans.
- PW-17. All flood control plans to be reviewed by the City or the Los Angeles County Flood Control District shall be submitted through the City of South Pasadena, unless otherwise directed by the City Engineer. For projects requiring LACFCD review, the developer shall pay the appropriate fees to LACFCD.
- PW-18. The applicant shall record a covenant or other instrument acceptable to the City that runs with the land for the private street including sidewalks, lighting, trees, landscaping (including irrigation system), irrigation, curb, gutter, drainage, utilities, storm water treatment devices, etc. shall be maintained in perpetuity by a designated entity. This covenant other instrument acceptable to the City shall be reviewed and approved by the Public Works Department and the City Attorney and a fully executed covenant, in recordable form, shall be provided to the City prior to obtaining a permit.
- PW-19. The street improvement plan shall include street lighting for the street and sidewalk in accordance with the most recent edition of the Illuminating Engineering Society of North America (IESNA) and American Association of State Highway and Transportation Official (AASHTO) Roadway Lighting Design Guide standards. The level of outdoor lighting to shall have no direct light or excess glare onto the adjacent neighbors.
- PW-20. Prior to final inspection, provide a street name sign at the property line stating the name of the street, range of address, and a clear indicator that this is a private street.

- PW-21. Prior to final inspection, the applicant shall submit a letter from the Engineer and Landscape Architect of record that the final street improvements, drainage, street lighting, and landscaping conforms to the approved plans.

### **Tree Conditions**

- PW-22. Show all existing and proposed trees (including parkway trees), including size and species, and indicate their disposition. The applicant shall show methods of protecting existing onsite and on the parkway trees during construction on the plans. The applicant shall submit an arborist report for all trees (including parkway trees) at project completion to the City, demonstrating that all protection methods were followed and document the tree disposition after construction.
- PW-23. Tree removals associated with development shall only be conditionally approved subject to the applicant receiving their development building permit, paying all fees associated with the tree removal as established by resolution of the city council, and paying a deposit in the amount of \$5,360 for the 16 replacement trees. Upon the planning review authority's approval of the development application and satisfaction of all conditions of approval, and payment of all required fees, the applicant shall be issued a tree removal permit.
- PW-24. Replacement trees shall be planted per SPMC section 34.12-5 (b). The applicant is required to plant 16 replacement trees based on the trees proposed for removal. The South Pasadena Public Works Department shall inspect the replacement trees before being planted.
- PW-25. Upon the applicant's proof to the city's satisfaction that the applicant has complied with the approved tree replacement plan, the city shall reimburse the applicant's replacement tree deposit. Should the applicant fail to plant any replacement trees per the approved replacement tree plan, the city shall retain the amount of the replacement tree deposit necessary to cover the cost to plant any required replacement trees in alternative locations within the city (public right-of-way, park, etc.), as permitted by SPMC chapter 34.
- PW-26. No trees shall be removed from the site until Tree Removal Permits are issued.
- PW-27. Trees planted adjacent to the private street will be private trees to be maintained (including trimming) under the recorded covenant or other instrument acceptable to the City.

### **Encroachment Conditions**

- PW-28. The applicant shall provide a construction schedule for each stage of any major activities (i.e. demolition, grading, material delivery, etc.) and the timing of special access if necessary, as it relates to site staging, traffic, and access. If there are any changes to the construction schedule, the applicant shall submit a revised schedule to the Public Works Department.



- PW-29. The applicant shall provide a haul route map, traffic control plan, on-site staging plan, and indicate a contractor parking location to the Public Works Department for review and approval prior to issuance of permits. All vehicles including workers' vehicles shall not be parked near the construction site. Provide a shuttle service if necessary. Any construction activity that may require roadway closures will require a traffic control plan prepared by a CA licensed civil or traffic engineer or a C-31 licensed contractor to be submitted for review. All street closures will require an encroachment permit from the Public Works Department.
- PW-30. The applicant shall post temporary "No Parking" signs along the entire length of the property prior to the start of any construction. The temporary "No Parking" signs shall be covered at the end of each working day and uncovered at the start of the following working day prior to any construction activity. If two-way traffic cannot be accommodated, a traffic control plan depicting the use of flagmen and/or detouring shall be submitted for review.
- PW-31. No overnight storage of materials or equipment within the public right-of-way shall be permitted.
- PW-32. Temporary bins (low boy) will be "roll off" style to be provided by Athens Services. Athens Services has an exclusive agreement with the City for the provision of trash removal services: only Athens dumpsters can be used. Any dumpsters placed on the roadway shall require a protective barrier underneath (such as plywood) to protect the pavement. The applicant shall obtain dumpster permit from the Public Works Department.
- PW-33. The applicant shall be responsible for posting a project sign at the entrance to the project site displaying the City's construction hours per SPMC Section 19A.13. The project sign shall be 24" x 36" and made of durable weather-resistant material. The applicant shall provide a 24-hour emergency contact number for the designated contact who will be responsible for maintaining the project site during the all stages of construction until the project is complete.

**BUILDING AND SAFETY DIVISION:**

**General conditions**

- BD-1. The second sheet of building and grading plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
- BD-2. Prior to the application of a building or grading permit, a preliminary Geotechnical report that specifically identifies and proposes mitigation measures for any soils or geological problems that may affect site stability or structural integrity shall be approved by the Building Official or his/her designee. The applicant shall reimburse the City for all costs incurred to have the project soils report evaluated by an independent, third-party, peer-level soils and /or geological engineer. Approval letter of the geotechnical report review shall be copied and pasted on the first sheet of building and grading plans.

- BD-3. A geotechnical and soils investigation report is required, the duties of the soils engineer of record, as indicated on the first sheet of the approved plans, shall include the following:
- a) Observation of cleared areas and benches prepared to receive fill;
  - b) Observation of the removal of all unsuitable soils and other materials;
  - c) The approval of soils to be used as fill material;
  - d) Inspection of compaction and placement of fill;
  - e) The testing of compacted fills; and
  - f) The inspection of review of drainage devices.
- BD-4. The geotechnical and soils engineer shall review and approve the project grading and foundation plans to show compliance that their recommendations have been properly implemented.
- BD-5. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by another soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits and has accepted by Building Division, a new Preliminary Soils and/or Geotechnical Investigation.
- BD-6. At the time of plan submittal, the PDF copy of the soils report shall be provided by the applicant.
- BD-7. A grading and drainage plan shall be approved prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from the existing development in the subject site is carried to the public right-of-way or drainage structure approved to receive storm water.
- BD-8. Grading work and drainage shall be designed and constructed in accordance with applicable provisions in Appendix J as part of Los Angeles County Building Code.
- BD-9. Drainage patterns within the proposed street shall be designed to the extent possible to resemble those in the pre-development stage and be supported by hydrology/hydraulic calculations based on the current Los Angeles County 50-Year, 24 Hour Isohyet. Should the drainage flows cross property lines or city boundaries which existed prior to grading, the post-development drainage shall continue to follow this pattern without exceeding the existing drainage flow in accordance with Section J109.4. Excess or concentrated drainage and its disposal at the existing segment of the Moffat Street is strictly prohibited.
- BD-10. Separate plan review and permit is required for each detached retaining wall.

- BD-11. Retaining wall structural calculations prepared under the direction of a civil engineer or structural engineer shall be provided.
- BD-12. In accordance with paragraph 5538(b) of the California Business and Professions Code, grading and retaining wall plans are to be prepared and stamped by a licensed civil engineer.
- BD-13. The building/grading permit will not be issued until all project property boundaries affected by the proposal has been surveyed and marked by a land surveyor licensed by the State of California.
- BD-14. Rough grading inspection will not be made until the excavation has been surveyed and the easement boundaries have been determined in accordance with the approved plans by a land surveyor licensed by the State of California. THIS NOTE IS TO BE PLACED ON THE FOUNDATION PLAN IN A PROMINENT LOCATION.
- BD-15. No form work or other construction materials will be permitted to encroach into adjacent property without written approval of the affected property owner.
- BD-16. Prior to the issuance of building permit, a written consent shall be obtained from the current easement holder(s) for any proposed development encroaching into existing easement(s).

**FIRE DEPARTMENT:**

- FD-1. The private street shall meet the following slope requirements:
  - a. The turn-around landing at the west end of the street cannot have a slope greater than 3%; and
  - b. The average slope of the entire private street cannot be greater than 17% from the top of the turn-around landing to the bottom of the private street; and
  - c. The maximum slope for any portion of the private driveway shall not exceed 20%.

**ATTACHMENT 2**  
Appeal Request



# APPEAL FORM

City of South Pasadena

1414 Mission Street | South Pasadena | California 91030

Telephone (626) 403-7230 | Fax (626) 403-7211

## NOTE TO APPLICANT: You must submit the following by the deadline:

1. This completed Appeal Form
2. Filing Fee in the amount of \$2,060.00 (*Pursuant to Resolution No. 7613, Adopted 06/19/2019*)  
(cash, credit card (Amex, Visa, MasterCard), or check payable to "City of South Pasadena")
3. One copy of a map depicting all the properties within a **300' radius of the project site** and a **certified list of the names and addresses of all current owners and occupants of these depicted properties**, including all residential and non-residential properties (list of radius map services attached); same information in an Excel spreadsheet on a CD
4. One set of mailing labels for the City to mail information to property owners and occupants (The mailing labels must be accompanied by a notarized certification form – see attached)
5. Public Notice Fee in the amount of \$294.00 (*Pursuant to Resolution No. 7613, Adopted 06/19/2019*)  
(cash, credit card, or check payable to "City of South Pasadena")

## APPELLANT INFORMATION:

(If more than one appellant, include a separate sheet replicating this section. Signatures are required from ALL appellants.)

Name: MICAH HASERJIAN

Mailing Address: 4519 LOWELL AVE LOS ANGELES CA 90032

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Signature: *Mich Hasejian* Date: 8/25/2020

## TYPE OF APPEAL:

- |                                     |   |                                    |
|-------------------------------------|---|------------------------------------|
| <input checked="" type="checkbox"/> | Appeal of the Planning Commission Decision          | Date of Decision: <u>8-11-2020</u> |
| <input type="checkbox"/>            | Appeal of the Cultural Heritage Commission Decision | Date of Decision: _____            |
| <input type="checkbox"/>            | Appeal of the Design Review Board Decision          | Date of Decision: _____            |
| <input type="checkbox"/>            | Appeal of the Planning & Building Dept Decision     | Date of Decision: _____            |
| <input type="checkbox"/>            | Other (specify) _____                               | Date of Decision: _____            |

## PROJECT INFORMATION:

Property Address: APN: 5309-012-019, 5309-012-017, 5309-012-015, 5309-012-013, 5309-012-011,

Project Name: MOFFAT STREET, PROJECT NO. 2191-HDP/TRP 5309-012-009,

Reason for this Appeal (*please attach additional pages as necessary*): 5309-012-007

Please see attachments

For Office Use only	
<input type="checkbox"/>	1. Appeal Form
<input type="checkbox"/>	2. Filing Fee in the amount of \$2,060.00 (cash, credit card, or check payable to "City of South Pasadena")
<input type="checkbox"/>	3. One copy of a 300' radius map; certified list
<input type="checkbox"/>	4. One set of envelope labels for the City to mail information to property owners and occupants & CD
<input type="checkbox"/>	5. Public Noticing Fee in the amount of \$294.00 (cash, credit card, or check payable to the "City of South Pasadena")
Received By: _____	Date: _____



# City of South Pasadena Planning & Building Department

## DECLARATION AND CERTIFICATION OF PROPERTY OWNERS WITHIN A 300 FOOT RADIUS\* OF THE PROPERTY LOCATED AT:

APNS: 5309-012-007, -009, -011, -013, -015, -017 and -019, SOUTH PASADENA, CA 91030

\*Measured from the exterior boundaries of the subject parcel to the exterior boundaries of the neighboring parcels within the required radius, without reference to structures existing on either parcels. The provided radius map must be the County Assessor's parcel map. Maps from any other source will not be accepted.

### ALL DECLARATIONS MUST BE NOTARIZED—SEE BELOW

I, VINCENT ACUNA, declare and certify that:

1. The attached mailing list contains the names and addresses of property owners who appear on the **latest available\*\*** assessment roll of the County within the area described and for a distance of 300 feet from the exterior boundaries of the property located at:  
APNS: 5309-012-007, -009, -011, -013, -015, -017 and -019, South Pasadena, CA 91030  
**\*\* the most up-to-date information held by the County Assessor. If the mailing list provider's data are not as up-to-date, the radius map and mailing list cannot be accepted.**
2. If the assessment roll indicated that the legal owner does not reside at the identified property (and/or the property is leased/rented [e.g. apartment building, duplex, multi-suite commercial building, etc.]), an additional label for the occupant/tenant of that property has also been provided. (The label can simply be addressed to "Occupant." The actual name is not required.)
3. The provided radius map was obtained from the County Assessor's records.

### I declare under penalty of perjury that the foregoing is true and correct.

Subscribed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_

by \_\_\_\_\_, who proved to me on the

basis of satisfactory evidence to be the person (or persons) who appeared before me.

\_\_\_\_\_  
*Signature of Declarant (person who created the mailing list)*

Executed at \_\_\_\_\_, California.

Witness my hand and official seal \_\_\_\_\_

\_\_\_\_\_  
*Signature of Notary*

SEE ATTACHED JURAT

Source of assessment roll data:  Online or CD-ROM

Other PARCELQUEST

Data last updated: 08/25/2020

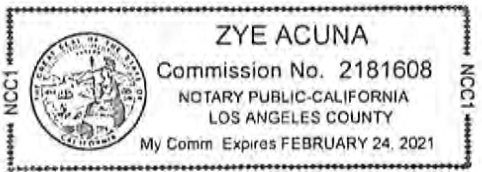
(if exact date is not known, list approximate number of months since last data update received)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of SAN BERNARDINO

Subscribed and sworn to (or affirmed) before me on this 25<sup>th</sup>  
day of AUGUST, 2020, by VINCENT P. ACUNA

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(Seal)  NCC1

Signature 

## Reasons for appeal regarding the planning commission decision on Moffatt Street project 2191-HDP/TRP:

- ❖ **We have received incomplete documentation proving the developer Planet Home Living's (PHL) has the right to build a private road and that South Pasadena has the right to approve said project.** PHL and South Pasadena Planning Department have selectively provided historical documentation to the Planning Commission and Public. They have withheld important documentation about the history of the project site and the abandonment of the easement in relation to the ingress / egress easement granted. I have found some of these documents in the online portal and listed them in **Exhibit A**). However, as of now we have not received the following documents (PRA request submitted), which could provide key information, as follows:
  - **Resolution 4409** for the granting of the easement after the order was made to vacate the portion of Moffatt Street. This resolution may contain information as to the true intention of the abandonment of the street and granting of the easement, which was thoroughly discussed during several Council meetings from 1961-1962.
  - Tract 25588 map prior to 1963
  - O.R. 1649-122, referenced in Tract 25588 map from 1963 in relation to the Moffatt Easement

A full list of what City Council documents have been included and excluded in the analysis leading to the Planning Commission's decision can be found in **Exhibit B**), a letter from owner of parcel 5310-006-038, 2050 La Fremontia. It is clear that information has been selectively withheld from the Commission and the Public in order to get this project approved. We are unable to verify the validity of the easement document without fully understanding the tract map history and resolution details.

- ❖ **The City of South Pasadena abandoned a portion of Moffatt street and granted the easement upon this land in South Pasadena that is now subdivided into four *privately owned* parcels — 5310-005-010, 011 & 004, and 5310-006-038.** The right to approve a grade change lies in the owners of these parcels -- not the City of South Pasadena. A full analysis of this issue is detailed in the letter from one of these private property owners in **Exhibit B**). In a highlight of the meeting minutes from Feb 14th, 1962 the City attorney states:

*"...the City of South Pasadena should be divorced from anything to do with the vacated portion of Moffatt street after it has been vacated"*



- ❖ **If said ingress/egress easement is valid, construction of the street as planned WOULD NOT be within the rights of the granted easement as it would place an undue burden on the surrounding property owners including myself.** As stated in previous public comments, access to our 1932 property on 4519 Lowell Ave is through a portion of where the developer's easement lies on APN 5310-006-038. On this driveway we also have a deck, landscaping, and trees including 2 other endangered Southern California Black Walnut trees not in the scope of the project's tree removal permits. PHL has previously stated that they can only give us access to our sub-level garage area instead of the two parking spots level with our entrance. They also stated that they must demolish our deck, trees and landscaping and that there is no way around this. If this is truly the case, then their project would clearly be overburdening the easement as it would be destroying my property and denying the access that has existed for decades unopposed. We have the rights to a prescriptive and equitable easement, and the developers must respect our property if they were to build a road next to it.

Other burdens above the legal rights of the easement involve the plans for subterranean utilities, storm drainage, street lights, and retaining walls. This type of construction is not necessary for the developers to access their lots. A simple paved street such as what currently exists connecting the western end of the easement to Richard Drive would be sufficient if a project of this scope is feasible. Based on the amount of burden placed on the surrounding property and environment, the project is not feasible.

- ❖ **The proposed street does not provide access to all 13 of the lots listed on the easement.** Additionally, the proposed private street inhibits access to other lots that are party to the easement. A retaining wall they propose to create at the end of their street would block off any future access to lot 28. The lots on the western portion of the easement should also be in agreement with any changes to the grade. These lots, 82-85, were not even contacted about the Planning Commission hearing as they are not within a 300 ft radius of the project. In addition, the owner of lot 12 -- the first lot in the easement along the proposed private road -- has not been consulted with about this project. See **Exhibit C)** for annotated radius map.
- ❖ **The development claims a CEQA categorical exemption, class 3. This exemption is not valid since this project is inducing future growth in Los Angeles.** The developer's stated intention to build single-family homes that would

not require discretionary review in the City of Los Angeles are not sufficient to claim an exemption. As soon as this road is built, the developer would have the power to then change their plans and trigger a large-scale development in LA that would be subject to discretionary review. The road would then be in violation of CEQA, thus holding the City of South Pasadena liable for granting permits without a CEQA review. The developer has refused to submit design plans for the lots in LA to South Pasadena. PHL's history only demonstrates their production of multifamily or small lot subdivision buildings. Omission of plans for single-family homes and a history of cramming buildings onto small plots of land should be very worrisome for the CEQA compliance in South Pasadena. A full CEQA analysis must be performed for this project to be considered.

- ❖ **Proper coordination with the City of Los Angeles on the street connection to Lowell has not been performed.** The South Pasadena Planning Commission rushed this project through without weighing the input of Los Angeles. In addition, South Pasadena **does not even have the full street plans from PHL** that show a connection to Lowell Ave. Thus, Planning Commission members approved a street improvement project without even viewing or inquiring on the specific plans.
  
- ❖ **This project would be detrimental to the environment, wildlife, contribute to LA's water crisis and contribute to the housing crisis through indirect displacement of community members.** We are facing a critical time in our country and globally. It is clear that we need to focus our efforts on sustainable, drought tolerable developments that provide affordable housing. Removing protected trees (with a very poor mitigation effort as required by law), adding high-powered water pressure up a hill (previously denied service by South Pasadena in 2015), and creating luxury, multi-million dollar housing is the exact opposite of what our city, state, and country needs to prosper. The negative effects of gentrification have already started to take a hold on the community of El Sereno by displacing longtime residents, as evidenced by the many people who came to public comment in March on this project. This project would only contribute to the further depleting of our resources and housing insecurity for the working class. It is clear that the community is overwhelmingly in opposition to this project, and this cannot be ignored.
  
- ❖ **The effects of the Covid-19 pandemic make an approval of this project irresponsible to the community.** The public input for this project has been severely limited due to the way in which South Pasadena conducts their online Council meetings. A submitted written comment that takes place prior to the presentations in the meeting do not allow for the real time feedback necessary for a fully informed public comment. The city of Los Angeles allows live comments via telephone or the

computer on the Zoom platform — there is no reason South Pasadena cannot do the same. Disallowing this important type of community engagement with the Council members and Commissions only further shows the widely known dysfunction within the city of South Pasadena by not allowing community voices to be heard during the meetings. In addition, this highly unsustainable project would further contribute to housing instability during a time in which the citizens of LA are getting infected by Covid-19 and dying at an alarming rate. Our first priority should be taking care of the health and prosperity of those in need, not contributing to building more unnecessary luxury housing that leave these communities houseless and on the streets.

Exhibit A).

Additional City Council Meeting Minutes  
relating to Moffatt St Abandonment



MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA  
CONVENED THIS 14th DAY OF FEBRUARY, 1962, AT 8:00 P.M.  
IN THE COUNCIL CHAMBERS, 817 MOUND AVENUE

- ROLL CALL Councilmen present: Osborn, Jones, Bond, and Balk  
Councilmen absent: Councilman Partsch  
Officials present: City Manager Dollison, City Attorney Gigas,  
City Clerk Merritt, and Assistant City Manager Lane.
- PRAYER Prayer was offered by Councilman Balk.
- MAYOR PRO TEM In the absence of Mayor Partsch, Councilman Jones presided as  
Mayor pro tem.
- MINUTE APPROVAL The minutes of the meeting of January 24, 1962, were approved as  
submitted.
- RESOLUTION 4398 Mayor pro tem Jones read letter from California Trucking Associa-  
WILLIAM KLOEZEMAN tion, Inc. to William Kloezeman selecting him as local Driver-  
AWARD of-the-Month. He added his congratulations to Mr. Kloezeman and  
read resolution entitled: "RESOLUTION OF THE COUNCIL OF THE CITY  
OF SOUTH PASADENA IN APPRECIATION OF THE FINE PUBLIC SERVICE  
RECORD OF W. KLOEZEMAN." Moved by Councilman Bond, seconded by  
Councilman Osborn, and unanimously carried by a roll call vote  
that the resolution be adopted. It was given No. 4398. Refer-  
ence to said resolution is hereby made to the official book of  
Resolutions, Volume 13, on file in the office of the City Clerk.  
A copy of the resolution was presented to Mr. Kloezeman, together  
with a Safe-Driver award pin for thirty-five years with the City  
of South Pasadena.
- RED CROSS Letters were on file from South Pasadena American Red Cross re-  
DRIVE questing permission to conduct the 1962 drive and to put flags  
on the light posts in the business district. Moved by Council-  
man Bond, seconded by Councilman Osborn, and unanimously carried  
that the Mayor be authorized to sign the proclamation and that  
the request for the fund drive be referred to the City Manager  
for cooperation in their activities.
- LANDSCAPING Mayor pro tem Jones read letter from Mrs. Herbert J. Powell ex-  
APPRECIATION pressing appreciation for the City of South Pasadena marker on  
the banks of the Arroyo and the landscaping of Huntington Drive  
and Fair Oaks Avenue.
- LOT CLEANING This being the date set to open bids for lot cleaning, bids were  
BIDS now called for. Itemized bid was on file from John C. Warner,  
Commercial Lot Cleaning. Moved by Councilman Balk, seconded by  
Councilman Osborn, and unanimously carried that the bid be re-  
ferred to the Sanitation Superintendent for report back at the  
next meeting.
- JOHN JOHNSON Application of John M. Johnson for lot split at 58 Oak Hill Lane,  
58 OAK HILL which had been referred back to the Planning Commission, was again  
LOT SPLIT considered. Recommendation was on file from the Planning Com-  
mission that the request be denied as the additional information  
submitted by Mr. Johnson fails to prove it is any better lot  
split.



Mr. Johnson was not present. Moved by Councilman Osborn, seconded by Councilman Bond, and unanimously carried that the Council concur with the recommendation of the Planning Commission and deny the application.

BUSINESS PERMIT  
RENEWALS

Applications for business permit renewals were on file from the following:

Arroyo Seco Stables	1 Pasadena Avenue	Riding Academy
Mrs. Hazel Lemoine )		
Mrs. Donald Butzen )	1204 Pine St.	Rooming House
Delbert Jones	954 Mission St.	Accordion Studio
Seymour Tutoring School	1504 1/2 El Centro St.	Tutoring Classes
Casa de Las Flores	1611 Huntington Dr.	Sanitarium
Mrs. John Currey	515 Monterey Rd.	Nursery School
South Pasadena Bowl	805 Fair Oaks	Bowling Alley
Rialto Theatre	1023 Fair Oaks Ave.	Theatre
Emma's Ceramic Studio	1123 Mission St.	Ceramic Classes
Dorothy Ashland	1007 1/2 Fair Oaks Ave.	Charm School
Mrs. Ernest M. Arnold	1502 Fremont Ave.	Day Nursery
Miss Tina L. Keitz	1629 Huntington Dr.	Boarding House

Moved by Councilman Bond, seconded by Councilman Balk, and unanimously carried that the applications be referred to the City Manager for action.

PLANTING  
EASEMENT  
VACATION  
TRACT 12691

Letter was on file from Murphy-Burns-Baker requesting vacation of planting easement on lots 1 and 2, Tract 12691. Assistant City Manager Lane recommended approval of the vacation. Moved by Councilman Osborn, seconded by Councilman Bond, and unanimously carried that the City Attorney be instructed to prepare the ordinance of intention for the next meeting, and that the request be referred to the Planning Commission for their action.

MURPHY BROTHERS  
FILING FEE  
REFUND

Letter was on file from Murphy Brothers, Limited, requesting refund of filing fee paid for variance application which was made in error. Recommendation was on file from Assistant City Manager Lane that the refund be granted. Moved by Councilman Bond, seconded by Councilman Osborn, and unanimously carried that the refund be made.

GEORGE NEWTON  
LOT CLEANING  
REFUND

Request was on file from George F. Newton for refund of lot cleaning charge paid by him on a lot he had cleaned himself at 4946 Collis Avenue. The request was approved by the Sanitation Superintendent and the City Manager. Moved by Councilman Bond, seconded by Councilman Osborn, and unanimously carried that the refund be made.

LEASED PARKING  
ORDINANCE

Letter was on file from the Planning Commission with regard to proposed amendment to Section 36.14(M)(1) having to do with off-street parking within 300' of a property. The letter stated that the Commission believes the section is rigorous enough without further changes.

PLANNING  
COMMISSION  
OFFICERS

Letter was on file from the Planning Commission reporting election of officers as follows:

- Hampton Hutton, Chairman
- Mrs. Charlotte McGaughey, Vice Chairman
- Ivan Peters, Secretary



REDEVELOPMENT  
FILING  
FEES

Letter was on file from the Community Redevelopment Agency requesting that the Council waive the filing fee in connection with Tentative Tract Map No. 25588. Assistant City Manager Lane stated that the ordinance requires the filing fee, and he recommends that it not be waived because the Engineering Department will perform the same services they would perform for a private developer. City Manager Dollison stated he concurs with Mr. Lane. Moved by Councilman Bond, seconded by Councilman Osborn, and unanimously carried that the request be denied.

SERVETTE, INC.  
LICENSE  
PROTEST

Letter was on file from Servette, Inc. protesting appearance on delivery license citation. Report was on file from Ida M. Willis, City Treasurer, that the company was not licensed when the citation was issued. Moved by Councilman Bond, seconded by Councilman Osborn, and unanimously carried that the company be notified that because of the evidence produced, the Council is not in a position to waive the citation.

STREET  
RESURFACING

Letter was on file from Charles H. Lane, Assistant City Manager, listing the streets to be considered for resurfacing during the current budget year. Mr. Lane stated the money will be derived from State gas tax funds. Moved by Councilman Bond, seconded by Councilman Osborn, and unanimously carried that the list be approved.

ANRO COMPANY  
BOND

Letter was on file from Thomas O. Speer, Assistant City Engineer, reporting that the work of the Anro Construction Company on the Pasadena Avenue Sewer extension has been satisfactorily completed, and he recommends that it be accepted and the bond released. Moved by Councilman Osborn, seconded by Councilman Bond, and unanimously carried that the Council accept the work and release the bond.

BILL KNOTT  
711 MISSION ST.  
ARCHITECTURAL  
APPROVAL

Architectural approval of plans of Bill Knott for 711 Mission Street, (Lot 39, Block 3, Malabar Tract), which was held over from January 24, was again considered. Mr. Knott presented his revised plans. Moved by Councilman Bond, seconded by Councilman Osborn, and unanimously carried that tentative approval be given to the plans, subject to the concurrence of the Building Department and subject to approval of the parking and planting plans by the Planning Commission.

NAZARENE  
CHURCH  
936 PALM AVE.  
NON CONFORMING  
BUILDING

It now being 8:30 p.m., hearing was held on the appeal of South Pasadena Church of the Nazarene from decision of the Planning Commission to deny addition to non-conforming building and rear yard setback variance at 936 Palm Avenue. Mayor pro tem Jones read the recommendation of the Planning Commission and reported the number of hearing cards mailed and returned. Affidavits of publication, mailing, and posting were on file. J. M. Whitley, Pastor, of the church, spoke on behalf of the application. There was a discussion of whether the church might be able to provide the required parking, and Mr. Whitley asked if the application could be tabled to see what could be obtained. Moved by Councilman Osborn, seconded by Councilman Bond, and unanimously carried by a roll call vote that the application be postponed to the first meeting in February, 1963.

SIDEWALK  
REPAIRS

It now being 8:45 p.m., hearing was held on the proposed assessments for sidewalk repairs. Affidavits of posting notices were on file as required by law. Report of Charles H. Lane, Superintendent of Streets, was read. Mayor pro tem Jones also read letter of explanation, which was sent to each property owner. Mr. Freeman, 1126 Stratford Avenue protested his assessment



RESOLUTION 4399  
SIDEWALK  
ASSESSMENTS

on the grounds that more sidewalk was repaired than was necessary. Assistant City Manager Lane showed photographs of the damaged sidewalk. Mr. Conklin, 2114 Pine Street, asked if he could pay in installments, and was informed that he could. City Attorney Gigas read title of a resolution as follows: "RESOLUTION OF THE COUNCIL OF THE CITY OF SOUTH PASADENA OVERRULING OBJECTIONS AND PROTESTS AND CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS COVERING SIDEWALK REPAIRS COMPLETED UNDER THE PROVISIONS OF DIVISION 7, PART 3 CHAPTER 22 (SECTIONS 5600 THROUGH 5629) OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA." Moved by Councilman Osborn, seconded by Councilman Balk, and unanimously carried by a roll call vote that the resolution be read by title only and adopted. It was given No. 4399. Reference to said resolution is hereby made to the official book of Resolutions, Volume 13, on file in the office of the City Clerk.

WALDO LANING  
501 MAGNOLIA  
LOT SPLIT

Application of Waldo and Emma R. Laning for lot split at 501 Magnolia Street, which was held over from January 24, was again considered. Mrs. Green was present to represent the applicants and stated they wish to have a public hearing. Moved by Councilman Bond, seconded by Councilman Osborn, and unanimously carried that the application be set for hearing March 14, at 8:30 p.m., and that notice be by publication and postcard.

MOFFAT STREET  
VACATION

The matter of vacation of a portion of Moffat Street was now considered. City Attorney Gigas reported he has prepared a final order of vacation, which is satisfactory to Mr. Reiche, Attorney for the Redevelopment Agency. He stated he would like to discuss two points: (1) The Council has made known to the objectors that they would be granted an easement 50' wide, but the final papers from the Agency have reduced this to 25'. (2) It was provided that the City of South Pasadena would thereafter control any changes in the grade of the vacated street that the abutting property owners would want to make. He urged that this be omitted. Arthur A. Van Arden stated he represents the Department of Water and Power, and would like to go on record on their behalf that no easement has been mentioned covering existing Water and Power facilities in the western terminus of the vacation, and they object to the order and conditions as they stand. Mr. Gigas stated the Agency has informed him they are negotiating separately with the department, but he does not feel the Council should take action until the Agency and the Department have worked this out. Mr. Van Arden stated they would be happy to accept an easement at a later date. The Council instructed Mr. Gigas to change the order to include a 50' easement, and also stated that the City of South Pasadena should be divorced from anything to do with the vacated portion of Moffat Street after it has been vacated. They further stated that easement rights for the Department of Water and Power should be cleared up and a letter filed by the Department before the Council acts. Moved by Councilman Bond, seconded by Councilman Osborn, and unanimously carried that the matter be postponed to February 28.

FIRE HAZARD  
1115 ARROYO VERDE

The matter of hazardous condition of the property at 1115 Arroyo Verde Drive was again considered. Report was on file from Fire Inspector Cherry that there has been no change in the property and that a fire hazard still exists, and the unkempt condition of the property is the same. Moved by Councilman Balk, seconded by Councilman Bond, and unanimously carried that the lot be posted with the order to clean and that a letter be written to the owner advising him that it must be cleaned by March 1, or City forces will follow the legal procedure to clean the lot and charge him for the work.



RESOLUTION 4400  
MUNICIPAL  
ELECTION

City Attorney Gigas read title of a resolution as follows:  
"RESOLUTION OF THE COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, ORDERING, CALLING AND PROVIDING FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD ON THE 10TH DAY OF APRIL, 1962."  
Moved by Councilman Balk, seconded by Councilman Osborn, and unanimously carried that the resolution be read by title only and adopted. It was given No. 4400. Reference to said resolution is hereby made to the official book of Resolutions, Volume 13, on file in the office of the City Clerk.

RESOLUTION 4401  
RADIO CONTRACT

City Attorney Gigas read title of a resolution as follows:  
"RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA AUTHORIZING EXECUTION OF CONTRACT RENEWAL WITH CITY OF PASADENA."  
Moved by Councilman Bond, seconded by Councilman Osborn, and unanimously carried that the resolution be read by title only and adopted. It was given No. 4401. Reference to said resolution is hereby made to the official book of Resolutions, Volume 13, on file in the office of the City Clerk. This contract is for police radio servicing.

RESOLUTION 4402  
ALTA VISTA  
DEED

City Attorney Gigas read title of a resolution as follows:  
"RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA ACCEPTING GRANT DEED FROM GEORGE P. GIBSON, ET AL." This resolution accepts deed for street purposes at 353 Alta Vista Avenue. Moved by Councilman Bond, seconded by Councilman Osborn, and unanimously carried that the resolution be read by title only and adopted. It was given No. 4402. Reference to said resolution is hereby made to the official book of Resolutions, Volume 13, on file in the office of the City Clerk. City Attorney Gigas stated it will be necessary for the notary to insert dates before recording the deed.

RESOLUTION 4403  
MISSION AND  
PASADENA AVE.  
DEED

City Attorney Gigas read title of a resolution as follows:  
"RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA ACCEPTING GRANT DEED FROM WILFRED L. DELERAY." This resolution accepts deed for street purposes at Mission Street and Pasadena Avenue. Moved by Councilman Bond, seconded by Councilman Balk, and unanimously carried that the resolution be read by title only and adopted. It was given No. 4403. Reference to said resolution is hereby made to the official book of Resolutions, Volume 13, on file in the office of the City Clerk.

RESOLUTION 4404  
COUNTY AGREEMENT  
FOR INSPECTIONS

City Attorney Gigas read title of a resolution as follows:  
"RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA AUTHORIZING EXECUTION OF AGREEMENT WITH COUNTY OF LOS ANGELES ENTITLED 'AGREEMENT - GENERAL SERVICES.'" Assistant City Manager Lane stated that this agreement is in connection with use of County personnel for inspection services on the Redevelopment project. Moved by Councilman Osborn, seconded by Councilman Bond, and unanimously carried that the resolution be read by title only and adopted. It was given No. 4404. Reference to said resolution is hereby made to the official book of Resolutions, Volume 13, on file in the office of the City Clerk.

RESOLUTION 4405  
COUNTY ENGINEER  
SERVICES

City Attorney Gigas read title of a resolution as follows:  
"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA REQUESTING THE BOARD OF SUPERVISORS TO AUTHORIZE THE COUNTY ENGINEER TO PROVIDE CERTAIN SERVICES." This resolution requests services of the County Engineer in connection with the Redevelopment project. Moved by Councilman Bond, seconded by Councilman Osborn, and unanimously carried that the resolution be read by title only and adopted. It was given No. 4405. Reference to said resolution is hereby made to the official book of Resolutions, Volume 13, on file in the office of the City Clerk.



RESOLUTION 4406  
COUNTY ROAD  
DEPARTMENT  
SERVICES

City Attorney Gigas read title of a resolution as follows: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA REQUESTING THE BOARD OF SUPERVISORS TO AUTHORIZE THE COUNTY ROAD COMMISSIONER TO PROVIDE CERTAIN SERVICES." This resolution requests services of the County Road Commissioner in connection with the Redevelopment Project. Moved by Councilman Osborn, seconded by Councilman Bond, and unanimously carried that the resolution be read by title only and adopted. It was given No. 4406. Reference to said resolution is hereby made to the official book of Resolutions, Volume 13, on file in the office of the City Clerk.

RESOLUTION 4407  
WATER DEPARTMENT  
CONDUIT  
AGREEMENT

City Attorney Gigas read title of a resolution as follows: "RESOLUTION OF THE COUNCIL OF THE CITY OF SOUTH PASADENA AUTHORIZING EXECUTION OF AGREEMENT WITH WALTER M. ASKIN AND DORIS M. ASKIN." This resolution authorizes agreement for the use of private property for a control switch and electrical conduit for the Water Department. Moved by Councilman Osborn, seconded by Councilman Balk, and unanimously carried that the resolution be read by title only and adopted. It was given No. 4407. Reference to said resolution is hereby made to the official book of Resolutions, Volume 13, on file in the office of the City Clerk.

FURCO  
LIQUOR  
HEARING

City Attorney Gigas reported he has received notice of a hearing on the objection of the Council to the establishment of on-sale general liquor license to Thomas Furco. The hearing will be in the Council Chambers, March 12, 1962, at 11:00 a.m. He asked what position he was to take as City Attorney at the hearing. City Manager Dollison was instructed to bring up the matter prior to the informal meeting on February 27.

DEMANDS

It was moved by Councilman Bond, seconded by Councilman Balk, and unanimously carried that City Warrants Numbers 5362 through 5523, in the amount of \$99,181.72 and Water Department Warrants Numbers 2950 through 3007, in the amount of \$43,242.04, be paid.

REDEVELOPMENT  
MEETING

City Manager Dollison asked the Council to appoint a member to attend the next Redevelopment Agency meeting. Mayor Partsch was appointed.

RESOLUTION 4408  
TOURNAMENT OF  
ROSES STAMP

Letter was on file from the County Board of Supervisors asking the Council to adopt a resolution asking the Post Office Department of the United States to design a special stamp for the seventy-fifth anniversary of the Tournament of Roses Parade on January 1, 1964. Moved by Councilman Bond, seconded by Councilman Osborn, and unanimously carried that a resolution entitled, "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA ASKING THE POST OFFICE DEPARTMENT OF THE UNITED STATES TO DESIGN A SPECIAL STAMP COMMEMORATING THE 75TH ANNIVERSARY OF THE TOURNAMENT OF ROSES." be adopted. It was given No. 4408. Reference to said resolution is hereby made to the official book of Resolutions, Volume 13, on file in the office of the City Clerk.

METROPOLITAN  
GOVERNMENT  
MEETING

Mayor pro tem Jones reported on his attendance at the meeting of the League of California Cities in Sacramento to discuss Metropolitan Government. He stated a review was made of the League's previous statement and also a resolution was adopted opposing super metropolitan government. He asked that the



URBAN AFFAIRS  
DEPARTMENT

minutes indicate that South Pasadena was represented at the meeting and endorsed an action in which the League's statement and resolution were unanimously accepted by all in attendance. Also, the League of California Cities has reaffirmed their opposition to a department of urban affairs with cabinet rank. He would like the minutes to show that a copy of these actions is on file in the City Clerk's office. Moved by Councilman Bond, seconded by Councilman Osborn, and unanimously carried that they be made a part of the record. Councilman Balk stated Mr. Jones should be thanked for representing the City.

FREEWAY  
DISCUSSION

James Stolaroff was present and asked that the Council issue a statement because of the misinformation in the local newspaper regarding the freeway route and time of construction, which he did not believe should go unanswered and should be clarified because of possible damage to property values. Councilman Osborn read a letter dated September 28, 1961, to him from Ed Telford, Assistant State Highway Engineer, who is in charge of the entire freeway program in Southern California. He asked to have the letter written into the record as follows:

September 28, 1961

The Honorable William U. Osborn  
Member of the City Council  
City of South Pasadena  
1712 Milan Avenue  
South Pasadena, California

Dear Mr. Osborn:

I wish to confirm our recent telephone conversation in which I gave you assurances to the effect that the Division of Highways is receptive to any information or recommendations which may be offered relative to freeway route studies, and we feel that your City and its staff have done everything possible along this line.

We in the Division of Highways feel that the City of South Pasadena will be better served by awaiting development of our preliminary studies on several routes. When we have developed sufficient engineering information so that valid comparisons may be made, your City will be in a position and have ample time to decide whether or not special or additional work of this kind is necessary.

I might add that for many years we have been aware of the need to give thoughtful consideration to a line on the west side of the Monterey Hills.

We in the Division of Highways have not been able to move as rapidly on this problem as we would like to do. Certain other projects have taken more time to complete than we originally expected.

The staff of your City and our engineers have been in close contact in these matters, and I am sure that we have received from your City every assistance possible, and I wish to assure you that we will always be happy to return the favors received.

Very truly yours,

Edward T. Telford  
Assist. State Highway Engineer



**FREWAY  
DISCUSSION**

Assistant City Manager Lane stated that the staff has been in constant contact with the Highway Department and have been assured that until the East-West Freeway is straightened out, they will be doing nothing on the Long Beach Freeway. A public hearing will be held in Pasadena on March 27 on the route of the East-West Freeway.

Councilman Bond stated this information should be furnished to the South Pasadena Review and a copy furnished to each church and service club. Moved by Councilman Bond, seconded by Councilman Osborn, and unanimously carried that the City Manager be instructed to write a letter to the Review giving a statement of activities of City employees, the City Council and the State Highway Department and quote from the letter from Mr. Telford (with his permission).

**ADJOURNMENT**

The meeting adjourned at 10:17 p.m.

*Maryanne Minert*  
Clerk of the City of South Pasadena

*Burton E. Jones*  
Mayor Pro tem of the City of South Pasadena



MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA  
CONVENED THIS 28th DAY OF FEBRUARY, 1962, AT 8:00 P.M.  
IN THE COUNCIL CHAMBERS, 817 MOUND AVENUE

- ROLL CALL            Councilmen present: Osborn, Jones, Balk, and Partsch  
                         Councilmen absent: Councilman Bond  
                         Officials present: City Manager Dollison, City Attorney Gigas,  
                         and City Clerk Merritt.
- PRAYER                Prayer was offered by Councilman Osborn.
- MINUTE APPROVAL    The minutes of the meeting of February 14, 1962, were approved  
                         as submitted.
- ROBERT FILLMORE    Report was on file from the Planning Commission approving appli-  
275 ST. ALBANS        cation of Robert M. Fillmore for 5 ft. front yard setback at  
SETBACK                275 St. Albans Avenue, (Lot 124, Oak Ridge Tract). Request for  
                         variance to parking and garage arrangement on the same applica-  
                         tion was denied.
- LLOYD MANNES        Report was on file from the Planning Commission of approval of  
1015 FREMONT         application of Lloyd A. Mannes for sign arrangement and parking  
SIGN;                   layout at 1015 Fremont Avenue, (Lot 4, Block 1, George Lightfoot's  
PARKING                Subdivision). Approval was given as per plans dated January 3,  
                         1962.
- ARTHUR RYAN         Report was on file from the Planning Commission of approval of  
1935 MILL RD.         application of Arthur I. Ryan to demolish single family home and  
CONSTRUCT HOME      replace with single family home at 1935 Mill Road, (Portion of  
                         Lot 8, Hardison Tract). Approval was given in accordance with  
                         plans dated January 8, 1962.
- GERALD WHITEHEAD    Notice was on file from the Planning Commission of denial of  
711 PROSPECT         application of Gerald L. Whitehead for R-3 use in the R-2 zone  
R-3 USE                at 714 Prospect Avenue. Dr. Risser was present on behalf of the  
                         application and was told he may file an appeal and the Council  
                         will set the matter for public hearing.
- MRS. HARVEY         Letter was on file from Mrs. Horace A. Harvey with regard to the  
REDEVELOPMENT        effect on surrounding properties of the grading to be done in  
GRADING                the Redevelopment area. Moved by Councilman Jones, seconded by  
                         Councilman Osborn, and unanimously carried that the City Manager  
                         answer the letter and inform her that all precautions will be  
                         taken to protect the property owners.
- MRS. HARVEY         Letter was on file from Mrs. Horace A. Harvey regarding the  
FREEWAY                freeway route. It was noted that the City Manager has already  
                         answered the letter.
- FALLOUT              Letter from the City of Gardena enclosing resolution urging the  
SHELTERS              Board of Supervisors to give consideration to a county-wide fall-  
                         out shelter program was noted.
- WALDO LANNING        Letter was on file from Mrs. C. M. Green on behalf of Waldo and  
431 MAGNOLIA         Emma R. Lanning withdrawing request for public hearing on lot  
LOT SPLIT               split at 431 Magnolia Street. Moved by Councilman Jones,



seconded by Councilman Osborn, and unanimously carried that the application be removed from the agenda and the Building Department notified.

JOHN KELLY  
1886 PETERSON  
WALL

Letter was on file from John J. Kelly withdrawing his request to build wall on City property at 1886 Peterson Avenue. Moved by Councilman Osborn, seconded by Councilman Balk, and unanimously carried that the matter be removed from calendar.

LIBRARIAN'S  
SALARY

Letter was on file from the Library Board requesting increase in classification and salary for the City Librarian. City Manager Dollison stated he recommends that the Council follow the recommendation of the Library Board. The City Attorney presented the proper resolution later in the meeting.

GASOLINE  
PURCHASING

Letter from Los Angeles County Chief Administrative Officer regarding cooperative gasoline purchasing program, and report and recommendation of Robert J. Hoback, City Purchasing Agent, were noted.

SHERIFF  
LIGHT PROGRAM

Letter was on file from Los Angeles County Sheriff urging continuation of the "Burn a Light at Night" program. Report of Melvin L. Viney, Police Chief, was read.

WALTER  
PFAFFENBERGER  
FILING FEE  
REFUND

Two letters were on file from Walter G. Pfaffenberger requesting refund of filing fee in connection with his application for variance at 1237 Huntington Drive. Recommendation was on file from Charles H. Lane, Assistant City Manager, that the request be denied as the application was duly processed and a public hearing was held. Moved by Councilman Osborn, seconded by Councilman Balk, and unanimously carried that the Council support the recommendation of Mr. Lane and deny the request.

MIDDLE  
BASEBALL  
LEAGUE

Letter was on file from South Pasadena Middle Baseball League by L. J. Lynch, President, requesting consideration of repairs to their viewing stands and offering to contribute to the cost. Moved by Councilman Jones, seconded by Councilman Osborn, and unanimously carried that the City Manager meet with the officers of the League and City Department heads as soon as possible, and that he notify the League of the City's willingness to cooperate. Mr. J. W. Shenk, Attorney, 1115 Buena Vista, spoke on behalf of the League.

LOT CLEANING  
BIDS

The matter of the bids for lot cleaning, which was held over from February 14, was again considered. Recommendation was on file from Bill Spence, Water and Sanitation Superintendent, that the bid of John Warner be accepted. The City Attorney presented a resolution later in the meeting.

MOFFAT ST.  
VACATION

The matter of the vacation of Moffat Street was again considered. Mrs. Virginia Delano, Director of the Redevelopment Agency, was in the audience and stated, on behalf of the City of Los Angeles Department of Water and Power, the Agency wishes to go on record tonight stating a right-of-way easement has been prepared for the continued use of their water lines and facilities as now existing in Moffat Street, and also the Edison energy line running the full length of Moffat Street vacated 50 ft. wide. Arthur Van Arden of the Department of Water and Power stated, providing the document is executed concurrently with the street vacation, they are satisfied. In answer to a direct question from City Attorney Gigas, he then stated they are satisfied. City Attorney Gigas read in full an order en-



ORDER  
VACATING  
MOFFAT ST.

titled "ORDER OF THE COUNCIL OF THE CITY OF SOUTH PASADENA VACATING A PORTION OF MOFFAT STREET, A PUBLIC WAY, BUT RESERVING CERTAIN EASEMENTS THEREIN." Moved by Councilman Jones, seconded by Councilman Balk, and unanimously carried that the order be adopted.

RESOLUTION 4409  
MOFFAT ST.  
OWNERS

In connection with requirements for peripheral owners on Moffat Street, City Attorney Gigas read in full a resolution entitled: "RESOLUTION OF THE COUNCIL OF THE CITY OF SOUTH PASADENA IN CONNECTION WITH TRACT MAP 25588." Moved by Councilman Jones, seconded by Councilman Osborn, and unanimously carried that the resolution be adopted. It was given No. 4409. Reference to said resolution is hereby made to the official book of Resolutions, Volume 13, on file in the office of the City Clerk.

STANDARD OIL  
DRIVEWAYS

The matter of the request of Standard Oil Company in connection with driveways at Fair Oaks Avenue and State Street, which was held over to this date, was again considered. It was stated that the company has requested that the matter be held over to March 28. Moved by Councilman Osborn, seconded by Councilman Balk, and unanimously carried that the matter be held over to the meeting of March 28, 1962. Councilman Jones stated it is his understanding that the original letter requests the Council to set up legislation which would enable variances from a particular ordinance, but he believes things are going along now without this being done.

WORKABLE  
PROGRAM  
RECERTIFICATION

Letter was read from Housing and Home Finance Agency stating that the Workable Program has been recertified to March 1, 1963.

SCOUT DAY  
PROCLAMATION

Two letters were on file from Donald W. Crocker, Chairman of South Pasadena Scout Day, announcing plans for their parade on May 12, and requesting a proclamation for Scout Day. Moved by Councilman Osborn, seconded by Councilman Balk, and unanimously carried that the Mayor be authorized to sign a proclamation.

FOREST FOUTS  
SAFETY  
COMMISSION

Moved by Councilman Osborn, seconded by Councilman Jones, and unanimously carried that Forest M. Fouts be reappointed to the Public Safety Commission for a full term, expiring January 12, 1965.

HUGO WINTER  
REDEVELOPMENT  
AGENCY

Moved by Councilman Osborn, seconded by Councilman Balk, and unanimously carried that Hugo H. Winter be reappointed to the Redevelopment Agency for a full term, expiring February 4, 1966.

R. V. LIVINGSTON  
LIBRARY BOARD

It was stated that Dr. John D. Gerletti has submitted his resignation to the Library Board, and it was moved by Councilman Osborn, seconded by Councilman Balk, and unanimously carried that Mr. R. Van Buren Livingston be appointed to fill the vacant term expiring June 30, 1964. It was ordered that a letter and certificate of appreciation be sent to Dr. Gerletti.

GERLETTI  
RESIGNATION

## MR. &amp; MRS. DELL

Mr. and Mrs. Dell were in the audience and were informed that Moffat Street has been vacated.

RESOLUTION 4410  
LIBRARIAN  
SALARY

In connection with increase in classification for the City Librarian, City Attorney Gigas read title of a resolution as follows: "RESOLUTION OF THE COUNCIL OF THE CITY OF SOUTH PASADENA AMENDING 'CLASSIFICATION AND SALARY RESOLUTION.'" Moved by Councilman Osborn, seconded by Councilman Jones, and unanimously carried that the resolution be read by title only and adopted. It was given No. 4410. Reference to said resolution is hereby made to the official book of Resolutions, Volume 13, on file in the office of the City Clerk.



- RESOLUTION 4411 In connection with award of contract for lot cleaning, City  
LOT CLEANING Attorney Gigas read title of a resolution as follows: "RESOLU-  
CONTRACT TION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA AUTHORIZ-  
ING EXECUTION OF CONTRACT WITH COMMERCIAL LOT CLEANING, JOHN C.  
WARNER." Moved by Councilman Jones, seconded by Councilman  
Osborn, and unanimously carried that the resolution be read by  
title only and adopted. It was given No. 4411. Reference to  
said resolution is hereby made to the official book of Resolu-  
tions, Volume 13, on file in the office of the City Clerk.
- RESOLUTION 4412 Vacation of planting easement on Lots 1 and 2, Tract No. 12691,  
VACATE as requested by Murphy-Burns-Baker, was again considered. Letter  
EASEMENT was on file from the Planning Commission approving the vacation.  
TRACT 12691 Map showing the easement to be vacated was prepared and filed  
by the Engineering Department. City Attorney Gigas read in full  
resolution entitled: "RESOLUTION OF THE COUNCIL OF THE CITY OF  
SOUTH PASADENA ORDERING THE VACATION AND ABANDONMENT OF A CER-  
TAIN PUBLIC EASEMENT WHICH HAS NOT BEEN USED FOR MORE THAN THE  
FIVE CONSECUTIVE YEARS LAST PAST." Moved by Councilman Osborn,  
seconded by Councilman Jones, and unanimously carried that the  
resolution be adopted. It was given No. 4412. Reference to  
said resolution is hereby made to the official book of Resolu-  
tions, Volume 13, on file in the office of the City Clerk.
- RESOLUTION 4413 City Attorney Gigas read resolution entitled: "RESOLUTION OF  
VICE THE COUNCIL OF THE CITY OF SOUTH PASADENA URGING GOVERNOR BROWN  
LEGISLATION TO REQUEST THE CALIFORNIA LEGISLATURE TO ADOPT AN APPROPRIATE  
RESOLUTION IN CONNECTION WITH VICE, ILLEGAL SEXUAL ACTIVITY AND  
PROSTITUTION." Moved by Councilman Osborn, seconded by Council-  
man Jones, and unanimously carried that the resolution be adopted.  
It was given No. 4413. Reference to said resolution is hereby  
made to the official book of Resolutions, Volume 13, on file in  
the office of the City Clerk.
- FURCO City Attorney Gigas asked for instructions for his appearance  
LIQUOR LICENSE at the public hearing before the Alcoholic Beverage Control  
PROTEST Board to protest issuance of liquor license to Thomas Furco, 805  
Fair Oaks Avenue. The hearing is to be held March 12. He stated  
there are two alternatives; A. He can obtain a certified copy  
of the Council's motion of protest and present it at the hearing  
and take no further action; B. He can act as a guide to the  
citizens who wish to appear and protest and work up a case ob-  
jecting. Moved by Councilman Jones, seconded by Councilman Balk,  
and carried by the following roll call vote that the City Attor-  
ney be authorized to appear before the Alcoholic Beverage Control  
Board at the hearing on March 12, and present Alternative "A"  
at the meeting (read the certified copy of the motion heretofore  
adopted by the City Council objecting to the issuance of a liquor  
license to the South Pasadena Bowl for the sale of liquor on  
premises). Ayes: Councilmen Jones, Balk, and Partsch. Noes:  
Councilman Osborn. Councilman Osborn stated that in view of the  
fact that he voted "no" on the original motion, he votes "no" on  
this one.
- PLANNING There was a discussion of the Planning Commission's action in  
COMMISSION denying the Gerald L. Whitehead application, and Councilman  
ACTION AT Osborn stated that if Dr. Risser's statements can be proved that  
WHITEHEAD the Commission cut the hearing short, he believes the Council  
HEARING should on its own initiative call for a hearing, rather than  
have the applicant file an appeal. Mayor Partsch read excerpt  
from the Planning Commission's minutes. Mayor Partsch stated  
he felt this action by the Council would be a questioning  
of the Planning Commission's way of conducting their activities.  
Councilman Jones stated he did not agree with this if it could  
be proved that they had cut Dr. Risser short.



LEAGUE  
LEGISLATIVE  
BULLETIN

Councilman Jones reported on bulletin of the League of California Cities outlining seven pieces of legislation. He stated the Council has already taken action on requesting legislation to control vice. Moved by Councilman Balk, seconded by Councilman Osborn, and unanimously carried that Councilman Jones be granted permission to get together with the City Manager to write such letters as necessary for the support of the issues.

ADJOURNMENT

The meeting adjourned at 9:15 p.m.

*Mayorie Hermit*  
Clerk of the City of South Pasadena

*J. Parkes*  
Mayor of the City of South Pasadena

Exhibit B).

Letter in Support of Appeal from owner  
of 2050 La Fremontia

August 25, 2020

City of South Pasadena  
1414 Mission St  
South Pasadena, CA 91030

**Subject:** Appeal of Project No. 2191-Hillside Development Permit

At the July 14<sup>th</sup> Planning Commission meeting, during which this Permit application was discussed in context of public comments, Commissioner Dahl requested the following:

*“From the residents on La Fremontia, who originally had the claim that they had Grantor status...I would like to give them a chance to weigh in that they concur with that designation that they have no approval authority in this decision.”*

This was in response to my public comment, and it was agreed that the Planning Commission would follow Commissioner Dahl’s request. However, that request was ignored and this Permit was approved in the following month’s Planning Commission without any communication from the City and/or the developer’s representatives.

Thus, I am writing to outline the facts underlying my contention, many of which despite being part of the considerable public record regarding Moffat St., were selectively not included in the nearly 400 page application for this permit. In review with counsel and in support of my neighbor’s formal appeal, I am taking this as my “chance to weigh in.”

With respectful citation of the public record and of the developer’s attorney’s letter dated June 25, 2020 addressing this specific issue, I will outline my case in three main points:

- 1. Who were the Grantor(s) & Grantee(s) at the time the Easement was recorded, and what was the intent of these parties in vacating Moffat St.**
- 2. Who are the successors of these parties, and what rights pass to them**
- 3. Precedent to show why this development is deserving of such scrutiny**

#### **1. Grantor & Grantees Intent**

The letter provided by Stephen Scheck, attorney for the developer, concludes with:

*“The clear intent of the original Grantor, and the interpretation of the Access Easement required under law, is that the right to approve any grade change within the easement are does [sic] NOT run in favor of Grantor's successors in*

*ownership of the property underlying the easement area...Such approval rights remain with the City.*” [emphasis added]

This statement of intent is based on an incomplete record of documents provided by the applicant. When reviewing the additional (albeit still incomplete as some records are unavailable online at the time of this writing) public record, the conclusion around intent is in fact the opposite. Namely, and in the own words of the City Attorney at the time the Easement was granted, “**the City of South Pasadena should be divorced from anything to do with vacated portion of Moffat St. after it has been vacated.**” [emphasis added]. Chronologically, here are relevant excerpts:

- (Included by developer): July 12, 1961, Ordinance 1373 – stating the original intent by the City Council of South Pasadena to vacate Moffat St.
- (Included by developer): December 27, 1961, Meeting Minutes in which:
  - *“City Attorney Gigas stated once the street is vacated, it becomes private property, and the City would have no power whatsoever. He would not want the City to retain any rights as it would lead to endless litigation.”*
  - *“He [Community Redevelopment Agency representative Filley] reported on the grade, stating that the portion of Moffat Street that front along nine City parcels [the portion affected by this Hillside permit] will be left natural, and that they plan to grade an access roadway from the northerly terminus of Richard Drive to the top of the hill.”*
  - *Mr. Reiche [Community Redevelopment Agency Attorney] stated that “The Agency owns all of the property in the project area that abuts Moffat Street, and inasmuch as the street was originally carved out of that area, according to the law the site reverts to the owners of the lots abutting in South Pasadena, which would be the Redevelopment Agency. The Agency would grant the easements **which would go along with the sale to private owners.**” [emphasis added]*
- (Excluded by developer): February 14, 1962, Meeting Minutes in which:
  - *“City Attorney Gigas reported that he has prepared a final order of vacation...he stated he would like to discuss two points...(2) It was provided that the City of South Pasadena would thereafter control any changes in the grade of the vacated street that the abutting property owners would want to make. **He urged that this be omitted...The Council instructed Mr. Gigas to change the order to include a 50’ easement, and also stated that the City of South***



*Pasadena should be divorced from anything to do with the vacated portion of Moffat Street after it has been vacated.” [emphasis added]*

- (Excluded by developer): February 28, 1962 Meeting Minutes in which:
  - Resolution 4409 was adopted regarding Moffat St. Note, this Resolution was not provided in the Application nor is currently available in the online public records.

This argument regarding intent is important, as cited by Mr. Scheck, in concluding who the Grantor(s) are and to whom that role passes after the Redevelopment Agency sold the lots along with the easements. It is clear that the City’s Attorney and the Redevelopment Agency’s Attorney had the foresight that abandoning the street would cause undue liability to the City, and thus all Grantor rights should be passed along with the sale of the private property. Without the relevant Resolution 4409, we are left without a complete understanding of how this intention was fully recorded. The matter itself was concluded by the City to approve this Permit, using the partial records in the application.

What Mr. Scheck does cite is the Easement itself, which was recorded after many City Council meetings on June 14, 1962. His conclusion on the intent of the Grantor (the Redevelopment Agency) stands in direct contrast to their actual words.

Rather, it is clear from the currently available record that the abandoning Moffat St. and concurrent granting of the Easement was designed for the City to wipe their hands clean of this matter and leave it as a matter between private property owners.

Mr. Scheck himself concludes that the private property owners of the four lots in South Pasadena are the Grantors, when he writes,

*“the only provision of the Access Easement that is expressly intended to be binding upon the successors and assigns of Grantor is actually a restriction on the rights of Grantor (a restriction which we note Mr. Mutyala has violated by permitting the construction of improvements within the right-of-way by the owner of the property located at 4519 Lowell Avenue).”*

This is remarkable not just in conclusion supporting the above argument, but in that it is a knowing falsehood written by Mr. Scheck. My wife and I purchased our property earlier this year. The construction cited was built well before I, or the current owner of 4519 Lowell Avenue, owned our houses, a fact known by Mr. Scheck and the developers given their extensive, and documented, communication with relevant property owners.

## **2. Successors and rights transferred in the Easement**

One can argue that none of this intent is relevant, if the Easement itself does not protect such Grantors and its “successors and assigns” as servient estate members. Even if this were true, which seems unlikely given the extensive public record focused nearly exclusively on passing Grantor status to private property owners, it matters less than the actual rights held by the Grantees of the Easement. On this point, Mr. Scheck and I agree per the relevant case law (*Rosebrook v. Utz* [1941] 45 CA 2d 726, 729). The developers, as successors and assigns do have ingress and egress rights, and these rights are subject to four conditions explicitly cited in the Easement. Specifically, the second condition is the crux of the argument:

*“Grantees shall make no changes in the grades of said Moffat Street (vacated) without first obtaining the approval of the Grantor.”*

Mr. Scheck’s argument is that the developers, as owners of the dominant estate, are the clear successors as Grantees but I, as one of the private property owners of the servient estate, am not a clear successor as a Grantor. Rather, the City somehow, **despite not having any title** since the original sale of the lot, holds such rights.

The last part of the first condition of the Easement is also relevant here:

*“And any existing public utility easement and all other easements which may be in the future granted or created by the Grantor for any public utilities or for services to the lots owned by the Grantees.”*

At no point in the Planning Commission’s recent discussion has the City’s role in granting *new* easements to the developer been raised. It has instead been presumed that all relevant utility easements exist (though these are also not included in the application). Further, the only time in my knowledge that the developer has raised the issue of new easements needing to be granted has been *to me*, on a phone call stressing the need for me and the property owners of 4519 Lowell Avenue to sign a “tri-party easement” to grant them access to a new driveway, once the road is built and destroys their current one. Such request is admission that I am one of the Grantors, and maintain the rights associated with the first condition of the Easement. If the first condition holds as such, the second must.

I doubt that the City, both as explicitly stated in the historical public record when drafting the Easement and implicitly by omission in recent discussions of any new required utility easements, wants to act as the Grantor. However, someone must, not because of the successor rights passed to the Grantors, but rather because of the successor rights passed to the Grantees. This points to me, and the other three owners of the servient estates, as the Grantors whose approval is required for any grade changes to said Moffat Street.

Finally, Meeting Minutes from the South Pasadena City Council meeting on October 1, 2008, suggest that the City has agreed with my interpretation in more recent history. Four neighbors on La Fremontia, including the previous owner of our property, objected to a developer’s attempt to grade the vacated Moffat St. in order to access the private lots now

owned by the applicant. While there doesn't seem to be a record of the conclusion of such objection, the fact that this development was shut down suggests the City supported the private property owners and their Easement-specified rights to object to said grading.

### **3. Precedent in why this matters and the Permit should be denied**

I recognize both the rights of the developer to build single-family homes, and the right of ingress and egress as granted under the Easement to access said homes.

However, the plans included in this Permit are problematic for several reasons, and hence I am compelled to support my neighbor's formal Appeal of this Permit and exercise my rights, as interpreted above, to reject the grading plan that was approved. In sum:

- Grading such portion of Moffat Street has been of concern in every single historical instance outlined above:
  - In 1962, Community Redevelopment Agency's stated desire to leave this part of the Moffat St. access road "natural" and grade a connection up the hill near Richard Drive
  - In 2008, with the owner of 2024 La Fremontia expressing "concern for neighbors and the City. In the past, problems occurred in the Altos due to grading, with the City having to pay for it."
  - In 2020, in the developer's own engineering report that concludes "Although excavation difficulty is considered normal, it should be noted that the bedrock is a layered formation and hard or well cemented bedrock may be encountered. Thus, excavating into the bedrock during construction will be difficult."
- It destroys my neighbors' porch and access to their current driveway
- It removes open space that is enjoyed by both residents of Los Angeles and South Pasadena, and impacts wildlife as cited in numerous public comments
- It is nearly universally opposed to by neighbors in both Cities

As the City Attorney in 1962 projected when drafting the agreements to abandon Moffat Street and grant the Easement, "these owners purchased the property with knowledge of certain difficulties" and the City should not "retain any rights as it would lead to endless litigation." I regret that my claims above were not able to be presented to the Planning Commission as requested by Commissioner Dahl, and I hope that the Appeal filed by my neighbor allows these matters to be considered.

Respectfully,

A handwritten signature in black ink, appearing to be 'Neilesh Mutyala', written in a cursive style.

Neilesh Mutyala

Citations for all quotes provided upon request

Exhibit C).

## Radius Map Annotated to Show Significant Exclusions

# RADIUS MAP 300'

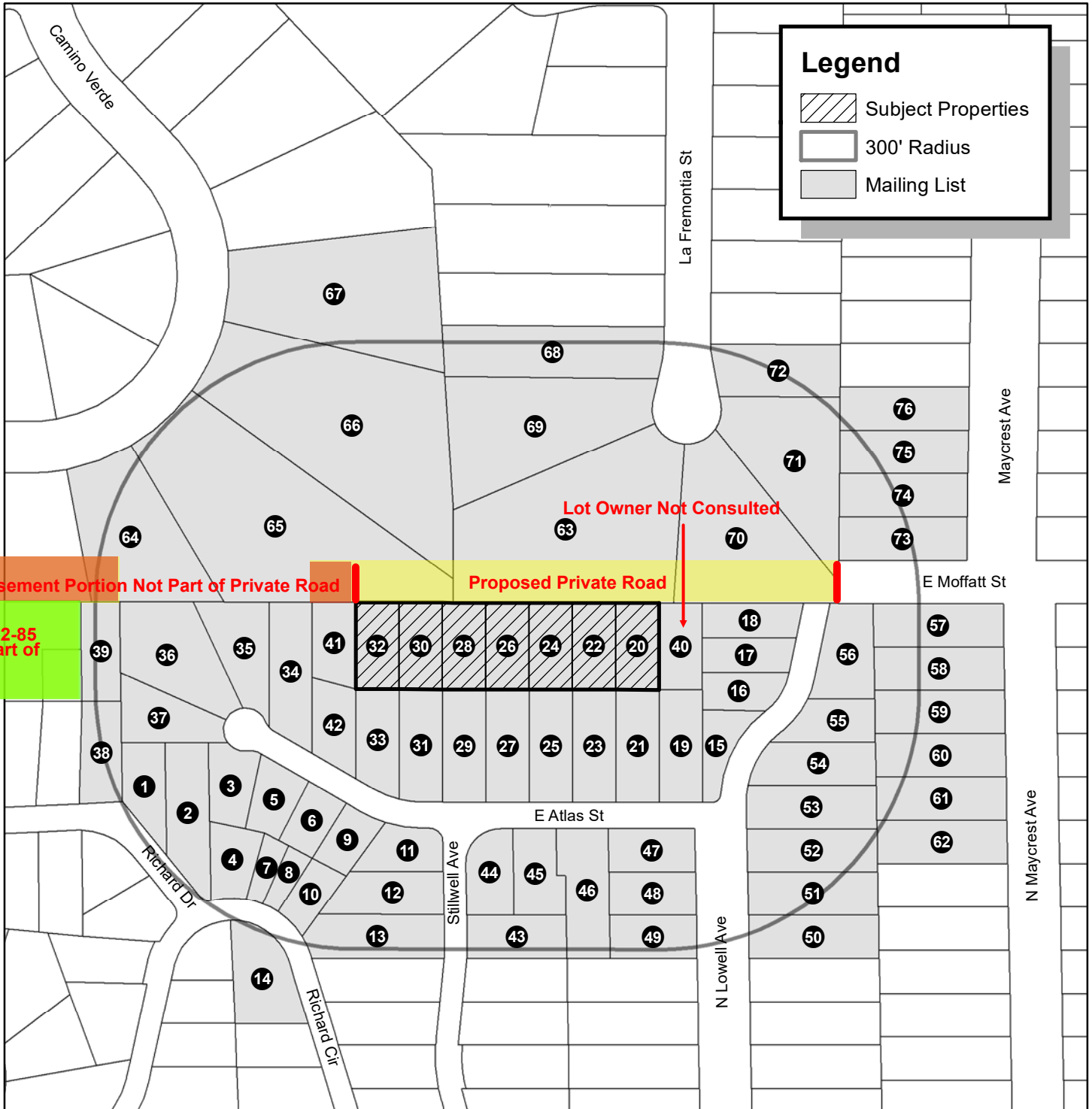
Map Date: 8/25/2020

## SUBJECT PROPERTY

ADDRESS: MULTIPLE ADDRESSES IN LOS ANGELES, CA 90032  
APN: 5309-012-007, -009, -011, -013, -015, -017, AND -019

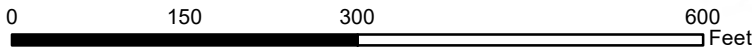
## Graphic Data Source

Los Angeles County Geographic Information System  
Base Parcel Database (Derived from APN Maps)  
Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet  
Datum: North American 1983



Latest equalized assessment rolls obtained from the Los Angeles County Assessor's Office through ParcelQuest, a vendor service on 8/25/2020

ORDER NO. 2020-127



www.radiusmaps4less.com | (909) 997-9357



**ATTACHMENT 3**  
Staff Report for August 11, 2020  
[\(Click Here\)](#)

Additional Document No. 1  
[\(Click Here\)](#)

Additional Document No. 2  
[\(Click Here\)](#)

**OR**

One PDF File with all Documents  
[\(Click Here\)](#)

**ATTACHMENT 4**  
Staff Report for July 14, 2020  
[\(Click Here\)](#)

Additional Document No. 1  
[\(Click Here\)](#)

**OR**

One PDF File with all Documents  
[\(Click Here\)](#)

**ATTACHMENT 5**  
Staff Report for June 9, 2020  
[\(Click Here\)](#)

Additional Document No. 1  
[\(Click Here\)](#)

Additional Document No. 2  
[\(Click Here\)](#)

**OR**

One PDF File with all Documents  
[\(Click Here\)](#)

**ATTACHMENT 6**  
Staff Report for March 10, 2020  
[\(Click Here\)](#)

**OR**

One PDF File with all Documents  
[\(Click Here\)](#)

**ATTACHMENT 7**  
Tract 25588 Map From 1963

SCALE: 1" = 60'  
SCALE: 1" = 100'

# Tract No. 25588

IN THE CITY OF SOUTH PASADENA

SHEET 1 OF 27 SHEETS  
RECORDED  
AT REQUEST OF OWNER  
Nov. 26, 1963  
15 MIN. PAST 3 P.M.  
IN BOOK 713  
AT PAGE 51  
OF MAP RECORDS  
LOS ANGELES COUNTY, CALIF.  
RAY E. LEE  
COUNTY RECORDER  
BY a Riley Deputy \$57.00

BEING A SUBDIVISION OF A PORTION OF RANCHO SAN PASCUAL AS PER MAP RECORDED IN BOOK 1, PAGES 19 & 20 OF PATENTS, PORTIONS OF LOTS 2 AND 4 IN BLOCK A OF MRS. A.N. FELL'S SUBDIVISION, FILED IN BOOK 2, PAGE 29 OF RECORD OF SURVEYS AND ALL OF BLOCKS 84, 85 AND 86, ALL OF BLOCKS 93, THROUGH 104, INCLUSIVE, AND ALL OF BLOCKS 108 THROUGH 115, INCLUSIVE, AND ALL OF BLOCKS D, H, J, K, L, M, N, AND O, AND LOTS 1 THROUGH 12, INCLUSIVE, OF BLOCK Q, ALL IN THE PASADENA VILLA TRACT, RECORDED IN BOOK 3, PAGES 5 THROUGH 8, INCLUSIVE OF MAPS AND A PORTION OF LOTS 17 AND 18, BLOCK G AND A PORTION OF BLOCK J IN THE AMENDED HUNT TRACT, RECORDED IN BOOK 21, PAGE 22 OF MISCELLANEOUS RECORDS AND ALL OF LOTS 77 THROUGH 109, INCLUSIVE, AND ALL OF LOTS 132 THROUGH 188, INCLUSIVE, ALL IN THE OAK RIDGE TRACT, RECORDED IN BOOK 11, PAGE 22 OF MAPS AND PORTIONS OF LOTS 1, 4 AND 5 AND ALL OF LOT 3, ALL IN TRACT NO. 1529, RECORDED IN BOOK 20, PAGE 158 OF MAPS AND A PORTION OF LOT 66 OF TRACT NO. 4508, RECORDED IN BOOK 49, PAGE 31 & 32 OF MAPS AND ALL OF LOT 267 OF TRACT NO. 8026, RECORDED IN BOOK 90, PAGES 57, 58 AND 59 OF MAPS AND A PORTION OF LOT 21 OF TRACT NO. 14526, RECORDED IN BOOK 306, PAGE 58 & 6 OF MAPS AND ALL TRACT NO. 1236 RECORDED IN BOOK 18, PAGE 78 OF MAPS, AND ALL TRACT NO. 7837, RECORDED IN BOOK 110, PAGE 29 OF MAPS, AND ALL OF TRACT NO. 7838, RECORDED IN BOOK 110, PAGE 27 OF MAPS, ALL RECORDS OF THE COUNTY OF LOS ANGELES, STATE CALIFORNIA, AND ALL OF LOTS 2 & 3, SECTION 5, TOWNSHIP 1 SOUTH, RANGE 12 WEST, S.B.M., AND PORTIONS OF SECTIONS 6, 7 AND 8, TOWNSHIP 1 SOUTH, RANGE 12 WEST, S.B.M., AND THAT PORTION OF WALK, THOSE PORTIONS OF ALLEYS, AND THOSE PORTIONS OF FISHER AVENUE, JEFFREYS AVENUE, PALMER AVENUE, VAN HORNE AVENUE, EUSTIS AVENUE, STUBBS AVENUE, DICKINSON AVENUE, ORR AVENUE, LOMAX AVENUE, MAYCREST AVENUE, STEINHART STREET, ROBINSON STREET, DODGE STREET, WARWICK AVENUE, SCUTH AVENUE, ALPHA AVENUE, ALPHA COURT, ALPHA PLACE, SUMMIT DRIVE, SUMMIT PLACE, MOFFATT STREET VACATED BY ORDERS OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA RECORDED IN BOOK D-1615 PAGE 146 OF OFFICIAL RECORDS, BOOK D-1621 PAGE 250 OF OFFICIAL RECORDS ALSO IN BOOK D-2221 PAGE 527 OF OFFICIAL RECORDS, RECORDS OF THE COUNTY OF LOS ANGELES.

### SURVEYED BY ENGINEERING SERVICE CORPORATION

THE BEARING (N. 31° 39' 05" E.) FROM STATION ALTADENA E-12, HAVING COORDINATES OF N. 4, 149, 491.59 AND E. 4, 237, 933.24, TO STATION ALTADENA G-10, HAVING COORDINATES OF N. 4, 157, 795.76 AND E. 4, 243, 052.26, PER ZONE 7 OF THE STATE OF CALIFORNIA, LAMBERT TRIANGULATION CONTROL GRID, IS THE BASIS OF BEARINGS FOR THIS MAP, AS SHOWN ON SHEET 15.

ALL 2" IRON PIPES SHOWN HEREON AS SET ARE 6" BELOW THE SURFACE OF GROUND

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF OR ARE INTERESTED IN THE LANDS INCLUDED WITHIN THE SUBDIVISION SHOWN ON THIS MAP WITHIN THE COLORED BORDER LINES, AND WE CONSENT TO THE PREPARATION AND RECORDATION OF SAID MAP AND SUBDIVISION AND HEREBY DEDICATE TO THE PUBLIC USE ALL THE STREETS, HIGHWAYS AND OTHER PUBLIC WAYS SHOWN ON SAID MAP.  
AND WE HEREBY GRANT AND DEDICATE TO THE CITY OF SOUTH PASADENA, EASEMENTS FOR SANITARY SEWERS, WATER, AND STORM DRAIN PURPOSES OVER THE STRIPS OF LAND SO DESIGNATED ON SAID MAP.

I HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR OF THE STATE OF CALIFORNIA, THAT THIS MAP, CONSISTING OF 27 SHEETS, CORRECTLY REPRESENTS A TRUE AND COMPLETE SURVEY MADE UNDER MY SUPERVISION AUG 59 - JAN 62; THAT THE MONUMENTS OF THE CHARACTER AND LOCATIONS SHOWN HEREON ARE IN PLACE OR WILL BE IN PLACE WITHIN TWELVE MONTHS FROM THE RECORDING DATE OF THIS MAP; THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE READILY RETRACED AND THAT THE NOTES TO ALL CENTERLINE MONUMENTS SHOWN HEREON AS SET BY ME WILL BE ON FILE IN THE OFFICE OF THE CITY ENGINEER WITHIN TWELVE MONTHS FROM RECORDING DATE SHOWN HEREON.

STATE OF CALIFORNIA } S.S.  
COUNTY OF LOS ANGELES }  
ON THIS 13TH DAY OF AUGUST 1963, BEFORE ME JEAN C. DORT, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY APPEARED RAYMOND FRANKLIN FOX AND DOROTHY I. SCALES FOX KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

JEAN C. DORT, NOTARY PUBLIC, MY COMMISSION EXPIRES DEC. 9, 1966  
STATE OF CALIFORNIA } S.S.  
COUNTY OF LOS ANGELES }  
ON THIS 13TH DAY OF AUGUST 1963, BEFORE ME JEAN C. DORT, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY APPEARED RICHARD LOUIS MULVIN KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

JEAN C. DORT, NOTARY PUBLIC, MY COMMISSION EXPIRES DEC. 9, 1966  
STATE OF CALIFORNIA } S.S.  
COUNTY OF LOS ANGELES }  
ON THIS 6 DAY OF November 1963, BEFORE ME, Marilyn R. Bauer, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY APPEARED RICHARD LOUIS MULVIN AND MARJORIE M. HANSEN KNOWN TO ME TO BE THE MAYOR AND SECRETARY OF THE CITY OF SOUTH PASADENA, THE PERSONS WHO EXECUTED THE WITHIN INSTRUMENT AND KNOWN TO ME TO BE THE PERSONS WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF THE CORPORATION THEREIN NAMED AND ACKNOWLEDGED TO ME THAT SUCH CORPORATION EXECUTED THE SAME.

Marilyn R. Bauer, NOTARY PUBLIC, MY COMMISSION EXPIRES: 4.17.64  
STATE OF CALIFORNIA } S.S.  
COUNTY OF LOS ANGELES }  
ON THIS 6 DAY OF November 1963, BEFORE ME JEAN C. DORT, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY APPEARED CHARLOTTE H. HANSEN AND VIRGINIA I. DELANO KNOWN TO ME TO BE THE CHAIRMAN AND SECRETARY OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF SOUTH PASADENA, CALIFORNIA AND KNOWN TO ME TO BE THE PERSONS WHO EXECUTED THE WITHIN INSTRUMENT, ON BEHALF OF SAID PUBLIC AGENCY AND ACKNOWLEDGED TO ME THAT SUCH PUBLIC AGENCY EXECUTED THE SAME.

JEAN C. DORT, NOTARY PUBLIC, MY COMMISSION EXPIRES: 12-9-66

CITY OF SOUTH PASADENA  
A MUNICIPAL CORPORATION  
OWNER  
John A. Lambie Mayor  
Marynie Merritt City Clerk

RAYMOND FRANKLIN FOX, OWNER  
DOROTHY I. SCALES FOX, OWNER

RICHARD LOUIS MULVIN, OWNER

THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF SOUTH PASADENA, CALIFORNIA  
A PUBLIC BODY (CORPORATE AND POLITIC)  
OWNER

Charlotte Hansen Chairman  
Virginia I. Delano Secretary

I hereby certify that I have examined this map; that it complies with applicable State law; and that I am satisfied that this map is technically correct in all respects not certified to by the City Engineer.  
Dated: November 26, 1963

JOHN A. LAMBIE  
COUNTY ENGINEER  
By Ralph Kennedy Deputy

THE SIGNATURES OF THE OWNERS, HAVING RIGHTS OF ACCESS OVER A PORTION OF THE LANDS INCLUDED WITHIN THE SUBDIVISION SHOWN ON THE WITHIN INSTRUMENT MAP, FOR THE PURPOSES OF THE WITHIN INSTRUMENT, TO LOTS ABUTTING UPON THE VACATED PORTION OF MOFFATT STREET VACATED BY DEED, RECORDED IN BOOK D-1615 PAGE 146 OF OFFICIAL RECORDS AND OWNERS OF AN EASEMENT FOR INGRESS AND EGRESS AS DISCLOSED BY DEED RECORDED IN BOOK D-1649 PAGE 129 OF OFFICIAL RECORDS, HAVE BEEN OBTAINED UNDER THE PROVISIONS OF SECTION 11587 SUBSECTION (A) OF THE SUBDIVISION MAP ACT, THEIR INTERESTS BEING SUCH THAT THEY CAN NEVER RIPEN INTO FEE TITLE AND SAID SIGNATURES ARE NOT REQUIRED BY THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, PER RESOLUTION NO. 4409 ADOPTED ON THE 28th DAY OF FEBRUARY 1962.

THE SIGNATURES OF OWNERS OF EASEMENTS DISCLOSED BY DEED TO SOUTHERN CALIFORNIA EDISON COMPANY RECORDED IN BOOK D-187 PAGE 85 OF OFFICIAL RECORDS, DISCLOSED BY DEED TO SOUTHERN CALIFORNIA GAS COMPANY OF CALIFORNIA RECORDED IN BOOK D-187 PAGE 101 OF OFFICIAL RECORDS AND DISCLOSED BY DEED TO THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY RECORDED IN BOOK D-187 PAGE 105 OF OFFICIAL RECORDS, HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 11587 SUBSECTION (A) OF THE SUBDIVISION MAP ACT, THEIR INTERESTS BEING SUCH THAT THEY CANNOT RIPEN INTO FEE TITLE AND SAID SIGNATURES ARE NOT REQUIRED BY THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, PER RESOLUTION NO. 4469 ADOPTED ON THE 26th DAY OF SEPTEMBER 1962.

I HEREBY CERTIFY THAT ALL SPECIAL ASSESSMENTS LEVIED UNDER THE JURISDICTION OF THE CITY OF SOUTH PASADENA TO WHICH THE LAND INCLUDED IN THE WITHIN SUBDIVISION OR ANY PART THEREOF IS SUBJECT AND WHICH MAY BE PAID IN FULL HAVE BEEN PAID IN FULL.  
DATE November 4, 1963

Marynie Merritt  
CITY CLERK, CITY OF SOUTH PASADENA

I HEREBY CERTIFY THAT THE MAP OF TRACT NO. 25588 WAS APPROVED AT A MEETING OF THE CITY PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA HELD ON THE 30th DAY OF September, 1963  
DATE November 6, 1963  
Samuel Y. Knowles  
SECRETARY, CITY PLANNING COMMISSION, CITY OF SOUTH PASADENA

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP, THAT IT CONFORMS SUBSTANTIALLY TO THE TENTATIVE MAP AND ALL APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF APPLICABLE SUBDIVISION ORDINANCES OF THE CITY OF SOUTH PASADENA HAVE BEEN COMPLIED WITH, AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT WITH RESPECT TO CITY RECORDS.

DATE November 5, 1963  
Charles H. Lane  
CITY ENGINEER OF CITY OF SOUTH PASADENA

I HEREBY CERTIFY THAT THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA BY ITS ACTION ADOPTED ON THE 9 DAY OF October, 1963 APPROVED THIS MAP OF TRACT 25588, AND ACCEPTS ON BEHALF OF THE PUBLIC THE STREETS AND EASEMENTS OFFERED FOR DEDICATION WITHIN SAID TRACT, EXCEPT LOS ESPACIOS AS DESIGNATED ON SHEETS 13 AND 14.  
DATE November 6, 1963  
Marynie Merritt  
CITY CLERK OF CITY OF SOUTH PASADENA

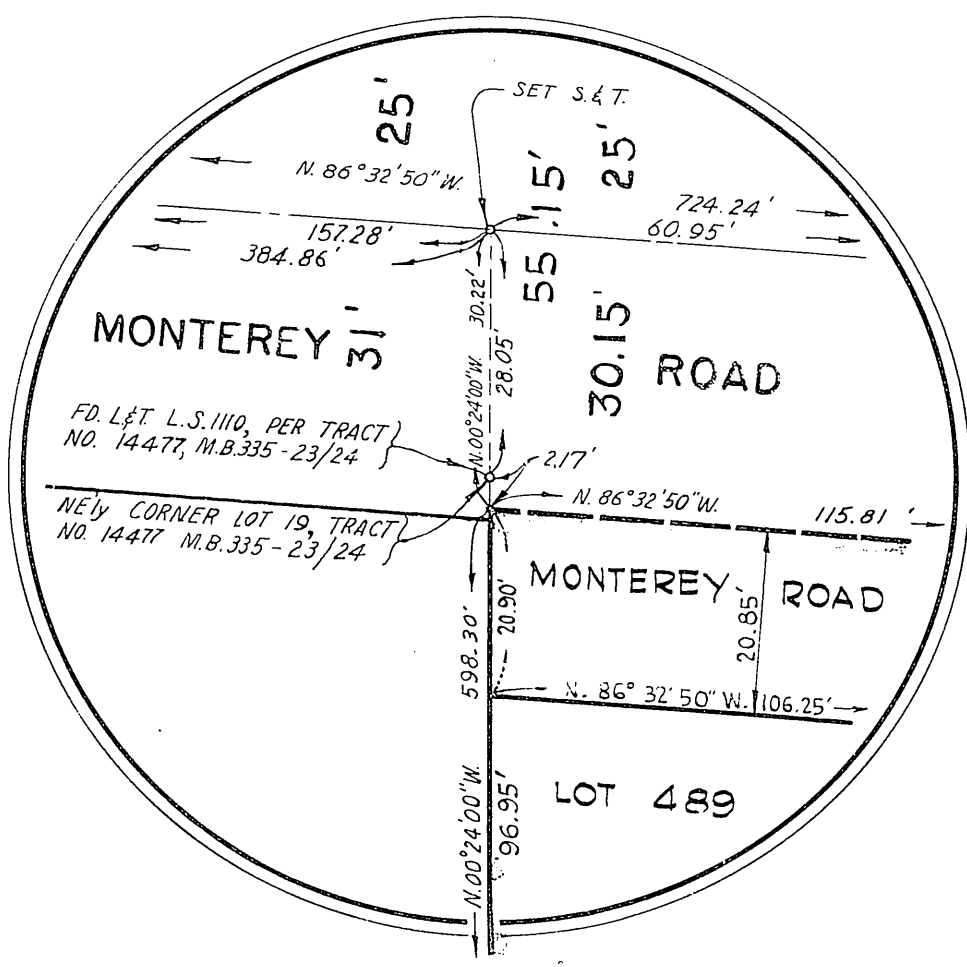
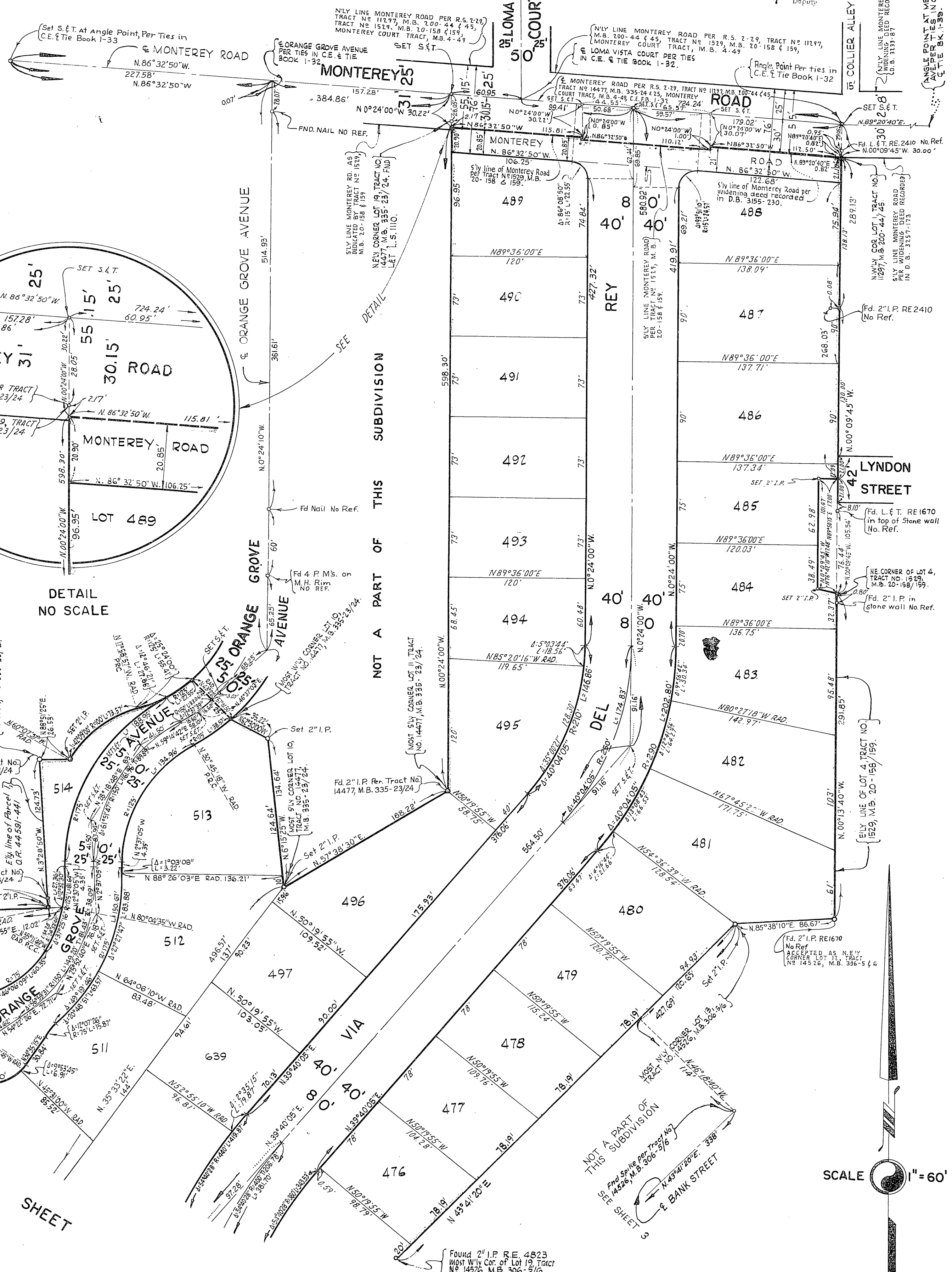


# Tract No. 25588

IN THE CITY OF SOUTH PASADENA

SURVEYED BY ENGINEERING SERVICE CORPORATION

Pg. 2  
 RECORDED  
 AT REQUEST OF OWNER  
 Nov. 26, 1963  
 15 MIN. PAST 3 P.M.  
 IN BOOK 713  
 AT PAGE 52  
 OF MAP RECORDS  
 LOS ANGELES COUNTY, CALIF.  
 RAY E. LEE  
 COUNTY RECORDER  
 BY *a. Riley* Deputy



SEE SHEET 3

SEE SHEET

NOT A PART OF THIS SUBDIVISION  
 SEE SHEET 3  
 BANK STREET

SCALE 1" = 60'

Found 2" I.P. RE 4823  
 Most W'ly Cor. of Lot 19 Tract  
 No. 14526, M.B. 306-5/6.

# Tract No. 25588

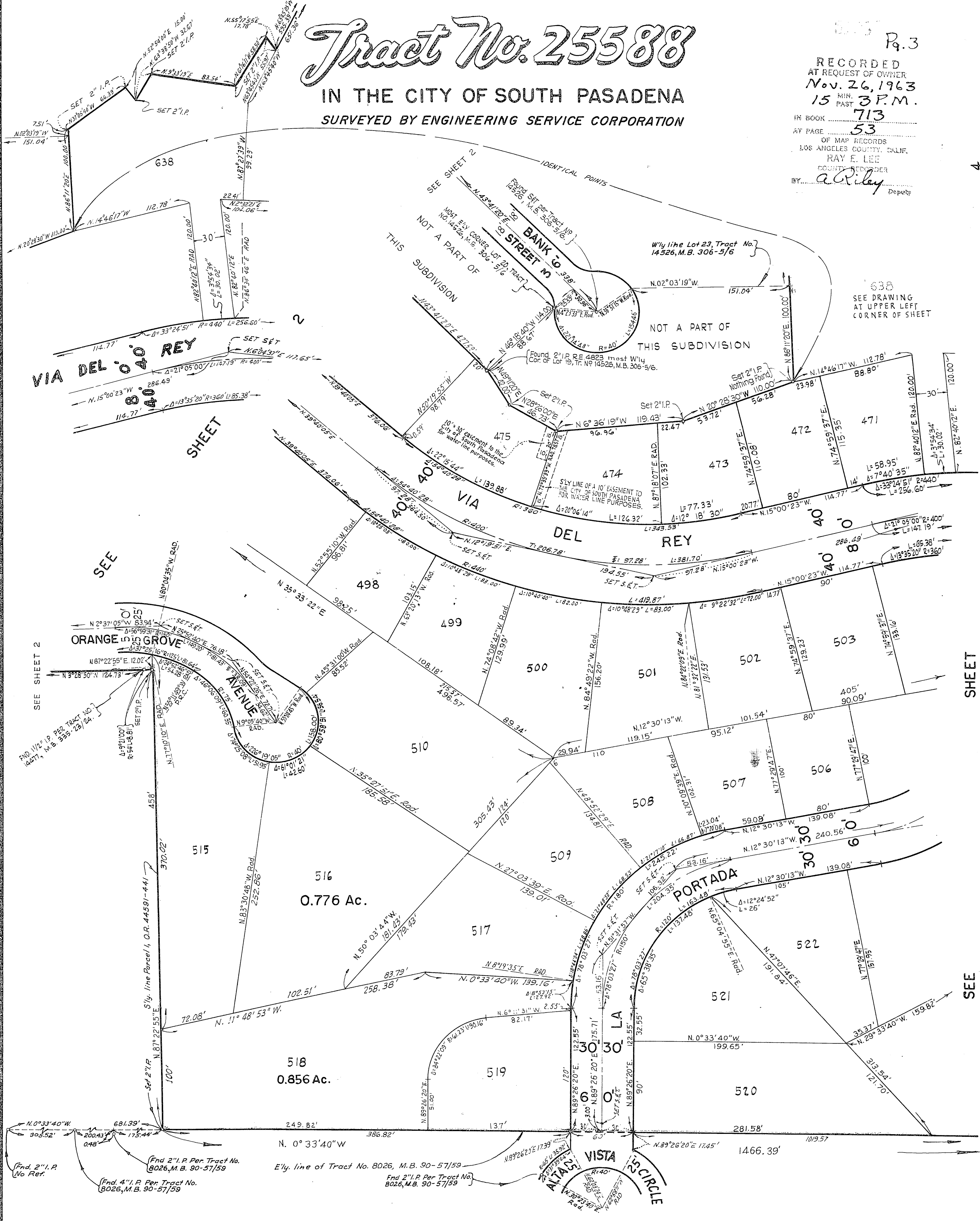
IN THE CITY OF SOUTH PASADENA  
SURVEYED BY ENGINEERING SERVICE CORPORATION

Pg. 3

RECORDED  
AT REQUEST OF OWNER  
Nov. 26, 1963  
15 MIN. PAST 3 P.M.

BOOK 773 PAGE 53

IN BOOK 53  
AT PAGE 53  
OF MAP RECORDS  
LOS ANGELES COUNTY, CALIF.  
RAY E. LEE  
COUNTY RECORDER  
BY: a. Riley Deputy



638  
SEE DRAWING AT UPPER LEFT CORNER OF SHEET

SEE SHEET 2

SEE SHEET

SEE SHEET

SCALE 1" = 60'

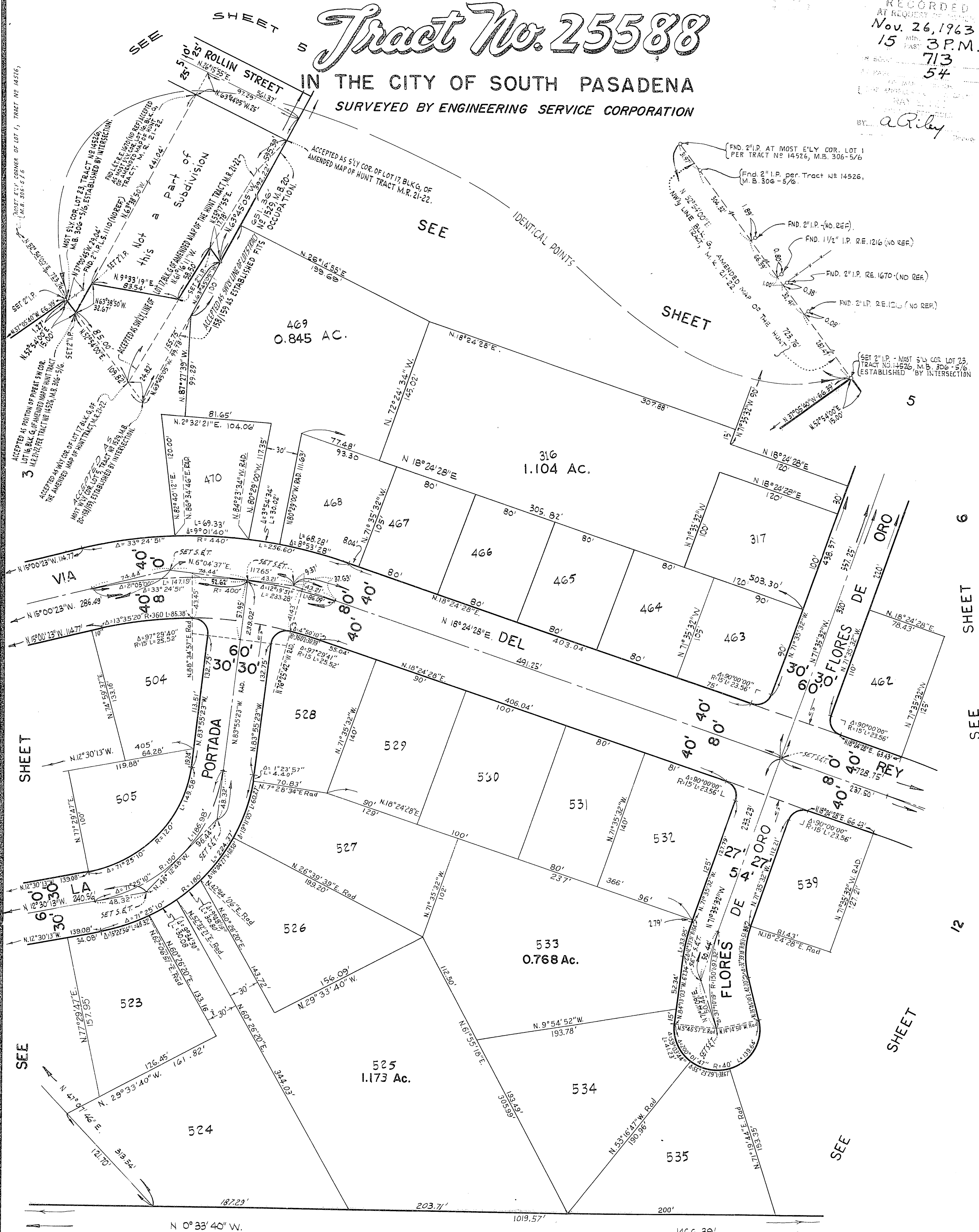
RECORDED  
AT REQUEST OF  
Nov. 26, 1963  
15 3 P.M.  
713  
54

# Tract No. 25588

## IN THE CITY OF SOUTH PASADENA

### SURVEYED BY ENGINEERING SERVICE CORPORATION

BY: *a. Riley*



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12

SEE SHEET

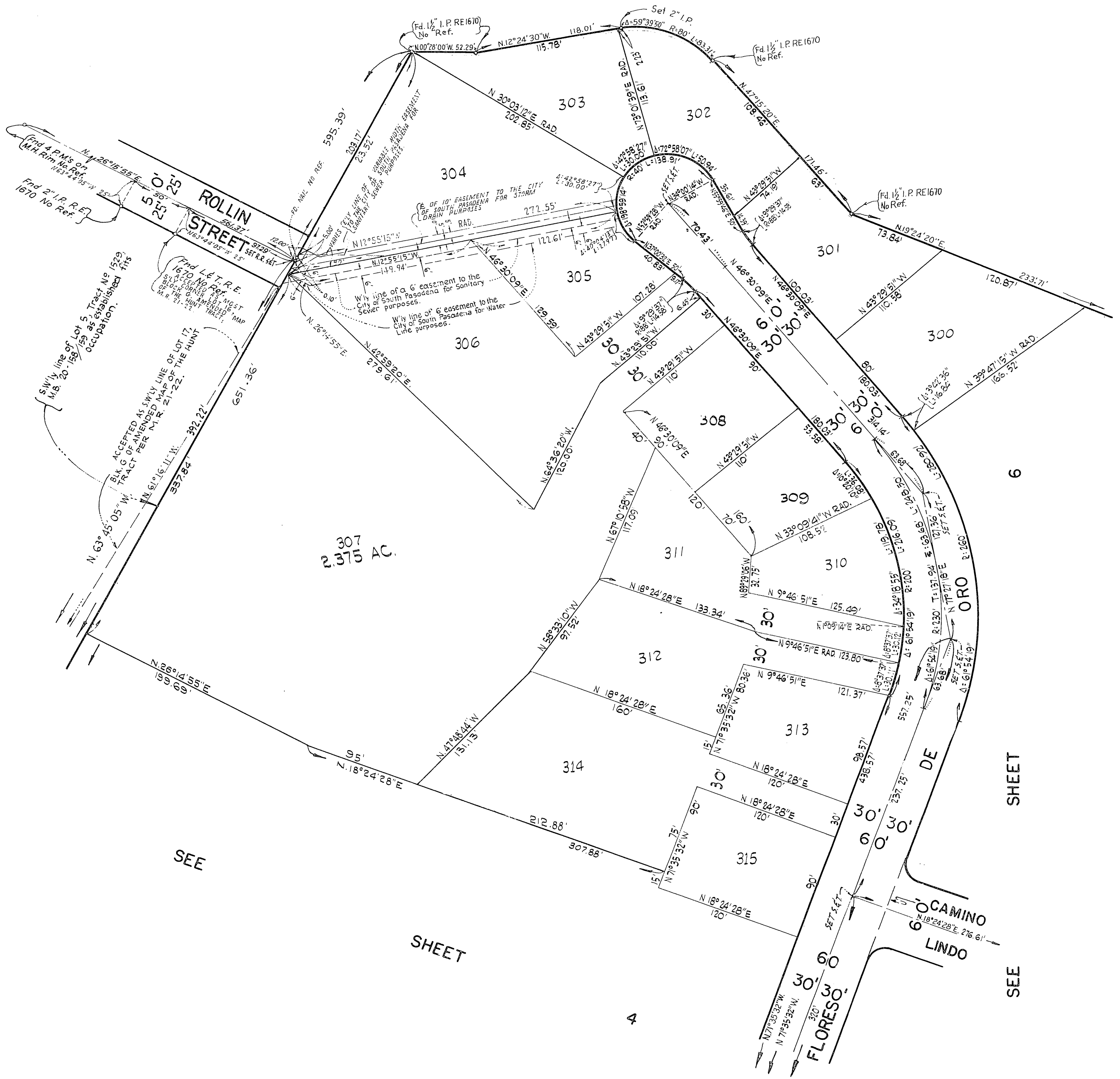
SCALE 1" = 60'



# Tract No. 25588

IN THE CITY OF SOUTH PASADENA  
SURVEYED BY ENGINEERING SERVICE CORPORATION

P. 5  
 RECORDED  
 AT REQUEST OF ENGINEER  
 Nov 26, 1963  
 15 MIN 3 P.M.  
 IN BOOK 713  
 AT PAGE 55  
 OF THE RECORDS  
 LOS ANGELES COUNTY CALIF.  
 RAY E. LEE  
 COUNTY CLERK  
 BY aPily



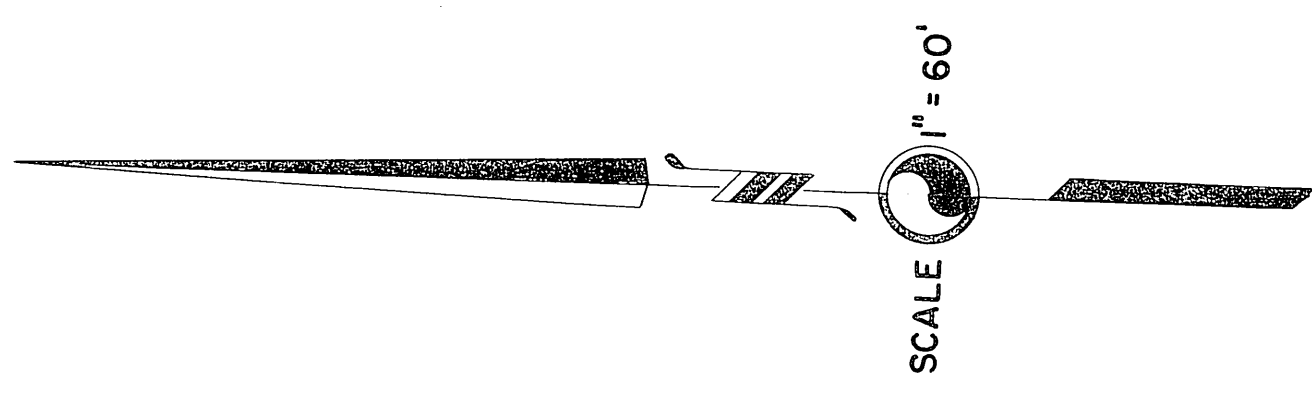
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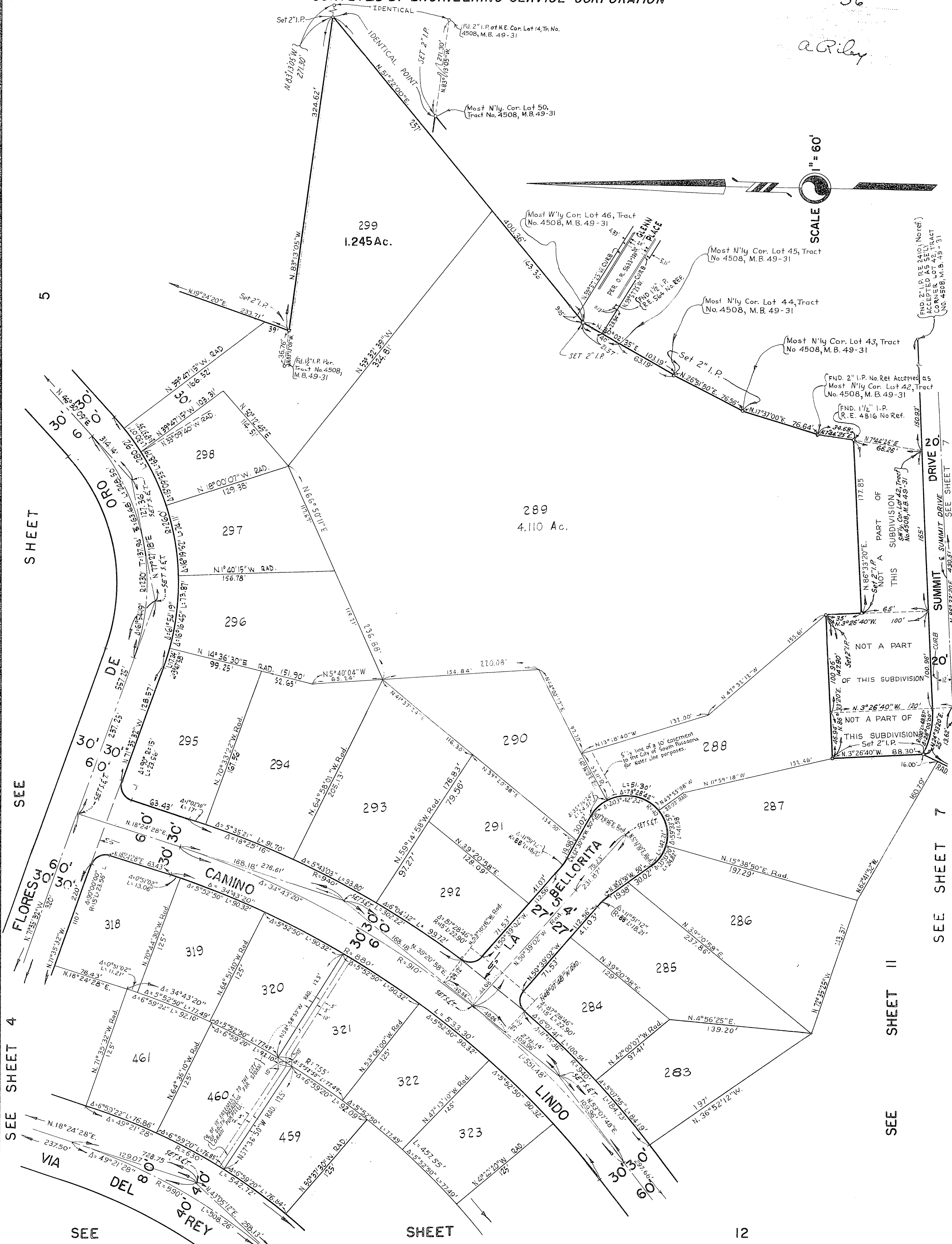
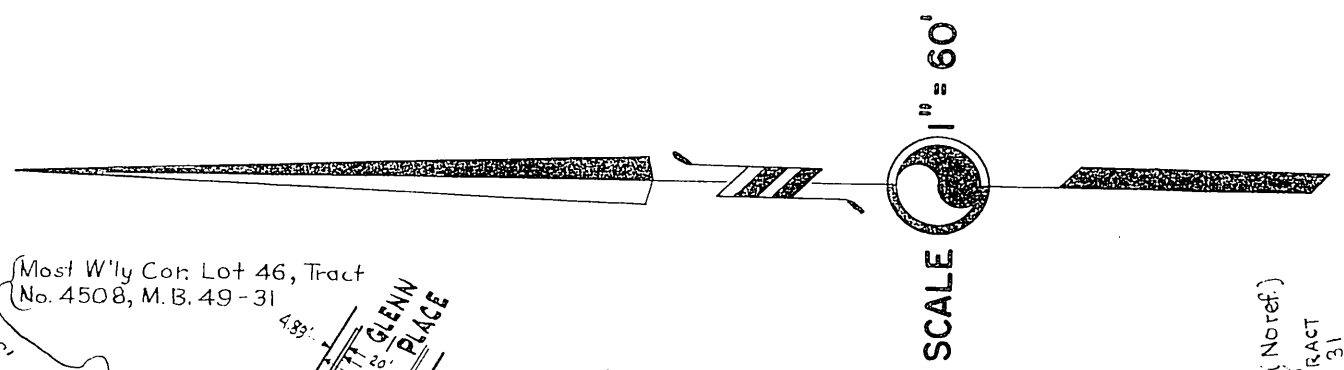
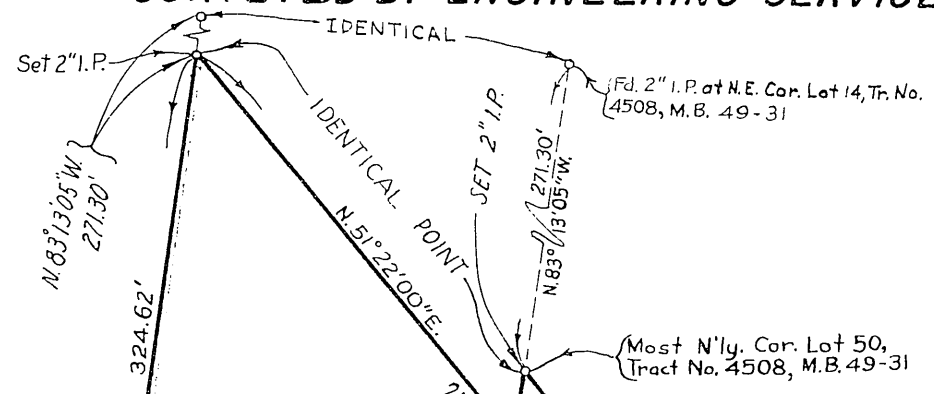
# Tract No. 25588

IN THE CITY OF SOUTH PASADENA

SURVEYED BY ENGINEERING SERVICE CORPORATION

RECORDED  
Nov. 26, 1963  
15 3P.M.  
713  
56

a Riley



SEE SHEET 4

SEE SHEET 5

SEE SHEET 12

SEE SHEET 7

SEE SHEET 11

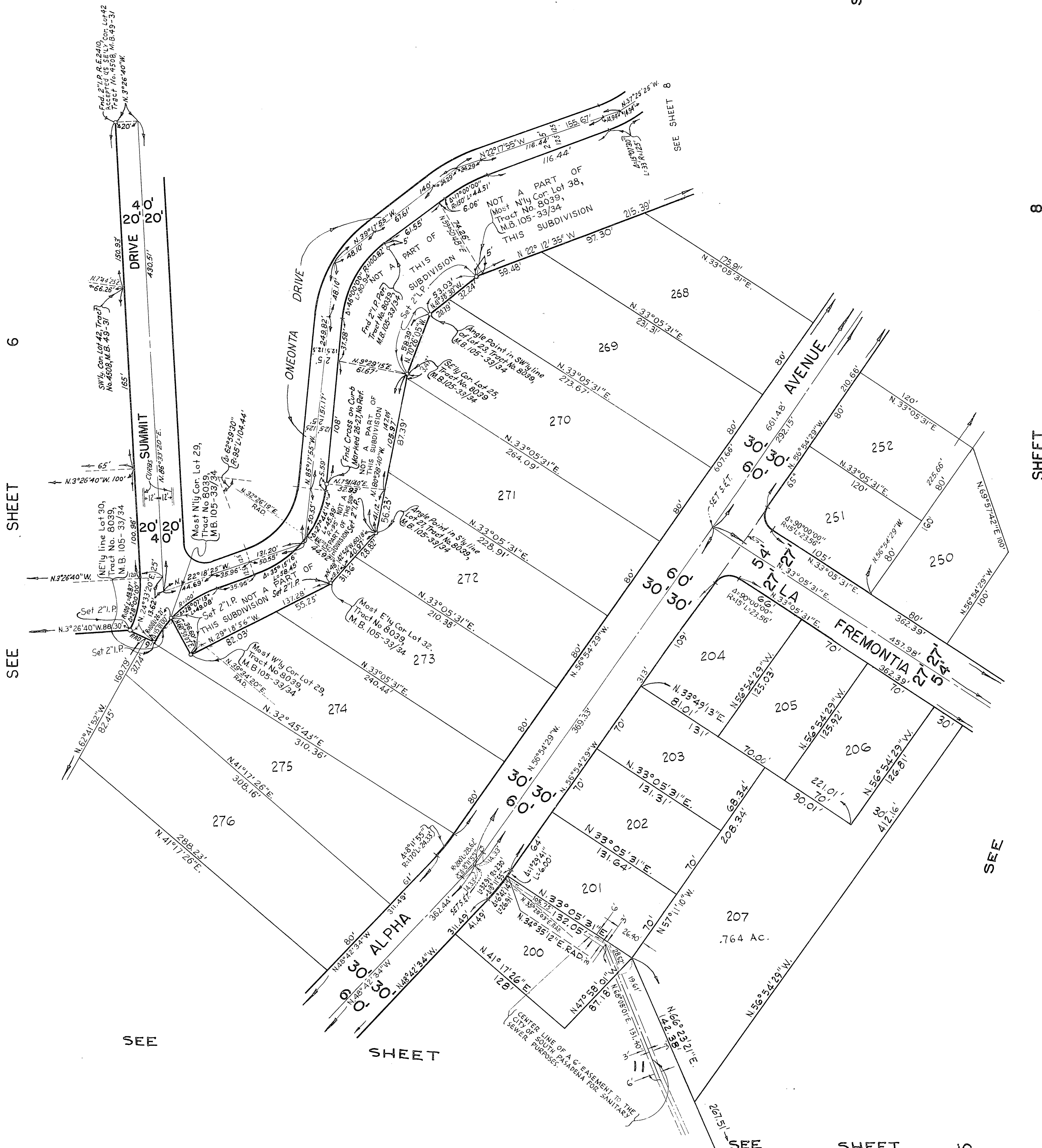
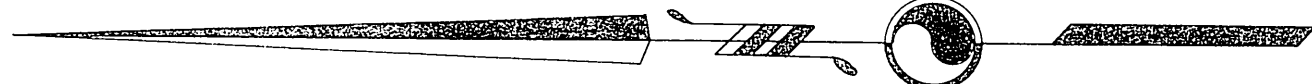
SEE SHEET 12

# Tract No. 25588

IN THE CITY OF SOUTH PASADENA  
SURVEYED BY ENGINEERING SERVICE CORPORATION

P.7  
 RECORDED  
 AT THE OFFICE OF THE  
 CLERK OF THE COUNTY OF LOS ANGELES  
 NOV. 26, 1963  
 15 P.M.  
 713  
 57  
 BY *a. Riley*

SCALE 1" = 60'



SEE SHEET 6

SEE SHEET 6

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SHEET



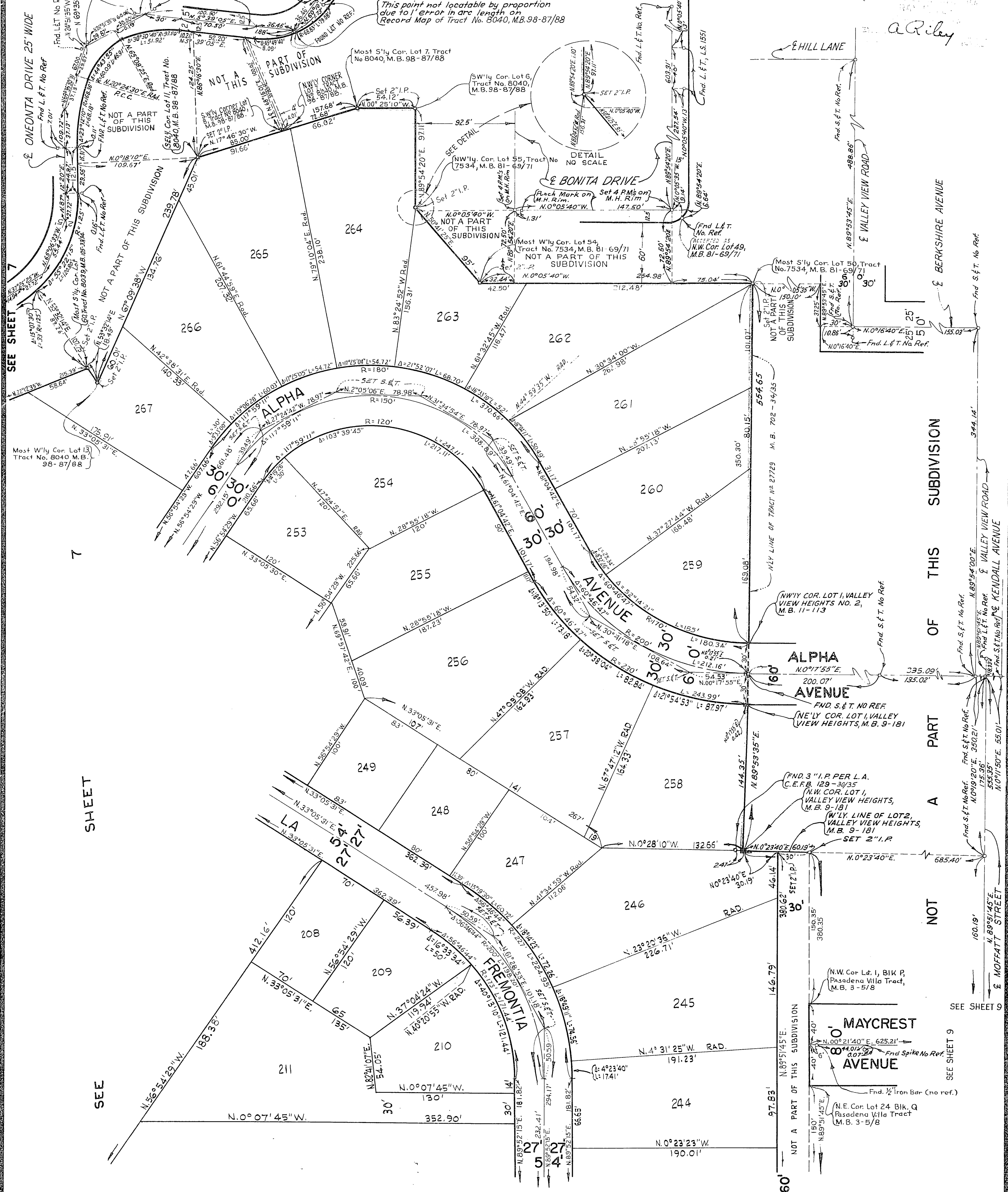
Nov 26, 1963  
15 3 P.M.  
713  
50

# Tract No. 25588

IN THE CITY OF SOUTH PASADENA

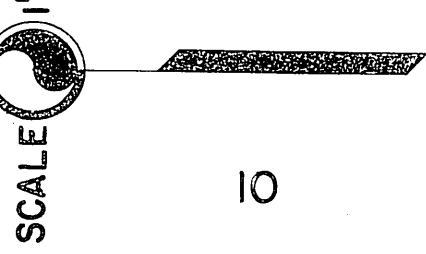
SURVEYED BY ENGINEERING SERVICE CORPORATION

This point not locatable by proportion due to error in arc length on Record Map of Tract No. 8040, M.B. 98-87/88



a Riley

NOT A PART OF THIS SUBDIVISION





# Tract No. 25588

IN THE CITY OF SOUTH PASADENA

SURVEYED BY ENGINEERING SERVICE CORPORATION

Pg. 10

Nov 26, 1963  
15 3 P.M.  
713  
60

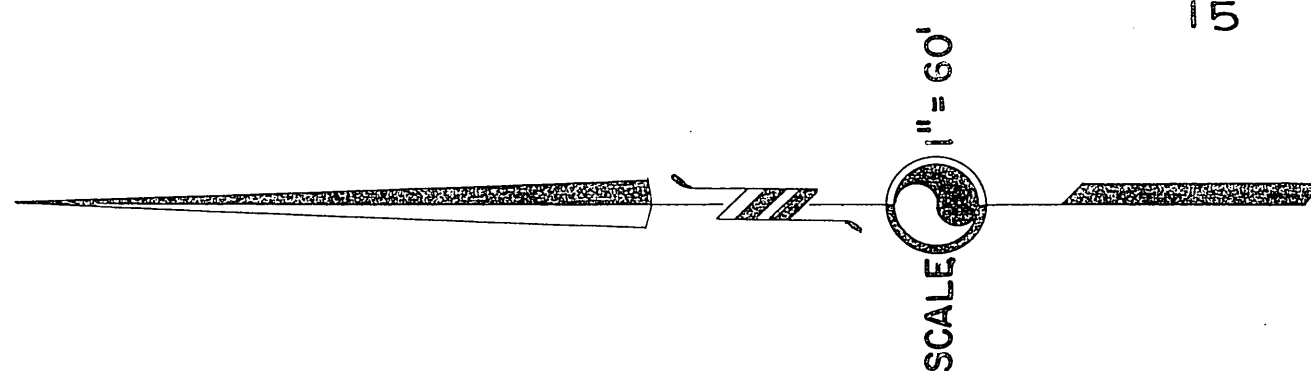
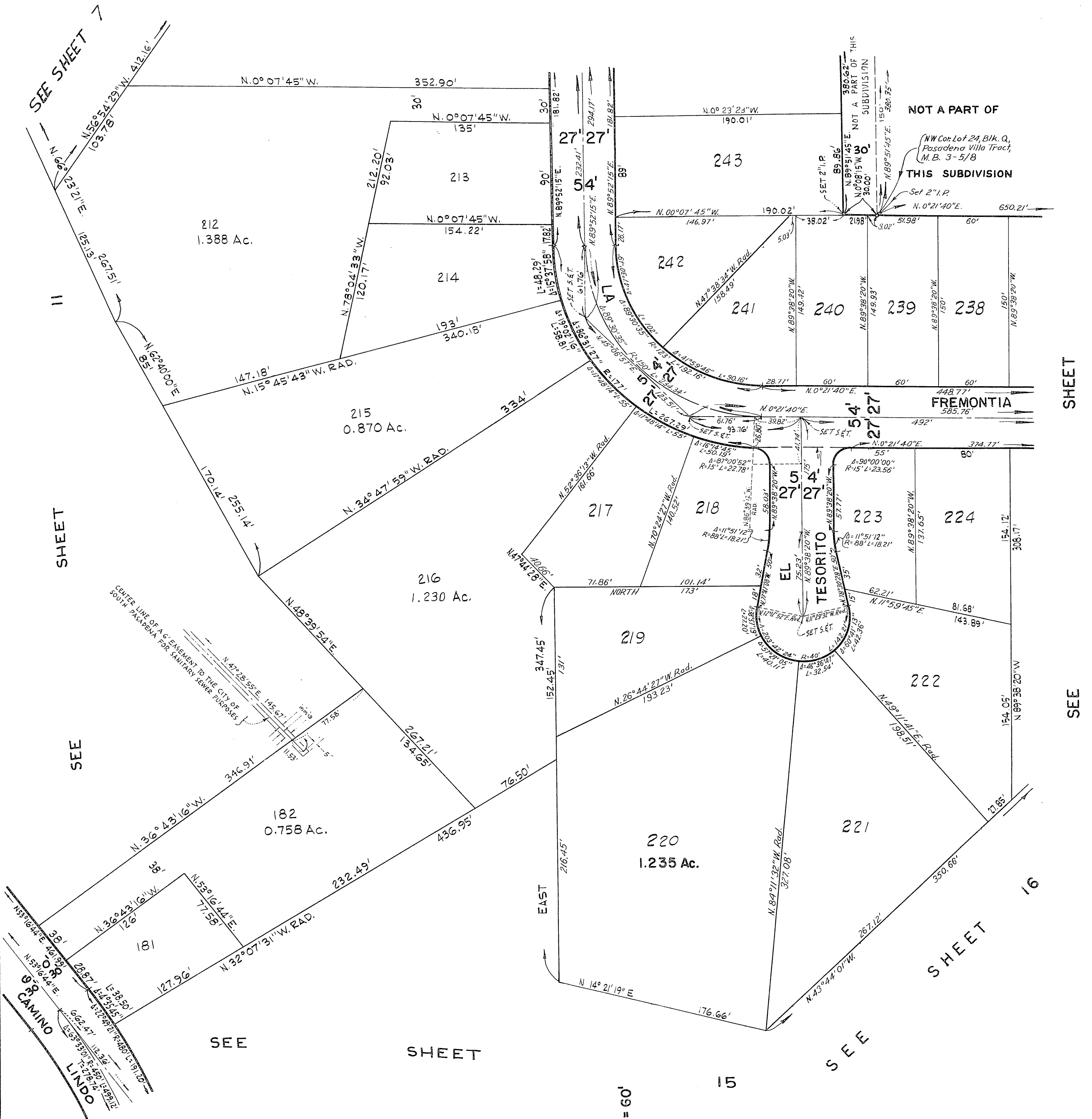
at City

SEE

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8

9



# Traet No. 25588

IN THE CITY OF SOUTH PASADENA

SURVEYED BY ENGINEERING SERVICE CORPORATION

Pg. 11  
 RECORDED  
 AT REQUEST OF OWNER  
 Nov 26, 1963  
 15 3 P.M.  
 713  
 AT 6:00 P.M.  
 61  
 LOS ANGELES COUNTY CLERK  
 RILEY

6

SEE SHEET

SEE

12

SHEET

SEE

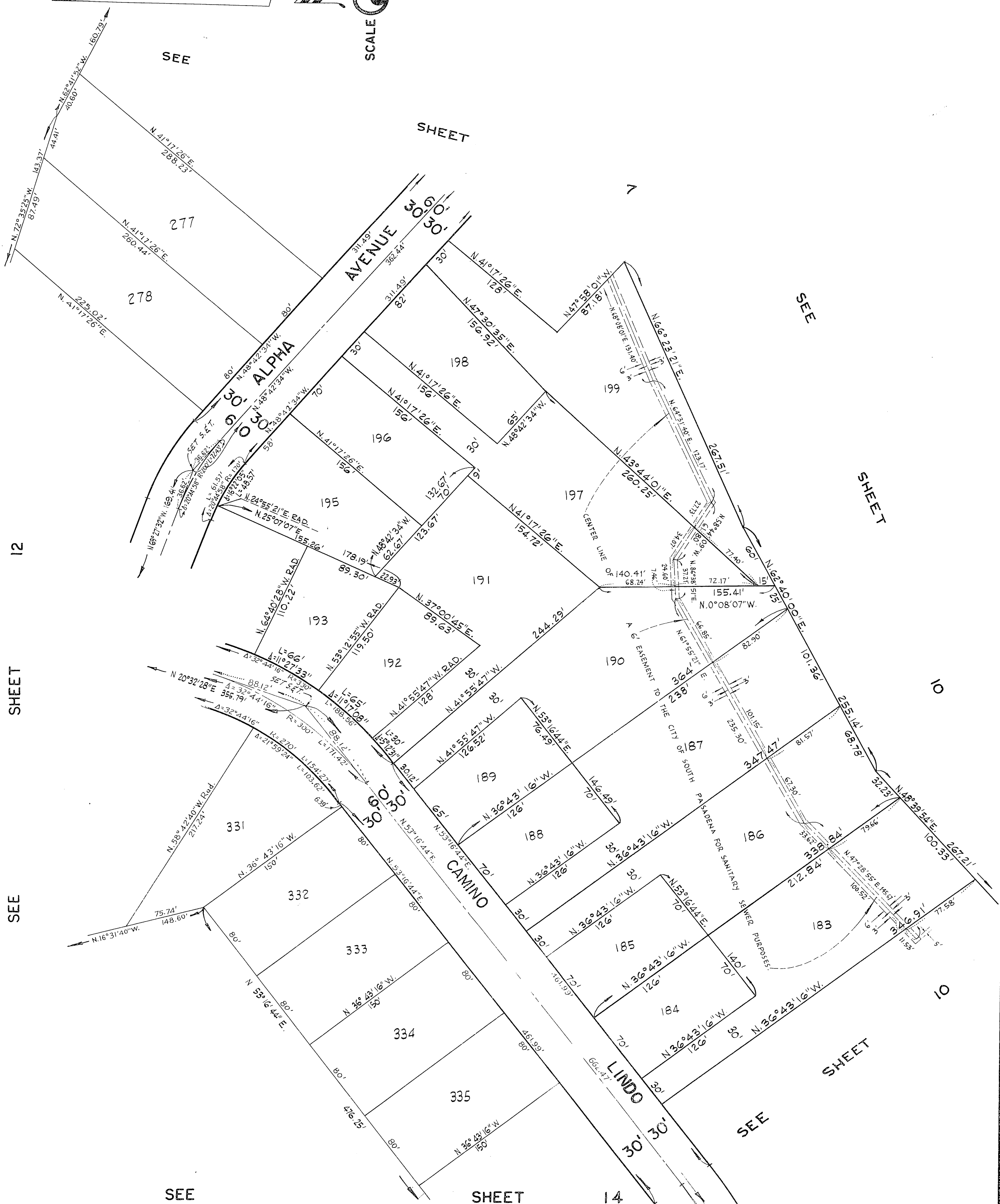
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14

12-79

SCALE 1" = 60'



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# Tract No. 25588

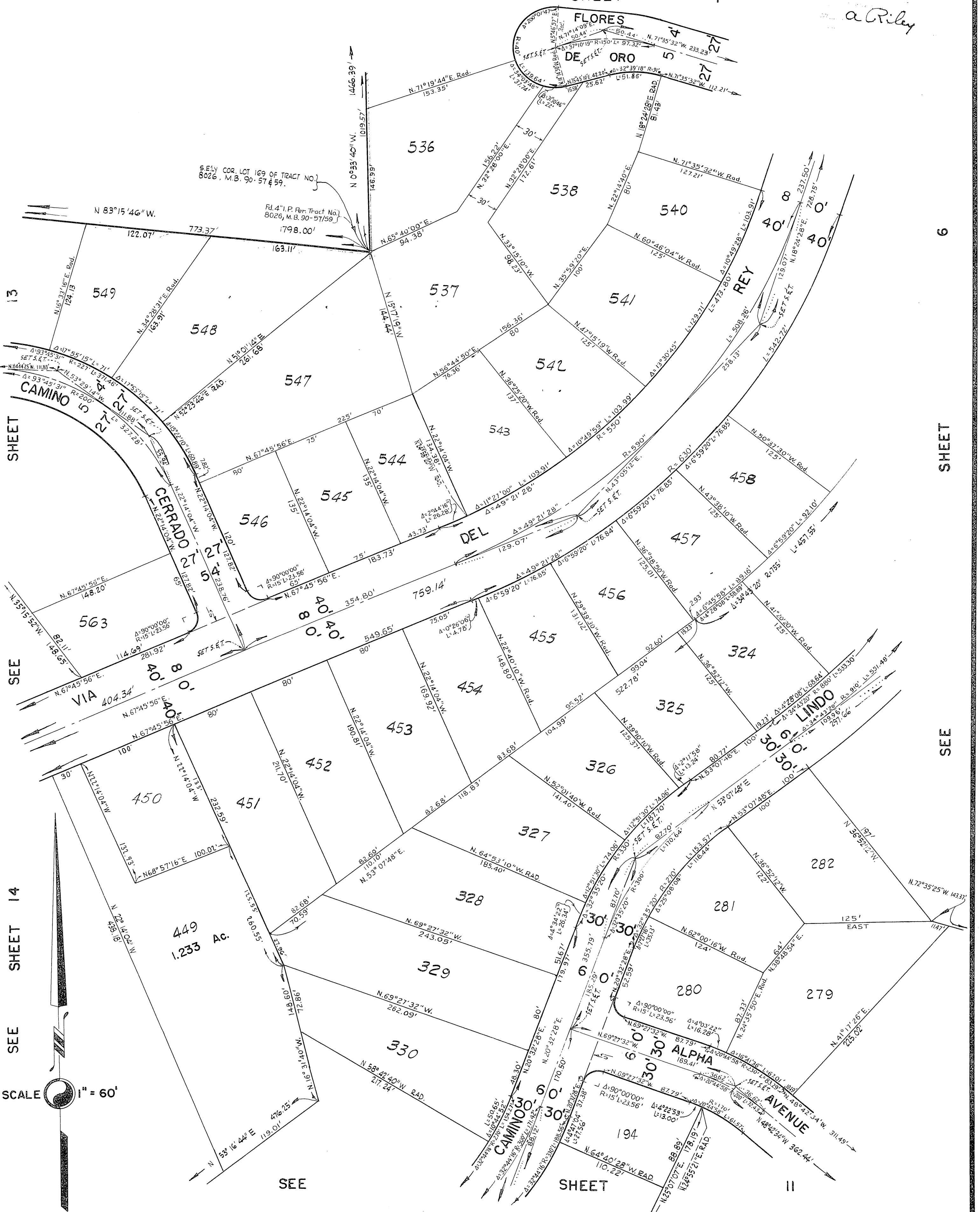
IN THE CITY OF SOUTH PASADENA  
SURVEYED BY ENGINEERING SERVICE CORPORATION

Pg. 12

Nov 26, 1963  
15 3 P.M.  
713  
62

a Riley

SEE SHEET 4



SEE SHEET 13

SEE SHEET 14

SEE SHEET 11

SEE SHEET 10

SEE SHEET 6

SEE SHEET 7

SEE SHEET 8

SEE SHEET 9

SCALE 1" = 60'

# Tract No. 25588

IN THE CITY OF SOUTH PASADENA

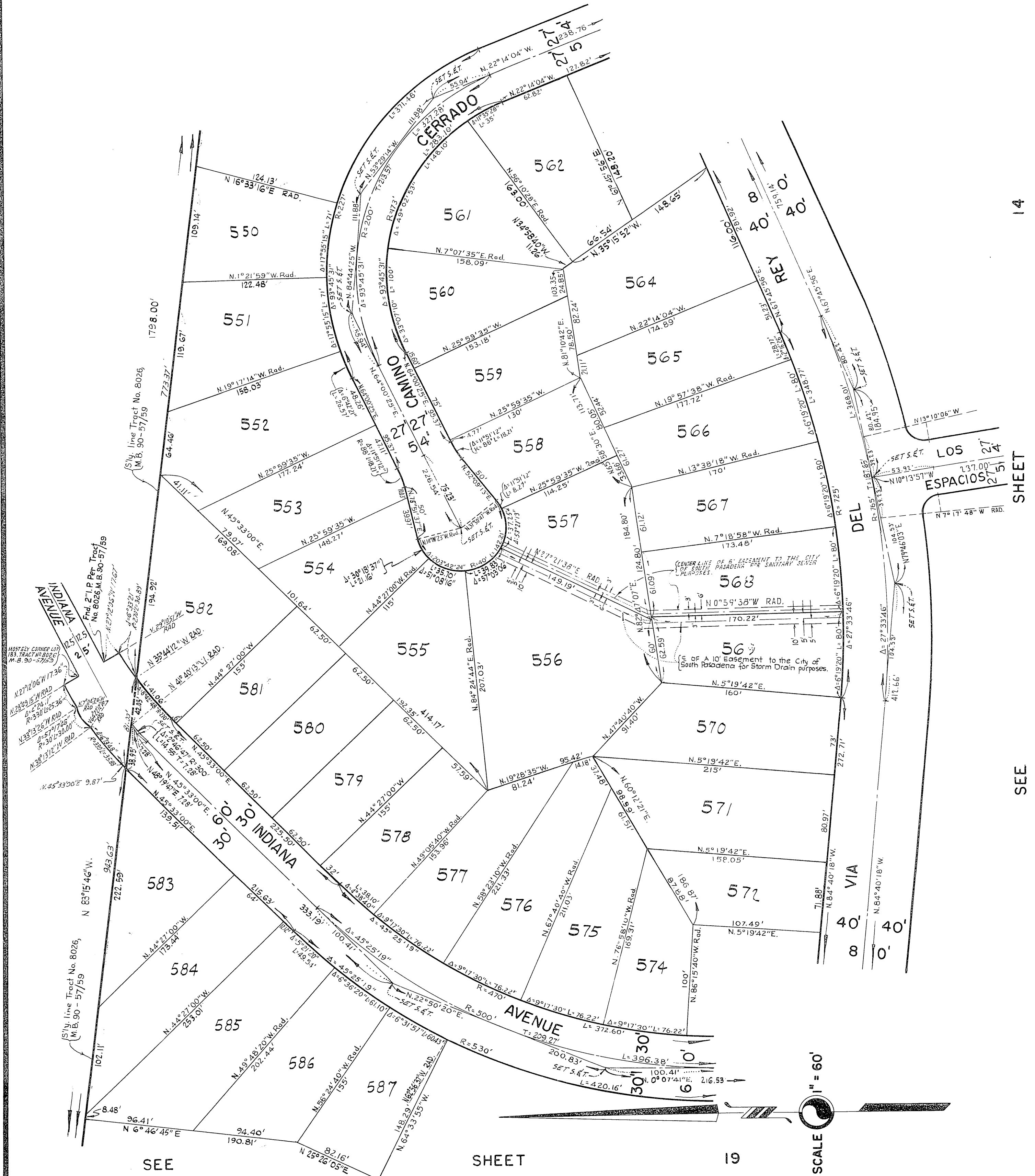
SURVEYED BY ENGINEERING SERVICE CORPORATION

Pg. 13  
 RECORDED  
 AT REQUEST OF OWNER  
 Nov 26, 1963  
 15 MIN. 3 P.M.  
 713  
 63  
 A. Riley

SEE

SHEET

12



14

SHEET

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SHEET

19



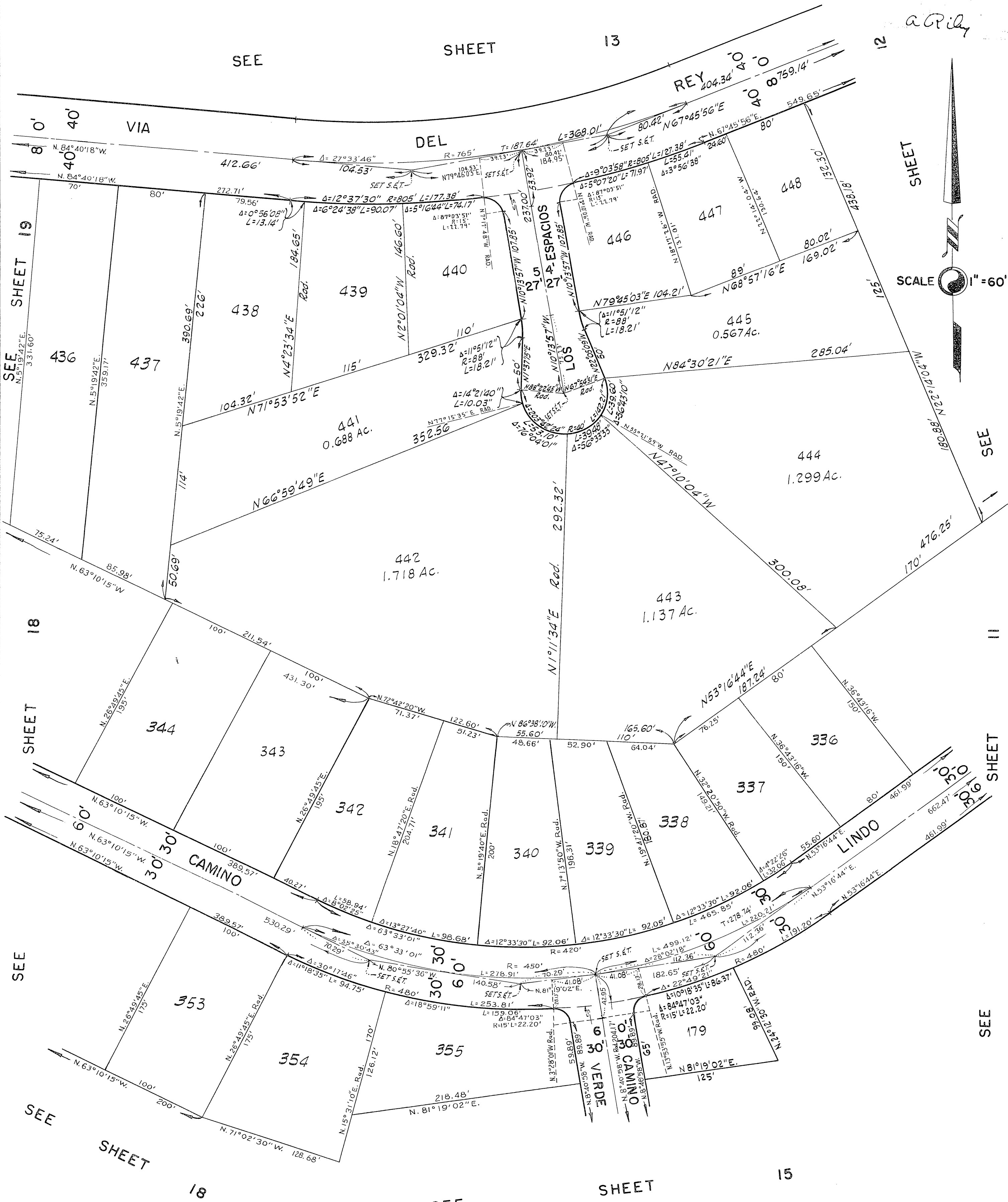
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IN THE CITY OF SOUTH PASADENA

SURVEYED BY ENGINEERING SERVICE CORPORATION

Nov 26, 1963  
15 3 P.M.  
713  
64

a.P. Riley



SCALE 1" = 60'

# Traet No. 25588

IN THE CITY OF SOUTH PASADENA

SURVEYED BY ENGINEERING SERVICE CORPORATION

BOOK 713 PAGE 65

Pg. 15

RECORDED  
AT THE COUNTY CLERK'S OFFICE  
Nov 26, 1963  
15 3 P.M.

BOOK 713  
PAGE 65

BY  
A. RILEY

SEE

SHEET

10

16

SHEET

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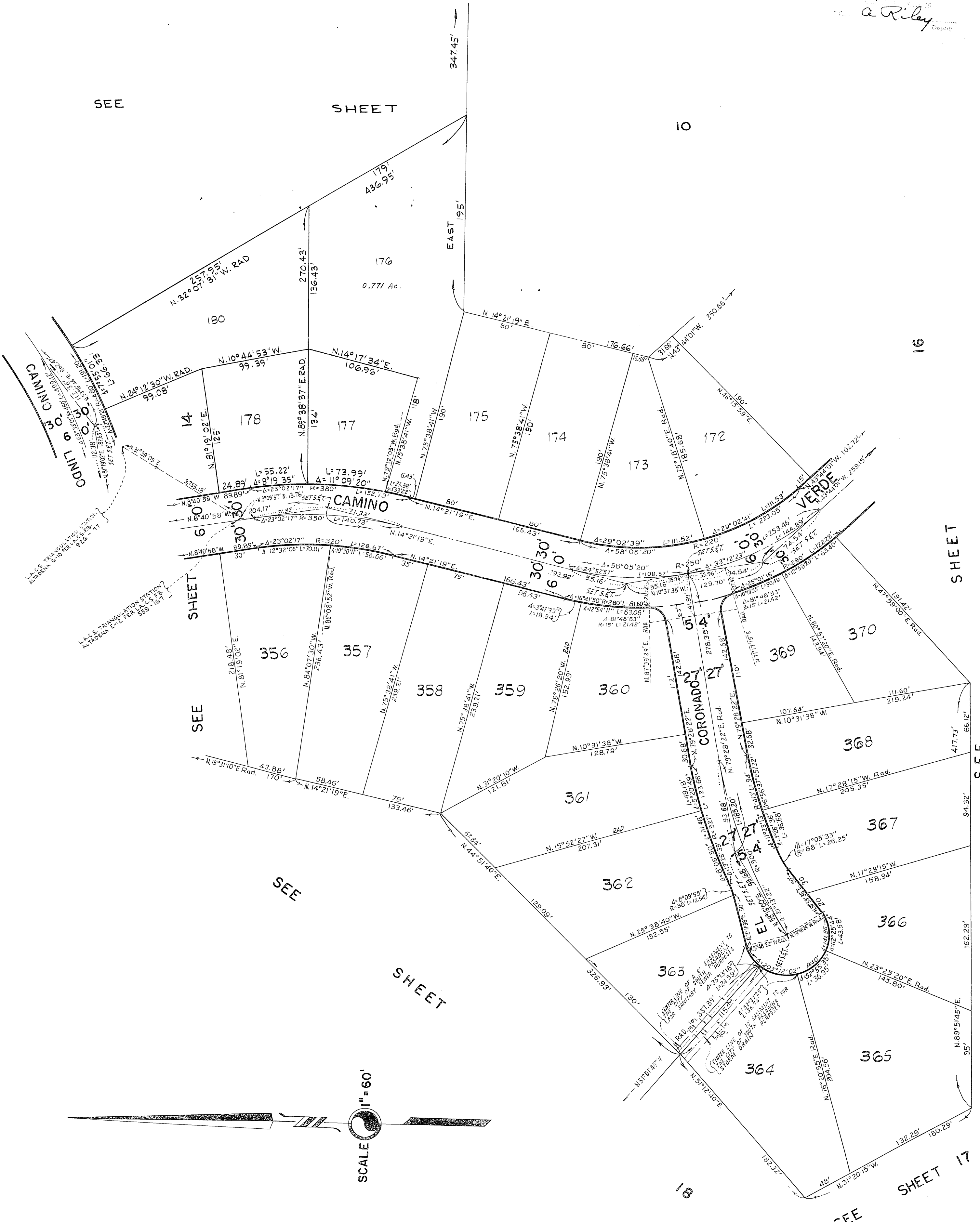
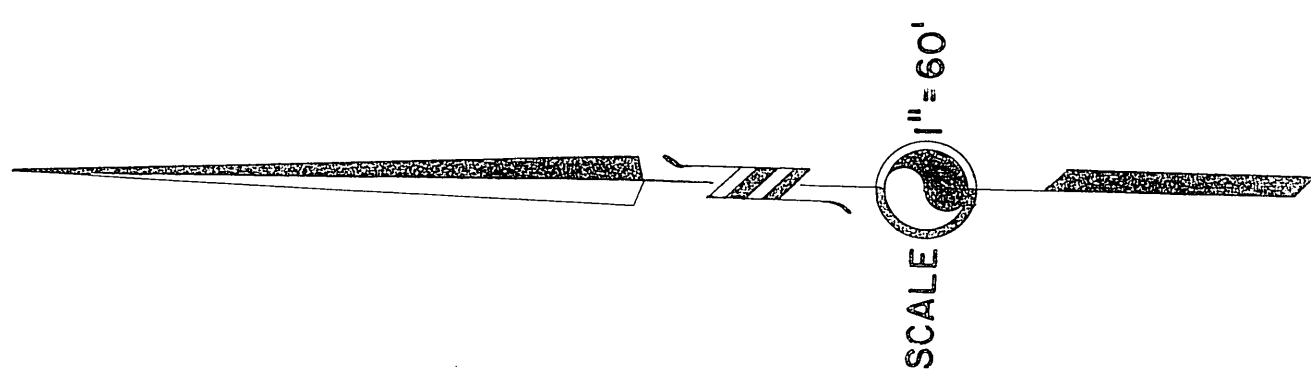
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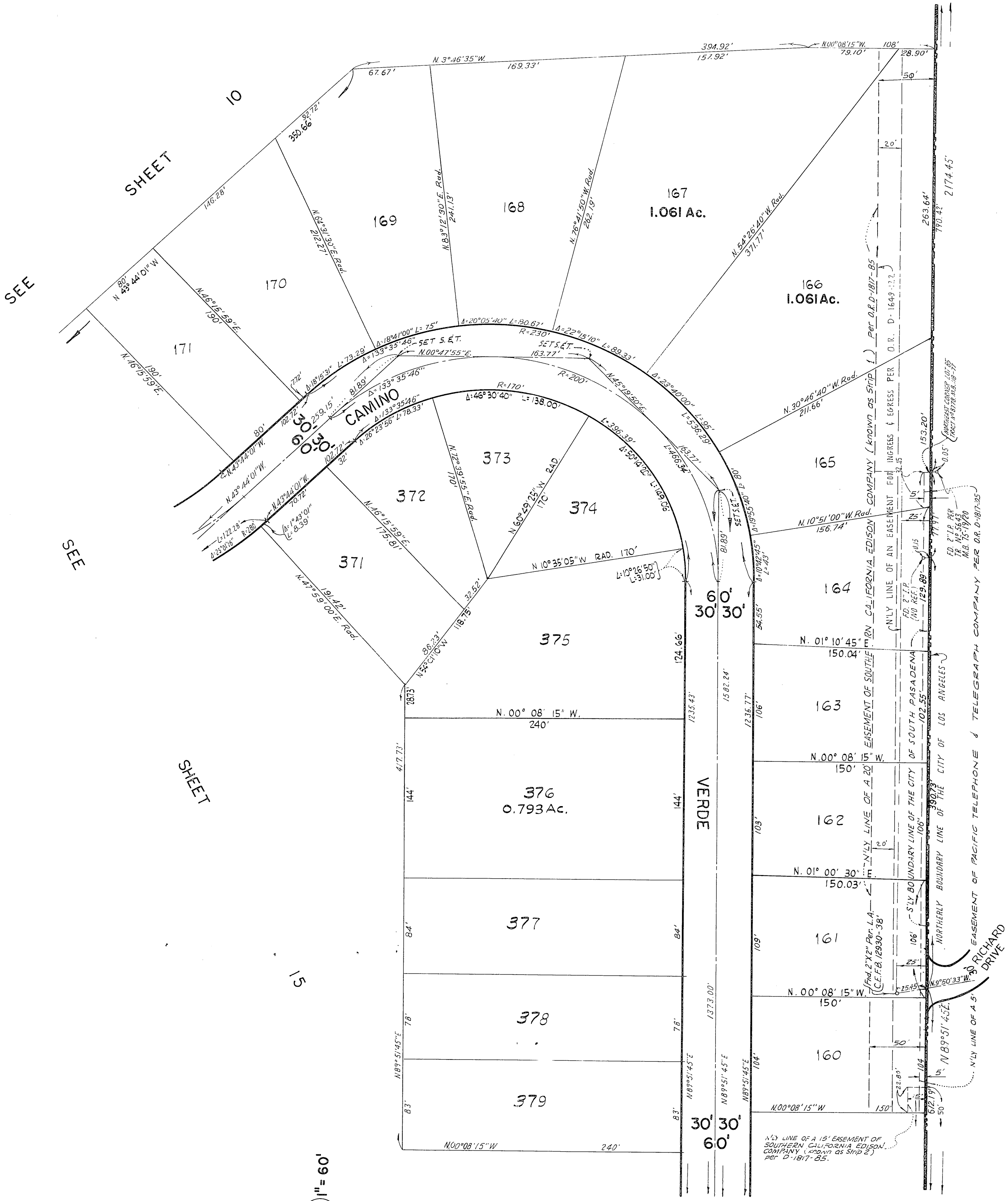
# Tract No. 25588

IN THE CITY OF SOUTH PASADENA  
SURVEYED BY ENGINEERING SERVICE CORPORATION

Pg. 16  
Nov 26, 1963  
15 3 P.M.  
713  
66

a Riley

SEE SHEET 9



SCALE 1" = 60'

SEE SHEET 17

# Tract No. 25588

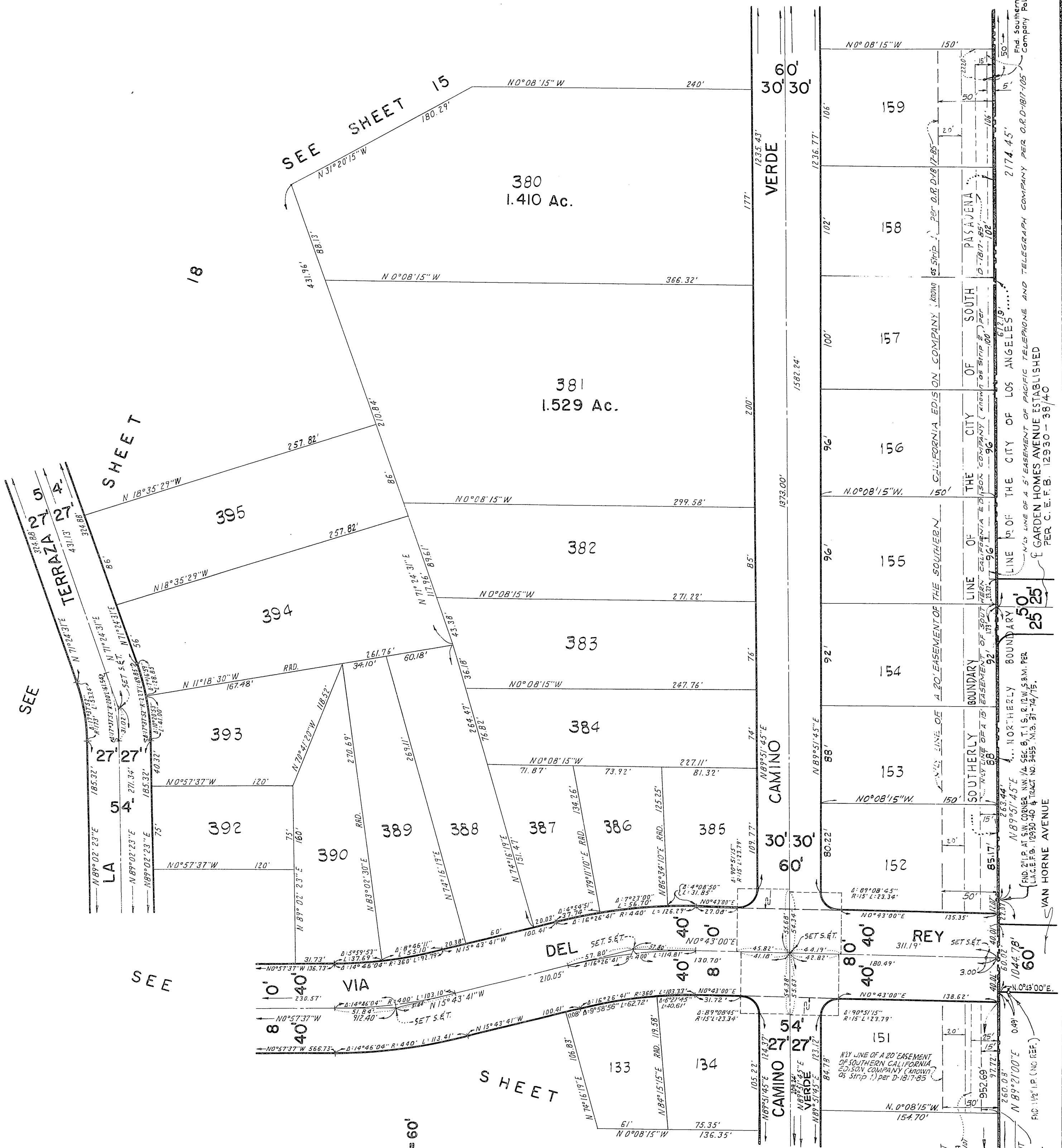
IN THE CITY OF SOUTH PASADENA

SURVEYED BY ENGINEERING SERVICE CORPORATION

19.17  
 RECORDED  
 AT REC'D. DIVISION  
 Nov 26, 1963  
 15 3 P.M.  
 713  
 67  
 a. Riley

SEE

SHEET 16



SCALE  
 1" = 60'

NEW LINE OF A 25' EASEMENT FOR ACCESS AND EGRESS OF SOUTHERN CALIFORNIA GAS COMPANY PER D-1817-85.  
 NEW LINE OF A 15' EASEMENT FOR ACCESS AND EGRESS OF SOUTHERN CALIFORNIA GAS COMPANY PER D-1817-85.  
 NEW LINE OF A 5' EASEMENT OF SOUTHERN CALIFORNIA EDISON COMPANY (KNOWN AS STRIP 1) PER D-1817-85.  
 NEW LINE OF A 20' EASEMENT OF SOUTHERN CALIFORNIA EDISON COMPANY (KNOWN AS STRIP 1) PER D-1817-85.  
 NEW LINE OF A 5' EASEMENT OF PACIFIC TELEPHONE AND TELEGRAPH COMPANY PER O.R.D-1817-105.  
 COMPANY FILE # 45008TH  
 PER C. E. F. B. 12930-38/40

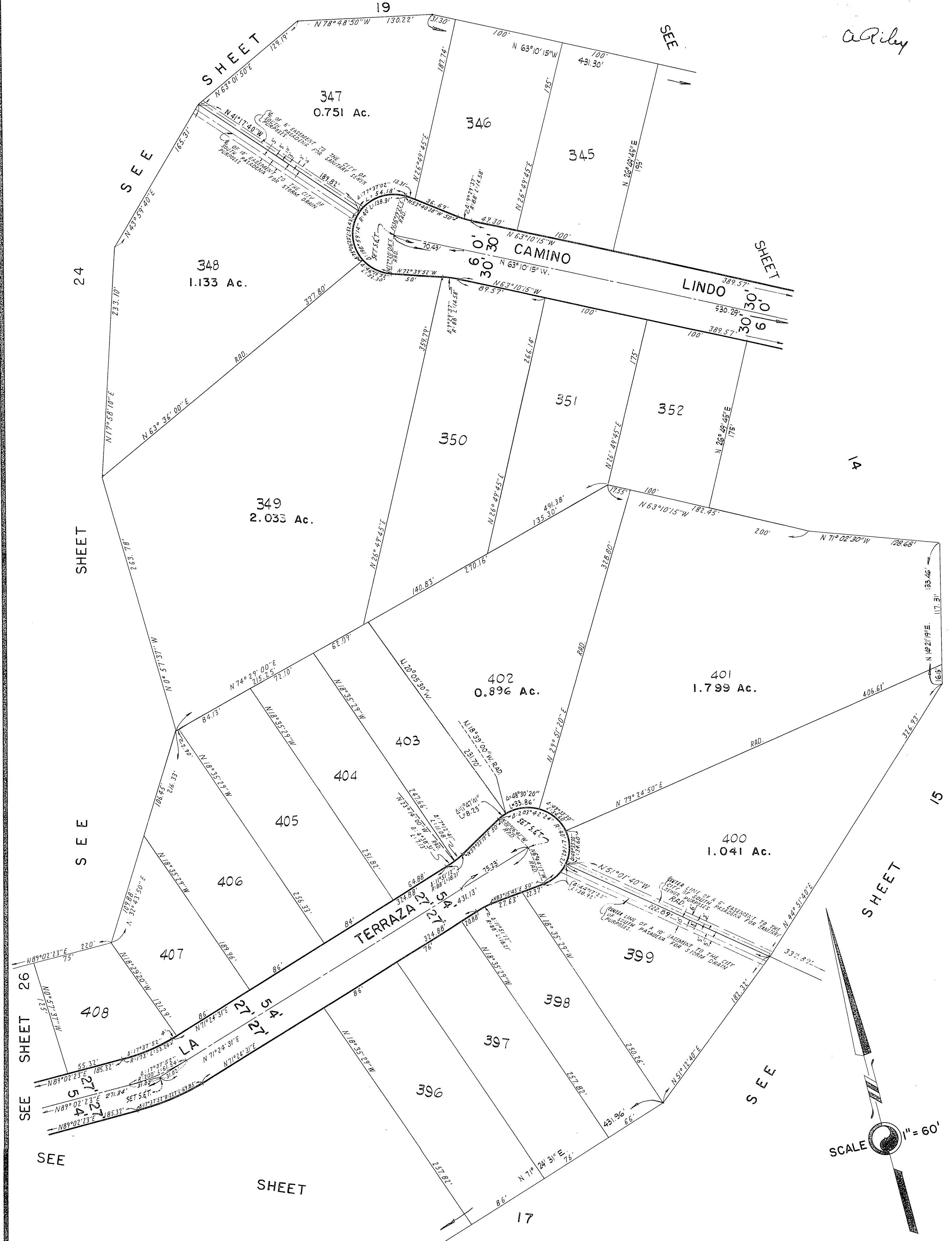


# Tract No. 25588

IN THE CITY OF SOUTH PASADENA  
SURVEYED BY ENGINEERING SERVICE CORPORATION

P. 18  
Nov. 26, 1963  
15 3 P.M.  
713  
68

*A. Riley*

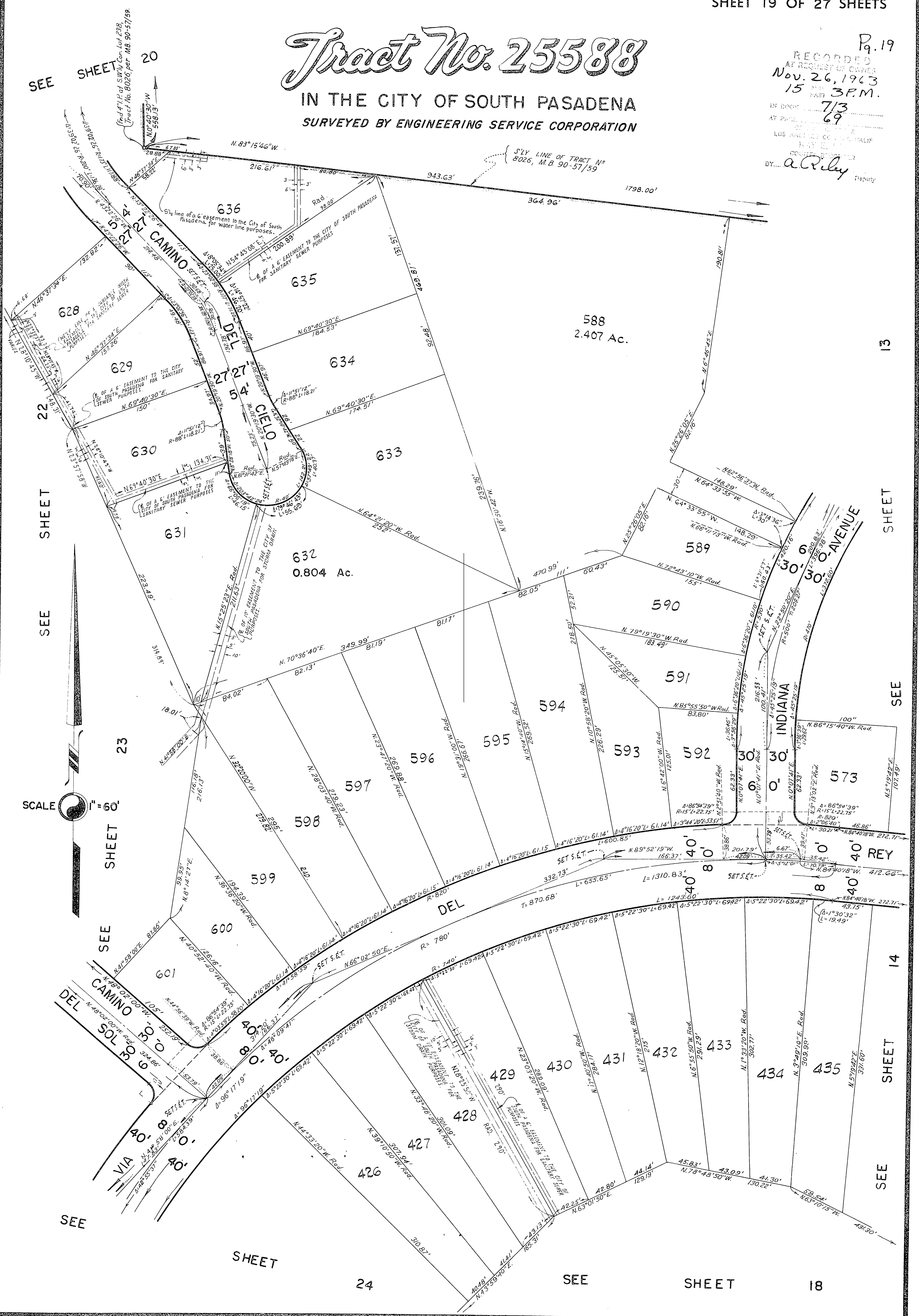




# Tract No. 25588

IN THE CITY OF SOUTH PASADENA  
SURVEYED BY ENGINEERING SERVICE CORPORATION

Pg. 19  
 RECORDED  
 AT REQUEST OF OWNER  
 Nov. 26, 1963  
 15 3 P.M.  
 BY DEPT. 7/3  
 AT 69  
 LOS ANGELES COUNTY PUBLIC  
 COUNTY CLERK  
 BY: a. Riley Deputy



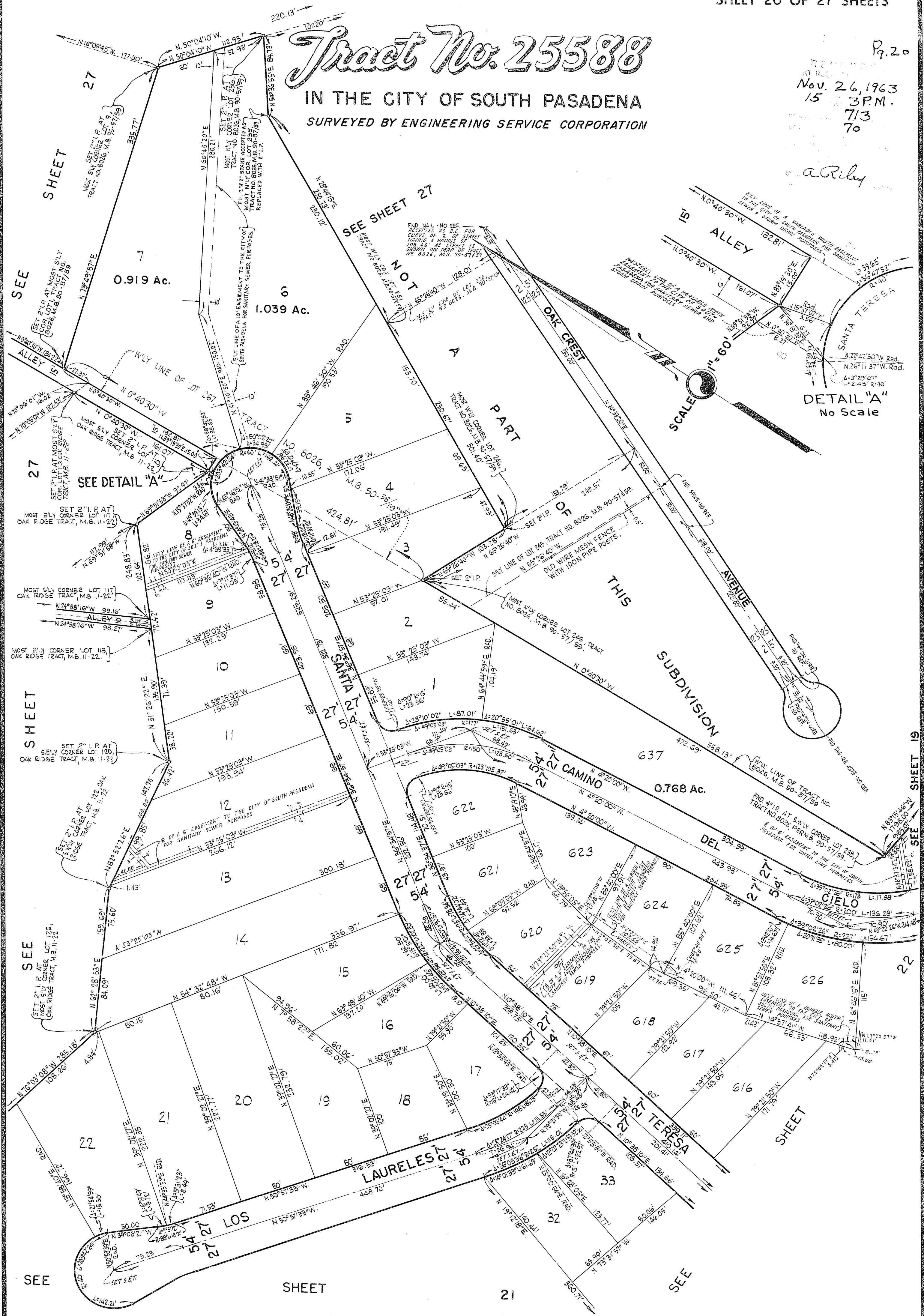
# Tract No. 25588

IN THE CITY OF SOUTH PASADENA  
SURVEYED BY ENGINEERING SERVICE CORPORATION

Pg. 20

REVISION  
AT REQUEST  
Nov. 26, 1963  
15 3 P.M.  
713  
70

a Riley



DETAIL "A"  
No Scale

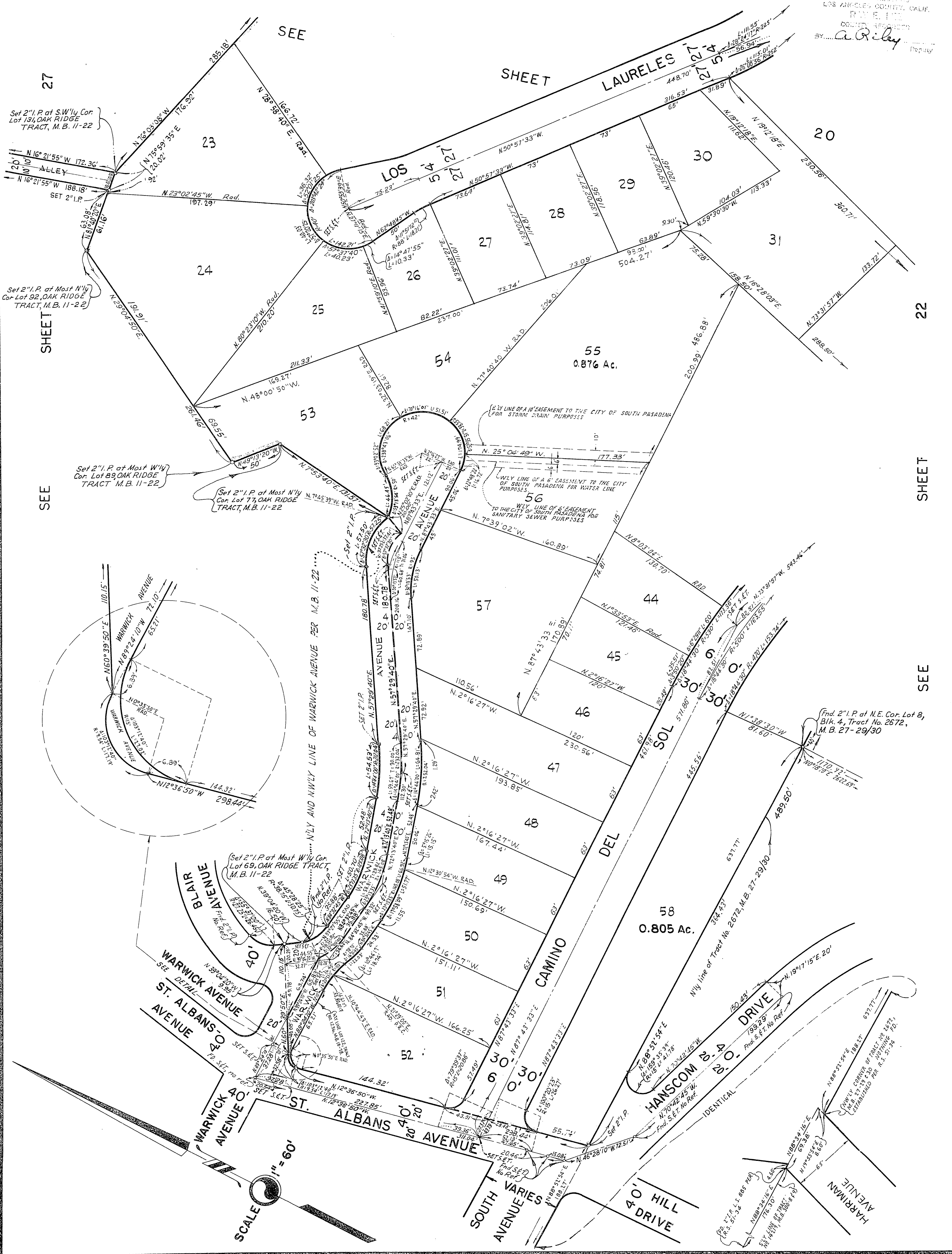


# Tract No. 25588

IN THE CITY OF SOUTH PASADENA

SURVEYED BY ENGINEERING SERVICE CORPORATION

RECORDED  
 AT REQUEST OF OWNER  
 Nov 26, 1963  
 15 MIN 3 P.M.  
 IN BOOK 713  
 AT PAGE 71  
 OF MAP RECORDS  
 LOS ANGELES COUNTY, CALIF.  
 R. W. E. LTD.  
 COUNTY ENGINEER  
 By *A. Riley* Deputy



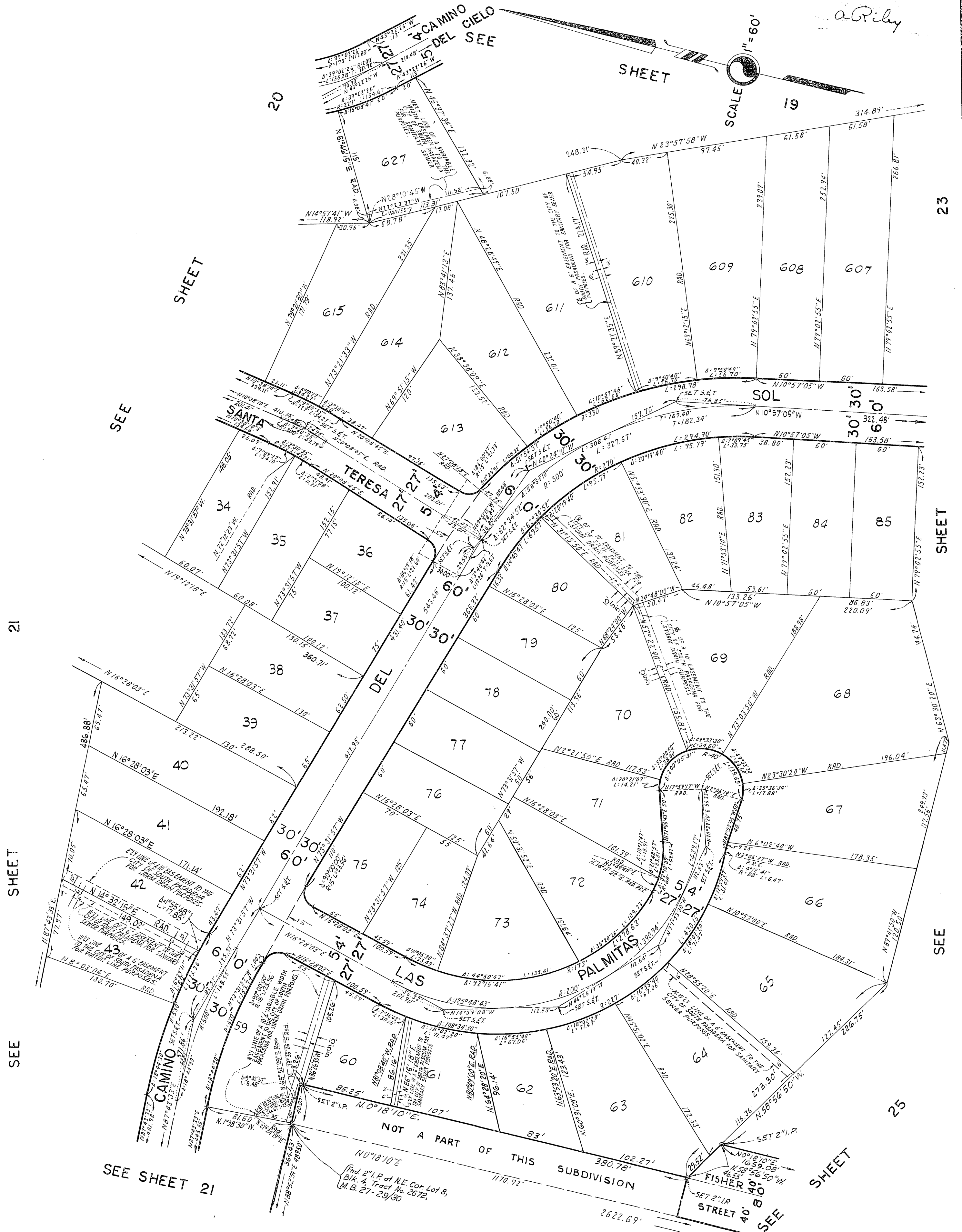
# Tract No. 25588

IN THE CITY OF SOUTH PASADENA

SURVEYED BY ENGINEERING SERVICE CORPORATION

RECORDED  
Nov 26, 1963  
15 3P.M.  
713  
72

a. P. Riley



21

SHEET

SEE

SEE SHEET 21

23

SHEET

SEE

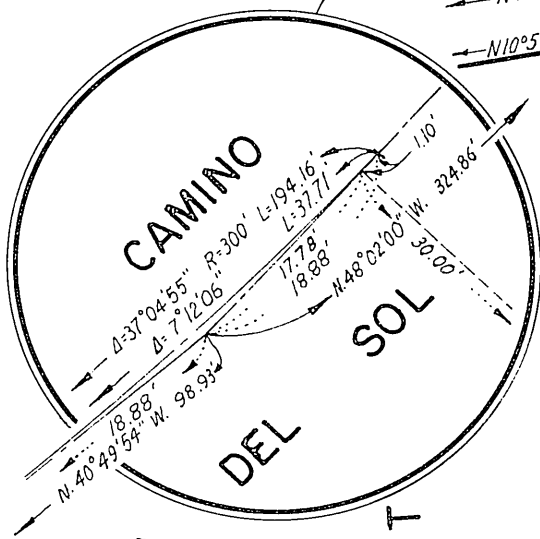
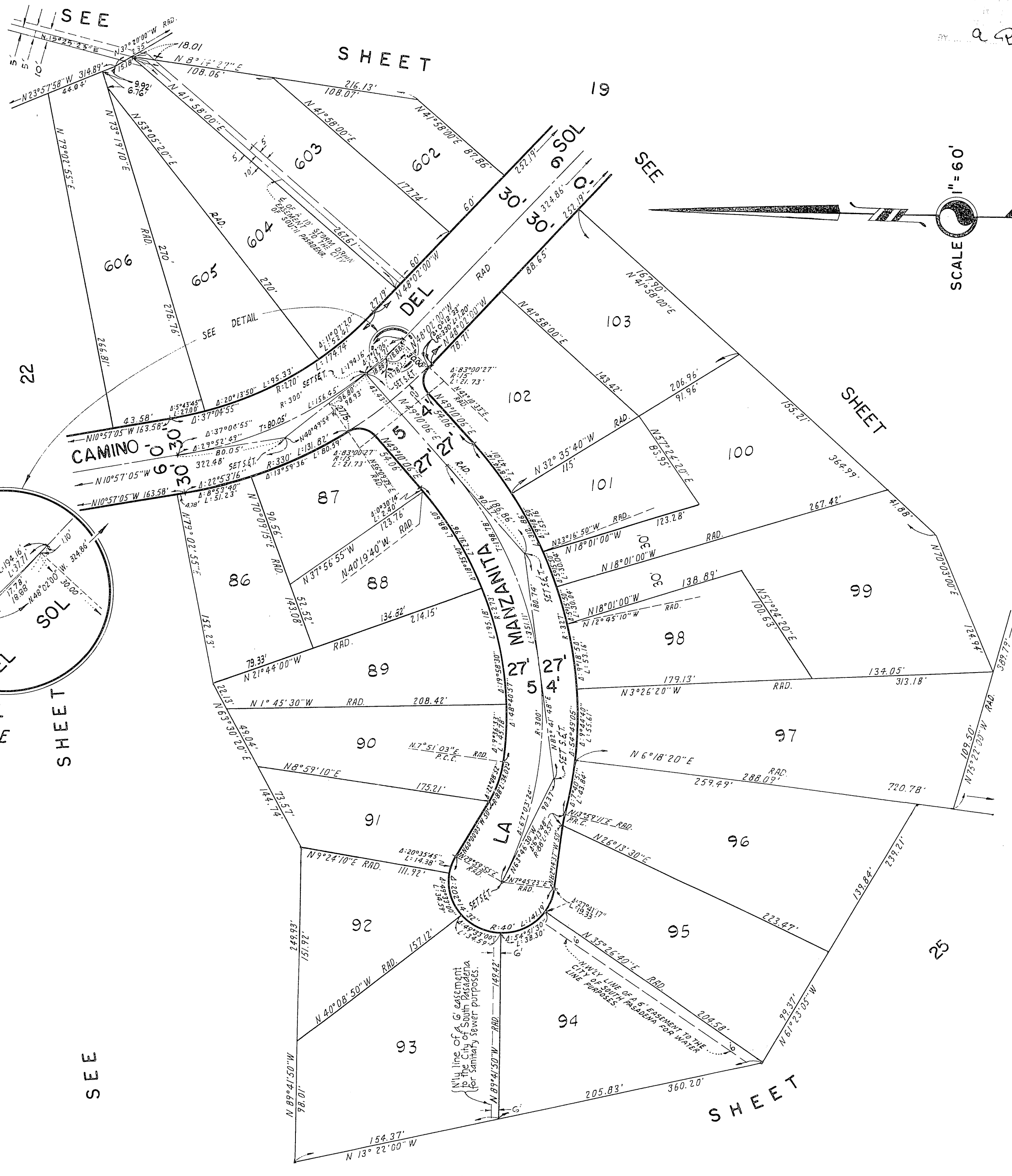
25

SEE SHEET

# *Traact No. 25588*

IN THE CITY OF SOUTH PASADENA  
SURVEYED BY ENGINEERING SERVICE CORPORATION

Pg. 23  
RECORDED  
AT THE COUNTY CLERK'S OFFICE  
Nov 26, 1963  
15 3 P.M.  
713  
73  
a Riley





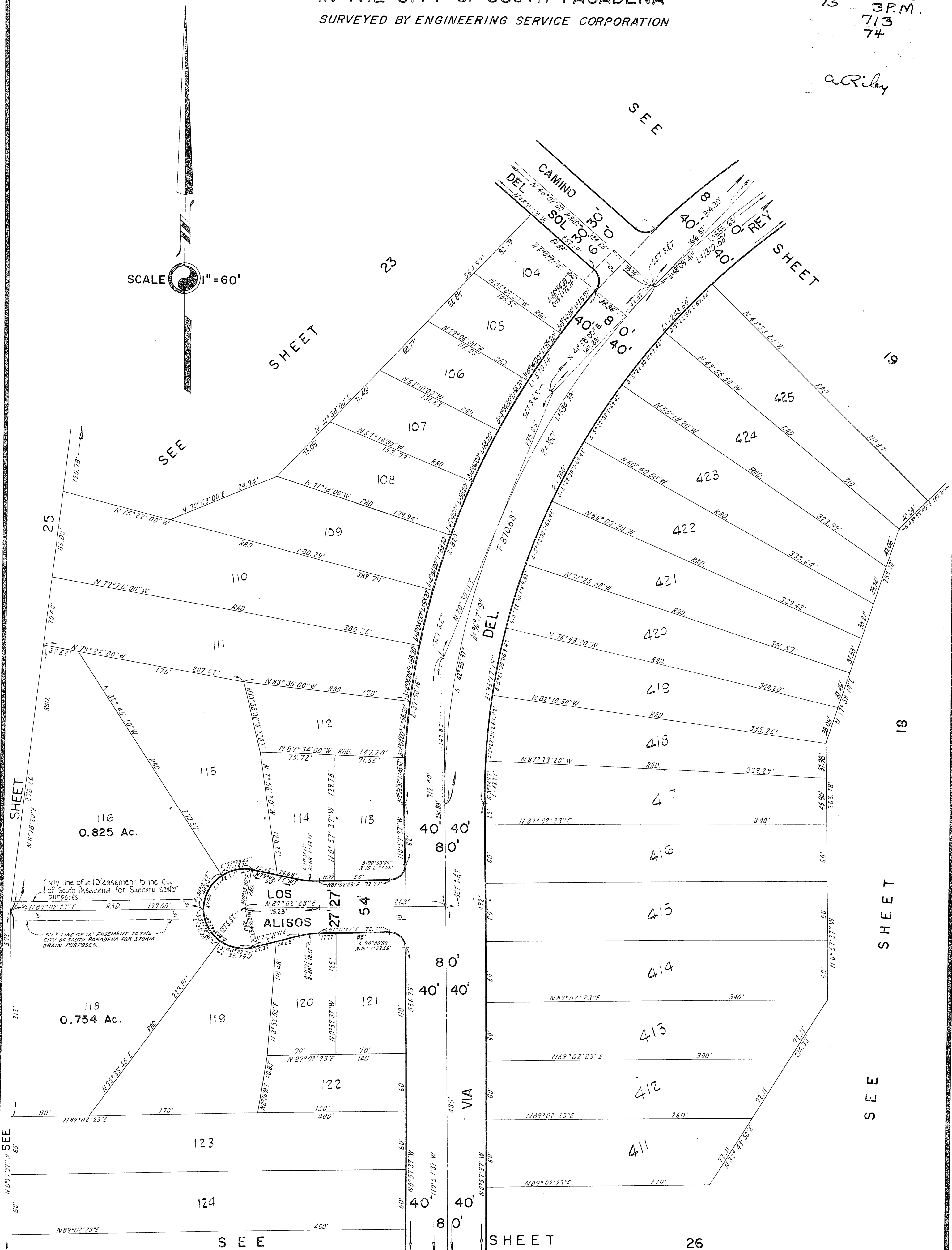
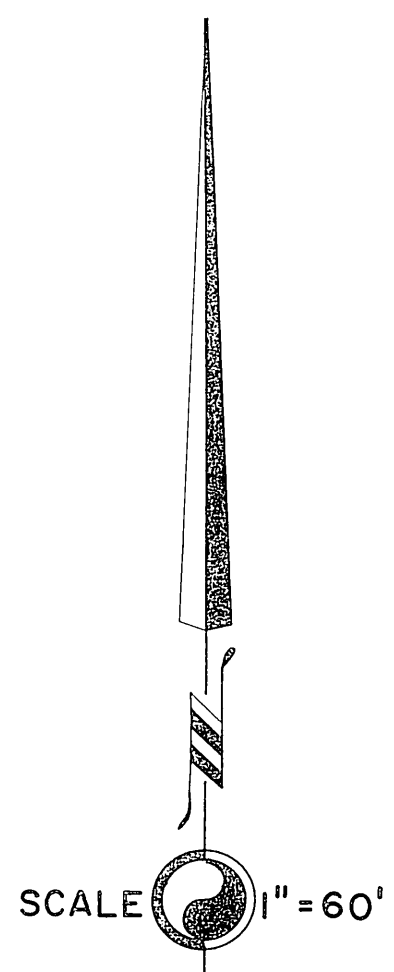
# Tract No. 25588

IN THE CITY OF SOUTH PASADENA  
SURVEYED BY ENGINEERING SERVICE CORPORATION

Pg. 24

Nov. 26, 1963  
15 3 P.M.  
713  
74

*aRiley*



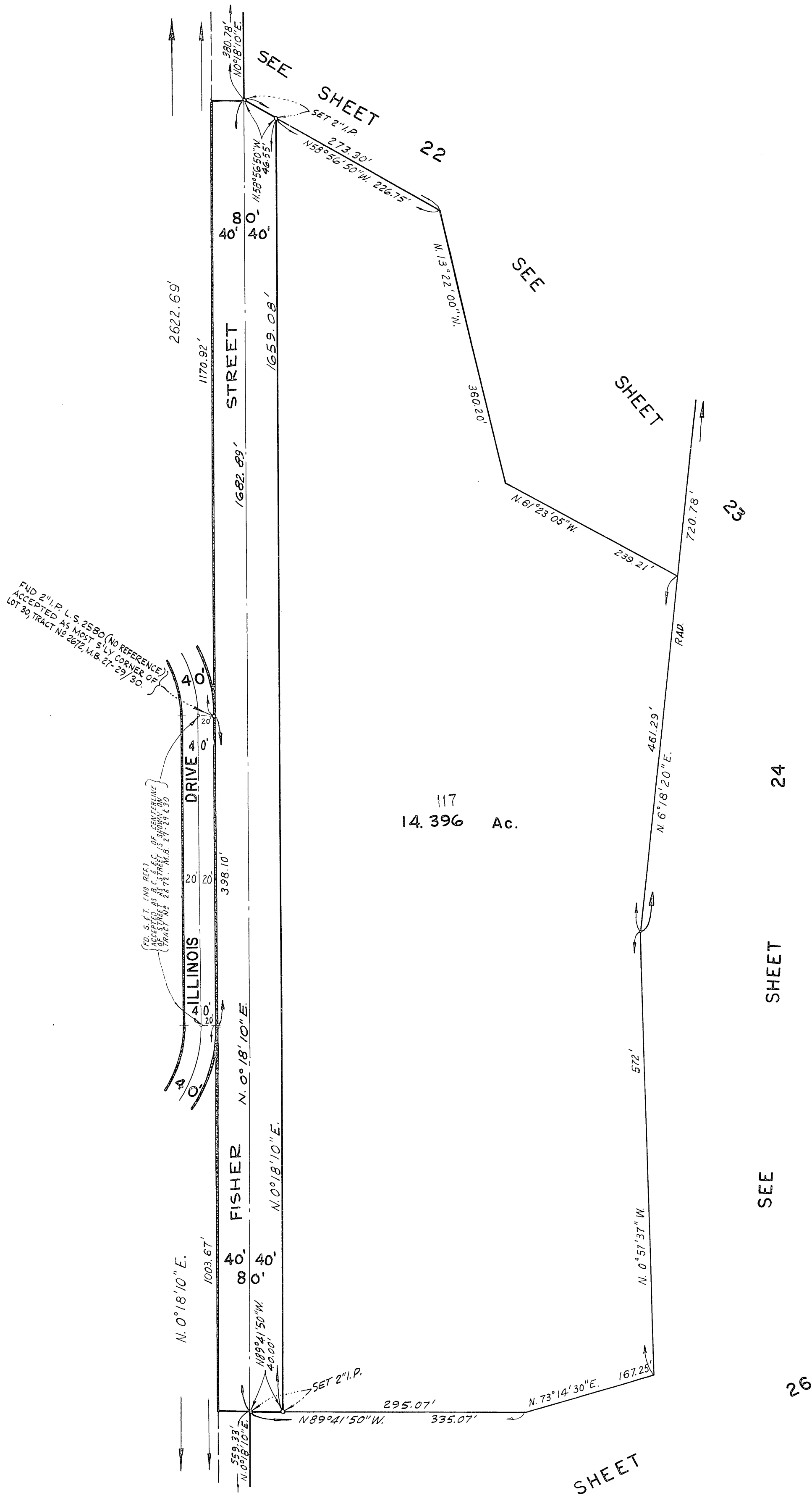
# Tract No. 25588

IN THE CITY OF SOUTH PASADENA  
SURVEYED BY ENGINEERING SERVICE CORPORATION

Pg. 25

RECORDED  
AT THE COUNTY CLERK'S OFFICE  
Nov 26, 1963  
15 3 P.M.  
713  
75

a Riley



FND 2" I.P. L.S. 25580 (NO REFERENCE)  
ACCEPTED AS MOST S'LY CORNER OF  
LOT 30, TRACT NO. 2672, M.B. 27-29-30

(F.D. S.M.T. (NO REF.)  
OPERATED AS S'LY CORNER OF  
TRACT NO. 2672, M.B. 27-29-30)

SEE

# Tract No. 25588

IN THE CITY OF SOUTH PASADENA  
SURVEYED BY ENGINEERING SERVICE CORPORATION

Pg. 26

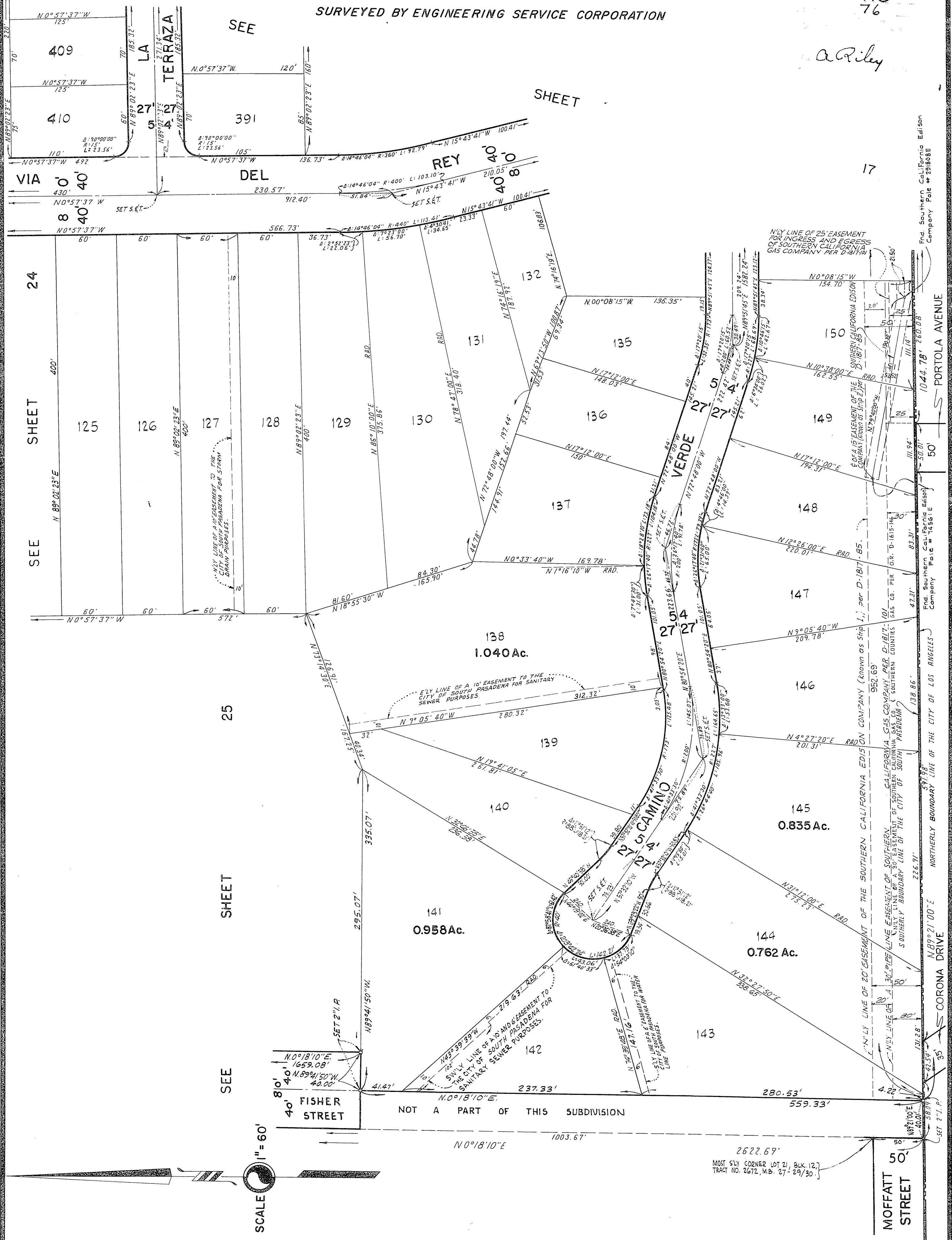
Nov. 26, 1963  
15 3P.M.  
713  
76

A. Riley

SEE SHEET 18

SHEET

17



N 89° 02' 23" E  
400'

25

SHEET

SEE

SCALE 1" = 60'

NOT A PART OF THIS SUBDIVISION

2622.69'  
MOST S'LY CORNER LOT 21, BLK. 12,  
TRACT NO. 2672, M.B. 27-29/30.

MOFFATT STREET

PORTOLA AVENUE  
CORONA DRIVE  
NORTHERLY BOUNDARY LINE OF THE CITY OF LOS ANGELES  
Fnd. Southern California Edison Company Pole # 14561-E  
Fnd. Southern California Edison Company Pole # 291808E

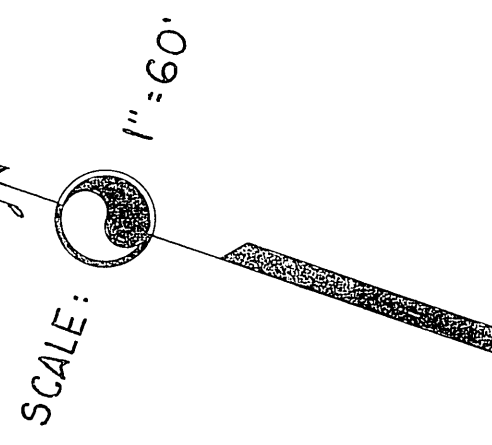
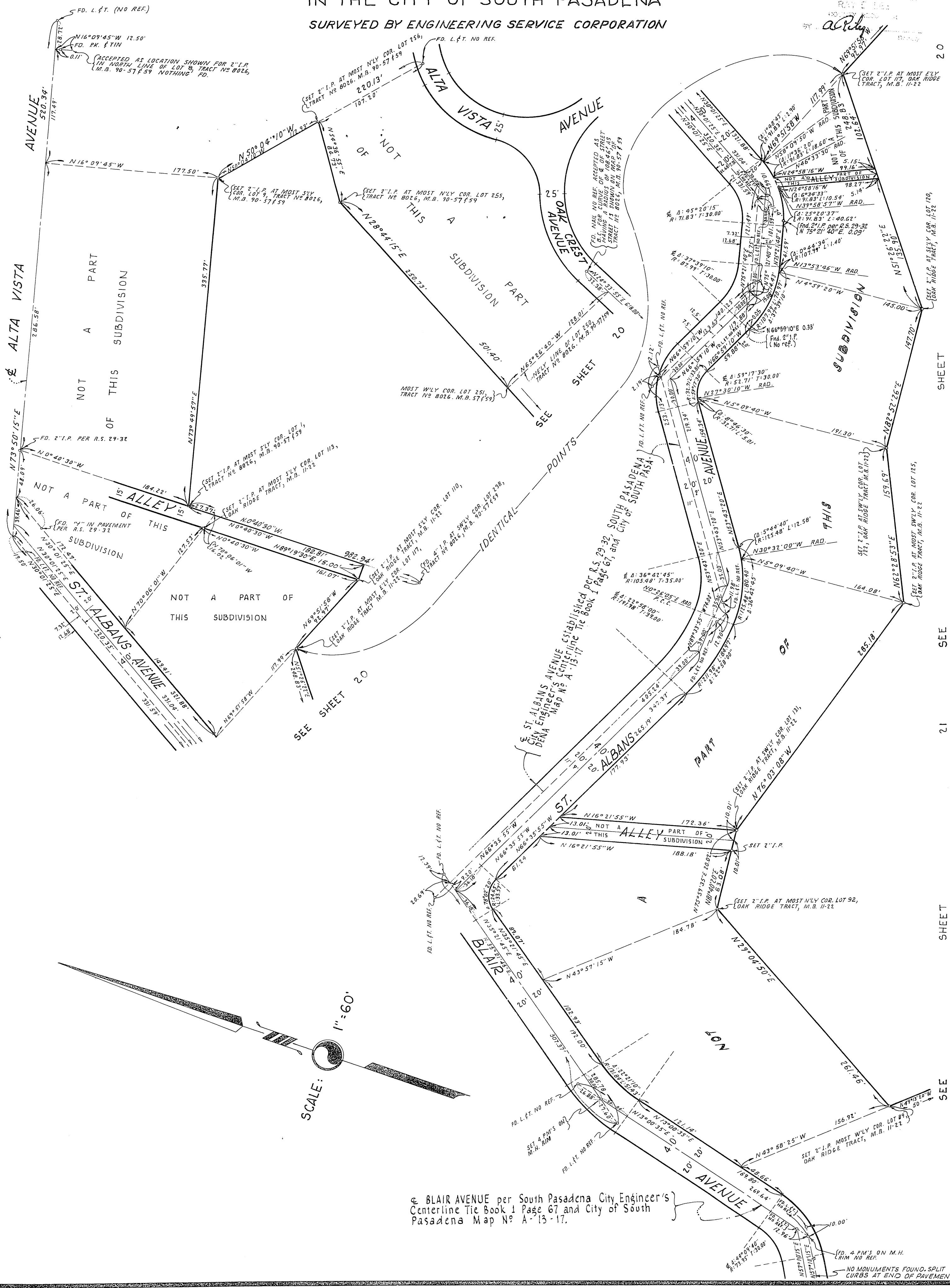
# Tract No. 25588

IN THE CITY OF SOUTH PASADENA

SURVEYED BY ENGINEERING SERVICE CORPORATION

RECORDED AT REQUEST OF OWNER  
Nov 26, 1963  
15 MIN. PAST 3 P.M.  
713  
77

IN BOOK 713  
PAGE 77  
OF 77 SHEETS  
SOUTH PASADENA, CALIF.  
BY *ES*



BLAIR AVENUE per South Pasadena City Engineer's Centerline Tie Book 1 Page 67 and City of South Pasadena Map No. A-13-17.



Public Hearing:

Project No. 2355-APP - Appeal of the Planning Commission's Decision to Approve Project No. 2191-HDP/TRP – Hillside Development Permit for the street extension of Moffat Street, which will be a private street extending westward from the northern end of Lowell Avenue to allow access to seven lots in the City of Los Angeles and a Tree Removal Permit (APN No's: 5310-006-039, 5310-006-038, 5310-005-010, 5310-005-011, and 5310-005-004)

**APPELLANT PRESENTATION MAY  
BE ACCESSED ON THE WEBSITE VIA  
DROPBOX AT:**

<https://www.dropbox.com/s/s00ktkwatjnnda2/Moffat%20St%20Appeal%20Presentation.mov?dl=0>





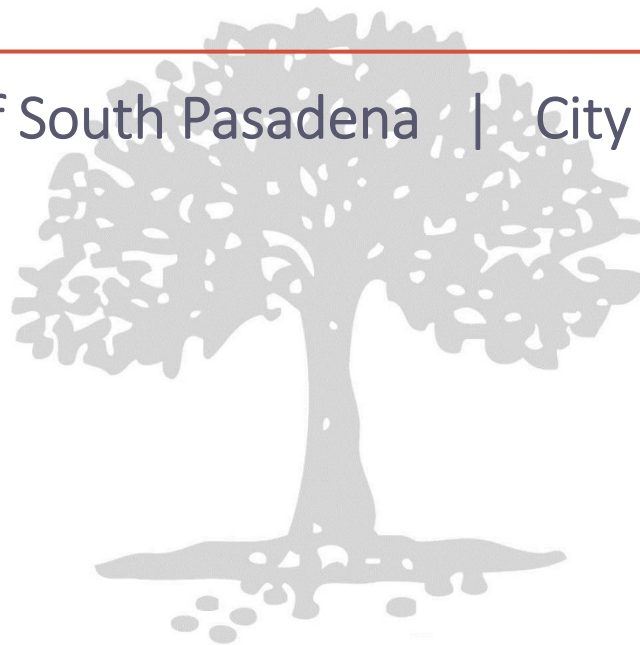
# Moffat Street

## Project No. 2533-APP

October 21, 2020

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City of South Pasadena | City Council





# Appeal

- August 26, 2020 – Micah Haserjian submitted the appeal

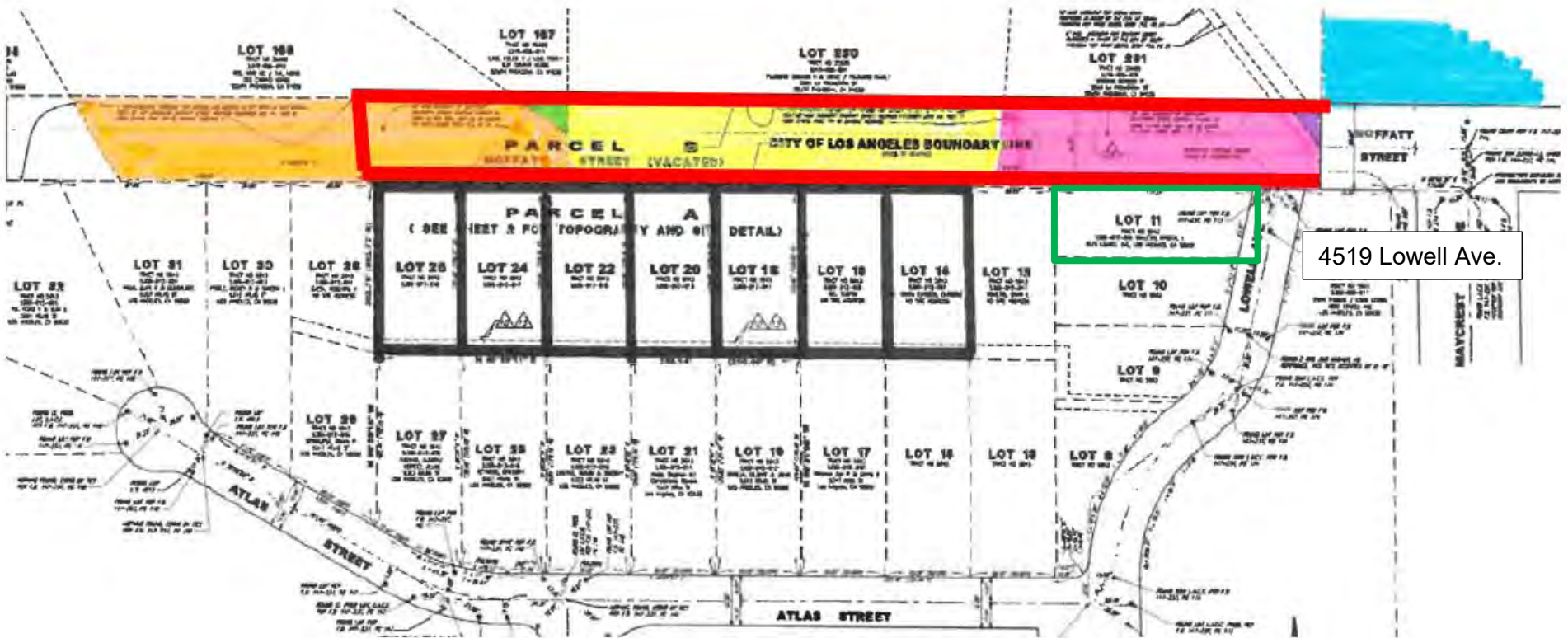




# Background History

- March 10, 2020 –1<sup>st</sup> Planning Commission review. (Continued)
- June 9, 2020 – Continuation request from Applicant and Staff
- July 14, 2020 –2<sup>nd</sup> Planning Commission review. (Continued)
- August 11, 2020 –3<sup>rd</sup> Planning Commission review. Passes 5-0.





4519 Lowell Ave.

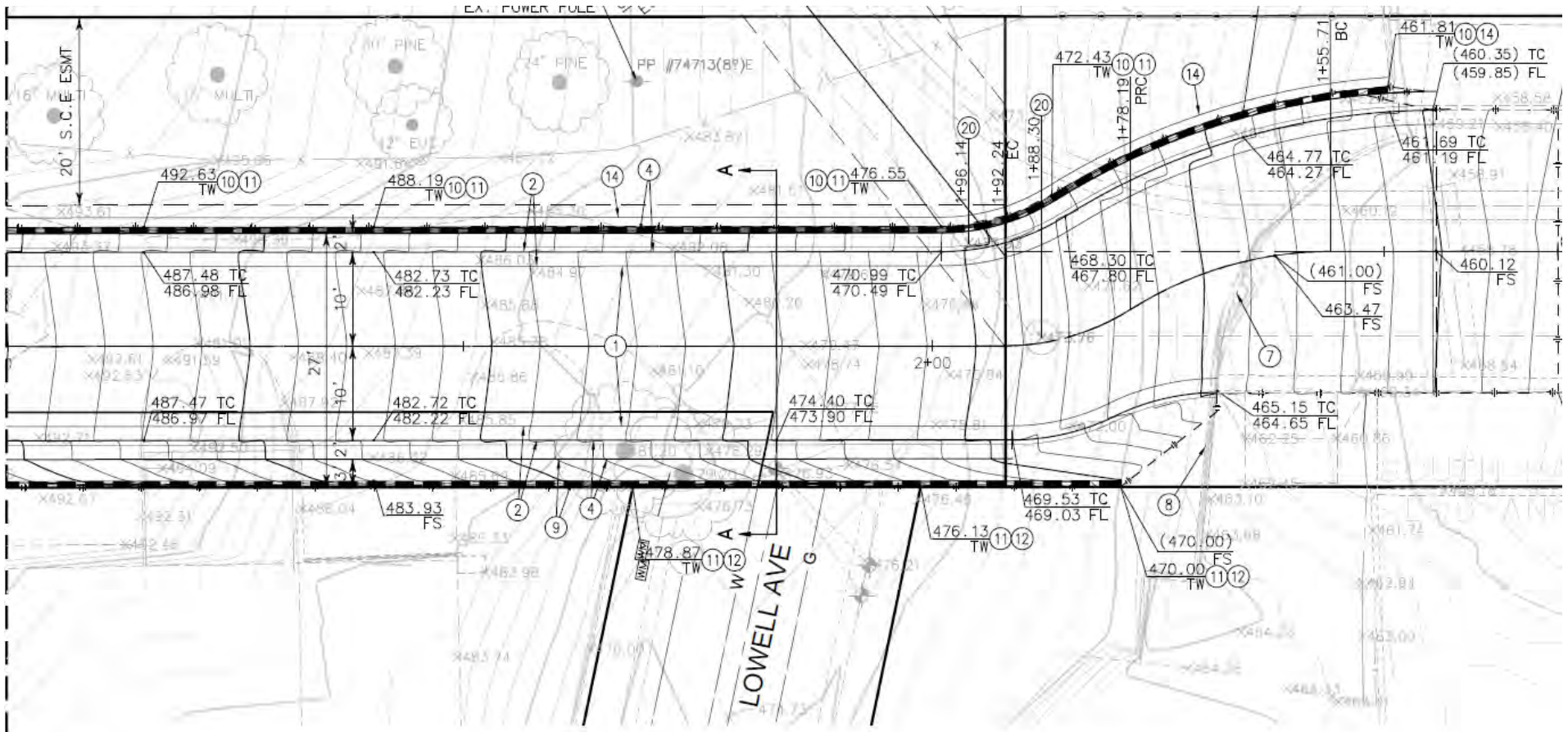






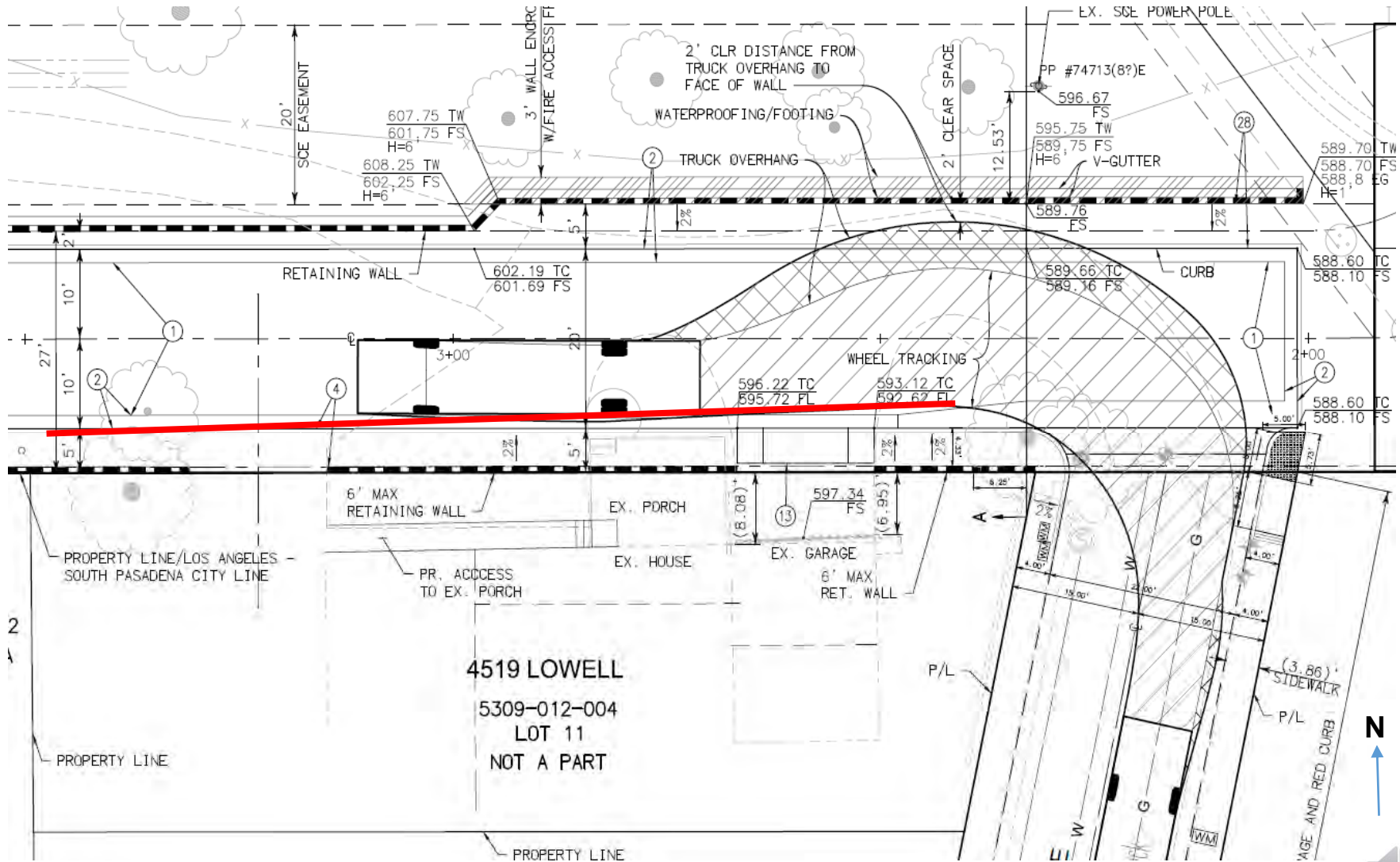


# Previous Alternative Street Design





# New Alternative Street Design





# August 11, 2020 PC

- Project passes 5-0
- Questions from Commission:
  - Hook-ups to utilities for the new homes
  - Concern with CEQA and who's the lead agency.





## Issues Raised by Mr. Micah Haserjian

1. *Concerned about developer rights to build the road on the easement*
2. *Concerned that the easement lies on 4 privately owned parcels.*
3. *Proposed street would be a burden to the neighborhood*
4. *Proposed street does not provide access to all 13 lots listed on the easement.*
5. *Disagreed with CEQA categorical exemption, class 3.*
6. *Concerned with no coordination with the City of Los Angeles on the connection to Lowell.*
7. *Project is detrimental to the environment & contributes to the housing crisis.*
8. *Concerned that approval is irresponsible to the community because of Covid-19 pandemic.*





# Staff

## Recommendation:

City Council **uphold** the  
Planning Commission's  
approval of Project No. 2191-  
HDP/TRP







# City Council Options:

- Approve with additional condition(s) added; or
- Send the project back to the PC; or
- Deny the project.





# Questions?





# City Council Agenda Report

ITEM NO. 13

**DATE:** October 21, 2020

**FROM:** Sean Joyce, Interim City Manager

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

**SUBJECT:** **Approval of a Draft Letter Appealing the City's Regional Housing Needs Assessment Allocation**

---

## **Recommendation**

It is recommended that the City Council approve a draft letter appealing the City's Regional Housing Needs Assessment (RHNA) allocation.

## **Commission Review and Recommendation**

On September 8, 2020, the Planning Commission received a presentation regarding the City's RHNA allocation and appeal process; Chair Braun and Vice-Chair Lesak volunteered and were approved to participate on the RHNA Appeal Ad Hoc Committee.

The RHNA Appeal Ad Hoc Committee has assisted staff develop the proposed appeal letter.

## **Discussion/Analysis**

While 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 RHNA Appeal Ad Hoc Committee has been working with staff on the City's RHNA appeal. The City's appeal will focus on:

- Challenging the state's housing targets;
- The effective boundaries of the High Quality Transit Areas (HQTAs) that were used in the SCAG allocation methodology;
- The City's infrastructure and school capacities to accommodate 2,000 housing units; and
- Preserving the City's historic resources.

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 HQTA
  - 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.

The October 15, 2021, deadline 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. October 26, 2020: SCAG's RHNA appeal deadline
2. December/January 2021: 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 1.3 million housing units for the 6<sup>th</sup> RHNA cycle.

On September 16, 2020, the City Council ratified appointments to the RHNA Appeal Ad Hoc Committee, to include two members of the Planning Commission and three residents to assist staff on matters related to the City's RHNA allocation appeal.

**Legal Review**

The City Attorney has reviewed this item.

**Fiscal Impact**

There is no fiscal impact associated with the submittal of the RHNA appeal letter.

**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. Draft RHNA Appeal Letter (to be provided prior to the meeting as an additional document)



# City Council Agenda Report

ITEM NO. 14

**DATE:** October 21, 2020

**FROM:** Sean Joyce, Interim City Manager

**PREPARED BY:** Elaine Aguilar, Interim Assistant City Manager  
Albert Trinh, Finance Manager  
Armine Trashian, Accounting Manager

**SUBJECT:** **Presentation of the Comprehensive Annual Financial Report for Fiscal Year Ending June 30, 2019**

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## **Recommendation**

It is recommended that the City Council receive and file the City of South Pasadena's (City) Comprehensive Annual Financial Report (CAFR) for the Fiscal Year (FY) ending June 30, 2019.

## **Commission Review and Recommendation**

This matter was reviewed by the Finance Commission on September 24, 2020 and on October 15, 2020. This matter was also reviewed by the Finance Ad Hoc Committee on October 13, 2020. The Commission voted to receive and file the CAFR.

## **Executive Summary**

The CAFR is a complete set of financial statements that summarizes the city's financial position for the Fiscal Year. The report is prepared annually by city staff and audited by an independent auditing firm. The purpose of the audit is to provide a reasonable assurance from an independent source that the information is reliable. The audit for FY19 was recently completed by Rogers, Anderson, Melody & Scott, LLP, who rendered an unmodified opinion, the optimal opinion issued by independent auditors. The City's total net position increased by \$5,197,271 over the prior year; this was due primarily to the increased value of the City's capital assets such as land, infrastructure and buildings, minus the increases in the City's net pension liability, and loans payable.

## **Discussion/Analysis**

For FY 2018-19, the accounting firms of Rogers, Anderson, Malody, & Scott, LLP, performed an independent audit to determine that the financial statements are fairly presented and free from material misstatement. The independent auditor concluded there was reasonable basis for

rendering an unmodified opinion, and that City’s financial statements are fairly presented in conformity with (GAAP).

Listed below are financial highlights for FY 2018-19:

- The assets of the City exceeded liabilities at the close of the most recent fiscal year by \$81,483,541.
- At the close of the current Fiscal Year, the City’s governmental funds reported combined fund balances of \$28,994,406 an increase of \$4,844,802. Of that amount, \$12,017,146 is the unassigned fund balance of the General Fund, and represents the fund balance available for spending at the City’s discretion.
- At the end of the fiscal year, the total General Fund balance is \$18,417,885, while as previously mentioned, the emergency reserve fund balance (unassigned) for the General Fund was \$12,017,146, or 49% the General Fund expenditures.

There are two primary citywide financial statements: Statement of Net Position and the Statement of Activities. Similar to a balance sheet in private sector accounting, the Statement of Net Position presents the City’s overall financial position at a specific point in time – in the City’s case, this is as of the last day of the fiscal year (June 30, 2019).

The Statement of Activities is similar to the income statement, presenting the City’s results of operations over a period of time.

**City of South Pasadena Net Position  
 As of June 30, 2019 and 2018**

	Governmental Activities		Business-Type Activities		Total	
	2019	2018	2019	2018	2019	2018
Current and other assets	\$ 31,826,966	\$ 27,717,339	\$ 13,693,935	\$ 14,274,295	\$ 45,520,901	\$ 41,991,634
Capital assets, net	60,351,839	62,806,755	79,054,625	74,217,620	139,406,464	137,024,375
Total assets	92,178,805	90,524,094	92,748,560	88,491,915	184,927,365	179,016,009
Deferred outflow of resources	8,385,499	9,923,516	6,189,651	6,640,100	14,575,150	16,563,616
Long-term liabilities	48,451,206	48,591,497	59,086,852	58,327,986	107,538,058	106,919,483
Other liabilities	2,870,360	3,273,859	4,111,910	3,668,754	6,982,270	6,942,613
Total liabilities	51,321,566	51,865,356	63,198,762	61,996,740	114,520,328	113,862,096
Deferred inflow of resources	3,125,672	3,649,673	372,974	417,397	3,498,646	4,067,070
Net investment in capital assets	60,351,839	62,806,755	23,661,335	25,525,737	84,013,174	88,332,492
Restricted	8,115,962	6,336,084	1,156,612	1,154,374	9,272,574	7,490,458
Unrestricted	(22,350,735)	(24,210,258)	10,548,528	6,037,767	(11,802,207)	(18,172,491)
Total net position	\$ 46,117,066	\$ 44,932,581	\$ 35,366,475	\$ 32,717,878	\$ 81,483,541	\$ 77,650,459

The table above presents a summarized version of the City’s Statement of Net Position for FY 2018-19, and a comparison to the previous fiscal year. Net position may serve as a useful indicator of a government’s financial position. In the case of the City, assets exceeded liabilities by \$81,483,541 at the close of the fiscal year. This represents an increase of \$3,833,082, or 5% from the prior year.

Net investment in capital assets of \$84,013,174 are by far the largest portion of the City’s net position, and reflects its investment in non-liquid capital assets (e.g. land, infrastructure, buildings, and equipment). The City uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. The second portion of the City net position, \$9,272,574, represents special revenue resources that are subject to external restrictions on how they may be used.

**City of South Pasadena Net Position  
 As of June 30, 2019 and 2018**

	Governmental Activities		Business-Type Activities		Total	
	2019	2018	2019	2018	2019	2018
Program revenues:						
Charges for services	\$ 4,473,833	\$ 4,771,481	\$ 12,880,598	\$ 12,611,113	\$ 17,354,431	\$ 17,382,594
Operating contributions and grants	4,231,554	972,026	-	200,167	4,231,554	1,172,193
Capital contributions and grants	1,072,310	1,325,968	-	-	1,072,310	1,325,968
General revenues:						
Property taxes	15,368,198	14,135,844	-	-	15,368,198	14,135,844
Other taxes	7,586,093	8,929,003	-	-	7,586,093	8,929,003
Intergovernmental	-	-	-	-	-	-
Use of money and property	1,308,952	650,749	392,230	92,551	1,701,182	743,300
Other	11,815	130,310	94,367	216,693	106,182	347,003
Total revenues	34,052,755	30,915,381	13,367,195	13,120,524	47,419,950	44,035,905
Expenses:						
General government	6,014,464	5,560,722	-	-	6,014,464	5,560,722
Public safety	14,257,292	14,624,313	-	-	14,257,292	14,624,313
Public works	1,361,590	1,037,091	-	-	1,361,590	1,037,091
Community services	3,988,465	3,819,654	-	-	3,988,465	3,819,654
Community development	6,045,511	5,197,516	-	-	6,045,511	5,197,516
Water	-	-	8,116,822	7,060,363	8,116,822	7,060,363
Sewer	-	-	1,280,398	686,672	1,280,398	686,672
Golf course	-	-	1,158,137	1,096,327	1,158,137	1,096,327
Total expenses	31,667,322	30,239,296	10,555,357	8,843,362	42,222,679	39,082,658
Income before transfers	2,385,433	676,085	2,811,838	4,277,162	5,197,271	4,953,247
Transfers	80,000	-	(80,000)	-	-	-
Increase in net positions	2,465,433	676,085	2,731,838	4,277,162	5,197,271	4,953,247
Net position, beginning, as restated	43,651,633	44,256,496	32,634,637	28,440,716	76,286,270	72,697,212
Net position, ending June 30	\$ 46,117,066	\$ 44,932,581	\$ 35,366,475	\$ 32,717,878	\$ 81,483,541	\$ 77,650,459

Governmental activities net position increased by \$2,465,433, after the prior period restatement, due to GASB Statement No. 68, Accounting and Financial Reporting for Pensions, GASB No. 71, Pension Transition for Contributions Made Subsequent to the Measurement Date, and GASB 75, Accounting and Financial Reporting for Postemployment Benefits Other than Pensions.

Business activities net position increased by \$2,648,597 over the prior year due primarily to construction-in-progress on the Garfield Reservoir Construction Project, Graves Well Rehabilitation Project, and Wellhead Treatment Project.

### **Background**

After the close of each fiscal year, the Finance Department is responsible for the preparation and publication of the City's CAFR following an independent, certified audit. The goal of the financial audit and report is to provide users with a reasonable assurance that the information presented in the statements is accurate and timely.

The CAFR presents information on the status of the City's financial affairs, first on a citywide basis (Government-Wide Financial Statements) in which all the City activities are reported as governmental activities and business-type activities. A second set of statements (Fund Financial Statements) report separately the activities of all City Funds.

The CAFR is organized into three primary sections:

1. Introductory Section – includes the Finance Director's Letter of Transmittal, List of Principal Officials, and the Organization Chart.
2. Financial Section – includes the Independent Auditors' Report, Management's Discussion and Analysis, and the general purpose financial statements, consisting of the combined financial statements, notes to the financial statements, and supplemental statements.
3. Statistical Section – includes comparative information on pertinent City data, such as expenditures, revenues, assessed valuations, tax levies, demographic data, and performance measurements.

The CAFR is important for a number of reasons:

- The CAFR is utilized by the investment community, including bond buyers, underwriters, bond issuers, and credit rating agencies.
- It serves as a public information tool in the form of a comprehensive presentation of all of the City's financial activities.
- Due to a standardized format, the CAFR serves as a tool to provide a meaningful comparison to similar data for other cities.

The 2019 CAFR was reviewed by the City's Finance Commission and the recently created Finance Ad Hoc Committee (a temporary non-Brown Act Committee.) During the Commission's review, variances were noted between Revenues and Expenditures shown in the



2018/2019 Approved Budget Document, compared to the Approved Budget Revenues and Expenditures in the 2019/2019 CAFR. In addition, General Fund Committed Reserves as shown in the draft 2018/2019 CAFR omitted a few previously committed reserve amounts.

The Ad Hoc Committee and the Commission reviewed the variances. The summary explanation of the variances are as follows. First, regarding Revenues, staff identified instances where the original FY 18/19 budget document as approved by the City Council in June 2018 had numerical errors, such as incorrect formulas, and duplication of line items. Staff was able to reconcile the 2018/2019 Budget document errors and provide adequate explanation to the Commission. Second, there were formula and input errors in a few expenditure line items in the Approved FY 2018-2019 Budget. Third, regarding the Committed General Fund Reserve, the City's Auditors made the correction for General Fund Committed Reserve items, and will make corrections to two remaining reserve items in the 2019/2020 CAFR. (For 2020 CAFR: Library Park Drainage Project, and Tree Replacement projects.)

Lastly, to complete other important financial documents as soon as possible (i.e. FY 2019/2020 CAFR, and the FY 2020/2021 Budget), while also keeping up with current workloads, staff anticipates returning to the City Council at the November 4, 2020 meeting to seek authorization for additional, temporary staffing assistance. Planning head, almost as soon as the 2020 CAFR and the FY2021 Budget are completed, it will be time to begin the Budget preparation process for the FY 2021/2022 Budget, and the FY 2021 CAFR.

#### **Legal Review**

The City Attorney has reviewed this item.

#### **Fiscal Impact**

There is no cost associated with the presentation of this report.

#### **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. Comprehensive Annual Financial Report for the Fiscal Year Ending June 30, 2019  
(NOTE: Attachment not included at the time of agenda posting and will be forthcoming)



AGENDA ITEM NO. 15

# ROGAN FUNDED PROJECT

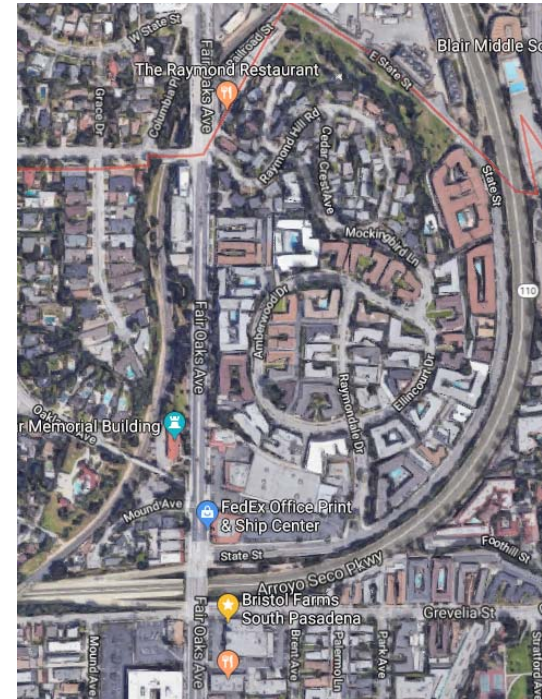
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City Council  
October 21, 2020



# Rogan Fund Project Summary (2004)

- Awarded for construction of SR-110 hook ramp (shelf ready) on August 12, 2004
- Funding:
  - \$2.5M Right-of-way (ROW)
  - \$6.8M Construction
  - Total = \$9.3M
- Items that prohibited City from proceeding with Project as originally scoped:
  - Right of Way Constraints
  - Lack of Technical Study and Data
  - Project not shelf ready





# Efforts to Save Rogan Funds from Lapsing

- In November 2019, FHWA and Caltrans informed staff Rogan funds will lapse at the end of 2019 unless City starts construction immediately.
- Staff proposed a concept of an alternate viable project.
- Staff prepared a proposed project scope of work.
- Proposed project scope presented to Caltrans and FHWA in December 2019 and approved in January 2020.
- FHWA performed special upgrades to its financial system to transfer Rogan Funds to the City from 15+ years ago.



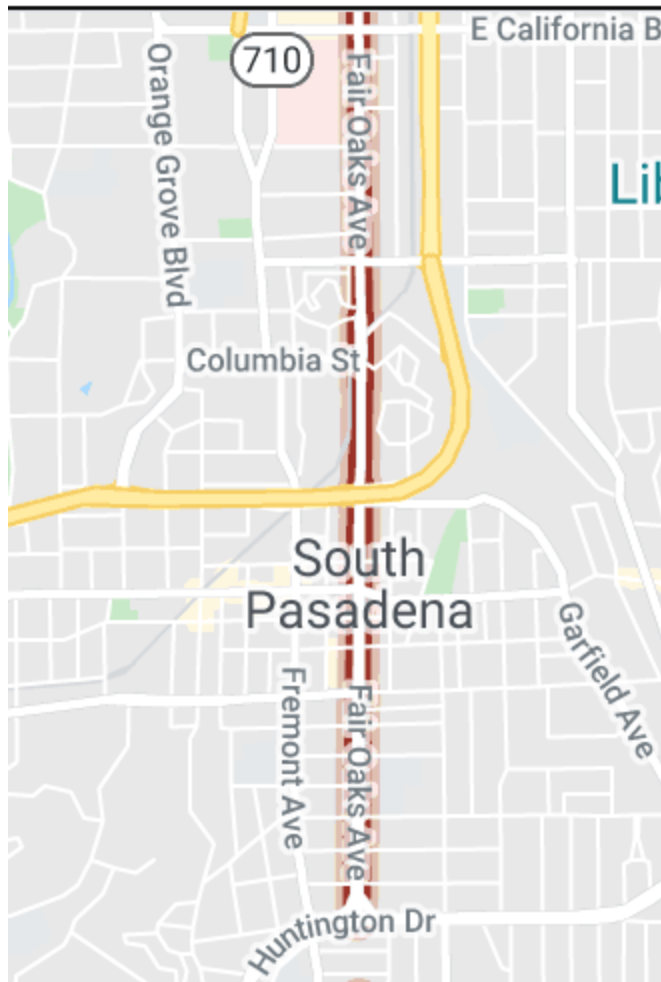
# Efforts to Save Rogan Funds from Lapsing

- Fund transfer required in FY 2019-20 (by September 31, 2020).
- Staff completed a complex technical package for obligation of funds.
- City, Caltrans, and FHWA meet weekly to keep process on track.
- Initially, FHWA agreed to transfer \$6.8M construction funding only.
- New funding available: \$9.3M for all project phases (P&E, construction and construction management).





# North / South Corridor Intelligent Transportation System (ITS) Deployment



- Description: Update the traffic signals to deploy advance adaptive traffic management system along north south Fair Oaks Avenue from the north City limits to Huntington Drive.
- Estimated Cost: \$11.2M



# North South Corridor ITS Deployment Scope of Work

- The project will include the following advanced technologies:

Advance adaptive traffic management system	Real travel time and delay monitoring system
Queue detection system	Infrared bike, pedestrian, and vehicle detection
Adaptive pedestrian warning system	Dilemma zone detection system
Emergency vehicle detection	Transit system priority

- ADA, sidewalk, curb and ramp upgrades along corridor.
- Changeable Message Sign (CMS) to provide real travel time information to motorists along Fair Oaks and Fremont corridors.



# Rogan Fund Summary

- Rogan Funds Available = \$9.34M
- Additional Funds Required (20%) = \$1.86M
- Total Project Costs = \$11.2M
- Matching Fund Source – Must be determined by December 2020.



## Recommendation

It is recommended that the City Council:

1. Direct staff to aggressively pursue Metro approval of grant funds of \$1.86M to secure the City's matching obligation associated with the Rogan Grant
2. In the event staff is unsuccessful in this effort, appropriate Measure M Multi Sub-regional Program (MSP) funds in the amount of \$1.72M and \$160,000 from the City's Capital Growth Fund to supplement Measure M MSP dollars to make up the required match. (The appropriation of Measure M funds, could involve the obligation of future year Measure M revenues)



# Questions



**Agenda Item No. 15**

**SUPPLEMENTAL INFORMATION**

- City Council Staff Report, August 5, 2020
- City Council Meeting Minutes, August 5, 2020



# City Council Agenda Report

ITEM NO. 11

**DATE:** August 5, 2020

**FROM:** Stephanie DeWolfe, City Manager

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

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

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## **Recommendation**

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

## **Commission Review and Recommendation**

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

## **Executive Summary**

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

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

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

### **Discussion/Analysis**

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

### **Pending Projects List**

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

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

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

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

### **2018 Projects List**

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

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

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

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

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

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

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

### **Rogan Funds Local Match**

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

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

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



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

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

**Background**

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

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

**Legal Review**

The City Attorney has reviewed this item.

**Fiscal Impact**

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

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

South Pasadena AVCJPA Measure M MSP Projects Years 1 to 7

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

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

**Public Notification of Agenda Item**

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



**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 Alberktson – Expressed that costs for reinstalling the original stripping once the temporary permits have expired should be waived 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