

**AGENDA**  
REGULAR CITY COUNCIL MEETING  
COUNCIL CHAMBERS  
5000 CLARK AVENUE  
LAKEWOOD, CALIFORNIA

January 14, 2020, 7:30 p.m.

**CALL TO ORDER**

**INVOCATION:** Reverend Howard Post, Calvary Apostolic Tabernacle

**PLEDGE OF ALLEGIANCE:** Scout Troop 140

**ROLL CALL:** Mayor Todd Rogers  
Vice Mayor Jeff Wood  
Council Member Steve Croft  
Council Member Diane DuBois  
Council Member Ron Piazza

**ANNOUNCEMENTS AND PRESENTATIONS:**

**ROUTINE ITEMS:**

All items listed within this section of the agenda are considered to be routine and will be enacted by one motion without separate discussion. Any Member of Council may request an item be removed for individual discussion or further explanation. All items removed shall be considered immediately following action on the remaining items.

- RI-1 PERSONNEL TRANSACTIONS - Staff recommends City Council approve report of personnel transactions.
- RI-2 REGISTERS OF DEMANDS - Staff recommends City Council approve registers of demands.
- RI-3 MONTHLY REPORT OF INVESTMENT TRANSACTIONS - NOVEMBER AND DECEMBER 2019 - Staff recommends City Council approve monthly reports of investment transactions.
- RI-4 PURCHASE ONE 2020 CHEVROLET SILVERADO 1500D DOUBLE CAB WORK TRUCK - Staff recommends City Council authorize purchase of one 2020 Chevrolet Silverado 1500D Double Cab Work Truck at the contract price of \$31,525.17 from Courtesy Chevrolet of San Diego, CA.
- RI-5 EASEMENT ACQUISITION FROM LOS ANGELES COUNTY FLOOD CONTROL DISTRICT - IMPROVEMENTS AT INTERSECTION OF DEL AMO AND LAKEWOOD BOULEVARDS - Staff recommends City Council authorize payment of \$51,300 to Los Angeles County Flood Control District for acquisition of necessary easement for project, and authorize Mayor to sign any necessary documents subject to approval of form by City Attorney.

## **City Council Agenda**

January 14, 2020

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### **ROUTINE ITEMS: - Continued**

RI-6 INSTALLATION OF DISABLED PARKING SPACE AT 5102 MINTURN AVENUE, RESOLUTION NO. 2020-1 - Staff recommends City Council adopt proposed resolution.

RI-7 CALIFORNIA CONTRACT CITIES ASSOCIATION ANNUAL LEGISLATIVE TOUR SUMMARY - Staff recommends City Council receive and file the report.

RI-8 ADDITIONAL CONSULTING SERVICES FOR MAYFAIR WATER CAPTURE PROJECT BY TETRA TECH, INCORPORATED AND WILLDAN ENGINEERING, INC. - Staff recommends City Council approve Amendment #8 to Tetra Tech's contract to provide additional support services during construction for Mayfair Park Storm Water Capture Project in amount of \$168,467 and authorize Mayor to sign Amendment in a form approved by City Attorney; and authorize Willdan Engineering, Inc. to provide additional Construction Management services during construction for Mayfair Park Storm Water Capture Project in amount of \$77,488 under existing on-call Engineering Services Agreement, and authorize Mayor to sign authorization.

### **REPORTS:**

3.1 CITY INVESTMENT POLICY AND QUARTERLY SCHEDULE OF INVESTMENTS - AS OF DECEMBER 31, 2019 - Staff recommends City Council adopt the Investment Policy, continue the investment management services of PFM, and receive and file the Quarterly Schedule of Investments for December 31, 2019.

3.2 VOTING SOLUTIONS FOR ALL PEOPLE AND VOTE BY MAIL - Staff recommends City Council receive and file the report.

3.3 UPDATE ON SENATE BILL 50 (WIENER) - PLANNING AND ZONING: HOUSING DEVELOPMENT: STREAMLINED APPROVAL: INCENTIVES - Staff recommends City Council send an updated letter to continue to oppose the January 6, 2020 version of Senate Bill 50.

### **ORAL COMMUNICATIONS:**

### **ADJOURNMENT**

In compliance with the Americans with Disabilities Act, if you are a qualified individual with a disability and need an accommodation to participate in the City Council meeting, please contact the City Clerk's Office, 5050 Clark Avenue, Lakewood, CA, at 562/866-9771, ext. 2200; or at [cityclerk@lakewoodcity.org](mailto:cityclerk@lakewoodcity.org) at least 48 hours in advance to ensure that reasonable arrangements can be made to provide accessibility to the meeting.

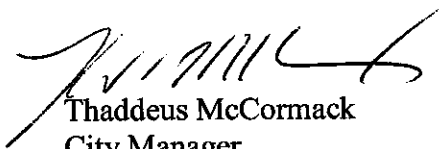
Agenda items are on file in the Office of the City Clerk, 5050 Clark Avenue, Lakewood, and are available for public review during regular business hours. Any supplemental material distributed after the posting of the agenda will be made available for public inspection during normal business hours in the City Clerk's Office. For your convenience, the agenda and the supporting documents are available in an alternate format by request and are also posted on the City's website at [www.lakewoodcity.org](http://www.lakewoodcity.org)

**COUNCIL AGENDA**

January 14, 2020

**TO:** The Honorable Mayor and City Council**SUBJECT:** Report of Personnel Transactions

<u>Name</u>	<u>Title</u>	<u>Schedule</u>	<u>Effective Date</u>
<b>1. FULL-TIME EMPLOYEES</b>			
<b>A. Appointments</b>			
None			
<b>B. Changes</b>			
Tim Hunt	Tree Trimmer I Tree Trimmer II	12A to 15A	12/15/2019
Steve Polydoros	Video Producer Senior Producer	20B to 28B	12/29/2019
<b>C. Separations</b>			
Bradley Johnson	Senior Park Maintenance Worker	13A	12/30/2019
Robert Sykes	Senior Producer	28B	12/29/2019
<b>2. PART-TIME EMPLOYEES</b>			
<b>A. Appointments</b>			
None			
<b>B. Changes</b>			
Vanessa Marquez	Recreation Leader II Community Services Leader III	A to B	12/01/2019
Michael Quijada	Community Services Leader III Community Services Leader IV	B to B	12/09/2019
Samuel Ruan	Maintenance Aide II Maintenance Services Aide III	A to B	12/01/2019
<b>C. Separations</b>			
Gabriel Rodriguez	Support Services Clerk	B	12/05/2019

  
Thaddeus McCormack  
City Manager

# DIVIDER SHEET

**CITY OF LAKEWOOD  
FUND SUMMARY 12/12/19**

In accordance with section 2521 of the Lakewood Municipal Code there is presented herewith a summary of obligations to be paid by voucher 95658 through 95767. Each of the following demands has been audited by the Director of Administrative Services and approved by the City Manager.

1010	GENERAL FUND	397,091.04
1030	CDBG CURRENT YEAR	3,199.58
1035	CASP CERTIFICATION & TRNG FUND	4.00
1050	COMMUNITY FACILITY	1,710.00
1070	RETIREE BENEFITS	201,025.00
1621	LA CNTY MEASURE R	113,267.70
1623	LA CNTY MEASURE W	1,470.00
3001	CAPITAL IMPROV PROJECT FUND	222,364.70
3015	ROAD MAINTC & REHAB ACCT	13,965.84
5010	GRAPHICS AND COPY CENTER	2,717.42
5020	CENTRAL STORES	1,478.28
5030	FLEET MAINTENANCE	9,489.44
7500	WATER UTILITY FUND	7,702.70
8020	LOCAL REHAB LOAN	12,397.60
8060	WATER FIDUCIARY FUND	95,586.94
		<hr/>
		<b>1,083,470.24</b>

Council Approval

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager

Attest

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City Clerk

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Director of Administrative Services

# CITY OF LAKEWOOD SUMMARY CHECK REGISTER

CHECK #	CHECK DATE	VEND #	VENDOR NAME	GROSS	DISC.	CHECK AMOUNT
95658	12/05/2019	4721	BELL EVENT SERVICES INC	8,300.00	0.00	8,300.00
95659	12/06/2019	5314	ALESHIRE & WYNDER LLP	95,586.94	0.00	95,586.94
95660	12/09/2019	4180	JONES RICHARD D. A PROF LAW CORP	16,750.00	0.00	16,750.00
95661	12/12/2019	4961	4WALL LOS ANGELES INC	4,249.95	0.00	4,249.95
95662	12/12/2019	61142	ADAMS-HILLERY SHARRON	3,199.58	0.00	3,199.58
95663	12/12/2019	5260	AEF SYSTEMS CONSULTING. INC.	4,892.50	0.00	4,892.50
95664	12/12/2019	2701	AIRE RITE A/C & REFRIGERATION INC	1,408.26	0.00	1,408.26
95665	12/12/2019	4551	ACCOUNTING PRINCIPALS. INC	2,936.07	0.00	2,936.07
95666	12/12/2019	1700	ALLIED REFRIGERATION INC	188.44	0.00	188.44
95667	12/12/2019	58000	AMERICAN TRUCK & TOOL RENTAL INC	165.22	0.00	165.22
95668	12/12/2019	46678	AUTOLIFT SERVICES INC	472.50	0.00	472.50
95669	12/12/2019	5158	BANNER BANK	5,870.01	0.00	5,870.01
95670	12/12/2019	5266	BAY AREA DRIVING SCHOOL. INC.	14.30	0.00	14.30
95671	12/12/2019	45894	CINTAS CORPORATION	126.31	0.00	126.31
95672	12/12/2019	64932	CJ CONCRETE CONSTRUCTION INC	104,220.29	0.00	104,220.29
95673	12/12/2019	60195	CR TRANSFER INC	3,317.26	0.00	3,317.26
95674	12/12/2019	4519	CRAFCO. INC.	495.65	0.00	495.65
95675	12/12/2019	63991	DELL SERVICE SALES	1,252.68	0.00	1,252.68
95676	12/12/2019	5310	DITTO. MIKE	717.62	0.00	717.62
95677	12/12/2019	4435	ELLIOTT AUTO SUPPLY COMPANY INC	97.91	0.00	97.91
95678	12/12/2019	5064	FBA ENGINEERING	44,000.00	0.00	44,000.00
95679	12/12/2019	3188	GALLS LLC/OUARMASTER LLC	2,350.30	0.00	2,350.30
95680	12/12/2019	4422	GARIBALDO'S NURSERY	1,616.22	0.00	1,616.22
95681	12/12/2019	13030	ACCO BRANDS USA LLC	214.88	0.00	214.88
95682	12/12/2019	5257	GRANITE TELECOMMUNICATIONS. LLC	85.08	0.00	85.08
95683	12/12/2019	35477	HARA M LAWNMOWER CENTER	330.87	0.00	330.87
95684	12/12/2019	65593	HASS. BARBARA	845.00	0.00	845.00
95685	12/12/2019	42031	HOME DEPOT	1,972.63	0.00	1,972.63
95686	12/12/2019	3959	HORIZON MECHANICAL CONTRACTORS	915.00	0.00	915.00
95687	12/12/2019	4688	HUNTER. JOHN L & ASSOCIATES	1,470.00	0.00	1,470.00
95688	12/12/2019	4622	JHM SUPPLY INC	166.05	0.00	166.05
95689	12/12/2019	4180	JONES RICHARD D. A PROF LAW CORP	1,417.50	0.00	1,417.50
95690	12/12/2019	2956	KICK IT UP KIDZ. LLC	16.25	0.00	16.25
95691	12/12/2019	18300	LAKEWOOD CHAMBER OF COMMERCE	2,416.67	0.00	2,416.67
95692	12/12/2019	18300	LAKEWOOD CHAMBER OF COMMERCE	2,416.67	0.00	2,416.67
95693	12/12/2019	18400	LAKEWOOD. CITY WATER DEPT	61,654.52	0.00	61,654.52
95694	12/12/2019	4783	LANDCARE HOLDINGS INC	7,184.28	0.00	7,184.28
95695	12/12/2019	45069	LOS ANGELES CO/DEPT PW BLDG SVCS	56,519.33	0.00	56,519.33
95696	12/12/2019	36844	LA COUNTY DEPT OF PUBLIC WORKS	945.30	0.00	945.30
95697	12/12/2019	4745	LUNDERVILLE. GERALD P	60.00	0.00	60.00
95698	12/12/2019	3856	MAILFINANCE INC.	979.50	0.00	979.50
95699	12/12/2019	4482	MALTY INTERNATIONAL GROUP INC	69.20	0.00	69.20
95700	12/12/2019	62080	MARKLEY. ELIZABETH	156.00	0.00	156.00
95701	12/12/2019	4446	MIDAMERICA ADMIN & RETIREMENT	490.00	0.00	490.00

# CITY OF LAKEWOOD

## SUMMARY CHECK REGISTER

CHECK #	CHECK DATE	VEND #	VENDOR NAME	GROSS	DISC.	CHECK AMOUNT
95702	12/12/2019	57391	MINI COACH INC	1,109.25	0.00	1,109.25
95703	12/12/2019	5201	NACHREINER. MATTHEW JASON	700.00	0.00	700.00
95704	12/12/2019	4892	NESTLE WATERS NORTH AMERICA	143.13	0.00	143.13
95705	12/12/2019	4443	O'REILLY AUTOMOTIVE STORES INC	252.59	0.00	252.59
95706	12/12/2019	47554	OFFICE DEPOT BUSINESS SVCS	127.28	0.00	127.28
95707	12/12/2019	63708	DY-JO CORPORATION	1,710.00	0.00	1,710.00
95708	12/12/2019	1615	PFM ASSET MANAGEMENT LLC	3,142.73	0.00	3,142.73
95709	12/12/2019	4494	PIERSON. JEREMY L.	655.20	0.00	655.20
95710	12/12/2019	5061	PLUMBING DESIGN SOLUTIONS. INC.	28,500.00	0.00	28,500.00
95711	12/12/2019	4371	ORDWAY CORPORATION	266.90	0.00	266.90
95712	12/12/2019	4330	RON'S MAINTENANCE INC	2,492.00	0.00	2,492.00
95713	12/12/2019	4956	ROSS AVIATION INVESTMENT. LLC	4,357.03	0.00	4,357.03
95714	12/12/2019	41691	SAFETY-KLEEN CORP	698.72	0.00	698.72
95715	12/12/2019	5045	SAN JUAN. CLYDE J	195.00	0.00	195.00
95716	12/12/2019	4468	SHERRARD. DONNA HOUSTON	76.70	0.00	76.70
95717	12/12/2019	47359	SIERRA DISPLAY INC	1,721.19	0.00	1,721.19
95718	12/12/2019	5197	SIGNAL HILL AUTO ENTERPRISES INC.	232.36	0.00	232.36
95719	12/12/2019	5230	SITEONE LANDSCAPE SUPPLY. LLC	279.35	0.00	279.35
95720	12/12/2019	3186	CORAL BAY HOME LOANS	682.50	0.00	682.50
95721	12/12/2019	52279	SMART & FINAL INC	316.89	0.00	316.89
95722	12/12/2019	29400	SOUTHERN CALIFORNIA EDISON CO	50,590.52	0.00	50,590.52
95723	12/12/2019	44104	STATE WATER RESOURCES CONTROL BOARD	28,461.00	0.00	28,461.00
95724	12/12/2019	5128	SUKUT CONSTRUCTION. LLC	111,529.99	0.00	111,529.99
95725	12/12/2019	4893	TENG. WHEA-FUN	72.00	0.00	72.00
95726	12/12/2019	59212	TETRA TECH INC	104,019.40	0.00	104,019.40
95727	12/12/2019	5313	THE MARSHALL GROUP LLC	1,822.32	0.00	1,822.32
95728	12/12/2019	60685	TURF STAR	3,414.54	0.00	3,414.54
95729	12/12/2019	4356	U S BANK PARS ACCT #6746022500	200,535.00	0.00	200,535.00
95730	12/12/2019	5284	UNIFIRST CORPORATION	115.04	0.00	115.04
95731	12/12/2019	4718	UNITED WATER WORKS INC	602.25	0.00	602.25
95732	12/12/2019	64652	CELLCO PARTNERSHIP	4,362.50	0.00	4,362.50
95733	12/12/2019	57135	VISION SERVICE PLAN	4,447.94	0.00	4,447.94
95734	12/12/2019	17640	WAXIE ENTERPRISES INC	781.04	0.00	781.04
95735	12/12/2019	40925	WEST COAST ARBORISTS INC	27,100.40	0.00	27,100.40
95736	12/12/2019	50058	WHITE HOUSE FLORIST INC	1,587.75	0.00	1,587.75
95737	12/12/2019	35146	WILLDAN ASSOCIATES	23,013.25	0.00	23,013.25
95738	12/12/2019	3837	WORTHINGTON FORD	149.46	0.00	149.46
95739	12/12/2019	2145	WYNN. LAKYN	39.00	0.00	39.00
95740	12/12/2019	4837	XEROX CORPORATION	2,235.64	0.00	2,235.64
95741	12/12/2019	3699	ABRIGO. GAIL	250.00	0.00	250.00
95742	12/12/2019	3699	AYSO REGION 106	250.00	0.00	250.00
95743	12/12/2019	3699	BEAUDOIN. JEANNE	40.00	0.00	40.00
95744	12/12/2019	3699	BOY SCOUTS CREW 134	250.00	0.00	250.00
95745	12/12/2019	3699	BROTHERS HOME IMPROVEMENT	12,397.60	0.00	12,397.60

# CITY OF LAKEWOOD SUMMARY CHECK REGISTER

CHECK #	CHECK DATE	VEND #	VENDOR NAME	GROSS	DISC.	CHECK AMOUNT
95746	12/12/2019	3699	DAVID. JENNIFER	82.00	0.00	82.00
95747	12/12/2019	3699	DENNIS. JOSIE	250.00	0.00	250.00
95748	12/12/2019	3699	JARDINIANO. SHARYLEE	250.00	0.00	250.00
95749	12/12/2019	3699	LAKEWOOD WOMEN'S CLUB	250.00	0.00	250.00
95750	12/12/2019	3699	MOUA. KIMBERLY	250.00	0.00	250.00
95751	12/12/2019	3699	PICKETT. STEPHANIE	250.00	0.00	250.00
95752	12/12/2019	3699	REYES. IRENE	35.00	0.00	35.00
95753	12/12/2019	3699	REYES. IRENE	35.00	0.00	35.00
95754	12/12/2019	3699	RINDEN. NICOLE	250.00	0.00	250.00
95755	12/12/2019	3699	ROSALES. JEAN	250.00	0.00	250.00
95756	12/12/2019	3699	SALDIVAR. NATALIE	250.00	0.00	250.00
95757	12/12/2019	3699	TORRES. CANDY	168.00	0.00	168.00
95758	12/12/2019	3699	WILLIAMS. KANAE	250.00	0.00	250.00
95759	12/12/2019	3699	WILSON. EARNESTINE	250.00	0.00	250.00
95760	12/12/2019	3699	ZWAAGSTRA. LAMMERT	89.00	0.00	89.00
95761	12/12/2019	4435	ELLIOTT AUTO SUPPLY COMPANY INC	168.28	0.00	168.28
95762	12/12/2019	450	PACIFIC EH & S SERVICES INC	1,792.00	0.00	1,792.00
95763	12/12/2019	45437	S & J SUPPLY CO	939.26	0.00	939.26
95764	12/12/2019	3153	SECTRAN SECURITY INC	153.49	0.00	153.49
95765	12/12/2019	55947	STOVER SEED COMPANY	876.00	0.00	876.00
95766	12/12/2019	5221	THE LEW EDWARDS GROUP	5,750.00	0.00	5,750.00
95767	12/12/2019	5305	TRUMAN ARNOLD COMPANIES	2,604.01	0.00	2,604.01
<b>Totals:</b>				<u>1,083,470.24</u>	<u>0.00</u>	<u>1,083,470.24</u>



**CITY OF LAKEWOOD  
FUND SUMMARY 12/19/2019**

In accordance with section 2521 of the Lakewood Municipal Code there is presented herewith a summary of obligations to be paid by voucher 95768 through 95895. Each of the following demands has been audited by the Director of Administrative Services and approved by the City Manager.

1010	GENERAL FUND	1,594,612.00
1015	SPECIAL OLYMPICS	81.71
1020	CABLE TV	2,633.44
1030	CDBG CURRENT YEAR	3,125.00
1050	COMMUNITY FACILITY	10,160.07
1336	STATE COPS GRANT	34,145.65
1371	JAG GRANT	17,336.00
1621	LA CNTY MEASURE R	23,064.00
3001	CAPITAL IMPROV PROJECT FUND	337.60
3015	ROAD MAINTC & REHAB ACCT	127,725.74
3070	PROPOSITION "C"	1,144.12
5010	GRAPHICS AND COPY CENTER	880.91
5020	CENTRAL STORES	4,736.44
5030	FLEET MAINTENANCE	4,584.31
7500	WATER UTILITY FUND	293,456.81
8020	LOCAL REHAB LOAN	15,900.00
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		<b>2,133,923.80</b>

Council Approval

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Date

\_\_\_\_\_

City Manager

Attest

\_\_\_\_\_

City Clerk

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Director of Administrative Services

# CITY OF LAKEWOOD

## SUMMARY CHECK REGISTER

CHECK #	CHECK DATE	VEND #	VENDOR NAME	GROSS	DISC.	CHECK AMOUNT
95768	12/19/2019	4842	A T & T CORP	249.97	0.00	249.97
95769	12/19/2019	4551	ACCOUNTING PRINCIPALS. INC	900.16	0.00	900.16
95770	12/19/2019	4189	ALLIED INTERNATIONAL	344.93	0.00	344.93
95771	12/19/2019	50163	AMERICAN PUBLIC WORKS ASSN	260.00	0.00	260.00
95772	12/19/2019	58000	AMERICAN TRUCK & TOOL RENTAL INC	165.22	0.00	165.22
95773	12/19/2019	65668	ANICETO. SANDRA	802.75	0.00	802.75
95774	12/19/2019	5251	ARAMEXX GROUP INC.	119,833.00	0.00	119,833.00
95775	12/19/2019	57770	B & H FOTO & ELECTRONICS CORP	968.76	0.00	968.76
95776	12/19/2019	443	B&M LAWN AND GARDEN INC	22.67	0.00	22.67
95777	12/19/2019	1025	C A C E 0	86.00	0.00	86.00
95778	12/19/2019	1025	C A C E 0	300.00	0.00	300.00
95779	12/19/2019	53835	C.P.R.S. DIST X	140.00	0.00	140.00
95780	12/19/2019	53983	CALIF STATE FRANCHISE TAX BOARD	1,811.07	0.00	1,811.07
95781	12/19/2019	4978	CALIFORNIA FOUNDATION FOR THE	642.20	0.00	642.20
95782	12/19/2019	4988	CENTER THEATRE GROUP	2,504.00	0.00	2,504.00
95783	12/19/2019	45894	CINTAS CORPORATION	64.79	0.00	64.79
95784	12/19/2019	57070	CITY LIGHT & POWER LKWD INC	7,892.74	0.00	7,892.74
95785	12/19/2019	5315	AZTECA SYSTEMS HOLDINGS LLC	9,000.00	0.00	9,000.00
95786	12/19/2019	5214	CLEANCOR HOLDINGS LLC	465.00	0.00	465.00
95787	12/19/2019	53451	COMMUNITY FAMILY GUIDANCE CTR	750.00	0.00	750.00
95788	12/19/2019	5141	CORTEZ. JOSE D.	119.03	0.00	119.03
95789	12/19/2019	5200	DAHLIN GROUP. INC.	925.00	0.00	925.00
95790	12/19/2019	4442	DANIEL'S TIRE SERVICE INC	345.08	0.00	345.08
95791	12/19/2019	27200	DICKSON R F CO INC	45,836.43	0.00	45,836.43
95792	12/19/2019	3213	DIRECTV INC	35.00	0.00	35.00
95793	12/19/2019	4660	ZW USA INC.	305.40	0.00	305.40
95794	12/19/2019	5229	DUNRITE PEST CONTROL INC.	260.00	0.00	260.00
95795	12/19/2019	3199	EDCO WASTE SERVICES LLC	419,661.50	0.00	419,661.50
95796	12/19/2019	3946	FERGUSON ENTERPRISES INC	831.11	0.00	831.11
95797	12/19/2019	4947	FILE KEEPERS. LLC	20.00	0.00	20.00
95798	12/19/2019	4884	FRONTIER CALIFORNIA INC.	2,877.86	0.00	2,877.86
95799	12/19/2019	3188	GALLS LLC/OUARTEMASTER LLC	1,925.05	0.00	1,925.05
95800	12/19/2019	58088	GEOSCIENCE SUPPORT SERVICES INC	3,396.25	0.00	3,396.25
95801	12/19/2019	65779	GOLDEN STATE WATER COMPANY	8,673.26	0.00	8,673.26
95802	12/19/2019	2551	GOV'T FINANCE OFFICERS ASSOC	610.00	0.00	610.00
95803	12/19/2019	61769	GRAUTEN. EVELYN R	364.00	0.00	364.00
95804	12/19/2019	573	GRAY. ALAN	800.00	0.00	800.00
95805	12/19/2019	5272	GREENE BACKFLOW	40.00	0.00	40.00
95806	12/19/2019	58838	HANSON AGGREGATES LLC	175.00	0.00	175.00
95807	12/19/2019	35477	HARA M LAWNMOWER CENTER	947.52	0.00	947.52
95808	12/19/2019	49554	HAWK. TRUDY (FAHTIEM)	101.40	0.00	101.40
95809	12/19/2019	49520	HINDERLITER DE LLAMAS & ASSOC	7,450.86	0.00	7,450.86
95810	12/19/2019	42031	HOME DEPOT	513.44	0.00	513.44
95811	12/19/2019	65891	HUMAN SERVICES ASSOCIATION	750.00	0.00	750.00

# CITY OF LAKEWOOD

## SUMMARY CHECK REGISTER

CHECK #	CHECK DATE	VEND #	VENDOR NAME	GROSS	DISC.	CHECK AMOUNT
95812	12/19/2019	36589	IMMEDIATE MEDICAL CARE	325.00	0.00	325.00
95813	12/19/2019	4622	JHM SUPPLY INC	281.75	0.00	281.75
95814	12/19/2019	59873	JJS PALOMO'S STEEL INC	38.59	0.00	38.59
95815	12/19/2019	4180	JONES RICHARD D. A PROF LAW CORP	9,144.50	0.00	9,144.50
95816	12/19/2019	4180	JONES RICHARD D. A PROF LAW CORP	16,750.00	0.00	16,750.00
95817	12/19/2019	53365	KENNY'S AUTO SERVICE	146.00	0.00	146.00
95818	12/19/2019	2956	KICK IT UP KIDZ. LLC	292.50	0.00	292.50
95819	12/19/2019	4939	LAKEWOOD AQUATIC SPORTS CLUB	452.40	0.00	452.40
95820	12/19/2019	18300	LAKEWOOD CHAMBER OF COMMERCE	2,416.67	0.00	2,416.67
95821	12/19/2019	55469	LAKEWOOD CITY EMPLOYEE ASSOCIATION	2,000.00	0.00	2,000.00
95822	12/19/2019	53311	LAKEWOOD MEALS ON WHEELS	875.00	0.00	875.00
95823	12/19/2019	59671	WOODWARDS MICHAEL	459.50	0.00	459.50
95824	12/19/2019	18400	LAKEWOOD. CITY WATER DEPT	24,240.18	0.00	24,240.18
95825	12/19/2019	271	LOS ANGELES CO DEPT OF HEALTH SVCS	481.00	0.00	481.00
95826	12/19/2019	21600	LOS ANGELES CO SHERIFFS DEPT	963,016.15	0.00	963,016.15
95827	12/19/2019	36844	LA COUNTY DEPT OF PUBLIC WORKS	1,868.34	0.00	1,868.34
95828	12/19/2019	36844	LA COUNTY DEPT OF PUBLIC WORKS	6,771.98	0.00	6,771.98
95829	12/19/2019	63809	MACAULAY, CHRISTINA	150.00	0.00	150.00
95830	12/19/2019	23130	MC MASTER-CARR SUPPLY CO	180.43	0.00	180.43
95831	12/19/2019	615	MUNI SERVICES LLC	3,391.23	0.00	3,391.23
95832	12/19/2019	63580	NYE, JENNIFER	80.00	0.00	80.00
95833	12/19/2019	4443	O'REILLY AUTOMOTIVE STORES INC	504.42	0.00	504.42
95834	12/19/2019	47554	OFFICE DEPOT BUSINESS SVCS	237.23	0.00	237.23
95835	12/19/2019	46945	TAYLOR CORPORATION	284.62	0.00	284.62
95836	12/19/2019	65659	PHASE II SYSTEMS INC	6,702.42	0.00	6,702.42
95837	12/19/2019	50512	PATHWAYS VOLUNTEER HOSPICE	750.00	0.00	750.00
95838	12/19/2019	51171	PERS LONG TERM CARE PROGRAM	70.64	0.00	70.64
95839	12/19/2019	15600	LONG BEACH PUBLISHING CO	576.47	0.00	576.47
95840	12/19/2019	63364	REEVES NORM HONDA	224.48	0.00	224.48
95841	12/19/2019	45437	S & J SUPPLY CO	1,184.78	0.00	1,184.78
95842	12/19/2019	5045	SAN JUAN, CLYDE J	65.00	0.00	65.00
95843	12/19/2019	51723	SCMAF OFFICE	498.75	0.00	498.75
95844	12/19/2019	3153	SECTRAN SECURITY INC	153.49	0.00	153.49
95845	12/19/2019	52279	SMART & FINAL INC	65.01	0.00	65.01
95846	12/19/2019	26900	SO CALIF SECURITY CENTERS INC	61.47	0.00	61.47
95847	12/19/2019	5135	SOLID SURFACE CARE. INC.	1,263.50	0.00	1,263.50
95848	12/19/2019	5135	SOLID SURFACE CARE. INC.	673.75	0.00	673.75
95849	12/19/2019	29400	SOUTHERN CALIFORNIA EDISON CO	86,521.96	0.00	86,521.96
95850	12/19/2019	29500	SOUTHERN CALIFORNIA GAS CO	4,919.33	0.00	4,919.33
95851	12/19/2019	1737	SOUTHERN COUNTIES LUBRICANTS	460.12	0.00	460.12
95852	12/19/2019	4026	SPASEFF TED C	737.50	0.00	737.50
95853	12/19/2019	4368	SPECIALTY TIRES LLC	100.99	0.00	100.99
95854	12/19/2019	4201	AUDIO MESSAGING SOLUTIONS LLC	262.52	0.00	262.52
95855	12/19/2019	50299	SPENCER, GORDON	300.00	0.00	300.00

# CITY OF LAKEWOOD SUMMARY CHECK REGISTER

CHECK #	CHECK DATE	VEND #	VENDOR NAME	GROSS	DISC.	CHECK AMOUNT
95856	12/19/2019	49529	SPICERS PAPER INC	761.88	0.00	761.88
95857	12/19/2019	56039	SULLY MILLER	412.99	0.00	412.99
95858	12/19/2019	38679	WESTERN EXTERMINATOR COMPANY	68.86	0.00	68.86
95859	12/19/2019	2372	TGIS CATERING SVCS INC	8,072.95	0.00	8,072.95
95860	12/19/2019	1676	U S TELEPACIFIC CORP	720.65	0.00	720.65
95861	12/19/2019	5124	TW ASSOCIATES	342.94	0.00	342.94
95862	12/19/2019	1437	U S BANK NATIONAL ASSOCIATION	29,884.34	0.00	29,884.34
95863	12/19/2019	64024	U S POSTAL SERVICE	8,790.44	0.00	8,790.44
95864	12/19/2019	1568	ULINE	284.72	0.00	284.72
95865	12/19/2019	5284	UNIFIRST CORPORATION	41.10	0.00	41.10
95866	12/19/2019	5254	US DEPARTMENT OF EDUCATION AWG	348.76	0.00	348.76
95867	12/19/2019	4758	VASOUEZ. JOSEPH	81.71	0.00	81.71
95868	12/19/2019	4840	VERITIV OPERATING COMPANY	135.36	0.00	135.36
95869	12/19/2019	7400	WATER REPLENISHMENT DISTRICT OF	225,372.90	0.00	225,372.90
95870	12/19/2019	3943	WATERLINE TECHNOLOGIES INC	1,615.15	0.00	1,615.15
95871	12/19/2019	17640	WAXIE ENTERPRISES INC	893.66	0.00	893.66
95872	12/19/2019	62628	WELLS C. PIPELINE MATERIALS	701.90	0.00	701.90
95873	12/19/2019	40925	WEST COAST ARBORISTS INC	25,853.00	0.00	25,853.00
95874	12/19/2019	37745	WESTERN EXTERMINATOR CO	57.50	0.00	57.50
95875	12/19/2019	2279	AMERICAN PACIFIC PRINTERS COLLEGES	3,038.63	0.00	3,038.63
95876	12/19/2019	35146	WILLDAN ASSOCIATES	23,064.00	0.00	23,064.00
95877	12/19/2019	2145	WYNN. LAKYN	65.00	0.00	65.00
95878	12/19/2019	3699	AGILADA. SUSAN	250.00	0.00	250.00
95879	12/19/2019	3699	BALUNDO. NORMA	250.00	0.00	250.00
95880	12/19/2019	3699	BARNETT. STACY	6.39	0.00	6.39
95881	12/19/2019	3699	CRUZ. GABRIEL	332.85	0.00	332.85
95882	12/19/2019	3699	GARCIA'S PAINTING	3,600.00	0.00	3,600.00
95883	12/19/2019	3699	GODOY. ANTHONY	250.00	0.00	250.00
95884	12/19/2019	3699	GOMEZ. JOSE	160.74	0.00	160.74
95885	12/19/2019	3699	GREG DODD MASONRY	12,300.00	0.00	12,300.00
95886	12/19/2019	3699	GRIAR. JR.. GAUDENCIO	250.00	0.00	250.00
95887	12/19/2019	3699	KULAGA. TERESE	240.00	0.00	240.00
95888	12/19/2019	3699	LOMONACO-RASMUSSEN. PENNY	250.00	0.00	250.00
95889	12/19/2019	3699	LUCERO. ALINA	5.55	0.00	5.55
95890	12/19/2019	3699	MOMS CLUB OF LAKEWOOD	250.00	0.00	250.00
95891	12/19/2019	3699	PHILLIPS. LA'KEISHA	250.00	0.00	250.00
95892	12/19/2019	3699	PREZA. JOSE	250.00	0.00	250.00
95893	12/19/2019	3699	SESSONS. TEYVION	250.00	0.00	250.00
95894	12/19/2019	3699	SOMOAN UNITY CHRISTIAN CHURCH	250.00	0.00	250.00
95895	12/19/2019	3699	SOSNOWSKI. DAVID	23.71	0.00	23.71
<b>Totals:</b>				<u>2,133,923.80</u>	<u>0.00</u>	<u>2,133,923.80</u>

**CITY OF LAKEWOOD  
SUMMARY ACH/WIRE REGISTER DEC 2019**

<b>ACH date</b>	<b>Amount</b>	<b>Recipient</b>	<b>Purpose</b>	<b>Period</b>
12/4/19	93,994.98	IRS via F&M	Fed taxes	Nov 17-30, 2019
12/4/19	95,823.31	CalPERS	PERS contribution	Nov 3-16, 2019
12/5/19	6,434.50	Southland C/U	employee savings account	Nov 17-30, 2019
12/5/19	5,488.50	F&A Fed C/U	employee savings account	Nov 17-30, 2019
12/5/19	25,901.64	EDD	State taxes	Nov 17-30, 2019
12/6/19	2,631.82	MidAmerica	ARS aka APPLE	Nov 17-30, 2019
12/6/19	9,731.22	VOYA	VOYA 401(a)	Nov 17-30, 2019
12/6/19	3,425.00	PARS via U.S. Bank	excess stackable plan	Nov 17-30, 2019
12/6/19	5,322.73	PARS via U.S. Bank	stackable plan	Nov 17-30, 2019
12/6/19	24,208.59	VOYA	VOYA 457 & ROTH	Nov 17-30, 2019
12/12/19	94,591.68	CalPERS	PERS contribution	Nov 17-30, 2019
12/13/19	4,735.21	VOYA	VOYA 401(a)	2019 SL pay-off
12/13/19	71,658.04	MidAmerica	HRA aka CEMRB	Oct-Dec 2019
12/18/19	99,305.03	IRS via F&M	Fed taxes	Dec 1-14, 2019
12/19/19	59,059.21	City Light & Power	monthly maint fee	Dec 2019
12/19/19	6,434.50	Southland C/U	employee savings account	Dec 1-14, 2019
12/19/19	4,777.24	F&A Fed C/U	employee savings account	Dec 1-14, 2019
12/19/19	27,321.59	EDD	State taxes	Dec 1-14, 2019
12/19/19	187,832.02	FATHOM	Nov & Dec 2019 payments	Nov-Dec 2019
12/19/19	2,161.25	PARS via U.S. Bank	defined benefit-retirees pay-off	Dec 1-14, 2019
12/19/19	3,450.24	MidAmerica	ARS aka APPLE	Dec 1-14, 2019
12/19/19	15,632.90	VOYA	VOYA 401(a)	Dec 1-14, 2019
12/19/19	9,039.80	PARS via U.S. Bank	stackable plan	Dec 1-14, 2019
12/19/19	20,213.45	VOYA	VOYA 457 & ROTH	Dec 1-14, 2019
12/19/19	92,480.00	CalPERS	PERS contribution	Dec 1-14, 2019
12/23/19	2,932.32	CalPERS	Replacement Benefit Contribution	Dec 2019
12/31/19	96,451.95	IRS via F&M	Fed taxes	Dec 15-28, 2019

Council Approval

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager

Attest

\_\_\_\_\_  
City Clerk

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Director of Finance & Administrative Services

**CITY OF LAKEWOOD  
FUND SUMMARY 1/2/2020**

In accordance with section 2521 of the Lakewood Municipal Code there is presented herewith a summary of obligations to be paid by voucher 95896 through 95985. Each of the following demands has been audited by the Director of Administrative Services and approved by the City Manager.

1010	GENERAL FUND	136,561.04
1015	SPECIAL OLYMPICS	101.27
1020	CABLE TV	431.60
1050	COMMUNITY FACILITY	385.98
1070	RETIREE BENEFITS	3,000.00
1336	STATE COPS GRANT	7,514.34
1621	LA CNTY MEASURE R	8,400.00
1623	LA CNTY MEASURE W	1,237.50
2902	ENFORCEABLE OBLIGATIONS	70.00
3001	CAPITAL IMPROV PROJECT FUND	230,564.10
3070	PROPOSITION "C"	119.98
5010	GRAPHICS AND COPY CENTER	803.15
5020	CENTRAL STORES	1,268.50
5030	FLEET MAINTENANCE	17,339.24
7500	WATER UTILITY FUND	43,102.73
8020	LOCAL REHAB LOAN	6,022.00
		<hr/>
		<b>456,921.43</b>

Council Approval

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Date

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City Manager

Attest

\_\_\_\_\_

City Clerk

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Director of Administrative Services

# CITY OF LAKEWOOD

## SUMMARY CHECK REGISTER

CHECK #	CHECK DATE	VEND #	VENDOR NAME	GROSS	DISC.	CHECK AMOUNT
95896	01/02/2020	4113	SHAKER NERMINE	1,925.00	0.00	1,925.00
95897	01/02/2020	2701	AIRE RITE A/C & REFRIGERATION INC	5,023.15	0.00	5,023.15
95898	01/02/2020	4208	AIRGAS INC	35.08	0.00	35.08
95899	01/02/2020	4551	ACCOUNTING PRINCIPALS. INC	1,125.20	0.00	1,125.20
95900	01/02/2020	1700	ALLIED REFRIGERATION INC	84.05	0.00	84.05
95901	01/02/2020	5179	ALS GROUP USA. CORP.	4,043.50	0.00	4,043.50
95902	01/02/2020	65668	ANICETO. SANDRA	929.50	0.00	929.50
95903	01/02/2020	57770	B & H FOTO & ELECTRONICS CORP	385.98	0.00	385.98
95904	01/02/2020	5158	BANNER BANK	6,105.18	0.00	6,105.18
95905	01/02/2020	4197	BARBOZA. DAVID J	672.00	0.00	672.00
95906	01/02/2020	39123	BACKFLOW APPARATUS & VALUE COMPANY	702.29	0.00	702.29
95907	01/02/2020	4278	BEAR COMMUNICATIONS INC	558.03	0.00	558.03
95908	01/02/2020	62737	BOYES. GOBIND	58.50	0.00	58.50
95909	01/02/2020	1935	BREA. CITY OF	31,565.00	0.00	31,565.00
95910	01/02/2020	53983	CALIF STATE FRANCHISE TAX BOARD	1,095.00	0.00	1,095.00
95911	01/02/2020	62164	CARD INTEGRATORS CORP	155.85	0.00	155.85
95912	01/02/2020	51331	CERRITOS POOL SUPPLY	57.66	0.00	57.66
95913	01/02/2020	45894	CINTAS CORPORATION	130.51	0.00	130.51
95914	01/02/2020	162	CITY & COUNTY ENGINEER'S ASSOC	50.00	0.00	50.00
95915	01/02/2020	162	CITY & COUNTY ENGINEER'S ASSOC	50.00	0.00	50.00
95916	01/02/2020	4654	BRAGG INVESTMENT COMPANY. INC.	41.67	0.00	41.67
95917	01/02/2020	4428	COLANTUONO HIGHSMITH & WHATLEY	70.00	0.00	70.00
95918	01/02/2020	27200	DICKSON R F CO INC	3,410.00	0.00	3,410.00
95919	01/02/2020	3213	DIRECTV INC	39.25	0.00	39.25
95920	01/02/2020	5282	EVERYDAY ENVELOPE & PRINTING LLC	175.00	0.00	175.00
95921	01/02/2020	4435	ELLIOTT AUTO SUPPLY COMPANY INC	12.36	0.00	12.36
95922	01/02/2020	63519	FLUE STEAM INC	326.31	0.00	326.31
95923	01/02/2020	52540	GONSALVES JOE A & SON	4,526.00	0.00	4,526.00
95924	01/02/2020	61769	GRAUTEN. EVELYN R	395.20	0.00	395.20
95925	01/02/2020	3285	GREENO. KAREN	438.75	0.00	438.75
95926	01/02/2020	35477	HARA M LAWNMOWER CENTER	449.33	0.00	449.33
95927	01/02/2020	42031	HOME DEPOT	1,520.67	0.00	1,520.67
95928	01/02/2020	4688	HUNTER. JOHN L & ASSOCIATES	1,237.50	0.00	1,237.50
95929	01/02/2020	4696	NORTH AMERICAN YOUTH ACTIVITIES LLC	280.80	0.00	280.80
95930	01/02/2020	4458	KIM. YVONNE	265.00	0.00	265.00
95931	01/02/2020	4939	LAKEWOOD AQUATIC SPORTS CLUB	187.20	0.00	187.20
95932	01/02/2020	2409	LIFTECH ELEVATOR SERVICES INC	375.00	0.00	375.00
95933	01/02/2020	20300	LONG BEACH CITY GAS & WATER DEPT	348.93	0.00	348.93
95934	01/02/2020	21600	LOS ANGELES CO SHERIFFS DEPT	10,232.17	0.00	10,232.17
95935	01/02/2020	36844	LA COUNTY DEPT OF PUBLIC WORKS	10,734.30	0.00	10,734.30
95936	01/02/2020	60839	MARKOPULOS. CYNTHIA	42.25	0.00	42.25
95937	01/02/2020	66339	MC ENROE. BARBARA	227.50	0.00	227.50
95938	01/02/2020	332	MERRIMAC PETROLEUM INC	16,537.50	0.00	16,537.50
95939	01/02/2020	41831	MIEIR-KING. RICHARD	516.10	0.00	516.10

# CITY OF LAKEWOOD SUMMARY CHECK REGISTER

CHECK #	CHECK DATE	VEND #	VENDOR NAME	GROSS	DISC.	CHECK AMOUNT
95940	01/02/2020	64333	MOSES-CALDERA. ISABEL	811.20	0.00	811.20
95941	01/02/2020	5134	NORRIS. RICHARD	2,730.00	0.00	2,730.00
95942	01/02/2020	4443	O'REILLY AUTOMOTIVE STORES INC	314.42	0.00	314.42
95943	01/02/2020	47554	OFFICE DEPOT BUSINESS SVCS	278.87	0.00	278.87
95944	01/02/2020	63708	DY-JO CORPORATION	740.00	0.00	740.00
95945	01/02/2020	65659	PHASE II SYSTEMS INC	3,000.00	0.00	3,000.00
95946	01/02/2020	51171	PERS LONG TERM CARE PROGRAM	70.64	0.00	70.64
95947	01/02/2020	4459	READWRITE EDUCATIONAL SOLUTIONS INC	614.25	0.00	614.25
95948	01/02/2020	5108	F & S FOOD SERVICES. INC.	2,134.43	0.00	2,134.43
95949	01/02/2020	4309	SAFESHRED	25.00	0.00	25.00
95950	01/02/2020	5197	SIGNAL HILL AUTO ENTERPRISES INC.	363.32	0.00	363.32
95951	01/02/2020	52279	SMART & FINAL INC	213.91	0.00	213.91
95952	01/02/2020	29400	SOUTHERN CALIFORNIA EDISON CO	34,266.51	0.00	34,266.51
95953	01/02/2020	29450	SOUTHERN CALIFORNIA EDISON	43,746.07	0.00	43,746.07
95954	01/02/2020	4972	CHARTER COMMUNICATIONS HOLDINGS. LLC	4,419.03	0.00	4,419.03
95955	01/02/2020	49529	SPICERS PAPER INC	803.15	0.00	803.15
95956	01/02/2020	4666	STEIN. PAUL	125.00	0.00	125.00
95957	01/02/2020	5128	SUKUT CONSTRUCTION. LLC	115,998.32	0.00	115,998.32
95958	01/02/2020	57912	SURI. KAREN	304.20	0.00	304.20
95959	01/02/2020	2732	TANNEN. MITCH	249.60	0.00	249.60
95960	01/02/2020	38679	WESTERN EXTERMINATOR COMPANY	60.31	0.00	60.31
95961	01/02/2020	4893	TENG. WHEA-FUN	79.20	0.00	79.20
95962	01/02/2020	59212	TETRA TECH INC	38,584.00	0.00	38,584.00
95963	01/02/2020	5198	THE ILLINI COMPANIES. INC.	233.38	0.00	233.38
95964	01/02/2020	5221	THE LEW EDWARDS GROUP	5,750.00	0.00	5,750.00
95965	01/02/2020	4364	THE RINKS-LAKEWOOD ICE	357.50	0.00	357.50
95966	01/02/2020	4480	TYLER BUSINESS FORMS	758.40	0.00	758.40
95967	01/02/2020	5254	US DEPARTMENT OF EDUCATION AWG	348.76	0.00	348.76
95968	01/02/2020	64652	CELLCO PARTNERSHIP	3,489.64	0.00	3,489.64
95969	01/02/2020	3943	WATERLINE TECHNOLOGIES INC	826.95	0.00	826.95
95970	01/02/2020	17640	WAXIE ENTERPRISES INC	727.79	0.00	727.79
95971	01/02/2020	36166	WEGENER. KATHY	297.38	0.00	297.38
95972	01/02/2020	5245	WEST GROVE VOLLEYBALL. LLC	156.00	0.00	156.00
95973	01/02/2020	5319	WILBER. BILL	85.04	0.00	85.04
95974	01/02/2020	35146	WILLDAN ASSOCIATES	78,276.60	0.00	78,276.60
95975	01/02/2020	3837	WORTHINGTON FORD	270.29	0.00	270.29
95976	01/02/2020	3699	AVILA. BLANCA	250.00	0.00	250.00
95977	01/02/2020	3699	CHAVEZ. CELIA ARGUELLO	250.00	0.00	250.00
95978	01/02/2020	3699	CORDERO. HENRY	250.00	0.00	250.00
95979	01/02/2020	3699	FIELD. DONALD	250.00	0.00	250.00
95980	01/02/2020	3699	GARCIA. JUAN	250.00	0.00	250.00
95981	01/02/2020	3699	LAKEWOOD AQUATICS SPORTS CLUB	250.00	0.00	250.00
95982	01/02/2020	3699	LAKEWOOD GARDEN CLUB	250.00	0.00	250.00
95983	01/02/2020	3699	MIKE KILLEEN QUALITY ROOFING CO	6,022.00	0.00	6,022.00



**CITY OF LAKEWOOD  
SUMMARY CHECK REGISTER**

<b>CHECK #</b>	<b>CHECK DATE</b>	<b>VEND #</b>	<b>VENDOR NAME</b>	<b>GROSS</b>	<b>DISC.</b>	<b>CHECK AMOUNT</b>
95984	01/02/2020	3699	RABARA. MANOLITO	250.00	0.00	250.00
95985	01/02/2020	3699	WILLIAMS. CHALAOUE	250.00	0.00	250.00
<b>Totals:</b>				<u>456,921.43</u>	<u>0.00</u>	<u>456,921.43</u>

**CITY OF LAKEWOOD  
FUND SUMMARY 01/09/2020**

In accordance with section 2521 of the Lakewood Municipal Code there is presented herewith a summary of obligations to be paid by voucher 95986 through 96079. Each of the following demands has been audited by the Director of Administrative Services and approved by the City Manager.

1010	GENERAL FUND	151,411.96
1020	CABLE TV	125.00
1030	CDBG CURRENT YEAR	3,199.58
1050	COMMUNITY FACILITY	200.34
1622	LA CNTY MEASURE M	4,584.19
3001	CAPITAL IMPROV PROJECT FUND	51,300.00
3015	ROAD MAINTC & REHAB ACCT	175,029.90
5020	CENTRAL STORES	3,226.28
5030	FLEET MAINTENANCE	6,489.73
7500	WATER UTILITY FUND	40,950.15
8020	LOCAL REHAB LOAN	1,069.88
8030	TRUST DEPOSIT	100.00
		<hr/>
		<b>437,687.01</b>

Council Approval

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager

Attest

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Director of Administrative Services

# CITY OF LAKEWOOD

## SUMMARY CHECK REGISTER

CHECK #	CHECK DATE	VEND #	VENDOR NAME	GROSS	DISC.	CHECK AMOUNT
95986	01/09/2020	61142	ADAMS-HILLERY SHARRON	3,199.58	0.00	3,199.58
95987	01/09/2020	5264	ADVANTAGE MAILING. LLC	11,956.65	0.00	11,956.65
95988	01/09/2020	860	ALLIANT INSURANCE SERVICES	1,573.00	0.00	1,573.00
95989	01/09/2020	1700	ALLIED REFRIGERATION INC	128.25	0.00	128.25
95990	01/09/2020	1003	AMER.SOCIETY OF COMPOSERS	871.00	0.00	871.00
95991	01/09/2020	4465	ATALLA. IBRAHIM	406.25	0.00	406.25
95992	01/09/2020	5266	BAY AREA DRIVING SCHOOL. INC.	14.30	0.00	14.30
95993	01/09/2020	62737	BOYES. GOBIND	195.00	0.00	195.00
95994	01/09/2020	5103	CALIFORNIA DEPARTMENT OF	2,430.43	0.00	2,430.43
95995	01/09/2020	5244	CAMERON WELDING SUPPLY	685.22	0.00	685.22
95996	01/09/2020	7500	CENTRAL BASIN MUNICIPAL WATER	6,249.83	0.00	6,249.83
95997	01/09/2020	43135	CERRITOS. CITY OF	28,560.00	0.00	28,560.00
95998	01/09/2020	45894	CINTAS CORPORATION	69.92	0.00	69.92
95999	01/09/2020	64932	CJ CONCRETE CONSTRUCTION INC	175,029.90	0.00	175,029.90
96000	01/09/2020	4911	CONVERGINT TECHNOLOGIES LLC	21,144.50	0.00	21,144.50
96001	01/09/2020	4348	D&J INTERNATIONAL INC	2,682.75	0.00	2,682.75
96002	01/09/2020	4498	DELTA DENTAL INSURANCE COMPANY	1,114.63	0.00	1,114.63
96003	01/09/2020	56889	DELTA DENTAL OF CALIFORNIA	7,929.67	0.00	7,929.67
96004	01/09/2020	4435	ELLIOTT AUTO SUPPLY COMPANY INC	84.15	0.00	84.15
96005	01/09/2020	61688	FULL COMPASS SYSTEMS LTD	200.34	0.00	200.34
96006	01/09/2020	64215	GOLD COAST AWARDS INC	137.87	0.00	137.87
96007	01/09/2020	33150	GRAINGER W W INC	34.27	0.00	34.27
96008	01/09/2020	5257	GRANITE TELECOMMUNICATIONS. LLC	85.08	0.00	85.08
96009	01/09/2020	5272	GREENE BACKFLOW	1,263.74	0.00	1,263.74
96010	01/09/2020	35477	HARA M LAWNMOWER CENTER	664.64	0.00	664.64
96011	01/09/2020	59486	HERMAN. LINDA	300.00	0.00	300.00
96012	01/09/2020	42031	HOME DEPOT	1,805.84	0.00	1,805.84
96013	01/09/2020	4622	JHM SUPPLY INC	78.29	0.00	78.29
96014	01/09/2020	59873	JJS PALOMO'S STEEL INC	598.94	0.00	598.94
96015	01/09/2020	4458	KIM. YVONNE	249.60	0.00	249.60
96016	01/09/2020	4783	LANDCARE HOLDINGS INC	7,184.28	0.00	7,184.28
96017	01/09/2020	2409	LIFTECH ELEVATOR SERVICES INC	949.50	0.00	949.50
96018	01/09/2020	3564	LONG BEACH. CITY OF	692.83	0.00	692.83
96019	01/09/2020	64122	LA COUNTY FLOOD CONTROL DR IMP DIST	51,300.00	0.00	51,300.00
96020	01/09/2020	36844	LA COUNTY DEPT OF PUBLIC WORKS	19,855.37	0.00	19,855.37
96021	01/09/2020	58414	MANAGED HEALTH NETWORK	349.03	0.00	349.03
96022	01/09/2020	4887	MATHESON TRI-GAS. INC.	326.16	0.00	326.16
96023	01/09/2020	41831	MIEIR-KING. RICHARD	28.60	0.00	28.60
96024	01/09/2020	57391	MINI COACH INC	650.00	0.00	650.00
96025	01/09/2020	4190	NATIONAL UNION FIRE INSURANCE CO	551.48	0.00	551.48
96026	01/09/2020	4892	NESTLE WATERS NORTH AMERICA	88.23	0.00	88.23
96027	01/09/2020	4443	O'REILLY AUTOMOTIVE STORES INC	552.44	0.00	552.44
96028	01/09/2020	47414	O'NEAL. DINK	125.00	0.00	125.00
96029	01/09/2020	5203	OC VACUUM INC.	1,738.00	0.00	1,738.00

# CITY OF LAKEWOOD

## SUMMARY CHECK REGISTER

CHECK #	CHECK DATE	VEND #	VENDOR NAME	GROSS	DISC.	CHECK AMOUNT
96030	01/09/2020	47554	OFFICE DEPOT BUSINESS SVCS	32.84	0.00	32.84
96031	01/09/2020	5136	OPUS INSPECTION. INC.	1,554.45	0.00	1,554.45
96032	01/09/2020	4587	OSCAR'S ELECTRIC INC.	250.00	0.00	250.00
96033	01/09/2020	4497	PACIFIC COACHWAYS CHARTER SERVICES	1,262.50	0.00	1,262.50
96034	01/09/2020	5019	WGJ ENTERPRISES. INC.	4,330.45	0.00	4,330.45
96035	01/09/2020	1615	PFM ASSET MANAGEMENT LLC	3,038.92	0.00	3,038.92
96036	01/09/2020	39640	RAYVERN LIGHTING SUPPLY CO INC	480.07	0.00	480.07
96037	01/09/2020	5268	RESERVE ACCOUNT #50586247	25,000.00	0.00	25,000.00
96038	01/09/2020	47285	ROTARY CORP	166.27	0.00	166.27
96039	01/09/2020	50796	S C P L R C	300.00	0.00	300.00
96040	01/09/2020	65297	S.T.E.A.M.	9,631.95	0.00	9,631.95
96041	01/09/2020	66280	BARRY SANDLER ENTERPRISES	118.05	0.00	118.05
96042	01/09/2020	4436	SESAC	1,496.00	0.00	1,496.00
96043	01/09/2020	5036	SFG RETIREMENT PLAN CONSULTING LLC	2,400.00	0.00	2,400.00
96044	01/09/2020	5230	SITEONE LANDSCAPE SUPPLY. LLC	485.72	0.00	485.72
96045	01/09/2020	52279	SMART & FINAL INC	186.93	0.00	186.93
96046	01/09/2020	5135	SOLID SURFACE CARE. INC.	3,100.32	0.00	3,100.32
96047	01/09/2020	37930	STANDARD INSURANCE CO UNIT 22	2,279.35	0.00	2,279.35
96048	01/09/2020	37930	STANDARD INSURANCE CO UNIT 22	8,655.44	0.00	8,655.44
96049	01/09/2020	44104	STATE WATER RESOURCES CONTROL BOARD	105.00	0.00	105.00
96050	01/09/2020	33679	WESTERN EXTERMINATOR COMPANY	1,557.23	0.00	1,557.23
96051	01/09/2020	4873	TRANSAMERICA LIFE INSURANCE COMPANY	1,794.29	0.00	1,794.29
96052	01/09/2020	60685	TURF STAR	857.06	0.00	857.06
96053	01/09/2020	35089	UNDERGROUND SERVICE ALERT	118.90	0.00	118.90
96054	01/09/2020	5284	UNIFIRST CORPORATION	115.04	0.00	115.04
96055	01/09/2020	4840	VERITIV OPERATING COMPANY	110.62	0.00	110.62
96056	01/09/2020	64652	CELLCO PARTNERSHIP	644.39	0.00	644.39
96057	01/09/2020	57135	VISION SERVICE PLAN	4,251.21	0.00	4,251.21
96058	01/09/2020	5155	WATER SYSTEM SERVICES LLC	175.00	0.00	175.00
96059	01/09/2020	3943	WATERLINE TECHNOLOGIES INC	1,870.98	0.00	1,870.98
96060	01/09/2020	17640	WAXIE ENTERPRISES INC	86.92	0.00	86.92
96061	01/09/2020	37745	WESTERN EXTERMINATOR CO	53.50	0.00	53.50
96062	01/09/2020	35146	WILLDAN ASSOCIATES	1,767.00	0.00	1,767.00
96063	01/09/2020	5320	WILLIAMS. MICHELLE	287.91	0.00	287.91
96064	01/09/2020	3699	ABRIGO. GAIL	250.00	0.00	250.00
96065	01/09/2020	3699	AVILA. BLANCA	250.00	0.00	250.00
96066	01/09/2020	3699	CALUA. GABRIEL	250.00	0.00	250.00
96067	01/09/2020	3699	CUSTER. KELSEY	250.00	0.00	250.00
96068	01/09/2020	3699	DOMINGUEZ. JOSE	250.00	0.00	250.00
96069	01/09/2020	3699	FLUEGAL. JESSI	250.00	0.00	250.00
96070	01/09/2020	3699	MANIS. LINDA	250.00	0.00	250.00
96071	01/09/2020	3699	NISHIMOTO. THOMAS	250.00	0.00	250.00
96072	01/09/2020	3699	PERALTA. CHERI	1,069.88	0.00	1,069.88
96073	01/09/2020	3699	PEREZ. ROMALDO	568.26	0.00	568.26

# CITY OF LAKEWOOD SUMMARY CHECK REGISTER

CHECK #	CHECK DATE	VEND #	VENDOR NAME	GROSS	DISC.	CHECK AMOUNT
96074	01/09/2020	3699	PHILLIPS. LISA	250.00	0.00	250.00
96075	01/09/2020	3699	RIVERA. RAMON	100.00	0.00	100.00
96076	01/09/2020	3699	ROMUALDO. RYAN	250.00	0.00	250.00
96077	01/09/2020	3699	TOUCH. THAVY	250.00	0.00	250.00
96078	01/09/2020	3699	VILLALBA. ELYSE	250.00	0.00	250.00
96079	01/09/2020	3699	WOOLEN JR.. CHESTER	250.00	0.00	250.00
Totals:				<u>437,687.01</u>	<u>0.00</u>	<u>437,687.01</u>

# **D I V I D E R S H E E T**

**COUNCIL AGENDA**

January 14, 2020

**TO:** The Honorable Mayor and City Council**SUBJECT:** Monthly Report of Investment Transactions – November 2019

What

**INTRODUCTION**

In accordance with California Government Code Section 53607, the City Council has delegated to the City Treasurer the responsibility to invest or to reinvest funds, or to sell or exchange securities so purchased. The California Government Code Section 53607 requires that, if such responsibility has been delegated, then the Treasurer "shall make a monthly report of those transactions to the legislative body." In compliance with this requirement, the Monthly Report of Investment Transactions is being rendered to be received and filed.

**STATEMENT OF MONTHLY ACTIVITY**

<u>Date</u>	<u>Amount at Cost</u>	<u>Vehicle</u>	<u>Transaction</u>
11/01/2019	\$ 303.96	MMF	Interest
11/05/2019	399,723.05	TREAS	Purchase 1.500%
11/05/2019	401,143.33	FNMA	Sell 1.500%
11/11/2019	780.00	CORP	Interest 1.950%
11/13/2019	1,025.00	CORP	Interest 2.050%
11/15/2019	2,092.50	CORP	Interest 3.100%
11/15/2019	1,053.50	NOTE	Interest 1.720%
11/15/2019	5,890.63	TREAS	Interest 1.625%
11/15/2019	216.56	NOTE	Interest 1.890%
11/15/2019	6,750.00	TREAS	Interest 2.500%
11/16/2019	4,550.00	CORP	Interest 2.600%
11/18/2019	7,087.50	NOTE	Interest 2.700%
11/18/2019	4,398.13	CD	Interest 2.270%
11/21/2019	2,843.75	CORP	Interest 3.250%
11/25/2019	535.79	FNA	Interest 3.560%
11/25/2019	313.33	FHMS	Interest 3.203%
11/25/2019	3,855.72	FNA	Paydown 3.560%
11/25/2019	188.73	FHMS	Paydown 3.203%
11/30/2019	17,500.00	TREAS	Interest 2.000%
11/30/2019	11,250.00	TREAS	Interest 1.875%
11/30/2019	6,093.75	TREAS	Interest 1.625%

**RECOMMENDATION**

It is recommended that the City Council receive and file the Monthly Report of Investment Transactions rendered for the month of November 2019.



Jose Gomez  
Director of Finance & Administrative Services



Thaddeus McCormack  
City Manager

## COUNCIL AGENDA

January 14, 2020

**TO:** The Honorable Mayor and City Council

**SUBJECT:** Monthly Report of Investment Transactions – December 2019

What

### INTRODUCTION

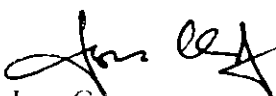
In accordance with California Government Code Section 53607, the City Council has delegated to the City Treasurer the responsibility to invest or to reinvest funds, or to sell or exchange securities so purchased. The California Government Code Section 53607 requires that, if such responsibility has been delegated, then the Treasurer “shall make a monthly report of those transactions to the legislative body.” In compliance with this requirement, the Monthly Report of Investment Transactions is being rendered to be received and filed.

### STATEMENT OF MONTHLY ACTIVITY

<u>Date</u>	<u>Amount at Cost</u>	<u>Vehicle</u>	<u>Transaction</u>
12/02/2019	\$ 351.26	MMF	Interest
12/04/2019	1,242,875.36	TREAS	Purchase 1.375%
12/04/2019	350,502.46	NOTE	Sell 1.561%
12/04/2019	654,707.93	CORP	Sell 2.050%
12/05/2019	120,000.00	BOND	Purchase 2.001%
12/07/2019	8,910.00	CD	Interest 3.240%
12/08/2019	2,175.00	CORP	Interest 2.900%
12/14/2019	1,100.00	CORP	Interest 2.200%
12/15/2019	1,053.50	NOTE	Interest 1.720%
12/15/2019	433.13	NOTE	Interest 1.890%
12/20/2019	2,200,000.00	LAIF	Deposit
12/23/2019	4,062.50	CORP	Interest 3.125%
12/25/2019	312.83	FHMS	Interest 3.203%
12/25/2019	522.24	FNA	Interest 3.560%
12/25/2019	8,197.32	FHMS	Paydown 2.270%
12/25/2019	5,781.87	FNA	Paydown 3.560%
12/31/2019	535.79	FNA	Interest 3.560%
12/31/2019	313.33	FHMS	Interest 3.203%

### RECOMMENDATION

It is recommended that the City Council receive and file the Monthly Report of Investment Transactions rendered for the month of December 2019.



Jose Gomez

Director of Finance & Administrative Services



Thaddeus McCormack

City Manager



# DIVIDER SHEET

## **COUNCIL AGENDA**

January 14, 2020

**TO:** The Honorable Mayor and City Council

**SUBJECT:** Purchase of One 2020 Chevrolet Silverado 1500 Double Cab Work Truck

### **INTRODUCTION**

The Director of Water Resources has requested the purchase of one replacement service truck necessary for departmental operations. The new truck would replace Unit #732 currently in the department's Distribution Division. Unit #732 is 24 years old with over 111,000 miles and despite the maintenance provided it has become increasingly unreliable. The Fleet Manager plans to reassign the vehicle as a reserve unit to another department. An appropriation in the amount of \$40,000 for a replacement vehicle is already included in the FY 2019-20 Adopted Budget.

### **STATEMENT OF FACT**

The Purchasing Officer solicited bids for a 2020 Chevrolet Silverado 1500 Double Cab Work Truck based on specifications provided by the City's Fleet Manager and the Water Resources Department. Staff posted the required legal advertisement notices and distributed the bid packages to eight potential bidders.

On November 19, 2019, the Purchasing Officer, in the presence of the City Clerk, opened six sealed responses. The Purchasing Officer, the Fleet Manager, and the Water Distribution Supervisor reviewed the bids to determine that specifications had been successfully met and the bid totals were accurate.

Following is a summary of the bids (totals include sales tax and all other charges):

1. Courtesy Chevrolet	\$31,525.17
2. George Chevrolet	\$31,809.73
3. Thorson Motor Center	\$33,444.58
4. Penske Chevrolet	\$33,778.55
5. Selman Chevrolet	\$35,325.13
6. Folsom Chevrolet	\$38,585.71
7. Winner Chevrolet	No bid
8. Harbor Chevrolet	No bid

The responsible and responsive low bidder meeting specifications is Courtesy Chevrolet of San Diego, CA. With a bid of \$31,525.17, it is \$8,474.83 less than the \$40,000 budgeted amount.


Purchase of One 2020 Chevrolet Silverado 1500 Double Cab Work Truck

January 14, 2020

Page 2

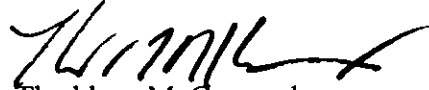
**STAFF RECOMMENDATION**

It is recommended that the City Council authorize the purchase of one 2020 Chevrolet Silverado 1500 Double Cab Work Truck at the contract price of \$31,525.17 from Courtesy Chevrolet of San Diego, CA.



Jose Gomez

Director of Finance and Administrative Services



Thaddeus McCormack

City Manager

# DIVIDER SHEET

## **COUNCIL AGENDA**

January 14, 2020

**TO:** The Honorable Mayor and City Council

**SUBJECT:** Easement Acquisition from Los Angeles County Flood Control District –  
Improvements at Intersection of Del Amo and Lakewood

### **INTRODUCTION**

The City of Lakewood staff and consultants have been working to prepare a major roadway improvement project at the intersection of Del Amo and Lakewood Boulevards. One of the elements of the project involves the installation of a right turn only lane for eastbound Del Amo between Oliva Avenue and Lakewood Blvd. To facilitate the street widening on the south side of Del Amo, a roadway easement on Flood Control District (FCD) property must be purchased.

### **STATEMENT OF FACT**

The project will construct an additional left-turn lane in each of four directions, widen the east and west side of Lakewood Boulevard as it crosses the open drainage channel south of Del Amo Boulevard, modify the traffic signal and other related work. The construction phase is estimated to begin in early 2020 and take about 6 months. On July 28, 2015, the City Council approved Willdan to provide engineering design services.

Staff has been working with the staff at the Flood Control District to resolve issues related to the roadway easement needed. As part of the engineering services agreement, Willdan hired the appraiser acceptable to the FCD, and Willdan's staff has prepared the requested legal descriptions and maps. A map of the needed easement area is attached, with the area to be acquired is represented in the salmon color, encompassing approximately 11,500 SF. Based upon the appraisal, the cost to acquire the easement would be \$51,300, and as stated in their attached letter, the County has indicated that they will accept that amount. There will also be other administrative expenses to prepare the appropriate documents and to process the easement through the County Counsel and Board of Supervisors, and those expenses will be billed to the City via a service request. Funding for the acquisition and administrative expenses is provided through the Metro Measure R funds allocated for this project and further described below.

This project needs to be advertised for bid as soon as possible to allow sufficient time to construct the improvements needed in the channel during the open permit window for the dry season from April 15 to October 15, 2020. Staff has requested that the County provide a draft copy of the permit and permit conditions which must be included in the final plans and specifications for the project, while they process the final easement documents through the Board of Supervisors. We cannot advertise for bid without the permit and conditions, as we would risk not knowing specific conditions that could impact the cost of the project. After the Council meeting, staff will advise the County of Council's approval of the easement payment.

You will also notice other colored areas on the map related to the walking path and parkway on the north side of the channel, where the city has long maintained the path and landscaping, and those areas will be handled at a future time with a Maintenance and use agreement.

### **FUNDING BACKGROUND**

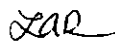
The intersection of Del Amo and Lakewood Boulevards was identified by Metro as a “Hot Spot” along the SR-91, I-605, and I-405 corridors that met requirements for funding. All Measure R funding is regional Measure R funds. No local Measure R is used.


In 2014, the Los Angeles County Metropolitan Transportation Authority (LACMTA) and the City of Lakewood entered into a Funding Agreement to provide a grant of \$3,230,000 of Measure R Funds for intersection improvements at Del Amo and Lakewood Boulevards. In 2017, Amendment No. 1 to the Funding Agreement increased the amount by \$2,274,300 for a total of \$5,504,300. In October 2019, the City Council approved Amendment No. 2 to the funding agreement that extended the agreement to June 20, 2021, and made other changes to the agreement to update the scope of work and minor administrative details.

The cost of the easement, along with the expenses associated with processing the easement, is an eligible expense under the METRO Measure R funding agreement.

### **RECOMMENDATION**

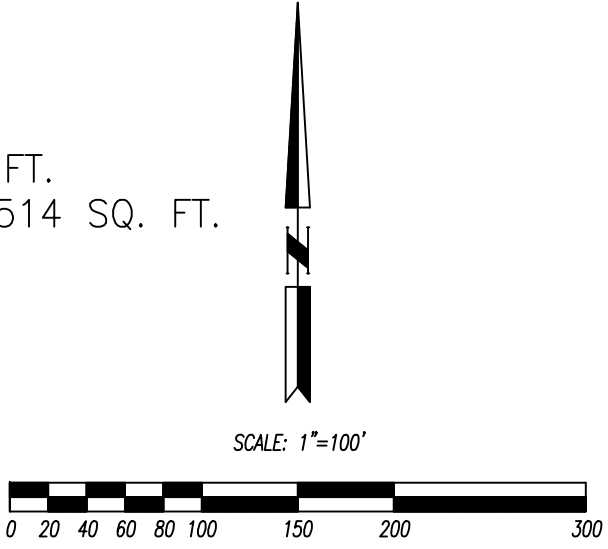
Staff recommends that the City Council authorize payment of \$51,300 to the Los Angeles County Flood Control District for the acquisition of the necessary easement for the project, and authorize the Mayor to sign any necessary documents subject to approval of form by the City Attorney.

Lisa Ann Rapp   
Director of Public Works

  
Thaddeus McCormack  
City Manager



- ROADWAY AREA INCLUDING HANDICAP RAMPS & OLIVA BRIDGE = 13,081 SQ. FT.
- ROADWAY AREA INCLUDING HANDICAP RAMPS EXCLUDING OLIVA BRIDGE = 11,514 SQ. FT.
- OLIVA BRIDGE = 1,567 SQ. FT.
- SIDEWALK = 16,165 SQ. FT.
- PARKWAY/SLOPE AREA = 26,846 SQ. FT.







MARK PESTRELLA, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

**RECEIVED**

DEC 14 2019

LAKEWOOD  
PUBLIC WORKS

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: **SWP-4**

December 3, 2019

Ms. Lisa Ann Rapp  
5050 North Clark Avenue  
Lakewood, CA 90712

Dear Ms. Rapp:

**CITY OF LAKEWOOD  
LAKEWOOD BOULEVARD AND DEL AMO BOULEVARD RIGHT OF WAY  
FLOOD PERMIT NO. FCDP2017006390 (FORMERLY PCFLT201600646)**

We received your recent letter requesting Public Works, on behalf of the Los Angeles County Flood Control District, to convey an easement to the City of Lakewood for roadway purposes. Your letter requests that Los Angeles County consider the value of added improvements and the City's estimated value of the open space for the County's approval of the easement and encroachment permit. The District acknowledges that the City's project is a benefit to the general public; however, as a special district governed by certain statutes, a waiver of just compensation is considered a gift of public funds and the District can only lease, sell, or dispose of its easements for their fair market value as authorized by Section 2, subsection 13, of the Flood Control Act. The improvements required by the District were only necessary to facilitate the project construction. Therefore, the District is unable to accommodate the City's request.

A significant amount of work has been completed by both parties to date. The technical review has been completed and the project's civil and structural plans have been approved by the District. The outstanding item to complete the permit is to acquire the necessary easement for roadway purposes including fair market compensation. According to your recent letter, the appraised value of the easement based on open space land use is approximately \$51,300 for its approximately 11,500 square feet area. We accept this amount and will issue you a permit to construct your improvements provided you submit supporting documents for this valuation along with payment of the easement cost and any permit fees.



Ms. Lisa Ann Rapp  
December 3, 2019  
Page 2

During the permit review process the following two outstanding items in the project's vicinity have been brought to my attention that need City action:

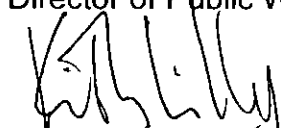
1. Oliva Street Bridge over Los Cerritos Channel – The District will allow a gratis roadway easement for the bridge, since it was constructed in 1950 prior to the City incorporating. The easement documents can be prepared in parallel but separately from Flood Permit No. FCDP2017006390.
2. Existing Sidewalk and Greenway along Del Amo Boulevard between Lakewood Boulevard and Downey Avenue – The encroachment of the sidewalk and greenway built and maintained by the City. We consider these elements consistent with the District's objectives and mission, requiring a no-cost Use and Maintenance Agreement to allow for continued use by the City. The Use and Maintenance Agreement can also be prepared in parallel but separately from Flood Permit No. FCDP2017006390.

The District continues to look forward to collaborating with the City.

If you have any questions, please contact me at (626) 458-4300 or [klilley@pw.lacounty.gov](mailto:klilley@pw.lacounty.gov) or your staff may contact Mr. Julian Juarez at (626) 458-7149 or [jjuares@pw.lacounty.gov](mailto:jjuares@pw.lacounty.gov).

Very truly yours,

MARK PESTRELLA  
Director of Public Works



KEITH A. LILLEY  
Assistant Deputy Director  
Stormwater Planning Division

JJ:tr

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# DIVIDER SHEET

## **COUNCIL AGENDA**

January 14, 2020

**TO:** The Honorable Mayor and City Council

**SUBJECT:** Community Safety Commission Recommendation – Disabled Person Parking

### **INTRODUCTION**


The Community Safety Commission met on December 2, 2019 to consider various community safety matters that included the consideration of a request for a disabled person parking space at 5102 Minturn Avenue.

### **STATEMENT OF FACT**

The Public Works Department received a request from the resident at 5102 Minturn Avenue for a disabled person parking space. The resident stated that he is requesting the space because parking is difficult to find due to the nearby apartments and the school across the street. Also, he has a short driveway that he cannot park in without overhanging the sidewalk. The resident is requesting the space be installed on Hardwick Street, which is on the south side of his address. Staff observed the location, checked the placard number, and recommended installation of a space. The Community Safety Commission, at their regular meeting on December 2, 2019, approved recommending installation.

### **RECOMMENDATION**

The Community Safety Commission recommends that the City Council adopt the attached resolution authorizing installation of a disabled person designated parking space at 5102 Minturn Avenue.

Lisa Ann Rapp   
Director of Public Works

  
Thaddeus McCormack  
City Manager

RESOLUTION NO. 2020-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LAKEWOOD ESTABLISHING DISABLED PERSON  
DESIGNATED PARKING ON THE NORTH SIDE OF  
HARDWICK STREET WITHIN THE CITY OF LAKEWOOD

THE CITY COUNCIL OF THE CITY OF LAKEWOOD DOES RESOLVE AS FOLLOWS:

SECTION 1. This Resolution is enacted pursuant to Section 21458 and 22507 of the Vehicle Code of the State of California, and Section 3250.2 of the Lakewood Municipal Code.

SECTION 2. Disabled person designated parking is hereby established on the north side of Hardwick Street, beginning seventy eight (78) feet east of the east curb line of Minturn Avenue, continuing east for a distance of twenty (20) feet within the City of Lakewood. No vehicle shall stop, stand or park in said parking restriction unless displaying a special identification license plate or placard issued by the Department of Motor Vehicles pursuant to Section 22511.55 of the California Vehicle Code.

SECTION 3. This resolution shall be effective as long as said restriction is painted and posted in accordance with the requirements of Vehicle Code Section 22511.7 of the California Vehicle Code. In addition, this resolution shall be in effect only as long as Sergio Arriola, a physically disabled person, occupies the house at 5102 Minturn Avenue.

SECTION 4. This resolution has been adopted pursuant to a Community Safety Commission recommendation.

ADOPTED AND APPROVED this 14th day of January, 2020.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

# **D I V I D E R S H E E T**

## **COUNCIL AGENDA**

January 14, 2020

**TO:** The Honorable Mayor and City Council

**SUBJECT:** California Contract Cities Association Annual Legislative Tour Summary

### **INTRODUCTION**

As a founding member of the California Contract Cities Association (CCCA), the City of Lakewood participates in their annual Legislative Tour, whose primary objective is to advocate state representatives on legislative issues of importance to the Association and its 75 members. The meeting took place on January 6-8, 2020 in Sacramento. Pursuant to Assembly Bill 1234, this report provides an update on the advocacy activities that Lakewood officials participated in during the tour.

### **STATEMENT OF FACT**

Mayor Todd Rogers, Vice Mayor Jeff Wood (who serves on the CCCA Executive Board), City Manager Thaddeus McCormack and Deputy City Manager Paolo Beltran attended the Legislative Tour. On the first full day, Lakewood officials participated in small group meetings with various legislators to advocate on behalf of the city on issues such as housing, homelessness, public safety and water (meeting talking points attached). The legislators (or their staff) that participated in these meetings were Assembly Member Randy Voepel, Senator Ling Ling Chang, Assembly Member Bill Quirk, Assembly Member Vince Fong, Assembly Member Shirley Weber, Assembly Member Phil Chen, Assembly Member Christy Smith and Assembly Member Luz Rivas.

On the second day of meetings, CCCA briefings were interspersed with meetings with Lakewood state representatives. Lakewood officials met with Assembly Speaker Anthony Rendon, Senator Bob Archuleta and Senator Lena Gonzalez to reiterate the city's concerns related to the following:

- Public safety and the unintended consequences of Assembly Bill 109, Proposition 47 and Proposition 57;
- Increased density and housing (Senate Bill 50 and its potential impact to Lakewood was a specific point of discussion); and
- Homelessness

In conclusion, the advocacy trip served to inform Sacramento the issues that are most important to CCCA and its member cities, including Lakewood. This trip also helps shape the city's legislative platform, which guides the city's advocacy efforts for 2020.

### **RECOMMENDATION**

That the City Council receive and file this report.

Paolo Beltran *PB*  
Deputy City Manager

  
Thaddeus McCormack  
City Manager



## Small Group Meetings Talking Points

### **Legislative Tour**

- Members today are here to advocate on behalf of CCCA and share with the member/office our 2020 Legislative Platform.
- CCCA strongly believes our 2020 Legislative Platform is solutions-oriented and seeks to engage the member on a number of issues/recommendations we have today.

### **CCCA/City Contracting Model Statement**

- For over 62 years, CCCA has represented over 70 cities across California.
- City Contracting Model gives our cities the flexibility to contract for services and programs in the most cost-effective manner and that are important to our community.
- We were originally founded through our ability to contract for public safety services.
- Today, every city is a contract city. Cities contract for various services, with various organizations, including private vendors and other governmental agencies.
- We are here to advocate on issues important to our membership and the city contracting model.
- Our 2020 Legislative Platform focuses on five key areas: Housing, Homelessness, Public Safety, Water, and Community Choice Aggregation.

### **Housing/Land Use Development:**

- Supports legislation and other collaborative solutions in housing that allows innovation and flexibility.

### **Homelessness:**

- Supports legislation that creates collaborative solutions to combat homelessness coordination, such as partnerships with cities, and incentives to create more collaborative solutions to combat homelessness. These include our partnerships with LASD, local police departments, mental health and homeless service providers.

### **Community Choice Aggregation (CCA):**

- Supports efforts to expand choice for cities to offer residents and businesses competitive energy alternatives that provide cost-savings and opportunities to pursue renewable energy goals.

### **Public Safety:**

- Supports necessary reforms to reduce crime, strengthen and enhance peace officer training, and other reforms to reduce the liability and negative impacts on public safety services.

### **Water:**

- Supports efforts to protect access to safe and reliable drinking water for Californians, including funding to address water pollutants, including PFAS and microplastics.
- Funding is needed to address these critical issues in order to strengthen and protect our supply of water for all types of use and meeting our regulatory requirements, such as MS4 permits.

# DIVIDER SHEET



## **COUNCIL AGENDA**

January 14, 2020

**TO:** The Honorable Mayor and City Council

**SUBJECT:** Additional Consulting Services for Mayfair Water Capture Project by Tetra Tech, Incorporated and Willdan Engineering, Inc.

### **INTRODUCTION**

There are two primary consultants who have been working on the Mayfair Water Capture Project: Tetra Tech, Inc. is the design firm and Willdan Engineering, Inc. has been performing construction management on the projects. As we approach completion of the project in the next few months, they have requested additional authorization under their contracts for several reasons, including the extended length of the contract and additional scope of services.

### **STATEMENT OF FACT**

The City Council approved a Cooperative Implementation Agreement with Caltrans for a grant of \$15,000,000 on June 14, 2016 for this project. There are no matching funds or cost share required from the City. When the project was awarded for construction, after allocation of a substantial contingency allowance, there was still about \$1M in the project budget that was unallocated.

On October 11, 2016 the City Council approved Tetra Tech to prepare the design for this project. When the construction contract was awarded in February 2018, Tetra Tech was granted another amendment for design support services during construction. They have received several additional amendments for additional design work during construction and most recently, were authorized to conduct a study of the possible expansion of the filtration system to expand the capacity of the plant and provide additional operational flexibility.

Willdan Engineering has an on-call agreement with the City for engineering services, and when the Mayfair Project was initiated in October 2016, they were authorized to assist city staff during the design phase to ensure that the lessons learned during the first water capture project were included in the Mayfair design. They received an additional authorization in February 2018 to provide construction management services during the construction phase.

The proposals for both consultants are attached for your information. The additional consulting costs are all for items that have been beyond the City's control, and are reasonable and justifiable expenses. It should be noted that the construction contract was originally set to conclude in August 2019 and the consultant's original proposals were based upon the original contract length. The contractor has been granted extra days for rain delays and the dry out periods after the rain. In Change Orders 6 and 7, they have also been granted extra days for additional work required by the County Flood Control District for changes to the area of the rubber and drop inlet structures in the channel. To date, the contractor has been granted 103 extra days beyond the 300 working days in

the original contract. They will likely be granted additional weather delay days and additional days for change orders still being priced and negotiated. Current projections are for completion in April 2020, and we are awaiting a revised schedule from the contractor at this time.

Willdan's services relate directly to the length of time that the contractor is working on the site, and since the work is continuing beyond the original August end date of the construction by about 9 months, they have provided an estimate of \$77,488 to provide services through completion and start-up of the plant. The original scope of work includes project management, construction observation, Contract administration, and labor compliance, all of which is continuing during the additional time that the contractor is on the site beyond the original contract period. This includes the additional inspection and coordination required for unforeseen items such as change orders, permit requirements and repair work.

Tetra Tech has provided a proposal which details all of the additional work that they have done or continues on-going. There have been extra submittals from the contractor, contract changes, change orders, and repair work for which Tetra Tech's engineers must provide review, oversight and testing. In addition, because the Sanitation Districts recently provided new requirements for equipment related to the connection to their sewer line that must be housed in the equipment room, Tetra Tech had to revise the drawings for the building expansion. Their proposal includes an estimate of \$168,467 through May of 2020, and will also include a time extension to December 31, 2020.

The project is fully funded by Caltrans in an amount of \$15,000,000 and sufficient funds are available for this extra work by the consultants.

## **RECOMMENDATION**

Staff recommends that the City Council:

1. Approve Amendment #8 to Tetra Tech's contract to provide additional support services during construction for the Mayfair Park Storm Water Capture Project in an amount of \$168,467 and authorize the Mayor to sign the Amendment in a form approved by the City Attorney.
2. Authorize Willdan Engineering, Inc to provide additional Construction Management services during construction for the Mayfair Park Storm Water Capture Project in an amount of \$77,488 under their existing on-call Engineering Services Agreement, and authorize the Mayor to sign the authorization.

Lisa Ann Rapp   
Director of Public Works

  
Thaddeus McCormack  
City Manager



December 4, 2019

Ms. Lisa Ann Rapp, Director  
Public Works Department  
City of Lakewood  
5050 Clark Avenue  
Lakewood, CA 90712

**Reference: Lakewood Stormwater and Runoff Capture Project  
Change Order for Phase 3, Additional Design Support Services During Construction at  
Mayfair Park**

Dear Ms. Rapp:

Tetra Tech appreciates the opportunity to continue to support the City of Lakewood on the Mayfair Park Stormwater and Urban Runoff Capture Project. Due to unforeseen construction delays, the construction schedule has extended beyond the construction duration included in the scope of work. Construction was originally scheduled to be completed in August 2019. The new construction end date is projected to be the end of January 2020 currently by the contractor; however, is expected to extend to early of February by the construction manager with startup and commissioning lasting until the beginning of May 2020. The construction delays were caused by permitting delays with Los Angeles County Flood Control District (LACFCD), inclement weather, and structural repairs of the Jensen Precast storage units.

As a result of the construction schedule extension, exceeding the number of scoped submittal reviews, structural coordination regarding the repairs of the Jensen Precast storage units, and the redesign of the restroom building expansion, Tetra Tech has exhausted the available budget for construction support. The number of submittals that were scoped to be reviewed have been exceeded and RFIs are close to breaking even as shown in Table 1. By the end of construction, the submittals and RFIs reviewed will both exceed the amount included in the scope of work. Another significant effort included the redesign of the restroom building extension by an additional 5'-8" to accommodate additional equipment. Tetra Tech provided revised signed and stamped 100% level structural and electrical drawings, calculations, and specifications for the proposed redesign of the restroom building. The level of effort associated with the building expansion is estimated to be \$26,000.

Table 1: Summary of Submittals and RFIs included in Scope and Reviewed to Date		
Submittals		
	Reviewed to Date	Scope
Initial Submittals	67	75
Resubmittals	47	35
Total Submittals	114	110
RFIs		
	Reviewed to Date	Scope
RFIs	48	50

Additional scope and fee will be needed to see the project through completion. Tetra Tech hereby requests the following:

- Extend existing contract from August 31, 2019 to May 1, 2020
- Additional budget to continue to providing construction support services through May 1, 2020

Below is a description of additional construction support services to take the project to May 1, 2020 including startup and commissioning.

#### **TASK 3100 PROJECT MANAGEMENT**

Support will be required for an additional seven (7) months from when the construction support budget was fully exhausted in early October 2019 for reasons described earlier. During this time, the senior project engineer will continue to oversee design coordination and the project engineer will continue to attend bi-weekly construction meetings. In general, the Senior Project Engineer is spending 10 hours per month on overseeing design coordination and the project engineer is spending 4 hours per bi-weekly construction meeting. The following labor hours are anticipated for the senior project engineer and project engineer to provide support through May 1, 2020:

- Project Manager (7 months @ 10 hours/month): 70 hours
- Senior Project Engineer (7 months @ 10 hours/month): 70 hours
- Project Engineer (7 months = 30 weeks = 15 bi-weekly construction meetings @ 4 hours/meeting): 60 hours

#### **TASK 3200 PROJECT ENGINEER DESIGN SUPPORT**

Eight (8) hours are being spent per week by the project engineer to respond to questions and requests from the construction manager, attend unanticipated meetings and/or teleconferences, and provide support when called upon. This effort is anticipated to continue over the next five (5) months through the end of construction. Periodic support is also required from the senior project engineer, structural engineer and electrical engineer for things like special inspections. This support is estimated will amount to 30 hours the senior project engineer and electrical engineer. In addition, the mechanical engineer will spend 10 hours on support associated with the construction of the pump station between now and May 1, 2020. The structural engineer is estimated will spend about 50 hours to provide additional support regarding the testing and repair Jensen Precast Units, building extension and for general coordination. Overall, this amounts to 310 staff hours.

#### **TASK 3400 GEOTECHNICAL SUPPORT**

The additional geotechnical related support includes the following:

- Two full weeks for a full-time technician to be in the field at prevailing wage rates overseeing the recompaction of the fill on top of the storage units after the contractor removed the placed fill due to cracks and leaks found after placement of the fill. This work has already been completed although final grading is still to be completed.
- One week for a full-time technician to be in the field at prevailing wage rates overseeing the compaction of various utility trenches and various other facilities including channel wall backfill and cover.
- Completion of CQA report. Although this item was included in the original scope of work, the CQA has taken longer than anticipated because of additional visits to the job site. The additional effort has exhausted the budget originally allocated for this task. The amount of time required for CQA varies depending on the project and the number of site visits. Additional site visits are only made when they were requested by a City representative.

### **TASK 3600, 3700, AND 3800 – SITE INSPECTIONS, FINAL INSPECTION AND COMMISSIONING, AND AS-BUILT DRAWINGS, RESPECTIVELY**

Tetra Tech has used the budget to perform the site inspections, final inspection and startup and commissioning, and as-built drawings as a result of the earlier mentioned factors. The scope and fee associated with these tasks is included in a proposal from Tetra Tech to the City of Lakewood dated December 11, 2017. The scope and level-of-effort associated with the site inspections was also increased to account for additional troubleshooting support that will likely be required. Startup and commissioning are expected to occur during March and April 2020. The overall level of effort remaining to complete these tasks amounts to 178 staff hours.

### **LABOR AND FEE ESTIMATE**

Our fee summary is included below, and in the attached Price Proposal. Tetra Tech is prepared to complete the additional support on a ***Time and Materials (T&M)*** basis. The existing hourly rates currently being used will be carried forward through the duration of the project.

<b>TASK</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
3100	Project Management	\$38,035
3200	Project Engineer Design Support	\$48,850
3400	Geotechnical Support	\$25,561
3600	Site Inspections	\$10,474
3700	Final Inspection and Commissioning	\$31,777
3800	As-Built Drawings	\$13,770
<b>Total</b>		<b>\$168,467</b>

Thank you for the opportunity and we look forward to continuing our services for the City of Lakewood. Please feel free to contact us if you have questions or requests for additional information at (626) 470-2303 or [Jaime.sayre@tetrattech.com](mailto:Jaime.sayre@tetrattech.com).

Sincerely,



Bethany Bezak, PE, LEED  
Vice President  
Tetra Tech, Inc.

APPROVED FOR: City of Lakewood

BY:

TITLE:

DATE:

*Attachments: Price Proposal*

<div><div><div><div><div><div></div></div></div><div><div></div></div></div><div>Price Proposal</div></div><div>Revision Date: Dec 04, 2019</div></div>										Labor Plan												Price Summary / Totals							
MAYFAIR PARK STORMWATER AND URBAN RUNOFF CA										20 Resource												168,467							
																						0							
Additional Construction Services (Estimated Through Project Completion in February 2020)										Proj Area >										Total Price 168,467									
Submitted to: City of Lakewood (Attn: Lisa Rapp)																				Pricing by Resource									
Contract Type: T&M																													
																				Task Pricing Totals									
Project Phases / Tasks										Schedule										Total Labor Hrs									
										FromThruMonthsWork Days OffWork Days										863									
Task 3100 - Project Management																				200									
Project Management and Coordination																				140									
Bi-Weekly Construction Meetings																				60									
Task 3200 - Project Engineer Design Support																				310									
PM and PE Support During Additional Construction Duration																				310									
Task 3400 - Geotechnical Support (See attached fee breakdown)																				-									
Task 3600 - Site Inspections																				58									
Civil (2 Inspections)																				8									
Building Expansion ( Inspections)																				30									
Electrical and Instrumentation (4 Inspections)																				20									
Task 3700 - Final Inspection and Commissioning																				178									
Civil																				70									
Building Expansion																				24									
Pump Station																				20									
Electrical, Instrumentation and Start Up																				64									
Task 3800 - As-Built Drawings																				117									
Prepare As-Built Drawings (83 sheets at 1.5 hrs/ea)																				117									
Totals																				863									

Project Manager (Jaime Saver)										Sr. Project Engineer (Jason Fusell)										Mid Civil Engineer (Tyler Parra)										Structural Engineer (Michael Olsen)										Structural Design Engineer (Mark Nayna)										Sr. Electrical Engineer (Mazen Kassari)										Electrical Engineer (Ricardo Aguirre Jaramo)										CAD Draftsman										Sr. Mechanical Engineer (Tim Joyce)									
70										124										308										96										12										104										24										91										34									
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Task 3400 Cost Estimate

COST ESTIMATE CONSTRUCTION CQA GEOTECHNICAL SERVICES MAYFAIR CREST PARK				
	Quantity		Rate	Total
<b>Construction Monitoring - CQA</b>				
<b>Project Coordination</b>				<b>\$1,850</b>
Principal Engineer	3 hours	@	\$230	\$690
Project Engineer	8 hours	@	\$145	\$1,160
<b>Grading: Excavation of Trenches over units and backfill recompaction</b>				<b>\$10,868</b>
Soils Technician PW for a maximum of 10 days (No Overtime)	80 hours	@	\$108	\$8,640
Project Engineer Visit	4 hours	@	\$145	\$580
Field vehicle	84 hours	@	\$12	\$1,008
Nuclear Gauge	80 hours	@	\$8	\$640
<b>Grading: Excavation of Trenches and Backfill at the Channel Structures</b>				<b>\$5,748</b>
Soils Technician PW for a maximum of 5days (No Overtime)	40 hours	@	\$108	\$4,320
Project Engineer Visit	4 hours	@	\$145	\$580
Field vehicle	44 hours	@	\$12	\$528
Nuclear Gauge	40 hours	@	\$8	\$320
<b>CQA Report</b>				<b>\$7,095</b>
Principal	3 hours	@	\$230	\$690
Project Engineer	32 hours	@	\$145	\$4,640
Drafting	14 hours	@	\$120	\$1,680
Office	1 hours	@	\$85	\$85
<b>Total Cost</b>				<b>\$25,561</b>

December 13, 2019

Ms. Lisa Rapp  
Director of Public Works  
City of Lakewood  
Department of Public Works  
5050 Clark Avenue  
Lakewood, CA 90712

Subject: Proposal to Provide Additional Construction Management Services  
for the Stormwater and Runoff Capture Project at Mayfair Park

Dear Ms. Rapp:

Willdan Engineering (Willdan) is pleased to be given the opportunity to submit this proposal to provide additional project management, contract administration, construction observation, and labor compliance, services for the Stormwater and Runoff Capture Project at Mayfair Park.

It's our understanding that construction of the subject project will be extended to May of 2020, and will result in an additional sixty-five (65) working days.

## **SCOPE OF SERVICES**

We propose to provide the following basic services for the project:

### ***Project Management***

1. Maintain continuous communication with the City Project Manager.
2. Provide agendas of special items for discussion, and minutes listing agreed actions.
3. Monitor progress of construction management team for project delivery on schedule and within budget.
4. Provide project updates on a monthly basis.
5. Maintain continuous awareness of the status of each project task as it proceeds and make provisions to expedite and resolve any difficulties that may impede progress.
6. Proactively initiate communications any time there arises a question or inconsistency in the flow of work production.



### **Contract Administration**

1. Assist City with public awareness and an information program to keep residents and local interests advised of project status and impacts to traffic flow circulation.
2. Review public construction notices distributed to residents and local interest group.
3. Verify that the Contractor distributes public construction notices.
4. Provide and monitor 800 hot-line number and respond to calls within 24 hours.
5. Maintain response log of inquiries made via hot-line.
6. Prepare special concerns to be presented at the preconstruction conference.
7. Conduct meeting and prepare preconstruction conference minutes and distribute to attendees.
8. Review Contractor's safety program in consultation with City staff.
9. Through Willdan's system of project control, monitor activities related to the project, such that the project is constructed pursuant to contract documents and in a timely fashion.
10. Log, track, and process submittals, Request for Information (RFIs), Request for Changes (RFCs), Contract Change Orders (CCOs), field directives, Notices of Potential Claim (NOPCs), Non-Conformance Reports (NCRs), construction schedule, and detailed traffic control plan.
11. Closely review schedule and advise contractor to take action on schedule slippage.
12. Assume responsibility for coordination with construction observation staff and City staff.
13. Monitor activities of engineering support, testing, and work by utilities or other agencies.
14. Monitor ADA improvements and NPDES conformance.
15. Evaluate Contractor's requests for clarification of plans and specifications.
16. Conduct special site meetings, when necessary, with Contractor and City staff to review job progress, scheduling, and coordination.



17. Perform quantity, time and cost analysis required for negotiation of contract changes.
18. Assist in negotiation and preparation of change orders.
19. Monitor materials documentation and testing results and enforce corrections.
20. Review for approval Contractor's progress payment requests.
21. Monitor preparation of punch list at substantial completion, and follow up.
22. Routinely review construction files to ensure conformance to agency standards and good construction management practice.
23. Assist City with Stop Notices and Release of Retention.

#### **Construction Observation**

1. Review plans, specifications, and all other contract and construction related documents.
2. Conduct a field investigation of the project area to become familiar with the existing facilities and the project environment.
3. Become familiar with traffic control plans, construction schedule, construction sequence, and permit requirements from other agencies.
4. Attend progress meetings with the Project Manager, Contractor, and subcontractors.
5. Provide full-time construction observation of the work to monitor materials and methods toward compliance with plans, specifications, and contract documents; address and document non-conforming items as they are discovered.
6. Meet with the Contractor at the beginning of each day and review proposed work plans, including specific details that may affect progress.
7. Conduct daily measurements of quantities of work with the Contractor.
8. Review actual Contractor performance throughout the day and discuss discrepancies with the Contractor as they occur.
9. Coordinate the Contractor's field work with utility companies and other agencies.
10. Evaluate the Contractor's operation and production with respect to quality and progress, and report to the Project Manager and City.



11. Photograph in color continuous property frontages along park alignment once prior to construction and once immediately following construction.
12. Monitor testing results and require the Contractor to provide corrective measures to achieve compliance.
13. Maintain copies of all permits needed to construct the project and enforce special requirements of each.
14. Prepare and maintain detailed daily diary inspector reports on construction progress.
15. Prepare weekly statement of working days.
16. Maintain field file bound workbooks during construction, including a cumulative record of quantities constructed, daily and weekly reports, working day reports, change order documentation, photographs, and other documentation.
17. Review the construction schedule and enforce requirements for updating schedules and maintaining appropriate progress of the work.
18. Coordinate engineering support at response to construction clarification requests.
19. Analyze delays and review claims on a timely basis and make recommendations to the City.
20. Review, evaluate, and discuss with the City all requests for change of work, including costs involved; prepare change orders.
21. Provide complete measurements and calculations documented to administer progress payments.
22. Maintain and submit a clean set of plans marked in red for as-built corrections on record drawings to be filed with the City.
23. Prepare punch list at substantial completion and follow up with the Contractor regarding progress of corrections.
24. Schedule final inspection with the City and applicable agencies; prepare, distribute, and inspect corrections to the final punch list for completion; recommend final acceptance.
25. Prepare documentation for final payment to the Contractor.
26. Upon project completion, provide the finished set of project workbooks to the City.



### **Labor Compliance**

1. Receive field interviews from the public works observer and spot-check against contractor-submitted certified payroll reports. Request supplemental documentation as required, including fringe benefit statements, apprenticeship documentation, and payroll deduction authorizations.
2. Follow up with contractor by telephone, email, and/or certified mail regarding payroll discrepancies and deficiencies.
3. Receive, pursue, and document labor complaints; prepare violation reports to oversight agencies as required; recommend special action if contractor continuously fails to comply.
4. Coordinate with City staff the withholding of progress and/or retention payments if contractor fails to abide by labor compliance requirements.
5. Maintain content and format of labor compliance file in conformance with applicable government requirements.
6. Submit complete labor compliance file to City for retention.

### **FEE**

Our proposed not-to-exceed fee for the above additional scope of services is \$77,488. Please see attached project additional fee schedule.

Following is a summary of the revised project total fees based on the above additional fee and the fees stated in our proposal dated January 15, 2018:

- |                  |                  |
|------------------|------------------|
| • Original Fee   | \$516,278        |
| • Additional Fee | \$ <u>77,488</u> |

Total Not-to-Exceed Fee	\$593,766
-------------------------	-----------

The proposed fee is based on additional construction contract period of 65 working days. Compensation for weekend inspection and inspection beyond the allocated working days and hours of the construction contract will be on a time-and-materials basis.

Please indicate the City's approval and authorization to proceed by either printing out and signing two originals and returning one hard copy original to our office, or by scanning one signed original and returning it by email.



December 13, 2019

Page 6

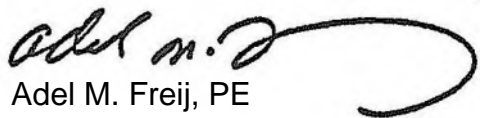
Thank you for giving us the opportunity to assist the City of Lakewood. If you have any questions, please contact Bill Pagett at (562) 368-4850 or bpagett@willdan.com or Adel Freij at (562) 364-8486 or afreij@willdan.com.

Respectfully submitted,

Approval and Authorization to Proceed By:

**WILLDAN ENGINEERING**

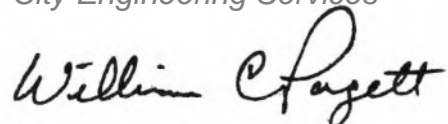
**CITY OF LAKEWOOD**



Adel M. Freij, PE

*Deputy Director*

*City Engineering Services*



William C. Pagett, PE

*Senior Vice President*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Enclosure

910005/WW.00.30/P19-377\_19972



**City of Lakewood**  
***Additional Construction Management Services***  
***for***  
***Stormwater and Runoff Capture Project at Mayfair Park***

***Additional Fee Schedule***

TASK / CLASSIFICATION	Project Manager	Project Engineer	Construction Manager	Senior Public Works Observer	Labor Compliance Manager	Clerical	TOTAL LABOR	MISC. EXP.	TOTAL COST
<b>HOURLY RATE:</b>	<b>\$196</b>	<b>\$177</b>	<b>\$163</b>	<b>\$114</b>	<b>\$139</b>	<b>\$73</b>			
Project Management	32					0	\$6,272	\$0	\$6,272
Contract Administration		0	24			12	\$4,788	\$200	\$4,988
Construction Observation				550		8	\$63,284	\$150	\$63,434
Labor Compliance					18	4	\$2,794	\$0	\$2,794
<b>TOTAL NOT-TO-EXCEED FEE *</b>	<b>32</b>	<b>0</b>	<b>24</b>	<b>550</b>	<b>18</b>	<b>24</b>	<b>\$77,138</b>	<b>\$350</b>	<b>\$77,488</b>

\* Estimated hours and fees are based on a additional project construction period of 65 working days.

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## **COUNCIL AGENDA**

January 14, 2020

**TO:** Honorable Mayor and City Council

**SUBJECT:** Annual City Investment Policy and Quarterly Schedule of Investments –  
as of December 31, 2019

### **INTRODUCTION**

Lakewood's investment policy is reviewed and approved by the City Council annually, as required by law, the last time being in January 2019. As expressed in our Investment Policy, the city's investment objectives continue to be safety, liquidity and yield in the investment of public funds.

### **STATEMENT OF FACTS**

Attached is a copy of the city's updated investment policy being recommended, along with a separate "redline" version showing the proposed changes. Although no changes are required as the policy is in compliance with the California Government Code ("Code") statutes, there are some minor recommended changes. Public Financial Management (PFM), the city's professional investment consultant, advises that several items be incorporated as they will enhance the Policy's clarity and ensure consistency with Code provisions. The changes include: 1) incorporating a provision that the Policy's credit rating requirements apply at time of purchase and staff will review (and take action if necessary) when any credit downgrades below the Policy's requirements, 2) updating the Policy language to clarify and match the Code language in regard to the type of financial institutions from which negotiable CDs may be purchased, and 3) recommending that the City use the title Director of Finance & Administrative Services instead of treasurer in this section to be consistent with the remainder of the Policy. The city's first policy was adopted in 1980, and has been periodically updated since then to conform to sound investment practices and laws.

The city's investment portfolio includes funds managed by PFM as well as deposits in the Local Agency Investment Fund (LAIF - a state-wide pooled account), and the California Asset Management Program (CAMP - a joint powers authority established to provide public agencies with professional investment services).

In addition to reviewing the city's investment policy, PFM's performance is also evaluated annually. This performance review includes a comparison of PFM's returns to a market index. Since inception, the portfolio under PFM's management has gained greater total return than the benchmark, currently the ICE Bank of America Merrill Lynch (BofAML) 1-5 Year U.S. Treasury Index provided by Bloomberg Financial Markets.

Following is a table illustrating the city's managed investment portfolio for the quarter ending December 31, 2019:



## Summary - Schedule of Investments as of December 31, 2019

### MANAGED PORTFOLIO

Security Type	Market Value	% of Portfolio	% Change vs. 9/30/19	Permitted by Policy	In Compliance
U.S. Treasury Notes	\$ 21,193,801	56.3%	3.4%	100%	X
Corporate Notes	7,532,676	20.0%	0.4%	30%	X
Negotiable CDs	2,622,023	7.0%	-1.7%	30%	X
Federal Agency	2,409,311	6.4%	-1.0%	100%	X
Supranationals	1,316,563	3.5%	-1.9%	30%	X
Municipal Bonds	1,289,317	3.4%	0.3%	30%	X
Federal Agency CMO	280,786	0.8%	-0.2%	30%	X
Asset Backed Securities	1,007,401	2.7%	0.7%	30%	X
Securities Sub-Total	\$ 37,651,878	100.0%			
Accrued Interest	213,237				
<b>Total Managed Portfolio</b>	<b>\$37,865,115</b>	<b>100.0%</b>			

### POOLED INVESTMENT ACCOUNTS

#### Market Value

LAIF	State of CA	\$6,851,370.78
CAMP	US Bank	\$4,687,591.49
		<u>\$11,538,962.27</u>

### BANK ACCOUNTS

#### Balance

City - Checking	F&M	\$3,075,550.05
City Payroll	F&M	\$526,676.44
Successor Housing - Checking	F&M	\$397,420.40
		<u>\$3,999,646.89</u>

*Funds held in reserve as required by debt issuance or non-agency funds - not available for City expenditures:*

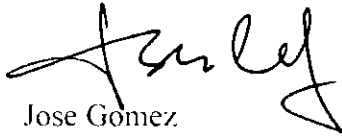
Successor Agency - Checking	F&M	\$1,972,001.16
		<u>\$1,972,001.16</u>

**Total Portfolio** **\$55,375,725.32**

PFM will provide a more detailed report and a comprehensive investment presentation at the City Council meeting.

**RECOMMENDATION**

Staff recommends that the Council adopt the attached Investment Policy, continue the investment management services of PFM, and receive and file the Quarterly Schedule of Investments for December 31, 2019.



Jose Gomez  
Director of Finance & Administrative Services



Thaddeus McCormack  
City Manager

Attached:

- PFM Recommendations Memo
- City Investment Policy – with changes highlighted
- City Investment Policy



December 24, 2019

## Memorandum

To: Jose Gomez, Director of Administrative Services  
*City of Lakewood*

From: Sarah Meacham, Managing Director  
Richard Babbe, Senior Managing Consultant  
Ian Bradley, Analyst  
*PFM Asset Management LLC*

Re: 2019 Investment Policy Review

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We completed our review of the City of Lakewood's ("City") Investment Policy ("Policy") as part of City's annual review process. The Policy is comprehensive and in compliance with the California Government Code ("Code") statutes regulating the investment of public funds. Although no changes are required, we have provided for the City's consideration some recommendations that we believe will enhance the Policy's clarity and ensure consistency with Code provisions. Our recommendations are summarized by Policy section below. In addition, we have attached a marked-up version of the Policy to illustrate our recommendations.

### **IV. Authorized and Suitable Investments**

As a clarification to the Policy's credit requirements, we recommend that the City incorporate a provision that the Policy's credit rating requirements apply at time of purchase and that the Administrative Services Director will review any credit downgrades below the Policy's requirements. This will clarify how portfolio compliance is evaluated to avoid any inadvertent compliance questions.

#### **IV.4. Negotiable Certificates of Deposits**

As a minor correction, we recommend the City update the Policy language to match the Code language in regard to the type of financial institutions from which negotiable CDs may be purchased. The revision helps to eliminate any compliance questions, but it doesn't fundamentally change the type of negotiable CDs that the City may purchase.

### **VII. Depository Services**

We recommend that the City use the title Administrative Services Director instead of treasurer in this section to be consistent with the remainder of the Policy.

**Additional Information**

In addition to our recommendations, we wanted to make you aware of a couple upcoming changes to local agency investment requirements.

Assembly Bill No. 857, which will take effect January 1, 2020, provides for the establishment of public banks by local agencies, subject to approval by the Department of Business Oversight (DBO) and Federal Deposit Insurance Corporation (FDIC). As a part of the Bill, subsection (r) was added to Code section 53601, which will permit local agencies to invest in the commercial paper, debt securities, or other obligations of a public bank. However, we do not recommend that the City add this investment type to the Policy at this time as we are not aware of any public banks that are currently in operation. Furthermore, we would want to review the operational history and credit quality of any public bank before we could recommend investing in its securities.

In addition, California State Treasurer, Fiona Ma, recently announced that she will increase the Local Agency Investment Fund's deposit limit for regular accounts to \$75 million from the current \$65 million effective January 1, 2020. As the Policy does not list a specific dollar limit for LAIF deposits, no change to the Policy is required.

Please let us know if you have any questions or if you would like to discuss our recommendations in more detail.

CITY OF LAKEWOOD  
INVESTMENT POLICY - January 2020

**I. Scope**

This policy applies to the investment of the City of Lakewood's ("City") applies to all funds accounted for in the annual budget. Funds of the City will be invested in compliance with the provisions of, but not necessarily limited to California Government Code Section 53601 et seq. and other applicable statutes. Investments will be in accordance with these policies and written administrative procedures. This policy does not regulate the investment of bond proceeds.

**II. Objectives**

The objectives, in priority order, of the City of Lakewood's investment activities shall be:

*Safety.* Safety of principal is the primary and most important objective of the investment program. Investments of the City will be made in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, the City will endeavor to mitigate credit and market risk.

*Liquidity.* The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated. This will be achieved through maturity diversification and purchases of securities with an established secondary market.

*Yield.* The City's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints, liquidity needs, and cash flow characteristics of the portfolio. Return on investment is of secondary importance compared to the safety and liquidity objectives described above.

**III. Standards of Care**

*Prudence*

The City of Lakewood adheres to the guidance provided by the "prudent investor" standard (CA 53600.3) to insure that:

"When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency. Within the limitations of this section and considering individual investments as part of an overall strategy, investments may be acquired as authorized by law."

This standard of prudence is to be used by all investment staff and will be applied in the context of managing an overall portfolio.

#### *Ethics and Conflicts of Interest*

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.

#### *Delegation of Authority*

The authority to invest City funds is delegated to the Administrative Services Director for a period of one year. The Administrative Services Director is also subject to the direction and supervision of the City Manager. Subject to review, the City Council may renew the delegation of authority each year or more frequently, if desired. Additionally, the City Manager is granted the ability to unilaterally reassign or modify these responsibilities. If carried out, he/she will notify the City Council no later than the subsequent City Council meeting. The Administrative Services Director and his/her designated staff, herein referred to as investment staff, are responsible for City's investment program. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established. The Administrative Services Director shall be responsible for all transactions undertaken and will establish a system of controls to regulate the activities of subordinate officials.

The City may delegate its investment decision making and execution authority to an investment advisor. The advisor shall follow the policy and such other written instructions as are provided.

#### **IV. Authorized and Suitable Investments**

Surplus funds of local agencies may only be invested in certain eligible securities as listed below. Percentage holding limits, where shown, apply at the time the security is purchased. Credit criteria listed in this section refers to the credit rating at the time the security is purchased. If an investment's credit rating falls below the minimum rating required at the time of purchase, the City's investment advisor (if any) and Director of Finance & Administrative Services will review the rating agency action and decide whether to sell or hold the investment. The investment strategy for the City of Lakewood is to administer an operational portfolio. A definition of an operational portfolio is to have adequate funds available at all times to meet appropriated and projected cash flow requirements for the City of Lakewood.

The City of Lakewood does **NOT** purchase or sell securities on **MARGIN**.

*1. U.S. Treasury Obligations.* United States Treasury notes, bonds, bills, or certificates of indebtedness, or those for which the full faith and credit of the United States are pledged for the payment of principal and interest. There are no portfolio percentage limits for U.S. Treasury obligations.

2. *U.S. Government Agency Issues.* Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises. There are no portfolio percentage limits for U.S. Government Agency issues.

3. *Municipal Obligations.* Municipal obligations to include the following:

(a) Registered Treasury Notes or Bonds of the State of California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the state or by a department, board, agency, or authority of the state.

(b) Bonds, notes, warrants, or other evidences of indebtedness of any local agency within the State of California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency.

(b) Registered Treasury Notes or Bonds of any of the other 49 United States in addition to California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the other 49 United States, in addition to California.

Obligations are required to be rated in a rating category of “AA” or its equivalent or better by a nationally recognized statistical rating organization (NRSRO). There are no portfolio percentage limits for municipal obligations.

4. *Negotiable Certificates of Deposit.* Negotiable certificates of deposit or deposit notes issued by a nationally or state-chartered bank or a state or federal savings and loan association or by a federally licensed or state-licensed branch of a foreign bank. Purchases are limited to securities rated in a rating category of “A” (long-term) or “A-1” (short-term) or their equivalents or better by an NRSRO. No more than 30% of the City’s portfolio may be invested in negotiable certificates of deposit.

5. *Placement Service Deposits.* Fully insured deposits placed through a deposit placement service that meets the requirements under Code Section 53601.8. No more than 30% of the City’s portfolio may be invested in placement service deposits.

6. *Money Market Funds.* Shares of beneficial interest issued by diversified management companies that are money market funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1, et seq.). To be eligible for investment pursuant to this subdivision, these companies shall either: (1) attain the highest ranking or the highest letter and numerical rating provided by not less than two nationally recognized statistical rating organizations; or (2) retain an investment advisor registered or exempt from registration with the Securities and Exchange commission with not less than five years’ experience managing money market mutual funds with assets under management in excess of five hundred million dollars (\$500,000,000). No more than 20% of the City’s portfolio may be invested in money market funds. The purchase price of shares shall not any commission charged by the fund. No more than 10% of the City’s portfolio may be invested in any one fund.

7. *Government Pools.* Shares of beneficial interest issued by a joint powers authority (6509.7) that invests in securities authorized by Section 53601 of the California Government Code. Each share shall represent an equal proportional interest in the underlying pool of securities owned by the joint powers authority. To be eligible under this section, the joint powers authority issuing the shares shall have retained an investment adviser that meets all of the following criteria:

(a) The adviser is registered or exempt from registration with the Securities and Exchange Commission.

(b) The adviser has not less than five years of experience investing in the securities and obligations authorized in California Government Code section subdivisions (a) to (q), inclusive.

(c) The adviser has assets under management in excess of five hundred million dollars (\$500,000,000).

There is no portfolio percentage limit for Government Pools.

8. *State of California's Local Agency Investment Fund.* Investment in LAIF may not exceed the current LAIF limit and should be reviewed periodically.

9. *Los Angeles County Pool.* Investment in the Los Angeles County Pool may not exceed the current pool limits and should be reviewed periodically.

10. *Commercial paper.* Commercial paper of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by a nationally recognized statistical-rating organization. The entity that issues the commercial paper shall meet all of the following conditions in either paragraph (a) or paragraph (b):

(a) The entity meets the following criteria: (i) Is organized and operating in the United States as a general corporation. (ii) Has total assets in excess of five hundred million dollars (\$500,000,000). (iii) Has debt other than commercial paper, if any, that is rated in a rating category of "A" or its equivalent or higher by a NRSRO.

(b) The entity meets the following criteria: (i) Is organized within the United States as a special purpose corporation, trust, or limited liability company. (ii) Has program wide credit enhancements including, but not limited to, over collateralization, letters of credit, or surety bond. (iii) Has commercial paper that is rated "A-1" or higher, or the equivalent, by a NRSRO.

Purchases of commercial paper shall have a maximum maturity of 270 days nor represent more than 10% of the outstanding paper of an issuing corporation. No more than 25% of the City's portfolio may be invested in commercial paper.



*11. Corporate Notes.* Medium-term notes, defined as all corporate and depository institution debt securities with a maximum remaining maturity of five years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the United States, or any state and operating within the United States. Medium-term corporate notes shall be rated in a rating category of "A" or its equivalent or better by a NRSRO. No more than 30% of the City's portfolio may be invested in corporate notes.

*12. Supranationals.* Supranationals, defined as United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank, with a maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States. Supranationals shall be rated in a rating category of "AA" or its equivalent or better by a NRSRO. No more than 30% of the City's portfolio may be invested in supranationals.

*13. Asset-Backed Securities.* A mortgage passthrough security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable passthrough certificate, or consumer receivable-backed bond. Securities eligible for investment under this subdivision shall be rated in a rating category of "AA" or its equivalent or better by an NRSRO. Purchases of asset-backed securities shall have a maximum maturity of five years. No more than 20% of the City's portfolio may be invested in asset-backed securities.

## **V. Ineligible Investments**

Any security type or structure not specifically approved by this policy is hereby prohibited; these include, but are not restricted to, the following:

- (a) "Complex" derivative securities such as range notes, dual index notes, inverse floating-rate notes, leveraged or deleveraged floating-rate notes, or any other complex variable-rate or structured note.
- (b) Interest-only strips that are derived from a pool of mortgages, or any security that could result in zero interest accrual if held to maturity.
- (c) Financial Futures and Financial Options also known as forward contracts for securities.

## **VI. Investment Parameters**

*Diversification.* The City's investments shall be diversified by:

- Limiting investments to avoid over concentration in securities from a specific issuer or sector. No more than 10% of the portfolio may be invested in the securities of any one issuer, regardless of security type; excluding U.S. Treasuries, federal agencies, supranationals, and pooled investments such as LAIF, LA County Pool, and Government Pools.
- Limiting investment in securities that have higher credit risks.

- Investing in securities with varying maturities.
- Continuously investing a portion of the portfolio in readily available funds such as local government investment pools or money market funds to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

*Maximum Maturities.* To the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements. Unless stated otherwise in Section IV of this Policy, the maximum maturity of the City's eligible investments will not exceed five years unless the City Council has granted express authority to make that investment either specifically or as a part of an investment program approved by the City Council no less than three months prior to the investment.

*Sale of Securities.* The City does not make investments for the purpose of trading or speculation, but buys with the prevalent intent to hold securities to maturity. The prohibition of speculative investment precludes pursuit of profit through unusual risk or conjectural fluctuations in market prices. However, fluctuations in market rates or changes in credit quality may produce situations where securities may be sold at a nominal loss in order to mitigate further erosion of principal or to reinvest proceeds of sale in securities that will out-perform the original investment.

## **VII. Depository Services**

### *Legal Constraints*

Money must be deposited in state or national banks, state or federal savings associations, or state or federal credit unions in the state. It may be in inactive deposits, active deposits or interest-bearing active deposits. The deposits cannot exceed the amount of the bank's or savings and loan's paid up capital and surplus.

The bank or savings and loan must secure the active and inactive deposits with eligible securities having a market value of 110% of the total amount of the deposits. State law also allows, as an eligible security, first trust deeds having a value of 150% of the total amount of the deposits. A third class of collateral is letters of credit drawn on the Federal Home Loan Bank (FHLB). As a matter of policy, the City does not accept 150% collateral in first trust deeds or 105% Letters of Credit drawn on the FHLB, even though the state statutes allow municipalities to accept them.

The Director of Finance and Administrative Services may at his discretion waive security for that portion of a deposit which is insured pursuant to federal law. Currently, the first \$250,000 of a deposit is federally insured. It is to the City's advantage to waive this collateral requirement for the first \$250,000 because we receive a higher interest rate. If funds are to be collateralized, the collateral we accept is 110% of the deposit in government securities.

### *Depository Services*

**Active deposits** are demand or checking accounts which receive revenues and pay disbursements. The City of Lakewood has three demand accounts:

General checking account  
Payroll checking account  
Successor agency project account  
Successor agency housing account

**Interest-bearing active deposits** are money market accounts at a financial institution (i.e., bank, savings and loan, credit union). These accounts are demand accounts (i.e., checking accounts) with restricted transaction activity.

**Inactive deposits** are Certificates of Deposit issued in any amount for periods of time as short as 14 days and as long as several years. Interest must be calculated on a 360-day basis, actual number of days. There is no portfolio percentage limit for Inactive Deposits. The maximum maturity shall be limited to one year.

We require that each financial institution submit current financial statements which are evaluated by staff prior to the investment of funds. We use the following criteria:

The institution must have been in business at least three years.

The institution must submit audited financial statements.

The institution must have assets of at least \$50 million and a net worth to liability ratio of 3.5 to 1. For calculations, net worth does not include subordinated debt and Reserves for Allowance for Loan Losses.

City investments of less than 180 days to maturity can use a net worth to asset ratio of 3 to 1.

Investments in Credit Unions require an Equity (net worth) to Asset Value of 5.0%. The loan balance to share draft ratio is compared to industry standards, but should not exceed 90%. The City may invest funds for a period up to 120 days in institutions with a Regular Reserve to Loan Balance ratio of at least 3.25%. For longer periods of time, the ratio must be at least 4.0%.

In addition, examination is made of the Reserve for Loan Losses category to evaluate the financial trend of the institution's asset base. Comparison is made of institution ratio values to the industry averages.

Under deposits, if data is available, we track the ratio of \$250,000 certificates of deposit (brokered money) to the total deposit base. A percent greater than 50% is an area of concern.

Whenever possible, the use of several years' financial data is evaluated to present a trend of activity in the institution.

We also require that interest be paid to the City on a monthly basis (current state law only requires quarterly payment). We do not place more than \$250,000 in a savings and loan, small bank, or credit union.

## **VIII. Safekeeping and Custody**

### *Delivery vs. Payment*

All investment transactions conducted with deliverable securities will be executed on a delivery versus payment basis. Deliverable securities will be held in safekeeping by a third party custodian designated by the City. The custodian will be required to provide timely (written or on-line) confirmation of receipt and monthly position and transaction reports.

## **IX. Reporting Requirements**

### *Monthly Reporting*

The Administrative Services Director will provide to the City Council monthly investment reports that provide a detailed summary of transactions in the City's portfolio.

### *Quarterly Reporting*

The Administrative Services Director will provide to the City Council quarterly investment reports which provide a detailed summary of the status of the investment program. The quarterly report will contain the following:

- The type of investment, issuer, and date of maturity par and dollar amount invested on all securities, investments and moneys held by the local agency.
- A description of any of the local agency's funds, investments, or programs that are under the management of contracted parties, including lending programs.
- A current market value as of the date of the report and the source of this same valuation for all securities held by the local agency, and under management of any outside party that is not also a local agency or the State of California Local Agency Investment Fund.
- A statement of compliance with the Government Code and this policy.
- A statement denoting the ability of the local agency to meet its pool's expenditure requirements for the next six months, or provide an explanation as to why sufficient money shall, or may, not be available.

## **X. Performance Standards**

The City's portfolios are managed with the objective of obtaining a market rate of return, commensurate with identified risk constraints and cash flow characteristics. Because the composition of the portfolio fluctuates, depending on market and credit conditions, various indices will be used to monitor performance.

## **XI. Investment Advisor Review**

The performance of the City's investment advisor and investment advisory firm shall be reviewed annually based on the following criteria:

- Understanding of the city's overall investment program and the investment objectives and constraints unique to the city, and approach to management of the city's portfolio.
- Experience, resources, and qualifications of the firm and individuals assigned to this account.
- Experience of the firm in managing state/local/district government reserve funds.
- Performance of the managed portion of the city's portfolio.
- Reporting methodology and additional investment of financial services offered or available through affiliation.
- Fees, relative to services.

## **XII. Policy Considerations**

This policy shall be reviewed on an annual basis. Any changes must be approved by the investment officer and any other appropriate authority, as well as the individual(s) charged with maintaining internal controls.

CITY OF LAKEWOOD  
INVESTMENT POLICY - January 2020

**I. Scope**

This policy applies to the investment of the City of Lakewood's ("City") applies to all funds accounted for in the annual budget. Funds of the City will be invested in compliance with the provisions of, but not necessarily limited to California Government Code Section 53601 et seq. and other applicable statutes. Investments will be in accordance with these policies and written administrative procedures. This policy does not regulate the investment of bond proceeds.

**II. Objectives**

The objectives, in priority order, of the City of Lakewood's investment activities shall be:

*Safety.* Safety of principal is the primary and most important objective of the investment program. Investments of the City will be made in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, the City will endeavor to mitigate credit and market risk.

*Liquidity.* The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated. This will be achieved through maturity diversification and purchases of securities with an established secondary market.

*Yield.* The City's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints, liquidity needs, and cash flow characteristics of the portfolio. Return on investment is of secondary importance compared to the safety and liquidity objectives described above.

**III. Standards of Care**

*Prudence*

The City of Lakewood adheres to the guidance provided by the "prudent investor" standard (CA 53600.3) to insure that:

"When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency. Within the limitations of this section and considering individual investments as part of an overall strategy, investments may be acquired as authorized by law."

This standard of prudence is to be used by all investment staff and will be applied in the context of managing an overall portfolio.

#### *Ethics and Conflicts of Interest*

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.

#### *Delegation of Authority*

The authority to invest City funds is delegated to the Administrative Services Director for a period of one year. The Administrative Services Director is also subject to the direction and supervision of the City Manager. Subject to review, the City Council may renew the delegation of authority each year or more frequently, if desired. Additionally, the City Manager is granted the ability to unilaterally reassign or modify these responsibilities. If carried out, he/she will notify the City Council no later than the subsequent City Council meeting. The Administrative Services Director and his/her designated staff, herein referred to as investment staff, are responsible for City's investment program. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established. The Administrative Services Director shall be responsible for all transactions undertaken and will establish a system of controls to regulate the activities of subordinate officials.

The City may delegate its investment decision making and execution authority to an investment advisor. The advisor shall follow the policy and such other written instructions as are provided.

#### **IV. Authorized and Suitable Investments**

Surplus funds of local agencies may only be invested in certain eligible securities as listed below. Percentage holding limits, where shown, apply at the time the security is purchased. Credit criteria listed in this section refers to the credit rating at the time the security is purchased. If an investment's credit rating falls below the minimum rating required at the time of purchase, the City's investment advisor (if any) and Director of Finance & Administrative Services will review the rating agency action and decide whether to sell or hold the investment. The investment strategy for the City of Lakewood is to administer an operational portfolio. A definition of an operational portfolio is to have adequate funds available at all times to meet appropriated and projected cash flow requirements for the City of Lakewood.

The City of Lakewood does **NOT** purchase or sell securities on **MARGIN**.

*1. U.S. Treasury Obligations.* United States Treasury notes, bonds, bills, or certificates of indebtedness, or those for which the full faith and credit of the United States are pledged for the payment of principal and interest. There are no portfolio percentage limits for U.S. Treasury obligations.

2. *U.S. Government Agency Issues.* Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises. There are no portfolio percentage limits for U.S. Government Agency issues.

3. *Municipal Obligations.* Municipal obligations to include the following:

(a) Registered Treasury Notes or Bonds of the State of California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the state or by a department, board, agency, or authority of the state.

(b) Bonds, notes, warrants, or other evidences of indebtedness of any local agency within the State of California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency.

(b) Registered Treasury Notes or Bonds of any of the other 49 United States in addition to California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the other 49 United States, in addition to California.

Obligations are required to be rated in a rating category of “AA” or its equivalent or better by a nationally recognized statistical rating organization (NRSRO). There are no portfolio percentage limits for municipal obligations.

4. *Negotiable Certificates of Deposit.* Negotiable certificates of deposit or deposit notes issued by a nationally or state-chartered bank or a state or federal savings and loan association or by a federally licensed or state-licensed branch of a foreign bank. Purchases are limited to securities rated in a rating category of “A” (long-term) or “A-1” (short-term) or their equivalents or better by an NRSRO. No more than 30% of the City’s portfolio may be invested in negotiable certificates of deposit.

5. *Placement Service Deposits.* Fully insured deposits placed through a deposit placement service that meets the requirements under Code Section 53601.8. No more than 30% of the City’s portfolio may be invested in placement service deposits.

6. *Money Market Funds.* Shares of beneficial interest issued by diversified management companies that are money market funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1, et seq.). To be eligible for investment pursuant to this subdivision, these companies shall either: (1) attain the highest ranking or the highest letter and numerical rating provided by not less than two nationally recognized statistical rating organizations; or (2) retain an investment advisor registered or exempt from registration with the Securities and Exchange commission with not less than five years’ experience managing money market mutual funds with assets under management in excess of five hundred million dollars (\$500,000,000). No more than 20% of the City’s portfolio may be invested in money market funds. The purchase price of shares shall not any commission charged by the fund. No more than 10% of the City’s portfolio may be invested in any one fund.



7. *Government Pools.* Shares of beneficial interest issued by a joint powers authority (6509.7) that invests in securities authorized by Section 53601 of the California Government Code. Each share shall represent an equal proportional interest in the underlying pool of securities owned by the joint powers authority. To be eligible under this section, the joint powers authority issuing the shares shall have retained an investment adviser that meets all of the following criteria:

(a) The adviser is registered or exempt from registration with the Securities and Exchange Commission.

(b) The adviser has not less than five years of experience investing in the securities and obligations authorized in California Government Code section subdivisions (a) to (q), inclusive.

(c) The adviser has assets under management in excess of five hundred million dollars (\$500,000,000).

There is no portfolio percentage limit for Government Pools.

8. *State of California's Local Agency Investment Fund.* Investment in LAIF may not exceed the current LAIF limit and should be reviewed periodically.

9. *Los Angeles County Pool.* Investment in the Los Angeles County Pool may not exceed the current pool limits and should be reviewed periodically.

10. *Commercial paper.* Commercial paper of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by a nationally recognized statistical-rating organization. The entity that issues the commercial paper shall meet all of the following conditions in either paragraph (a) or paragraph (b):

(a) The entity meets the following criteria: (i) Is organized and operating in the United States as a general corporation. (ii) Has total assets in excess of five hundred million dollars (\$500,000,000). (iii) Has debt other than commercial paper, if any, that is rated in a rating category of "A" or its equivalent or higher by a NRSRO.

(b) The entity meets the following criteria: (i) Is organized within the United States as a special purpose corporation, trust, or limited liability company. (ii) Has program wide credit enhancements including, but not limited to, over collateralization, letters of credit, or surety bond. (iii) Has commercial paper that is rated "A-1" or higher, or the equivalent, by a NRSRO.

Purchases of commercial paper shall have a maximum maturity of 270 days nor represent more than 10% of the outstanding paper of an issuing corporation. No more than 25% of the City's portfolio may be invested in commercial paper.

*11. Corporate Notes.* Medium-term notes, defined as all corporate and depository institution debt securities with a maximum remaining maturity of five years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the United States, or any state and operating within the United States. Medium-term corporate notes shall be rated in a rating category of "A" or its equivalent or better by a NRSRO. No more than 30% of the City's portfolio may be invested in corporate notes.

*12. Supranationals.* Supranationals, defined as United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank, with a maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States. Supranationals shall be rated in a rating category of "AA" or its equivalent or better by a NRSRO. No more than 30% of the City's portfolio may be invested in supranationals.

*13. Asset-Backed Securities.* A mortgage passthrough security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable passthrough certificate, or consumer receivable-backed bond. Securities eligible for investment under this subdivision shall be rated in a rating category of "AA" or its equivalent or better by an NRSRO. Purchases of asset-backed securities shall have a maximum maturity of five years. No more than 20% of the City's portfolio may be invested in asset-backed securities.

## **V. Ineligible Investments**

Any security type or structure not specifically approved by this policy is hereby prohibited; these include, but are not restricted to, the following:

(a) "Complex" derivative securities such as range notes, dual index notes, inverse floating-rate notes, leveraged or deleveraged floating-rate notes, or any other complex variable-rate or structured note.

(b) Interest-only strips that are derived from a pool of mortgages, or any security that could result in zero interest accrual if held to maturity.

(c) Financial Futures and Financial Options also known as forward contracts for securities.

## **VI. Investment Parameters**

*Diversification.* The City's investments shall be diversified by:

- Limiting investments to avoid over concentration in securities from a specific issuer or sector. No more than 10% of the portfolio may be invested in the securities of any one issuer, regardless of security type; excluding U.S. Treasuries, federal agencies, supranationals, and pooled investments such as LAIF, LA County Pool, and Government Pools.
- Limiting investment in securities that have higher credit risks.

- Investing in securities with varying maturities.
- Continuously investing a portion of the portfolio in readily available funds such as local government investment pools or money market funds to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

*Maximum Maturities.* To the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements. Unless stated otherwise in Section IV of this Policy, the maximum maturity of the City's eligible investments will not exceed five years unless the City Council has granted express authority to make that investment either specifically or as a part of an investment program approved by the City Council no less than three months prior to the investment.

*Sale of Securities.* The City does not make investments for the purpose of trading or speculation, but buys with the prevalent intent to hold securities to maturity. The prohibition of speculative investment precludes pursuit of profit through unusual risk or conjectural fluctuations in market prices. However, fluctuations in market rates or changes in credit quality may produce situations where securities may be sold at a nominal loss in order to mitigate further erosion of principal or to reinvest proceeds of sale in securities that will out-perform the original investment.

## **VII. Depository Services**

### *Legal Constraints*

Money must be deposited in state or national banks, state or federal savings associations, or state or federal credit unions in the state. It may be in inactive deposits, active deposits or interest-bearing active deposits. The deposits cannot exceed the amount of the bank's or savings and loan's paid up capital and surplus.

The bank or savings and loan must secure the active and inactive deposits with eligible securities having a market value of 110% of the total amount of the deposits. State law also allows, as an eligible security, first trust deeds having a value of 150% of the total amount of the deposits. A third class of collateral is letters of credit drawn on the Federal Home Loan Bank (FHLB). As a matter of policy, the City does not accept 150% collateral in first trust deeds or 105% Letters of Credit drawn on the FHLB, even though the state statutes allow municipalities to accept them.

The Administrative Services Director may at his discretion waive security for that portion of a deposit which is insured pursuant to federal law. Currently, the first \$250,000 of a deposit is federally insured. It is to the City's advantage to waive this collateral requirement for the first \$250,000 because we receive a higher interest rate. If funds are to be collateralized, the collateral we accept is 110% of the deposit in government securities.

### *Depository Services*

**Active deposits** are demand or checking accounts which receive revenues and pay disbursements. The City of Lakewood has three demand accounts:

General checking account  
Payroll checking account  
Successor agency project account  
Successor agency housing account

**Interest-bearing active deposits** are money market accounts at a financial institution (i.e., bank, savings and loan, credit union). These accounts are demand accounts (i.e., checking accounts) with restricted transaction activity.

**Inactive deposits** are Certificates of Deposit issued in any amount for periods of time as short as 14 days and as long as several years. Interest must be calculated on a 360-day basis, actual number of days. There is no portfolio percentage limit for Inactive Deposits. The maximum maturity shall be limited to one year.

We require that each financial institution submit current financial statements which are evaluated by staff prior to the investment of funds. We use the following criteria:

The institution must have been in business at least three years.

The institution must submit audited financial statements.

The institution must have assets of at least \$50 million and a net worth to liability ratio of 3.5 to 1. For calculations, net worth does not include subordinated debt and Reserves for Allowance for Loan Losses.

City investments of less than 180 days to maturity can use a net worth to asset ratio of 3 to 1.

Investments in Credit Unions require an Equity (net worth) to Asset Value of 5.0%. The loan balance to share draft ratio is compared to industry standards, but should not exceed 90%. The City may invest funds for a period up to 120 days in institutions with a Regular Reserve to Loan Balance ratio of at least 3.25%. For longer periods of time, the ratio must be at least 4.0%.

In addition, examination is made of the Reserve for Loan Losses category to evaluate the financial trend of the institution's asset base. Comparison is made of institution ratio values to the industry averages.

Under deposits, if data is available, we track the ratio of \$250,000 certificates of deposit (brokered money) to the total deposit base. A percent greater than 50% is an area of concern.

Whenever possible, the use of several years' financial data is evaluated to present a trend of activity in the institution.

We also require that interest be paid to the City on a monthly basis (current state law only requires quarterly payment). We do not place more than \$250,000 in a savings and loan, small bank, or credit union.

## **VIII. Safekeeping and Custody**

### *Delivery vs. Payment*

All investment transactions conducted with deliverable securities will be executed on a delivery versus payment basis. Deliverable securities will be held in safekeeping by a third party custodian designated by the City. The custodian will be required to provide timely (written or on-line) confirmation of receipt and monthly position and transaction reports.

## **IX. Reporting Requirements**

### *Monthly Reporting*

The Administrative Services Director will provide to the City Council monthly investment reports that provide a detailed summary of transactions in the City's portfolio.

### *Quarterly Reporting*

The Administrative Services Director will provide to the City Council quarterly investment reports which provide a detailed summary of the status of the investment program. The quarterly report will contain the following:

- The type of investment, issuer, and date of maturity par and dollar amount invested on all securities, investments and moneys held by the local agency.
- A description of any of the local agency's funds, investments, or programs that are under the management of contracted parties, including lending programs.
- A current market value as of the date of the report and the source of this same valuation for all securities held by the local agency, and under management of any outside party that is not also a local agency or the State of California Local Agency Investment Fund.
- A statement of compliance with the Government Code and this policy.
- A statement denoting the ability of the local agency to meet its pool's expenditure requirements for the next six months, or provide an explanation as to why sufficient money shall, or may, not be available.

## **X. Performance Standards**

The City's portfolios are managed with the objective of obtaining a market rate of return, commensurate with identified risk constraints and cash flow characteristics. Because the composition of the portfolio fluctuates, depending on market and credit conditions, various indices will be used to monitor performance.

## **XI. Investment Advisor Review**

The performance if the City's investment advisor and investment advisory firm shall be reviewed annually based on the following criteria:

- Understanding of the city's overall investment program and the investment objectives and constraints unique to the city, and approach to management of the city's portfolio.
- Experience, resources, and qualifications of the firm and individuals assigned to this account.
- Experience of the firm in managing state/local/district government reserve funds.
- Performance of the managed portion of the city's portfolio.
- Reporting methodology and additional investment of financial services offered or available through affiliation.
- Fees, relative to services.

## **XII. Policy Considerations**

This policy shall be reviewed on an annual basis. Any changes must be approved by the investment officer and any other appropriate authority, as well as the individual(s) charged with maintaining internal controls.

# DIVIDER SHEET

## **COUNCIL AGENDA**

January 14, 2020

**TO:** The Honorable Mayor and City Council

**SUBJECT:** Voting Solutions for All People and Vote by Mail

### **INTRODUCTION**

In March 2020, Los Angeles County will implement a new voting model utilizing vote centers in compliance with the California Voter's Choice Act passed in 2016. Vote Centers will provide early voting with four and eleven day periods offering convenient and accessible locations within the County and allow all voters to visit any site in the County to vote regardless of their residential address. In addition, Los Angeles County has redesigned the Vote by Mail (VBM) materials to make it easier and more convenient to vote by mail.

### **STATEMENT OF FACT**

The aim of the Voters Choice Act was to make voting more convenient, increase turnout and potentially reduce the cost of administering elections. The new system that Los Angeles County will put in place beginning with the March 2020 elections was developed over the course of 10 years. Called the "Voting Solutions for All People" or VSAP, implementation was a multi-phase approach that included public opinion research, process assessment, system design and certification. As part of the process, voter feedback was collected through several community events.

To cast ballots in person, voters will go to a vote center rather than a traditional polling place. To improve accessibility, the voting machines will have 13 language options with an adjustable touch screen. Voters will have the ability to listen with a headset, change text size and contrast. Those with mobility or visual challenges will no longer have to use a separate voting booth.

While the new voting machines have new functionality, the process in which the votes are tallied will not change. The voting machines are not Internet-enabled, and casting votes will entail voters inserting their ballots into the machine, complete the ballot using the screen, review their printed ballot and inserting it back into the machine to complete their vote.

VSAP also changes where voters will be casting their ballots. Rather than going to their traditional polling place, Los Angeles County will be setting up vote center locations throughout the County. Lakewood residents will be able to vote note only at their local vote center but at other vote centers in the County. They will also be able to vote at these vote centers for up to 11 days, which includes Election Day.



As of today, there is a confirmed 11-day vote center at the Iacoboni Library. For the March 2017 election, the number of precincts in Lakewood was 17, so there is still a significant gap to fill. To help, the city is currently working with the County to increase the number of vote centers, which could possibly include other city facilities and commercial locations. The city is reaching out to commercial establishments that may have vacant space to help the County locate space. The County admits that the number of options are limited under the VSAP model, but they believe that the new mobility benefit outweighs the previous model.

### **Vote by Mail**


With the potential reduction of voting places available for Lakewood residents, voting by mail is an attractive alternative for residents. The County recently redesigned the Vote by Mail materials with new full face ballot cards and envelopes, which are easier to read, complete and understand. Returning the completed ballot to the Registrar via USPS is prepaid, which is new and convenient. The envelope has also been redesigned to make it more apparent that the materials are officially issued by the Los Angeles County Registrar's office.

Residents can obtain a Vote by Mail ballot application from the City Clerk's office in Lakewood City Hall, via LAvote.net or by filling out and returning the back cover of the sample ballot to the Los Angeles County Registrar's office. In addition, starting January 18, 2020, the Registrar's office will make available an interactive, online Vote by Mail application that will make it even easier to sign up.

In the weeks ahead as we enter election season, the City plans to use all of its publicity resources to notify Lakewood residents of the various and new options for voting, including mentioning how to sign up for Vote by Mail and mentioning the details about the vote centers as they are finalized.

### **RECOMMENDATION**

That the City Council receive and file this report.

Paolo Beltran   
Deputy City Manager

  
Thaddeus McCormack  
City Manager



# LA County is Modernizing the Voting Experience by 2020

LA County's current voting experience is outdated and in critical need of modernization. Voters should be able to vote when, where and how they want. The new voting system under Voting Solutions for All People is an important step to accomplishing these goals.

## CURRENT VS. FUTURE



Limited Voting Experience

Only 1 Day to Vote

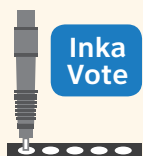
Polling Places



Any Voter Can Use

11 Days to Vote

Vote Centers



Inka Vote

Voting equipment is outdated and inaccessible to many voters; limited to **1 device** per location



Paper rosters are printed in advance and often require supplemental printing



Voters can vote at **any** vote center throughout the County with full language services and expanded accessibility



\*Electronic Pollbooks (ePollbooks) access data in **real time** and allow for same day registration



Early voting only available at a **limited** number of locations in the County



Voters can only vote at **1 location** on **1 day** between 7:00am and 8:00pm



Fully accessible voting equipment available at **every** vote center



Voting available for **11 days** at vote centers throughout the County

\*The new voting model will move us away from reliance on pre-printed paper rosters and in its place provide real time access to the full voter database at all voting locations that makes same-day voter registration easier.



# VOTING SOLUTIONS FOR ALL PEOPLE

## ACCESSIBILITY

Human centered design that makes voting easy, user-friendly, and accessible to all.

The new voting experience in Los Angeles County is designed to be intuitive and accessible for all voters. Innovative changes give all voters regardless of age, background, disability or language a private and independent voting experience that is easy and convenient.

### FLEXIBLE OPTIONS



Voters will be able to vote at any vote center throughout the County for an election period of up to 11 days. All voting devices at vote centers are fully accessible.

### INTERACTIVE SAMPLE BALLOT (ISB)



The ISB is a convenient option for voters who want to mark their selections at home, using a personal device with their preferred tools. The ISB creates a Poll Pass - like an airline boarding pass. At the vote center, voters scan the Poll Pass to transfer their selections to the Ballot Marking Device (BMD). Then, they can review and/or change their selections before casting their ballot.

### BALLOT MARKING DEVICE (BMD)



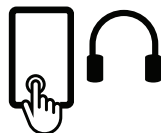
The BMD makes it easy for voters to customize the voting experience to fit their needs. Voters can adjust settings on the BMD including user interface contrast, text size, screen angle, and audio volume and speed.

Four user interface modes make it easy for all voters to vote privately and independently.



#### Touch

Interact with the touchscreen



#### Touch + Audio

Interact with the touchscreen and hear audio instructions through headphones



#### Controller + Audio

Interact with a tactile controller with braille labels and adjustable cord and hear the audio instructions through headphones



#### A/B or Dual Switch Port

Interact with your own personal device. Using the available port for assistive technology devices, view interactions on screen and hear audio instructions through headphones





# VOTING SOLUTIONS FOR ALL PEOPLE

**NEW**

## VOTE BY MAIL: WHAT YOU NEED TO KNOW

Los Angeles County has redesigned your Vote by Mail materials making it easier and more convenient to vote by mail. The November 6, 2018 General Election will be the first time Vote by Mail voters will receive these redesigned materials.

### WHAT'S NEW?

#### NEW BALLOT CARDS AND ENVELOPE

- Full face ballot
- Easier to read
- Easier to fill out
- Easier to understand

#### RETURN OPTIONS

You can return your Vote by Mail ballot to us via USPS.

**No Postage Necessary.**

In addition, you can drop it off at any voting location or one of our new conveniently located ballot drop-off locations across LA County.

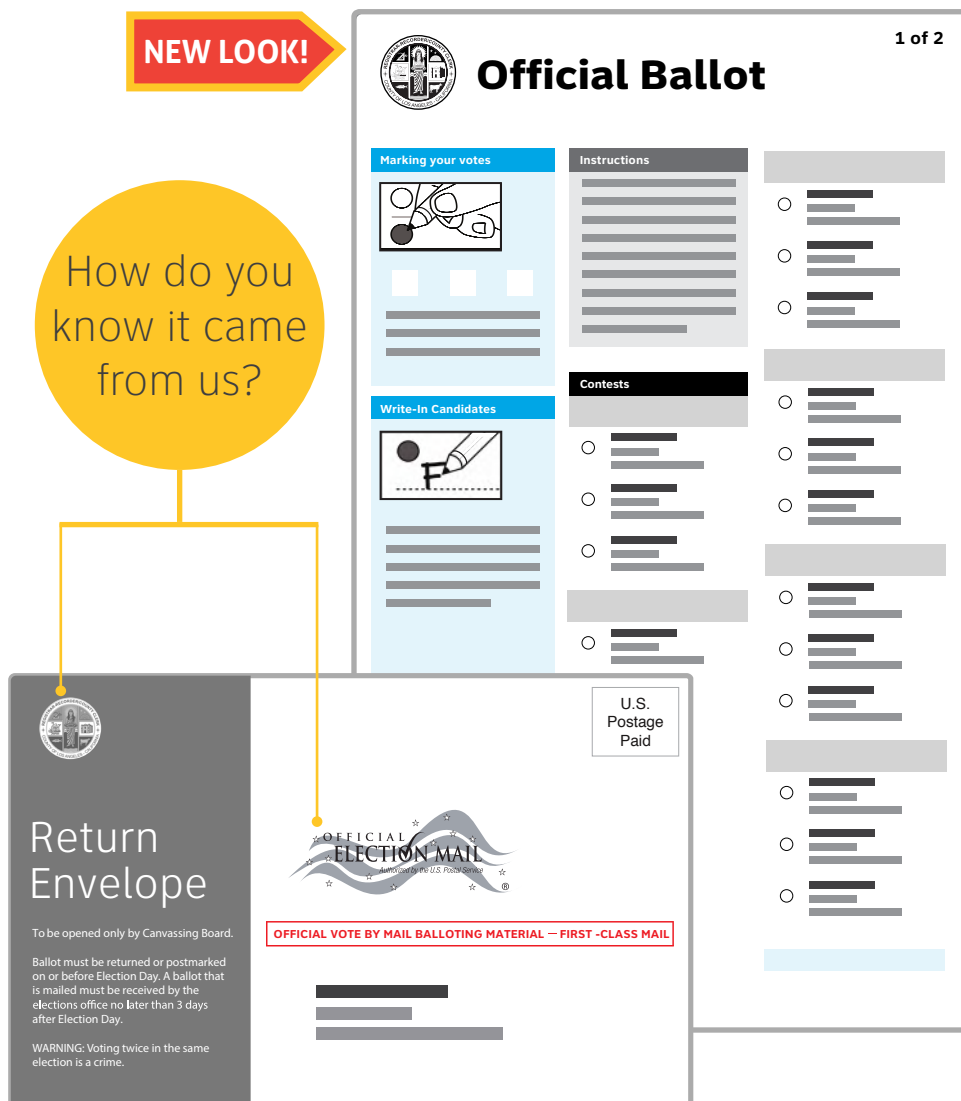
#### MULTILINGUAL BALLOTS

We offer ballots in 12 languages.

Call our office to request your multilingual ballot at (800) 815-2666, option 3

**NEW LOOK!**

How do you know it came from us?



Visit [LAVote.net](http://LAVote.net) to request a Vote by Mail ballot, find a Vote by Mail ballot drop-off location or to track your Vote by Mail ballot.





# VOTING SOLUTIONS FOR ALL PEOPLE

## VOTE BY MAIL FREQUENTLY ASKED QUESTIONS

### ❓ WHY THE CHANGE?

- ▲ To improve your voting experience making it more accessible and convenient. The ballot(s) are easier to read and easier for you to mark your selections. The November 6, 2018 General Election was the first election in which voters received the new Vote by Mail (VBM) materials.

### ❓ WHAT DOES THE NEW VBM BALLOT LOOK LIKE?

- ▲ VBM materials include full face ballot cards that contain all the information needed to vote. Depending on the size of the election and the number of contests on the ballot, the VBM packet may contain multiple cards with contests on the front and the back (see sample on the right).

If you request election materials in a language other than English, you will receive a VBM ballot in the language that you requested along with an English facsimile to assist you in voting.

### ❓ HOW MANY STAMPS DO I NEED TO MAIL MY BALLOT VIA U.S. POSTAL SERVICES (USPS)?

- ▲ None. Postage is pre-paid for all Vote by Mail voters in Los Angeles County.

### ❓ HOW CAN I RETURN MY VBM BALLOT?

- ▲ You can return your VBM ballot via the USPS, just drop it in the mailbox, no postage required. If you would like to deliver it directly to us, you can drop it off at a Drop-Off location or at any voting location on Election Day. No matter how you return it, don't forget to sign and date your return envelope.

### ❓ WHEN DO VBM BALLOTS BEGIN BEING MAILED?

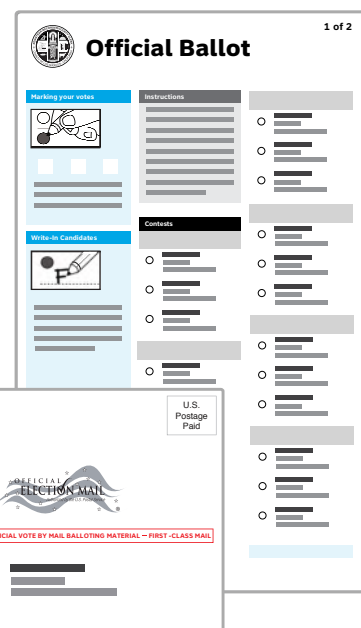
- ▲ We begin mailing out VBM ballots 29 days before Election Day. Voters registered as Permanent VBM will begin receiving their ballots a few days after mailing. One time requests will be processed daily and should be received within a few days of the request.

### ❓ WHAT DO I NEED TO FILL OUT THE VBM BALLOT?

- ▲ The VBM ballots must be filled in with black or blue ink.

### ❓ WHAT DOES THE NEW VBM ENVELOPE LOOK LIKE?

- ▲ VBM envelopes that are issued from the Los Angeles County Registrar's office include the following notice on the front of the envelope: Official Election Mail Authorized by the U.S. Postal Service. Additionally, you will find the County seal on every envelope. For questions or concerns regarding VBM, please call 1-800-815-2666, option 2.





# VOTING SOLUTIONS FOR ALL PEOPLE

## VOTE BY MAIL FREQUENTLY ASKED QUESTIONS

### Q DO I HAVE TO RETURN ALL THE BALLOT CARDS FOR MY SELECTIONS TO BE COUNTED?

- ▲ We encourage you to return all ballot cards. However, not returning all the ballot cards will not impact votes cast on the ballot cards you did send back.

### Q WHAT SHOULD I DO IF I DAMAGE OR LOSE MY VBM BALLOT CARDS?

- ▲ If you damage or lose one or more of your ballot cards, you can request replacement materials up to 7 days prior to Election Day. If a replacement is requested, we will send a brand new VBM packet. If it is less than 7 days before Election Day, please contact our office at (800) 815-2666, option 2.

### Q HOW CAN I REQUEST A VBM BALLOT?

- ▲ You can request a VBM ballot online at [LAvote.net](https://LAvote.net) or by filling out and returning the back cover of the sample ballot booklet to the Los Angeles County Registrar's office.

### Q HOW DO I REQUEST A VBM BALLOT IN A LANGUAGE OTHER THAN ENGLISH?

- ▲ Call the Los Angeles County Registrar's multilingual services section at (800) 815-2666, option 3 to request election materials in another language.

### Q WHAT SHOULD I DO WITH MY FIRST SET OF VBM MATERIALS IF I REQUESTED A NEW SET?

- ▲ Write "Void" on all of the old materials and discard them.

### Q WHAT HAPPENS IF THE SIGNATURE ON THE RETURN ENVELOPE IS MISSING OR DOESN'T MATCH WHAT'S ON FILE?

- ▲ The Los Angeles County Registrar's office will mail an Unsigned Ballot Oath form for you to fill out and sign. You will have up to 8 days after Election Day to return the form to our office for your ballot to be counted.

### Q CAN I TRACK MY VBM BALLOT?

- ▲ Yes, just like our current VBM process, voters can track their ballots online at [LAvote.net](https://LAvote.net).

### Q WHERE CAN I LEARN MORE ABOUT THE NEW VBM EXPERIENCE?

- ▲ Visit [VSAP.lavote.net](https://VSAP.lavote.net) to learn more about the research and design that went into the new VBM experience.



# **D I V I D E R S H E E T**

## COUNCIL AGENDA

January 14, 2020

**TO:** The Honorable Mayor and City Council

**SUBJECT:** Update on SB 50 (Wiener) - Planning and Zoning: Housing Development:  
Streamlined Approval: Incentives

### INTRODUCTION

During the 2018-2019 legislative session, the City of Lakewood opposed Senate Bill 50 by Senator Scott Wiener. While the bill failed to pass out of the Senate in the last session, it has another chance to proceed in the current legislative session because it is a two-year bill. SB 50 was recently amended on January 6, 2020 and this report provides an update to the amendments taken in the Senate Committee on Appropriations.

### STATEMENT OF FACT

The intent of SB 50 is to help relieve the acute housing shortage and affordability in the state of California and reduce vehicle miles traveled. The main points of the bill from last year's version essentially remain the same. SB 50 forces cities to allow duplexes, triplexes and four-plexes on land currently zoned only for single-family zones and to approve larger multi-unit buildings near "high-quality" transit stops and "jobs rich" areas. The bill also waives or relaxes local minimum parking requirements and density restrictions for developers looking to build housing near train stations and bus stops.

The recent amendments aim to provide cities more time and "incentives" to comply with the provisions of SB 50. Cities will have to demonstrate their plan to add more housing units in a way that decreases transportation emissions before a two-year deadline on January 1, 2023. A city can create a new plan, or submit a plan that has been previously adopted by the city in the past, so long as it meets the requirements. If that plan is approved by the state Department of Housing and Community Development (HCD) cities would receive an exemption from most of the law (cities would still be required to zone for the same amount of housing that SB 50 would create). Cities would also have to meet or beat a goal in SB 50 to reduce car trips. If cities don't come up with their own plans, SB 50's stronger provisions will apply to authorize increased building height limits, remove parking requirements and allow for a higher density of units in specified areas.

SB 50 faces a deadline of January 31, 2020 to pass out of the Senate.

### RECOMMENDATION

That the City Council send an updated letter to continue to oppose the January 6, 2020 version of Senate Bill 50.

Paolo Beltran *PB*  
Deputy City Manager

  
Thaddeus McCormack  
City Manager



AMENDED IN SENATE JANUARY 6, 2020

AMENDED IN SENATE JUNE 4, 2019

AMENDED IN SENATE MAY 1, 2019

AMENDED IN SENATE MARCH 11, 2019

**SENATE BILL**

**No. 50**

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**Introduced by Senator Wiener**

**(Coauthors: Senators Caballero, Hueso, McGuire, Moorlach,  
Skinner, and Stone Roth, and Skinner)**

(Coauthors: Assembly Members Chu, Diep, Fong, Kalra, Kiley, Low,  
McCarty, *Quirk-Silva*, Robert Rivas, Ting, and Wicks)

December 3, 2018

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An act to amend Section 65589.5 of, to add Sections 65913.5 and 65913.6 to, and to add Chapter 4.35 (commencing with Section 65918.50) to Division 1 of Title 7 of, the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 50, as amended, Wiener. Planning and zoning: housing development: streamlined approval: incentives.

(1) Existing law authorizes a development proponent to submit an application for a multifamily housing development that satisfies specified planning objective standards to be subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit.

This bill would authorize a development proponent of a neighborhood multifamily project located on an eligible parcel to submit an application for a streamlined, ministerial approval process that is not subject to a conditional use permit. The bill would define a "neighborhood

multifamily project” to mean a project to construct a multifamily structure on vacant land, or to convert an existing structure that does not require substantial exterior alteration into a multifamily structure, consisting of up to 4 residential dwelling units and that meets local height, setback, and lot coverage zoning requirements as they existed on July 1, 2019. The bill would also define “eligible parcel” to mean a parcel that meets specified requirements, including requirements relating to the location of the parcel and restricting the demolition of certain housing development that may already exist on the site.

This bill would require a local agency to notify the development proponent in writing if the local agency determines that the development conflicts with any of the requirements provided for streamlined ministerial approval within 60 days of the submission of the development to the local agency. If the local agency does not notify the development proponent within this time period, the development would be deemed to comply with those requirements. The bill would limit the authority of a local agency to impose parking standards or requirements on a streamlined development approved pursuant to these provisions, as provided. The bill would provide that the approval of a project under these provisions expires automatically after 3 years, unless that project qualifies for a one-time, one-year extension of that approval. The bill would provide that approval pursuant to its provisions would remain valid for 3 years and remain valid thereafter, so long as vertical construction of the development has begun and is in progress, and would authorize a discretionary one-year extension, as provided. The bill would prohibit a local agency from adopting any requirement that applies to a project solely or partially on the basis that the project receives ministerial or streamlined approval pursuant to these provisions.

This bill would allow a local agency to exempt a project from the streamlined ministerial approval process described above by finding that the project will cause a specific adverse impact to public health and safety, and there is no feasible method to satisfactorily mitigate or avoid the adverse impact.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a

significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

This bill would establish a streamlined ministerial approval process for neighborhood multifamily projects, thereby exempting these projects from the CEQA approval process.

(2) Existing law, known as the density bonus law, requires, when an applicant proposes a housing development within the jurisdiction of a local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or for the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents.

~~This bill~~ *bill, on or after January 1, 2023*, would require a *specified* city, county, or city and county to grant upon request an equitable communities incentive when a development proponent seeks and agrees to construct a residential development, as defined, that satisfies specified criteria, including, among other things, that the residential development is either a job-rich housing project or a transit-rich housing project, as those terms are defined; the site does not contain, or has not contained, housing occupied by tenants or accommodations withdrawn from rent or lease in accordance with specified law within specified time periods; and the residential development complies with specified additional requirements under existing law. The bill would impose additional requirements on a residential development located within a county with a population equal to or less than 600,000. The bill would require that a residential development within a county with a population greater than 600,000 that is eligible for an equitable communities incentive receive, upon request, waivers from maximum controls on density; minimum automobile parking requirements greater than 0.5 parking spots per unit; and specified additional waivers if the residential development is located within a  $\frac{1}{2}$ -mile or  $\frac{1}{4}$ -mile radius of a major transit stop, as defined. For a residential development within a county with a population equal to or less than 600,000, the bill would instead require that the incentive provide waivers from maximum controls on density, subject to certain limitations; maximum height limitations less than or equal to one story, or 15 feet, above the highest allowable height

for mixed use or residential use; certain requirements governing the size of the parcel and the area that the building may occupy; and minimum automobile parking requirements, as provided. The bill would require a local government to grant an equitable communities incentive unless it makes a specified finding regarding the effects of the incentive on any real property or historic district that is listed on a federal or state register of historical resources. The bill would authorize a local government to modify or expand the terms of an equitable communities incentive, provided that the equitable communities incentive is consistent with these provisions.

*The bill would delay implementation of these provisions in potentially sensitive communities, as defined, until July 1, 2023. The bill would further delay implementation of these provisions in sensitive communities, determined as provided, until January 1, 2026, unless the city or county in which the area is located votes to make these provisions applicable after a specified petition and public hearing process. On and after January 1, 2026, the bill would apply these provisions to a sensitive community unless the city or county adopts a community plan for the area that meets certain requirements.*

*The bill would also exempt from these provisions a local government that has a local flexibility plan that has been reviewed and certified by the Department of Housing and Community Development, as specified. The bill, on or before July 1, 2021, would require the Governor's Office of Planning and Research, in consultation with the Department of Housing and Community Development, to develop and publish on its internet website rules, regulations, or guidelines for the submission and approval of a local flexibility plan, as specified. The bill, on or after July 1, 2021, would authorize a local government to submit a local flexibility plan for review and approval by the Department of Housing and Community Development pursuant to those rules, regulations, or guidelines.*

The bill would include findings that the changes proposed by these provisions address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. ~~The bill would also delay implementation of these provisions in potentially sensitive communities, as defined, until July 1, 2020. The bill would further delay implementation of these provisions in sensitive communities, determined as provided, until January 1, 2026, unless the city or county in which the area is located votes to make these provisions applicable after a specified petition and public hearing process. On and~~

after January 1, 2026, the bill would apply these provisions to a sensitive community unless the city or county adopts a community plan for the area that meets certain requirements.

The Housing Accountability Act prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project that complies with applicable, objective general plan, zoning, and subdivision standards and criteria in effect at the time the application for the project is deemed complete unless the local agency makes specified written findings based on a preponderance of the evidence in the record. That law provides that the receipt of a density bonus is not a valid basis on which to find a proposed housing development is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision of that act.

This bill would additionally provide that the receipt of an equitable communities incentive is not a valid basis on which to find a proposed housing development is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision of that act.

(3) By adding to the duties of local planning officials, this bill would impose a state-mandated local program.

(4) 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

- 1     ~~SECTION 1. Section 65589.5 of the Government Code is~~
- 2     ~~amended to read:~~
- 3     ~~65589.5. (a) (1) The Legislature finds and declares all of the~~
- 4     ~~following:~~
- 5     ~~(A) The lack of housing, including emergency shelters, is a~~
- 6     ~~critical problem that threatens the economic, environmental, and~~
- 7     ~~social quality of life in California.~~
- 8     ~~(B) California housing has become the most expensive in the~~
- 9     ~~nation. The excessive cost of the state's housing supply is partially~~

1 caused by activities and policies of many local governments that  
2 limit the approval of housing, increase the cost of land for housing,  
3 and require that high fees and exactions be paid by producers of  
4 housing.

5 (C) Among the consequences of those actions are discrimination  
6 against low-income and minority households, lack of housing to  
7 support employment growth, imbalance in jobs and housing,  
8 reduced mobility, urban sprawl, excessive commuting, and air  
9 quality deterioration.

10 (D) Many local governments do not give adequate attention to  
11 the economic, environmental, and social costs of decisions that  
12 result in disapproval of housing development projects, reduction  
13 in density of housing projects, and excessive standards for housing  
14 development projects.

15 (2) In enacting the amendments made to this section by the act  
16 adding this paragraph, the Legislature further finds and declares  
17 the following:

18 (A) California has a housing supply and affordability crisis of  
19 historic proportions. The consequences of failing to effectively  
20 and aggressively confront this crisis are hurting millions of  
21 Californians, robbing future generations of the chance to call  
22 California home, stifling economic opportunities for workers and  
23 businesses, worsening poverty and homelessness, and undermining  
24 the state's environmental and climate objectives.

25 (B) While the causes of this crisis are multiple and complex,  
26 the absence of meaningful and effective policy reforms to  
27 significantly enhance the approval and supply of housing affordable  
28 to Californians of all income levels is a key factor.

29 (C) The crisis has grown so acute in California that supply,  
30 demand, and affordability fundamentals are characterized in the  
31 negative: underserved demands, constrained supply, and protracted  
32 unaffordability.

33 (D) According to reports and data, California has accumulated  
34 an unmet housing backlog of nearly 2,000,000 units and must  
35 provide for at least 180,000 new units annually to keep pace with  
36 growth through 2025.

37 (E) California's overall homeownership rate is at its lowest level  
38 since the 1940s. The state ranks 49th out of the 50 states in  
39 homeownership rates as well as in the supply of housing per capita.

1 Only one-half of California's households are able to afford the  
2 cost of housing in their local regions.

3 (F) Lack of supply and rising costs are compounding inequality  
4 and limiting advancement opportunities for many Californians.

5 (G) The majority of California renters, more than 3,000,000  
6 households, pay more than 30 percent of their income toward rent  
7 and nearly one-third, more than 1,500,000 households, pay more  
8 than 50 percent of their income toward rent.

9 (H) When Californians have access to safe and affordable  
10 housing, they have more money for food and health care; they are  
11 less likely to become homeless and in need of  
12 government-subsidized services; their children do better in school;  
13 and businesses have an easier time recruiting and retaining  
14 employees.

15 (I) An additional consequence of the state's cumulative housing  
16 shortage is a significant increase in greenhouse gas emissions  
17 caused by the displacement and redirection of populations to states  
18 with greater housing opportunities, particularly working- and  
19 middle-class households. California's cumulative housing shortfall  
20 therefore has not only national but international environmental  
21 consequences.

22 (J) California's housing picture has reached a crisis of historic  
23 proportions despite the fact that, for decades, the Legislature has  
24 enacted numerous statutes intended to significantly increase the  
25 approval, development, and affordability of housing for all income  
26 levels, including this section.

27 (K) The Legislature's intent in enacting this section in 1982 and  
28 in expanding its provisions since then was to significantly increase  
29 the approval and construction of new housing for all economic  
30 segments of California's communities by meaningfully and  
31 effectively curbing the capability of local governments to deny,  
32 reduce the density for, or render infeasible housing development  
33 projects and emergency shelters. That intent has not been fulfilled.

34 (L) It is the policy of the state that this section should be  
35 interpreted and implemented in a manner to afford the fullest  
36 possible weight to the interest of, and the approval and provision  
37 of, housing.

38 (3) It is the intent of the Legislature that the conditions that  
39 would have a specific, adverse impact upon the public health and

1 safety, as described in paragraph (2) of subdivision (d) and  
2 paragraph (1) of subdivision (j), arise infrequently.

3 (b) It is the policy of the state that a local government not reject  
4 or make infeasible housing development projects, including  
5 emergency shelters, that contribute to meeting the need determined  
6 pursuant to this article without a thorough analysis of the economic,  
7 social, and environmental effects of the action and without  
8 complying with subdivision (d).

9 (c) The Legislature also recognizes that premature and  
10 unnecessary development of agricultural lands for urban uses  
11 continues to have adverse effects on the availability of those lands  
12 for food and fiber production and on the economy of the state.  
13 Furthermore, it is the policy of the state that development should  
14 be guided away from prime agricultural lands; therefore, in  
15 implementing this section, local jurisdictions should encourage,  
16 to the maximum extent practicable, in filling existing urban areas.

17 (d) A local agency shall not disapprove a housing development  
18 project, including farmworker housing as defined in subdivision  
19 (h) of Section 50199.7 of the Health and Safety Code, for very  
20 low, low-, or moderate-income households, or an emergency  
21 shelter, or condition approval in a manner that renders the housing  
22 development project infeasible for development for the use of very  
23 low, low-, or moderate-income households, or an emergency  
24 shelter, including through the use of design review standards,  
25 unless it makes written findings, based upon a preponderance of  
26 the evidence in the record, as to one of the following:

27 (1) The jurisdiction has adopted a housing element pursuant to  
28 this article that has been revised in accordance with Section 65588,  
29 is in substantial compliance with this article, and the jurisdiction  
30 has met or exceeded its share of the regional housing need  
31 allocation pursuant to Section 65584 for the planning period for  
32 the income category proposed for the housing development project,  
33 provided that any disapproval or conditional approval shall not be  
34 based on any of the reasons prohibited by Section 65008. If the  
35 housing development project includes a mix of income categories,  
36 and the jurisdiction has not met or exceeded its share of the regional  
37 housing need for one or more of those categories, then this  
38 paragraph shall not be used to disapprove or conditionally approve  
39 the housing development project. The share of the regional housing  
40 need met by the jurisdiction shall be calculated consistently with



1 the forms and definitions that may be adopted by the Department  
2 of Housing and Community Development pursuant to Section  
3 65400. In the case of an emergency shelter, the jurisdiction shall  
4 have met or exceeded the need for emergency shelter, as identified  
5 pursuant to paragraph (7) of subdivision (a) of Section 65583. Any  
6 disapproval or conditional approval pursuant to this paragraph  
7 shall be in accordance with applicable law, rule, or standards.

8 (2) The housing development project or emergency shelter as  
9 proposed would have a specific, adverse impact upon the public  
10 health or safety, and there is no feasible method to satisfactorily  
11 mitigate or avoid the specific, adverse impact without rendering  
12 the development unaffordable to low- and moderate-income  
13 households or rendering the development of the emergency shelter  
14 financially infeasible. As used in this paragraph, a “specific,  
15 adverse impact” means a significant, quantifiable, direct, and  
16 unavoidable impact, based on objective, identified written public  
17 health or safety standards, policies, or conditions as they existed  
18 on the date the application was deemed complete. Inconsistency  
19 with the zoning ordinance or general plan land use designation  
20 shall not constitute a specific, adverse impact upon the public  
21 health or safety.

22 (3) The denial of the housing development project or imposition  
23 of conditions is required in order to comply with specific state or  
24 federal law, and there is no feasible method to comply without  
25 rendering the development unaffordable to low- and  
26 moderate-income households or rendering the development of the  
27 emergency shelter financially infeasible.

28 (4) The housing development project or emergency shelter is  
29 proposed on land zoned for agriculture or resource preservation  
30 that is surrounded on at least two sides by land being used for  
31 agricultural or resource preservation purposes, or which does not  
32 have adequate water or wastewater facilities to serve the project.

33 (5) The housing development project or emergency shelter is  
34 inconsistent with both the jurisdiction’s zoning ordinance and  
35 general plan land use designation as specified in any element of  
36 the general plan as it existed on the date the application was  
37 deemed complete, and the jurisdiction has adopted a revised  
38 housing element in accordance with Section 65588 that is in  
39 substantial compliance with this article. For purposes of this  
40 section, a change to the zoning ordinance or general plan land use

1 designation subsequent to the date the application was deemed  
2 complete shall not constitute a valid basis to disapprove or  
3 condition approval of the housing development project or  
4 emergency shelter.

5 (A) This paragraph cannot be utilized to disapprove or  
6 conditionally approve a housing development project if the housing  
7 development project is proposed on a site that is identified as  
8 suitable or available for very low, low-, or moderate-income  
9 households in the jurisdiction's housing element, and consistent  
10 with the density specified in the housing element, even though it  
11 is inconsistent with both the jurisdiction's zoning ordinance and  
12 general plan land use designation.

13 (B) If the local agency has failed to identify in the inventory of  
14 land in its housing element sites that can be developed for housing  
15 within the planning period and are sufficient to provide for the  
16 jurisdiction's share of the regional housing need for all income  
17 levels pursuant to Section 65584, then this paragraph shall not be  
18 utilized to disapprove or conditionally approve a housing  
19 development project proposed for a site designated in any element  
20 of the general plan for residential uses or designated in any element  
21 of the general plan for commercial uses if residential uses are  
22 permitted or conditionally permitted within commercial  
23 designations. In any action in court, the burden of proof shall be  
24 on the local agency to show that its housing element does identify  
25 adequate sites with appropriate zoning and development standards  
26 and with services and facilities to accommodate the local agency's  
27 share of the regional housing need for the very low, low-, and  
28 moderate-income categories.

29 (C) If the local agency has failed to identify a zone or zones  
30 where emergency shelters are allowed as a permitted use without  
31 a conditional use or other discretionary permit, has failed to  
32 demonstrate that the identified zone or zones include sufficient  
33 capacity to accommodate the need for emergency shelter identified  
34 in paragraph (7) of subdivision (a) of Section 65583, or has failed  
35 to demonstrate that the identified zone or zones can accommodate  
36 at least one emergency shelter, as required by paragraph (4) of  
37 subdivision (a) of Section 65583, then this paragraph shall not be  
38 utilized to disapprove or conditionally approve an emergency  
39 shelter proposed for a site designated in any element of the general  
40 plan for industrial, commercial, or multifamily residential uses. In

1 any action in court, the burden of proof shall be on the local agency  
2 to show that its housing element does satisfy the requirements of  
3 paragraph (4) of subdivision (a) of Section 65583.

4 (e) ~~Nothing in this section shall be construed to relieve the local~~  
5 ~~agency from complying with the congestion management program~~  
6 ~~required by Chapter 2.6 (commencing with Section 65088) of~~  
7 ~~Division 1 of Title 7 or the California Coastal Act of 1976~~  
8 ~~(Division 20 (commencing with Section 30000) of the Public~~  
9 ~~Resources Code). Nothing in this section shall be construed to~~  
10 ~~relieve the local agency from making one or more of the findings~~  
11 ~~required pursuant to Section 21081 of the Public Resources Code~~  
12 ~~or otherwise complying with the California Environmental Quality~~  
13 ~~Act (Division 13 (commencing with Section 21000) of the Public~~  
14 ~~Resources Code).~~

15 (f) (1) ~~Nothing in this section shall be construed to prohibit a~~  
16 ~~local agency from requiring the housing development project to~~  
17 ~~comply with objective, quantifiable, written development standards,~~  
18 ~~conditions, and policies appropriate to, and consistent with, meeting~~  
19 ~~the jurisdiction's share of the regional housing need pursuant to~~  
20 ~~Section 65584. However, the development standards, conditions,~~  
21 ~~and policies shall be applied to facilitate and accommodate~~  
22 ~~development at the density permitted on the site and proposed by~~  
23 ~~the development.~~

24 (2) ~~Nothing in this section shall be construed to prohibit a local~~  
25 ~~agency from requiring an emergency shelter project to comply~~  
26 ~~with objective, quantifiable, written development standards,~~  
27 ~~conditions, and policies that are consistent with paragraph (4) of~~  
28 ~~subdivision (a) of Section 65583 and appropriate to, and consistent~~  
29 ~~with, meeting the jurisdiction's need for emergency shelter, as~~  
30 ~~identified pursuant to paragraph (7) of subdivision (a) of Section~~  
31 ~~65583. However, the development standards, conditions, and~~  
32 ~~policies shall be applied by the local agency to facilitate and~~  
33 ~~accommodate the development of the emergency shelter project.~~

34 (3) ~~This section does not prohibit a local agency from imposing~~  
35 ~~fees and other exactions otherwise authorized by law that are~~  
36 ~~essential to provide necessary public services and facilities to the~~  
37 ~~housing development project or emergency shelter.~~

38 (4) ~~For purposes of this section, a housing development project~~  
39 ~~or emergency shelter shall be deemed consistent, compliant, and~~  
40 ~~in conformity with an applicable plan, program, policy, ordinance,~~

~~standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity.~~

~~(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide problem.~~

~~(h) The following definitions apply for the purposes of this section:~~

~~(1) “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.~~

~~(2) “Housing development project” means a use consisting of any of the following:~~

~~(A) Residential units only.~~

~~(B) Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.~~

~~(C) Transitional housing or supportive housing.~~

~~(3) “Housing for very low, low-, or moderate-income households” means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to persons and families of moderate income as defined in Section 50093 of the Health and Safety Code, or persons and families of middle income, as defined in Section 65008 of this code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based.~~

~~(4) “Area median income” means area median income as periodically established by the Department of Housing and Community Development pursuant to Section 50093 of the Health~~

1 and Safety Code. The developer shall provide sufficient legal  
2 commitments to ensure continued availability of units for very low  
3 or low-income households in accordance with the provisions of  
4 this subdivision for 30 years.

5 (5) “Disapprove the housing development project” includes any  
6 instance in which a local agency does either of the following:

7 (A) Votes on a proposed housing development project  
8 application and the application is disapproved, including any  
9 required land use approvals or entitlements necessary for the  
10 issuance of a building permit.

11 (B) Fails to comply with the time periods specified in  
12 subdivision (a) of Section 65950. An extension of time pursuant  
13 to Article 5 (commencing with Section 65950) shall be deemed to  
14 be an extension of time pursuant to this paragraph.

15 (i) If any city, county, or city and county denies approval or  
16 imposes conditions, including design changes, lower density, or  
17 a reduction of the percentage of a lot that may be occupied by a  
18 building or structure under the applicable planning and zoning in  
19 force at the time the application is deemed complete pursuant to  
20 Section 65943, that have a substantial adverse effect on the viability  
21 or affordability of a housing development for very low, low-, or  
22 moderate-income households, and the denial of the development  
23 or the imposition of conditions on the development is the subject  
24 of a court action which challenges the denial or the imposition of  
25 conditions, then the burden of proof shall be on the local legislative  
26 body to show that its decision is consistent with the findings as  
27 described in subdivision (d) and that the findings are supported by  
28 a preponderance of the evidence in the record. For purposes of this  
29 section, “lower density” includes any conditions that have the same  
30 effect or impact on the ability of the project to provide housing.

31 (j) (1) When a proposed housing development project complies  
32 with applicable, objective general plan, zoning, and subdivision  
33 standards and criteria, including design review standards, in effect  
34 at the time that the housing development project’s application is  
35 determined to be complete, but the local agency proposes to  
36 disapprove the project or to impose a condition that the project be  
37 developed at a lower density, the local agency shall base its  
38 decision regarding the proposed housing development project upon  
39 written findings supported by a preponderance of the evidence on  
40 the record that both of the following conditions exist:

~~(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.~~

~~(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.~~

~~(2) (A) If the local agency considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision as specified in this subdivision, it shall provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity as follows:~~

~~(i) Within 30 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains 150 or fewer housing units.~~

~~(ii) Within 60 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains more than 150 units.~~

~~(B) If the local agency fails to provide the required documentation pursuant to subparagraph (A), the housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.~~

~~(3) For purposes of this section, the receipt of a density bonus pursuant to Section 65915 or an equitable communities incentive pursuant to Section 65918.51 shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.~~

1     ~~(4) For purposes of this section, a proposed housing development~~  
2 ~~project is not inconsistent with the applicable zoning standards~~  
3 ~~and criteria, and shall not require a rezoning, if the housing~~  
4 ~~development project is consistent with the objective general plan~~  
5 ~~standards and criteria but the zoning for the project site is~~  
6 ~~inconsistent with the general plan. If the local agency has complied~~  
7 ~~with paragraph (2), the local agency may require the proposed~~  
8 ~~housing development project to comply with the objective~~  
9 ~~standards and criteria of the zoning which is consistent with the~~  
10 ~~general plan, however, the standards and criteria shall be applied~~  
11 ~~to facilitate and accommodate development at the density allowed~~  
12 ~~on the site by the general plan and proposed by the proposed~~  
13 ~~housing development project.~~

14     ~~(5) For purposes of this section, “lower density” includes any~~  
15 ~~conditions that have the same effect or impact on the ability of the~~  
16 ~~project to provide housing.~~

17     ~~(k) (1) (A) The applicant, a person who would be eligible to~~  
18 ~~apply for residency in the development or emergency shelter, or~~  
19 ~~a housing organization may bring an action to enforce this section.~~  
20 ~~If, in any action brought to enforce this section, a court finds that~~  
21 ~~either (i) the local agency, in violation of subdivision (d),~~  
22 ~~disapproved a housing development project or conditioned its~~  
23 ~~approval in a manner rendering it infeasible for the development~~  
24 ~~of an emergency shelter, or housing for very low, low-, or~~  
25 ~~moderate-income households, including farmworker housing,~~  
26 ~~without making the findings required by this section or without~~  
27 ~~making findings supported by a preponderance of the evidence,~~  
28 ~~or (ii) the local agency, in violation of subdivision (j), disapproved~~  
29 ~~a housing development project complying with applicable,~~  
30 ~~objective general plan and zoning standards and criteria, or imposed~~  
31 ~~a condition that the project be developed at a lower density, without~~  
32 ~~making the findings required by this section or without making~~  
33 ~~findings supported by a preponderance of the evidence, the court~~  
34 ~~shall issue an order or judgment compelling compliance with this~~  
35 ~~section within 60 days, including, but not limited to, an order that~~  
36 ~~the local agency take action on the housing development project~~  
37 ~~or emergency shelter. The court may issue an order or judgment~~  
38 ~~directing the local agency to approve the housing development~~  
39 ~~project or emergency shelter if the court finds that the local agency~~  
40 ~~acted in bad faith when it disapproved or conditionally approved~~

1 the housing development or emergency shelter in violation of this  
2 section. The court shall retain jurisdiction to ensure that its order  
3 or judgment is carried out and shall award reasonable attorney's  
4 fees and costs of suit to the plaintiff or petitioner, except under  
5 extraordinary circumstances in which the court finds that awarding  
6 fees would not further the purposes of this section. For purposes  
7 of this section, "lower density" includes conditions that have the  
8 same effect or impact on the ability of the project to provide  
9 housing.

10 (B) (i) Upon a determination that the local agency has failed  
11 to comply with the order or judgment compelling compliance with  
12 this section within 60 days issued pursuant to subparagraph (A),  
13 the court shall impose fines on a local agency that has violated this  
14 section and require the local agency to deposit any fine levied  
15 pursuant to this subdivision into a local housing trust fund. The  
16 local agency may elect to instead deposit the fine into the Building  
17 Homes and Jobs Trust Fund, if Senate Bill 2 of the 2017-18  
18 Regular Session is enacted, or otherwise in the Housing  
19 Rehabilitation Loan Fund. The fine shall be in a minimum amount  
20 of ten thousand dollars (\$10,000) per housing unit in the housing  
21 development project on the date the application was deemed  
22 complete pursuant to Section 65943. In determining the amount  
23 of fine to impose, the court shall consider the local agency's  
24 progress in attaining its target allocation of the regional housing  
25 need pursuant to Section 65584 and any prior violations of this  
26 section. Fines shall not be paid out of funds already dedicated to  
27 affordable housing, including, but not limited to, Low and  
28 Moderate Income Housing Asset Funds, funds dedicated to housing  
29 for very low, low-, and moderate-income households, and federal  
30 HOME Investment Partnerships Program and Community  
31 Development Block Grant Program funds. The local agency shall  
32 commit and expend the money in the local housing trust fund  
33 within five years for the sole purpose of financing newly  
34 constructed housing units affordable to extremely low, very low,  
35 or low-income households. After five years, if the funds have not  
36 been expended, the money shall revert to the state and be deposited  
37 in the Building Homes and Jobs Trust Fund, if Senate Bill 2 of the  
38 2017-18 Regular Session is enacted, or otherwise in the Housing  
39 Rehabilitation Loan Fund, for the sole purpose of financing newly



1 ~~constructed housing units affordable to extremely low, very low,~~  
2 ~~or low-income households.~~

3 ~~(ii) If any money derived from a fine imposed pursuant to this~~  
4 ~~subparagraph is deposited in the Housing Rehabilitation Loan~~  
5 ~~Fund, then, notwithstanding Section 50661 of the Health and Safety~~  
6 ~~Code, that money shall be available only upon appropriation by~~  
7 ~~the Legislature.~~

8 ~~(C) If the court determines that its order or judgment has not~~  
9 ~~been carried out within 60 days, the court may issue further orders~~  
10 ~~as provided by law to ensure that the purposes and policies of this~~  
11 ~~section are fulfilled, including, but not limited to, an order to vacate~~  
12 ~~the decision of the local agency and to approve the housing~~  
13 ~~development project, in which case the application for the housing~~  
14 ~~development project, as proposed by the applicant at the time the~~  
15 ~~local agency took the initial action determined to be in violation~~  
16 ~~of this section, along with any standard conditions determined by~~  
17 ~~the court to be generally imposed by the local agency on similar~~  
18 ~~projects, shall be deemed to be approved unless the applicant~~  
19 ~~consents to a different decision or action by the local agency.~~

20 ~~(2) For purposes of this subdivision, “housing organization”~~  
21 ~~means a trade or industry group whose local members are primarily~~  
22 ~~engaged in the construction or management of housing units or a~~  
23 ~~nonprofit organization whose mission includes providing or~~  
24 ~~advocating for increased access to housing for low-income~~  
25 ~~households and have filed written or oral comments with the local~~  
26 ~~agency prior to action on the housing development project. A~~  
27 ~~housing organization may only file an action pursuant to this~~  
28 ~~section to challenge the disapproval of a housing development by~~  
29 ~~a local agency. A housing organization shall be entitled to~~  
30 ~~reasonable attorney’s fees and costs if it is the prevailing party in~~  
31 ~~an action to enforce this section.~~

32 ~~(l) If the court finds that the local agency (1) acted in bad faith~~  
33 ~~when it disapproved or conditionally approved the housing~~  
34 ~~development or emergency shelter in violation of this section and~~  
35 ~~(2) failed to carry out the court’s order or judgment within 60 days~~  
36 ~~as described in subdivision (k), the court, in addition to any other~~  
37 ~~remedies provided by this section, shall multiply the fine~~  
38 ~~determined pursuant to subparagraph (B) of paragraph (1) of~~  
39 ~~subdivision (k) by a factor of five. For purposes of this section,~~

1 “bad faith” includes, but is not limited to, an action that is frivolous  
2 or otherwise entirely without merit.

3 ~~(m) Any action brought to enforce the provisions of this section~~  
4 ~~shall be brought pursuant to Section 1094.5 of the Code of Civil~~  
5 ~~Procedure, and the local agency shall prepare and certify the record~~  
6 ~~of proceedings in accordance with subdivision (c) of Section 1094.6~~  
7 ~~of the Code of Civil Procedure no later than 30 days after the~~  
8 ~~petition is served, provided that the cost of preparation of the record~~  
9 ~~shall be borne by the local agency, unless the petitioner elects to~~  
10 ~~prepare the record as provided in subdivision (n) of this section.~~  
11 ~~A petition to enforce the provisions of this section shall be filed~~  
12 ~~and served no later than 90 days from the later of (1) the effective~~  
13 ~~date of a decision of the local agency imposing conditions on,~~  
14 ~~disapproving, or any other final action on a housing development~~  
15 ~~project or (2) the expiration of the time periods specified in~~  
16 ~~subparagraph (B) of paragraph (5) of subdivision (h). Upon entry~~  
17 ~~of the trial court’s order, a party may, in order to obtain appellate~~  
18 ~~review of the order, file a petition within 20 days after service~~  
19 ~~upon it of a written notice of the entry of the order, or within such~~  
20 ~~further time not exceeding an additional 20 days as the trial court~~  
21 ~~may for good cause allow, or may appeal the judgment or order~~  
22 ~~of the trial court under Section 904.1 of the Code of Civil~~  
23 ~~Procedure. If the local agency appeals the judgment of the trial~~  
24 ~~court, the local agency shall post a bond, in an amount to be~~  
25 ~~determined by the court, to the benefit of the plaintiff if the plaintiff~~  
26 ~~is the project applicant.~~

27 ~~(n) In any action, the record of the proceedings before the local~~  
28 ~~agency shall be filed as expeditiously as possible and,~~  
29 ~~notwithstanding Section 1094.6 of the Code of Civil Procedure or~~  
30 ~~subdivision (m) of this section, all or part of the record may be~~  
31 ~~prepared (1) by the petitioner with the petition or petitioner’s points~~  
32 ~~and authorities, (2) by the respondent with respondent’s points and~~  
33 ~~authorities, (3) after payment of costs by the petitioner, or (4) as~~  
34 ~~otherwise directed by the court. If the expense of preparing the~~  
35 ~~record has been borne by the petitioner and the petitioner is the~~  
36 ~~prevailing party, the expense shall be taxable as costs.~~

37 ~~(o) This section shall be known, and may be cited, as the~~  
38 ~~Housing Accountability Act.~~

1     *SECTION 1. Section 65589.5 of the Government Code, as*  
2     *amended by Section 3.1 of Chapter 665 of the Statutes of 2019, is*  
3     *amended to read:*

4     65589.5. (a) (1) The Legislature finds and declares all of the  
5     following:

6     (A) The lack of housing, including emergency shelters, is a  
7     critical problem that threatens the economic, environmental, and  
8     social quality of life in California.

9     (B) California housing has become the most expensive in the  
10    nation. The excessive cost of the state's housing supply is partially  
11    caused by activities and policies of many local governments that  
12    limit the approval of housing, increase the cost of land for housing,  
13    and require that high fees and exactions be paid by producers of  
14    housing.

15    (C) Among the consequences of those actions are discrimination  
16    against low-income and minority households, lack of housing to  
17    support employment growth, imbalance in jobs and housing,  
18    reduced mobility, urban sprawl, excessive commuting, and air  
19    quality deterioration.

20    (D) Many local governments do not give adequate attention to  
21    the economic, environmental, and social costs of decisions that  
22    result in disapproval of housing development projects, reduction  
23    in density of housing projects, and excessive standards for housing  
24    development projects.

25    (2) In enacting the amendments made to this section by the act  
26    adding this paragraph, the Legislature further finds and declares  
27    the following:

28    (A) California has a housing supply and affordability crisis of  
29    historic proportions. The consequences of failing to effectively  
30    and aggressively confront this crisis are hurting millions of  
31    Californians, robbing future generations of the chance to call  
32    California home, stifling economic opportunities for workers and  
33    businesses, worsening poverty and homelessness, and undermining  
34    the state's environmental and climate objectives.

35    (B) While the causes of this crisis are multiple and complex,  
36    the absence of meaningful and effective policy reforms to  
37    significantly enhance the approval and supply of housing affordable  
38    to Californians of all income levels is a key factor.

39    (C) The crisis has grown so acute in California that supply,  
40    demand, and affordability fundamentals are characterized in the

1 negative: underserved demands, constrained supply, and protracted  
2 unaffordability.

3 (D) According to reports and data, California has accumulated  
4 an unmet housing backlog of nearly 2,000,000 units and must  
5 provide for at least 180,000 new units annually to keep pace with  
6 growth through 2025.

7 (E) California's overall homeownership rate is at its lowest level  
8 since the 1940s. The state ranks 49th out of the 50 states in  
9 homeownership rates as well as in the supply of housing per capita.  
10 Only one-half of California's households are able to afford the  
11 cost of housing in their local regions.

12 (F) Lack of supply and rising costs are compounding inequality  
13 and limiting advancement opportunities for many Californians.

14 (G) The majority of California renters, more than 3,000,000  
15 households, pay more than 30 percent of their income toward rent  
16 and nearly one-third, more than 1,500,000 households, pay more  
17 than 50 percent of their income toward rent.

18 (H) When Californians have access to safe and affordable  
19 housing, they have more money for food and health care; they are  
20 less likely to become homeless and in need of  
21 government-subsidized services; their children do better in school;  
22 and businesses have an easier time recruiting and retaining  
23 employees.

24 (I) An additional consequence of the state's cumulative housing  
25 shortage is a significant increase in greenhouse gas emissions  
26 caused by the displacement and redirection of populations to states  
27 with greater housing opportunities, particularly working- and  
28 middle-class households. California's cumulative housing shortfall  
29 therefore has not only national but international environmental  
30 consequences.

31 (J) California's housing picture has reached a crisis of historic  
32 proportions despite the fact that, for decades, the Legislature has  
33 enacted numerous statutes intended to significantly increase the  
34 approval, development, and affordability of housing for all income  
35 levels, including this section.

36 (K) The Legislature's intent in enacting this section in 1982 and  
37 in expanding its provisions since then was to significantly increase  
38 the approval and construction of new housing for all economic  
39 segments of California's communities by meaningfully and  
40 effectively curbing the capability of local governments to deny,

1 reduce the density for, or render infeasible housing development  
2 projects and emergency shelters. That intent has not been fulfilled.

3 (L) It is the policy of the state that this section be interpreted  
4 and implemented in a manner to afford the fullest possible weight  
5 to the interest of, and the approval and provision of, housing.

6 (3) It is the intent of the Legislature that the conditions that  
7 would have a specific, adverse impact upon the public health and  
8 safety, as described in paragraph (2) of subdivision (d) and  
9 paragraph (1) of subdivision (j), arise infrequently.

10 (b) It is the policy of the state that a local government not reject  
11 or make infeasible housing development projects, including  
12 emergency shelters, that contribute to meeting the need determined  
13 pursuant to this article without a thorough analysis of the economic,  
14 social, and environmental effects of the action and without  
15 complying with subdivision (d).

16 (c) The Legislature also recognizes that premature and  
17 unnecessary development of agricultural lands for urban uses  
18 continues to have adverse effects on the availability of those lands  
19 for food and fiber production and on the economy of the state.  
20 Furthermore, it is the policy of the state that development should  
21 be guided away from prime agricultural lands; therefore, in  
22 implementing this section, local jurisdictions should encourage,  
23 to the maximum extent practicable, in filling existing urban areas.

24 (d) A local agency shall not disapprove a housing development  
25 project, including farmworker housing as defined in subdivision  
26 (h) of Section 50199.7 of the Health and Safety Code, for very  
27 low, low-, or moderate-income households, or an emergency  
28 shelter, or condition approval in a manner that renders the housing  
29 development project infeasible for development for the use of very  
30 low, low-, or moderate-income households, or an emergency  
31 shelter, including through the use of design review standards,  
32 unless it makes written findings, based upon a preponderance of  
33 the evidence in the record, as to one of the following:

34 (1) The jurisdiction has adopted a housing element pursuant to  
35 this article that has been revised in accordance with Section 65588,  
36 is in substantial compliance with this article, and the jurisdiction  
37 has met or exceeded its share of the regional housing need  
38 allocation pursuant to Section 65584 for the planning period for  
39 the income category proposed for the housing development project,  
40 provided that any disapproval or conditional approval shall not be

1 based on any of the reasons prohibited by Section 65008. If the  
2 housing development project includes a mix of income categories,  
3 and the jurisdiction has not met or exceeded its share of the regional  
4 housing need for one or more of those categories, then this  
5 paragraph shall not be used to disapprove or conditionally approve  
6 the housing development project. The share of the regional housing  
7 need met by the jurisdiction shall be calculated consistently with  
8 the forms and definitions that may be adopted by the Department  
9 of Housing and Community Development pursuant to Section  
10 65400. In the case of an emergency shelter, the jurisdiction shall  
11 have met or exceeded the need for emergency shelter, as identified  
12 pursuant to paragraph (7) of subdivision (a) of Section 65583. Any  
13 disapproval or conditional approval pursuant to this paragraph  
14 shall be in accordance with applicable law, rule, or standards.

15 (2) The housing development project or emergency shelter as  
16 proposed would have a specific, adverse impact upon the public  
17 health or safety, and there is no feasible method to satisfactorily  
18 mitigate or avoid the specific adverse impact without rendering  
19 the development unaffordable to low- and moderate-income  
20 households or rendering the development of the emergency shelter  
21 financially infeasible. As used in this paragraph, a “specific,  
22 adverse impact” means a significant, quantifiable, direct, and  
23 unavoidable impact, based on objective, identified written public  
24 health or safety standards, policies, or conditions as they existed  
25 on the date the application was deemed complete. The following  
26 shall not constitute a specific, adverse impact upon the public  
27 health or safety:

28 (A) Inconsistency with the zoning ordinance or general plan  
29 land use designation.

30 (B) The eligibility to claim a welfare exemption under  
31 subdivision (g) of Section 214 of the Revenue and Taxation Code.

32 (3) The denial of the housing development project or imposition  
33 of conditions is required in order to comply with specific state or  
34 federal law, and there is no feasible method to comply without  
35 rendering the development unaffordable to low- and  
36 moderate-income households or rendering the development of the  
37 emergency shelter financially infeasible.

38 (4) The housing development project or emergency shelter is  
39 proposed on land zoned for agriculture or resource preservation  
40 that is surrounded on at least two sides by land being used for

1 agricultural or resource preservation purposes, or which does not  
2 have adequate water or wastewater facilities to serve the project.

3 (5) The housing development project or emergency shelter is  
4 inconsistent with both the jurisdiction's zoning ordinance and  
5 general plan land use designation as specified in any element of  
6 the general plan as it existed on the date the application was  
7 deemed complete, and the jurisdiction has adopted a revised  
8 housing element in accordance with Section 65588 that is in  
9 substantial compliance with this article. For purposes of this  
10 section, a change to the zoning ordinance or general plan land use  
11 designation subsequent to the date the application was deemed  
12 complete shall not constitute a valid basis to disapprove or  
13 condition approval of the housing development project or  
14 emergency shelter.

15 (A) This paragraph cannot be utilized to disapprove or  
16 conditionally approve a housing development project if the housing  
17 development project is proposed on a site that is identified as  
18 suitable or available for very low, low-, or moderate-income  
19 households in the jurisdiction's housing element, and consistent  
20 with the density specified in the housing element, even though it  
21 is inconsistent with both the jurisdiction's zoning ordinance and  
22 general plan land use designation.

23 (B) If the local agency has failed to identify in the inventory of  
24 land in its housing element sites that can be developed for housing  
25 within the planning period and are sufficient to provide for the  
26 jurisdiction's share of the regional housing need for all income  
27 levels pursuant to Section 65584, then this paragraph shall not be  
28 utilized to disapprove or conditionally approve a housing  
29 development project proposed for a site designated in any element  
30 of the general plan for residential uses or designated in any element  
31 of the general plan for commercial uses if residential uses are  
32 permitted or conditionally permitted within commercial  
33 designations. In any action in court, the burden of proof shall be  
34 on the local agency to show that its housing element does identify  
35 adequate sites with appropriate zoning and development standards  
36 and with services and facilities to accommodate the local agency's  
37 share of the regional housing need for the very low, low-, and  
38 moderate-income categories.

39 (C) If the local agency has failed to identify a zone or zones  
40 where emergency shelters are allowed as a permitted use without

1 a conditional use or other discretionary permit, has failed to  
2 demonstrate that the identified zone or zones include sufficient  
3 capacity to accommodate the need for emergency shelter identified  
4 in paragraph (7) of subdivision (a) of Section 65583, or has failed  
5 to demonstrate that the identified zone or zones can accommodate  
6 at least one emergency shelter, as required by paragraph (4) of  
7 subdivision (a) of Section 65583, then this paragraph shall not be  
8 utilized to disapprove or conditionally approve an emergency  
9 shelter proposed for a site designated in any element of the general  
10 plan for industrial, commercial, or multifamily residential uses. In  
11 any action in court, the burden of proof shall be on the local agency  
12 to show that its housing element does satisfy the requirements of  
13 paragraph (4) of subdivision (a) of Section 65583.

14 (e) Nothing in this section shall be construed to relieve the local  
15 agency from complying with the congestion management program  
16 required by Chapter 2.6 (commencing with Section 65088) of  
17 Division 1 of Title 7 or the California Coastal Act of 1976  
18 (Division 20 (commencing with Section 30000) of the Public  
19 Resources Code). ~~Neither shall anything in this section~~ *This section*  
20 *shall not* be construed to relieve the local agency from making one  
21 or more of the findings required pursuant to Section 21081 of the  
22 Public Resources Code or otherwise complying with the California  
23 Environmental Quality Act (Division 13 (commencing with Section  
24 21000) of the Public Resources Code).

25 (f) (1) Except as provided in subdivision (o), nothing in shall  
26 be construed to prohibit a local agency from requiring the housing  
27 development project to comply with objective, quantifiable, written  
28 development standards, conditions, and policies appropriate to,  
29 and consistent with, meeting the jurisdiction's share of the regional  
30 housing need pursuant to Section 65584. However, the  
31 development standards, conditions, and policies shall be applied  
32 to facilitate and accommodate development at the density permitted  
33 on the site and proposed by the development.

34 (2) Except as provided in subdivision (o), nothing in shall be  
35 construed to prohibit a local agency from requiring an emergency  
36 shelter project to comply with objective, quantifiable, written  
37 development standards, conditions, and policies that are consistent  
38 with paragraph (4) of subdivision (a) of Section 65583 and  
39 appropriate to, and consistent with, meeting the jurisdiction's need  
40 for emergency shelter, as identified pursuant to paragraph (7) of



1 subdivision (a) of Section 65583. However, the development  
2 standards, conditions, and policies shall be applied by the local  
3 agency to facilitate and accommodate the development of the  
4 emergency shelter project.

5 (3) Except as provided in subdivision (o), nothing in this section  
6 shall be construed to prohibit a local agency from imposing fees  
7 and other exactions otherwise authorized by law that are essential  
8 to provide necessary public services and facilities to the housing  
9 development project or emergency shelter.

10 (4) For purposes of this section, a housing development project  
11 or emergency shelter shall be deemed consistent, compliant, and  
12 in conformity with an applicable plan, program, policy, ordinance,  
13 standard, requirement, or other similar provision if there is  
14 substantial evidence that would allow a reasonable person to  
15 conclude that the housing development project or emergency  
16 shelter is consistent, compliant, or in conformity.

17 (g) This section shall be applicable to charter cities because the  
18 Legislature finds that the lack of housing, including emergency  
19 shelter, is a critical statewide problem.

20 (h) The following definitions apply for the purposes of this  
21 section:

22 (1) “Feasible” means capable of being accomplished in a  
23 successful manner within a reasonable period of time, taking into  
24 account economic, environmental, social, and technological factors.

25 (2) “Housing development project” means a use consisting of  
26 any of the following:

27 (A) Residential units only.

28 (B) Mixed-use developments consisting of residential and  
29 nonresidential uses with at least two-thirds of the square footage  
30 designated for residential use.

31 (C) Transitional housing or supportive housing.

32 (3) “Housing for very low, low-, or moderate-income  
33 households” means that either (A) at least 20 percent of the total  
34 units shall be sold or rented to lower income households, as defined  
35 in Section 50079.5 of the Health and Safety Code, or (B) 100  
36 percent of the units shall be sold or rented to persons and families  
37 of moderate income as defined in Section 50093 of the Health and  
38 Safety Code, or persons and families of middle income, as defined  
39 in Section 65008 of this code. Housing units targeted for lower  
40 income households shall be made available at a monthly housing

1 cost that does not exceed 30 percent of 60 percent of area median  
2 income with adjustments for household size made in accordance  
3 with the adjustment factors on which the lower income eligibility  
4 limits are based. Housing units targeted for persons and families  
5 of moderate income shall be made available at a monthly housing  
6 cost that does not exceed 30 percent of 100 percent of area median  
7 income with adjustments for household size made in accordance  
8 with the adjustment factors on which the moderate-income  
9 eligibility limits are based.

10 (4) “Area median income” means area median income as  
11 periodically established by the Department of Housing and  
12 Community Development pursuant to Section 50093 of the Health  
13 and Safety Code. The developer shall provide sufficient legal  
14 commitments to ensure continued availability of units for very low  
15 or low-income households in accordance with the provisions of  
16 this subdivision for 30 years.

17 (5) Notwithstanding any other law, until January 1, 2025,  
18 “deemed complete” means that the applicant has submitted a  
19 preliminary application pursuant to Section 65941.1.

20 (6) “Disapprove the housing development project” includes any  
21 instance in which a local agency does either of the following:

22 (A) Votes on a proposed housing development project  
23 application and the application is disapproved, including any  
24 required land use approvals or entitlements necessary for the  
25 issuance of a building permit.

26 (B) Fails to comply with the time periods specified in  
27 subdivision (a) of Section 65950. An extension of time pursuant  
28 to Article 5 (commencing with Section 65950) shall be deemed to  
29 be an extension of time pursuant to this paragraph.

30 (7) “Lower density” includes any conditions that have the same  
31 effect or impact on the ability of the project to provide housing.

32 (8) Until January 1, 2025, “objective” means involving no  
33 personal or subjective judgment by a public official and being  
34 uniformly verifiable by reference to an external and uniform  
35 benchmark or criterion available and knowable by both the  
36 development applicant or proponent and the public official.

37 (9) Notwithstanding any other law, until January 1, 2025,  
38 “determined to be complete” means that the applicant has submitted  
39 a complete application pursuant to Section 65943.

1 (i) If any city, county, or city and county denies approval or  
2 imposes conditions, including design changes, lower density, or  
3 a reduction of the percentage of a lot that may be occupied by a  
4 building or structure under the applicable planning and zoning in  
5 force at the time housing development project's the application is  
6 complete, that have a substantial adverse effect on the viability or  
7 affordability of a housing development for very low, low-, or  
8 moderate-income households, and the denial of the development  
9 or the imposition of conditions on the development is the subject  
10 of a court action which challenges the denial or the imposition of  
11 conditions, then the burden of proof shall be on the local legislative  
12 body to show that its decision is consistent with the findings as  
13 described in subdivision (d), and that the findings are supported  
14 by a preponderance of the evidence in the record, and with the  
15 requirements of subdivision (o).

16 (j) (1) When a proposed housing development project complies  
17 with applicable, objective general plan, zoning, and subdivision  
18 standards and criteria, including design review standards, in effect  
19 at the time that the application was deemed complete, but the local  
20 agency proposes to disapprove the project or to impose a condition  
21 that the project be developed at a lower density, the local agency  
22 shall base its decision regarding the proposed housing development  
23 project upon written findings supported by a preponderance of the  
24 evidence on the record that both of the following conditions exist:

25 (A) The housing development project would have a specific,  
26 adverse impact upon the public health or safety unless the project  
27 is disapproved or approved upon the condition that the project be  
28 developed at a lower density. As used in this paragraph, a "specific,  
29 adverse impact" means a significant, quantifiable, direct, and  
30 unavoidable impact, based on objective, identified written public  
31 health or safety standards, policies, or conditions as they existed  
32 on the date the application was deemed complete.

33 (B) There is no feasible method to satisfactorily mitigate or  
34 avoid the adverse impact identified pursuant to paragraph (1), other  
35 than the disapproval of the housing development project or the  
36 approval of the project upon the condition that it be developed at  
37 a lower density.

38 (2) (A) If the local agency considers a proposed housing  
39 development project to be inconsistent, not in compliance, or not  
40 in conformity with an applicable plan, program, policy, ordinance,

1 standard, requirement, or other similar provision as specified in  
2 this subdivision, it shall provide the applicant with written  
3 documentation identifying the provision or provisions, and an  
4 explanation of the reason or reasons it considers the housing  
5 development to be inconsistent, not in compliance, or not in  
6 conformity as follows:

7 (i) Within 30 days of the date that the application for the housing  
8 development project is determined to be complete, if the housing  
9 development project contains 150 or fewer housing units.

10 (ii) Within 60 days of the date that the application for the  
11 housing development project is determined to be complete, if the  
12 housing development project contains more than 150 units.

13 (B) If the local agency fails to provide the required  
14 documentation pursuant to subparagraph (A), the housing  
15 development project shall be deemed consistent, compliant, and  
16 in conformity with the applicable plan, program, policy, ordinance,  
17 standard, requirement, or other similar provision.

18 (3) For purposes of this section, the receipt of a density bonus  
19 pursuant to Section 65915 *or an equitable communities incentive*  
20 *pursuant to Section 65918.51* shall not constitute a valid basis on  
21 which to find a proposed housing development project is  
22 inconsistent, not in compliance, or not in ~~conformity~~, *conformity*  
23 with an applicable plan, program, policy, ordinance, standard,  
24 requirement, or other similar provision specified in this subdivision.

25 (4) For purposes of this section, a proposed housing development  
26 project is not inconsistent with the applicable zoning standards  
27 and criteria, and shall not require a rezoning, if the housing  
28 development project is consistent with the objective general plan  
29 standards and criteria but the zoning for the project site is  
30 inconsistent with the general plan. If the local agency has complied  
31 with paragraph (2), the local agency may require the proposed  
32 housing development project to comply with the objective  
33 standards and criteria of the zoning which is consistent with the  
34 general plan, however, the standards and criteria shall be applied  
35 to facilitate and accommodate development at the density allowed  
36 on the site by the general plan and proposed by the proposed  
37 housing development project.

38 (k) (1) (A) (i) The applicant, a person who would be eligible  
39 to apply for residency in the housing development project or  
40 emergency shelter, or a housing organization may bring an action

1 to enforce this section. If, in any action brought to enforce this  
2 section, a court finds that any of the following are met, the court  
3 shall issue an order pursuant to clause (ii):

4 (I) The local agency, in violation of subdivision (d), disapproved  
5 a housing development project or conditioned its approval in a  
6 manner rendering it infeasible for the development of an emergency  
7 shelter, or housing for very low, low-, or moderate-income  
8 households, including farmworker housing, without making the  
9 findings required by this section or without making findings  
10 supported by a preponderance of the evidence.

11 (II) The local agency, in violation of subdivision (j), disapproved  
12 a housing development project complying with applicable,  
13 objective general plan and zoning standards and criteria, or imposed  
14 a condition that the project be developed at a lower density, without  
15 making the findings required by this section or without making  
16 findings supported by a preponderance of the evidence.

17 (III) (ia) Subject to sub-subclause (ib), the local agency, in  
18 violation of subdivision (o), required or attempted to require a  
19 housing development project to comply with an ordinance, policy,  
20 or standard not adopted and in effect when a preliminary  
21 application was submitted.

22 (ib) This subclause shall become inoperative on January 1, 2025.

23 (ii) If the court finds that one of the conditions in clause(i) is  
24 met, the court shall issue an order or judgment compelling  
25 compliance with this section within 60 days, including, but not  
26 limited to, an order that the local agency take action on the housing  
27 development project or emergency shelter. The court may issue  
28 an order or judgment directing the local agency to approve the  
29 housing development project or emergency shelter if the court  
30 finds that the local agency acted in bad faith when it disapproved  
31 or conditionally approved the housing development or emergency  
32 shelter in violation of this section. The court shall retain jurisdiction  
33 to ensure that its order or judgment is carried out and shall award  
34 reasonable attorney's fees and costs of suit to the plaintiff or  
35 petitioner, except under extraordinary circumstances in which the  
36 court finds that awarding fees would not further the purposes of  
37 this section.

38 (B) (i) Upon a determination that the local agency has failed  
39 to comply with the order or judgment compelling compliance with  
40 this section within 60 days issued pursuant to subparagraph (A),

1 the court shall impose fines on a local agency that has violated this  
2 section and require the local agency to deposit any fine levied  
3 pursuant to this subdivision into a local housing trust fund. The  
4 local agency may elect to instead deposit the fine into the Building  
5 Homes and Jobs *Trust* Fund, if Senate Bill 2 of the 2017–18  
6 Regular Session is enacted, or otherwise in the Housing  
7 Rehabilitation Loan Fund. The fine shall be in a minimum amount  
8 of ten thousand dollars (\$10,000) per housing unit in the housing  
9 development project on the date the application was deemed  
10 complete pursuant to Section 65943. In determining the amount  
11 of fine to impose, the court shall consider the local agency's  
12 progress in attaining its target allocation of the regional housing  
13 need pursuant to Section 65584 and any prior violations of this  
14 section. Fines shall not be paid out of funds already dedicated to  
15 affordable housing, including, but not limited to, Low and  
16 Moderate Income Housing Asset Funds, funds dedicated to housing  
17 for very low, low-, and moderate-income households, and federal  
18 HOME Investment Partnerships Program and Community  
19 Development Block Grant Program funds. The local agency shall  
20 commit and expend the money in the local housing trust fund  
21 within five years for the sole purpose of financing newly  
22 constructed housing units affordable to extremely low, very low,  
23 or low-income households. After five years, if the funds have not  
24 been expended, the money shall revert to the state and be deposited  
25 in the Building Homes and Jobs *Trust* Fund, if Senate Bill 2 of the  
26 2017–18 Regular Session is enacted, or otherwise in the Housing  
27 Rehabilitation Loan Fund, for the sole purpose of financing newly  
28 constructed housing units affordable to extremely low, very low,  
29 or low-income households.

30 (ii) If any money derived from a fine imposed pursuant to this  
31 subparagraph is deposited in the Housing Rehabilitation Loan  
32 Fund, then, notwithstanding Section 50661 of the Health and Safety  
33 Code, that money shall be available only upon appropriation by  
34 the Legislature.

35 (C) If the court determines that its order or judgment has not  
36 been carried out within 60 days, the court may issue further orders  
37 as provided by law to ensure that the purposes and policies of this  
38 section are fulfilled, including, but not limited to, an order to vacate  
39 the decision of the local agency and to approve the housing  
40 development project, in which case the application for the housing

1 development project, as proposed by the applicant at the time the  
2 local agency took the initial action determined to be in violation  
3 of this section, along with any standard conditions determined by  
4 the court to be generally imposed by the local agency on similar  
5 projects, shall be deemed to be approved unless the applicant  
6 consents to a different decision or action by the local agency.

7 (2) For purposes of this subdivision, “housing organization”  
8 means a trade or industry group whose local members are primarily  
9 engaged in the construction or management of housing units or a  
10 nonprofit organization whose mission includes providing or  
11 advocating for increased access to housing for low-income  
12 households and have filed written or oral comments with the local  
13 agency prior to action on the housing development project. A  
14 housing organization may only file an action pursuant to this  
15 section to challenge the disapproval of a housing development by  
16 a local agency. A housing organization shall be entitled to  
17 reasonable attorney’s fees and costs if it is the prevailing party in  
18 an action to enforce this section.

19 (l) If the court finds that the local agency (1) acted in bad faith  
20 when it disapproved or conditionally approved the housing  
21 development or emergency shelter in violation of this section and  
22 (2) failed to carry out the court’s order or judgment within 60 days  
23 as described in subdivision (k), the court, in addition to any other  
24 remedies provided by this section, shall multiply the fine  
25 determined pursuant to subparagraph (B) of paragraph (1) of  
26 subdivision (k) by a factor of five. For purposes of this section,  
27 “bad faith” includes, but is not limited to, an action that is frivolous  
28 or otherwise entirely without merit.

29 (m) Any action brought to enforce the provisions of this section  
30 shall be brought pursuant to Section 1094.5 of the Code of Civil  
31 Procedure, and the local agency shall prepare and certify the record  
32 of proceedings in accordance with subdivision (c) of Section 1094.6  
33 of the Code of Civil Procedure no later than 30 days after the  
34 petition is served, provided that the cost of preparation of the record  
35 shall be borne by the local agency, unless the petitioner elects to  
36 prepare the record as provided in subdivision (n) of this section.  
37 A petition to enforce the provisions of this section shall be filed  
38 and served no later than 90 days from the later of (1) the effective  
39 date of a decision of the local agency imposing conditions on,  
40 disapproving, or any other final action on a housing development

1 project or (2) the expiration of the time periods specified in  
2 subparagraph (B) of paragraph (5) of subdivision (h). Upon entry  
3 of the trial court's order, a party may, in order to obtain appellate  
4 review of the order, file a petition within 20 days after service  
5 upon it of a written notice of the entry of the order, or within such  
6 further time not exceeding an additional 20 days as the trial court  
7 may for good cause allow, or may appeal the judgment or order  
8 of the trial court under Section 904.1 of the Code of Civil  
9 Procedure. If the local agency appeals the judgment of the trial  
10 court, the local agency shall post a bond, in an amount to be  
11 determined by the court, to the benefit of the plaintiff if the plaintiff  
12 is the project applicant.

13 (n) In any action, the record of the proceedings before the local  
14 agency shall be filed as expeditiously as possible and,  
15 notwithstanding Section 1094.6 of the Code of Civil Procedure or  
16 subdivision (m) of this section, all or part of the record may be  
17 prepared (1) by the petitioner with the petition or petitioner's points  
18 and authorities, (2) by the respondent with respondent's points and  
19 authorities, (3) after payment of costs by the petitioner, or (4) as  
20 otherwise directed by the court. If the expense of preparing the  
21 record has been borne by the petitioner and the petitioner is the  
22 prevailing party, the expense shall be taxable as costs.

23 (o) (1) Subject to paragraphs (2), (6), and (7), and subdivision  
24 (d) of Section 65941.1, a housing development project shall be  
25 subject only to the ordinances, policies, and standards adopted and  
26 in effect when a preliminary application including all of the  
27 information required by subdivision (a) of Section 65941.1 was  
28 submitted.

29 (2) Paragraph (1) shall not prohibit a housing development  
30 project from being subject to ordinances, policies, and standards  
31 adopted after the preliminary application was submitted pursuant  
32 to Section 65941.1 in the following circumstances:

33 (A) In the case of a fee, charge, or other monetary exaction, to  
34 an increase resulting from an automatic annual adjustment based  
35 on an independently published cost index that is referenced in the  
36 ordinance or resolution establishing the fee or other monetary  
37 exaction.

38 (B) A preponderance of the evidence in the record establishes  
39 that subjecting the housing development project to an ordinance,  
40 policy, or standard beyond those in effect when a preliminary



1 application was submitted is necessary to mitigate or avoid a  
2 specific, adverse impact upon the public health or safety, as defined  
3 in subparagraph (A) of paragraph (1) of subdivision (j), and there  
4 is no feasible alternative method to satisfactorily mitigate or avoid  
5 the adverse impact.

6 (C) Subjecting the housing development project to an ordinance,  
7 policy, standard, or any other measure, beyond those in effect when  
8 a preliminary application was submitted is necessary to avoid or  
9 substantially lessen an impact of the project under the California  
10 Environmental Quality Act (Division 13 (commencing with Section  
11 21000) of the Public Resources Code).

12 (D) The housing development project has not commenced  
13 construction within two and one-half years following the date that  
14 the project received final approval. For purposes of this  
15 subparagraph, “final approval” means that the housing development  
16 project has received all necessary approvals to be eligible to apply  
17 for, and obtain, a building permit or permits and either of the  
18 following is met:

19 (i) The expiration of all applicable appeal periods, petition  
20 periods, reconsideration periods, or statute of limitations for  
21 challenging that final approval without an appeal, petition, request  
22 for reconsideration, or legal challenge having been filed.

23 (ii) If a challenge is filed, that challenge is fully resolved or  
24 settled in favor of the housing development project.

25 (E) The housing development project is revised following  
26 submittal of a preliminary application pursuant to Section 65941.1  
27 such that the number of residential units or square footage of  
28 construction changes by 20 percent or more, exclusive of any  
29 increase resulting from the receipt of a density bonus, incentive,  
30 concession, waiver, or similar provision. For purposes of this  
31 subdivision, “square footage of construction” means the building  
32 area, as defined by the California Building Standards Code (Title  
33 24 of the California Code of Regulations).

34 (3) This subdivision does not prevent a local agency from  
35 subjecting the additional units or square footage of construction  
36 that result from project revisions occurring after a preliminary  
37 application is submitted pursuant to Section 65941.1 to the  
38 ordinances, policies, and standards adopted and in effect when the  
39 preliminary application was submitted.

(4) For purposes of this subdivision, “ordinances, policies, and standards” includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions.

(5) This subdivision shall not be construed in a manner that would lessen the restrictions imposed on a local agency, or lessen the protections afforded to a housing development project, that are established by any other law, including any other part of this section.

(6) This subdivision shall not restrict the authority of a public agency or local agency to require mitigation measures to lessen the impacts of a housing development project under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(7) With respect to completed residential units for which the project approval process is complete and a certificate of occupancy has been issued, nothing in this subdivision shall limit the application of later enacted ordinances, policies, and standards that regulate the use and occupancy of those residential units, such as ordinances relating to rental housing inspection, rent stabilization, restrictions on short-term renting, and business licensing requirements for owners of rental housing.

(8) This subdivision shall become inoperative on January 1, 2025.

(p) This section shall be known, and may be cited, as the Housing Accountability Act.

SEC. 2. Section 65913.5 is added to the Government Code, to read:

65913.5. For purposes of this section and Section 65913.6, the following definitions shall apply:

(a) “Development proponent” means the developer who submits an application for streamlined approval pursuant to Section 65913.6.

(b) “Eligible parcel” means a parcel that meets all of the following requirements:

(1) *The parcel is not located on a site that is on a coastal zone, as defined in Division 20 (commencing with Section 30000) of the*

1 *Public Resources Code, unless the local agency has a population*  
2 *of 50,000 or more, based on the most recent United States Census*  
3 *Bureau data.*

4 (1)

5 (2) The parcel satisfies the requirements specified in paragraph  
6 (2) of subdivision (a) of Section 65913.4.

7 (3) *The parcel satisfies the requirements specified in*  
8 *subparagraphs (B) to (K), inclusive, of paragraph (6) of*  
9 *subdivision (a) of Section 65913.4.*

10 ~~(2) The parcel is not located on a site that is any of the following:~~

11 ~~(A) A coastal zone, as defined in Division 20 (commencing~~  
12 ~~with Section 30000) of the Public Resources Code, unless the local~~  
13 ~~agency has a population of 50,000 or more, based on the most~~  
14 ~~recent United States Census Bureau data.~~

15 ~~(B) Either prime farmland or farmland of statewide importance,~~  
16 ~~as defined pursuant to United States Department of Agriculture~~  
17 ~~land inventory and monitoring criteria, as modified for California,~~  
18 ~~and designated on the maps prepared by the Farmland Mapping~~  
19 ~~and Monitoring Program of the Department of Conservation, or~~  
20 ~~land zoned or designated for agricultural protection or preservation~~  
21 ~~by a local ballot measure that was approved by the voters of that~~  
22 ~~jurisdiction.~~

23 ~~(C) Wetlands, as defined in the United States Fish and Wildlife~~  
24 ~~Service Manual, Part 660 FW 2 (June 21, 1993).~~

25 ~~(D) Within a very high fire hazard severity zone, as determined~~  
26 ~~by the Department of Forestry and Fire Protection pursuant to~~  
27 ~~Section 51178, or within a high or very high fire hazard severity~~  
28 ~~zone as indicated on maps adopted by the Department of Forestry~~  
29 ~~and Fire Protection pursuant to Section 4202 of the Public~~  
30 ~~Resources Code. A parcel is not ineligible within the meaning of~~  
31 ~~this subparagraph if it is either:~~

32 ~~(i) A site excluded from the specified hazard zones by a local~~  
33 ~~agency, pursuant to subdivision (b) of Section 51179.~~

34 ~~(ii) A site that has adopted fire hazard mitigation measures~~  
35 ~~pursuant to existing building standards or state fire mitigation~~  
36 ~~measures applicable to the development.~~

37 ~~(E) A hazardous waste site that is listed pursuant to Section~~  
38 ~~65962.5 or a hazardous waste site designated by the Department~~  
39 ~~of Toxic Substances Control pursuant to Section 25356 of the~~  
40 ~~Health and Safety Code, unless the Department of Toxic~~

~~Substances Control has cleared the site for residential use or residential mixed uses.~~

~~(F) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.~~

~~(G) Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:~~

~~(i) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.~~

~~(ii) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.~~

~~(H) Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the~~

1 ~~site satisfies this subparagraph and is otherwise eligible for~~  
2 ~~streamlined approval under this section, a local government shall~~  
3 ~~not deny the application on the basis that the development~~  
4 ~~proponent did not comply with any additional permit requirement,~~  
5 ~~standard, or action adopted by that local government that is~~  
6 ~~applicable to that site.~~

7 ~~(I) Lands identified for conservation in any of the following:~~

8 ~~(i) An adopted natural community conservation plan pursuant~~  
9 ~~to the Natural Community Conservation Planning Act (Chapter~~  
10 ~~10 (commencing with Section 2800) of Division 3 of the Fish and~~  
11 ~~Game Code).~~

12 ~~(ii) A habitat conservation plan pursuant to the federal~~  
13 ~~Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.).~~

14 ~~(iii) Any other adopted natural resource protection plan.~~

15 ~~(J) Habitat for protected species identified as candidate,~~  
16 ~~sensitive, or species of special status by state or federal agencies,~~  
17 ~~fully protected species, or species protected by any of the~~  
18 ~~following:~~

19 ~~(i) The federal Endangered Species Act of 1973 (16 U.S.C. Sec.~~  
20 ~~1531 et seq.).~~

21 ~~(ii) The California Endangered Species Act (Chapter 1.5~~  
22 ~~(commencing with Section 2050) of Division 3 of the Fish and~~  
23 ~~Game Code).~~

24 ~~(iii) The Native Plant Protection Act (Chapter 10 (commencing~~  
25 ~~with Section 1900) of Division 2 of the Fish and Game Code).~~

26 ~~(K) Lands under conservation easement.~~

27 ~~(3)~~

28 ~~(4) The development of the project on the proposed parcel would~~  
29 ~~not require the demolition or alteration of any of the following~~  
30 ~~types of housing:~~

31 ~~(A) Housing that is subject to a recorded covenant, ordinance,~~  
32 ~~or law that restricts rents to levels affordable to persons and~~  
33 ~~families of moderate, low, or very low income.~~

34 ~~(B) Housing that is subject to any form of rent or price control~~  
35 ~~through a public entity's valid exercise of its police power.~~

36 ~~(C) Housing occupied by tenants, as that term is defined in~~  
37 ~~subdivision (l) of Section 65918.50, within the seven years~~  
38 ~~preceding the date of the application, including housing that has~~  
39 ~~been demolished or that tenants have vacated before the application~~  
40 ~~for a development permit.~~

(D) A parcel or parcels on which an owner of residential real property has exercised their rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application pursuant to Section 65913.6.

~~(4)~~

(5) The development of the project on the proposed parcel would not require the demolition of a historic structure that was placed on a national, state, or local historic register.

(c) “Local agency” means a city, including a charter city, a county, including a charter county, or a city and county, including a charter city and county.

(d) “Neighborhood multifamily project” means a project to construct a multifamily structure of up to four residential dwelling units that meets all of the following requirements:

(1) The project meets one of the following conditions:

(A) The parcel or parcels on which the neighborhood multifamily project would be located is vacant land, as defined in subdivision (e).

(B) If the project is a conversion of an existing structure, the conversion shall not require substantial exterior alteration. For the purposes of this subparagraph, a project requires “substantial exterior alteration” if the project would require either of the following:

(i) The demolition of 25 percent or more of the existing exterior vertical walls, measured by linear feet.

(ii) Any building addition that would increase total interior square footage by more than 15 percent.

(2) (A) The neighborhood multifamily project shall meet all objective zoning standards and objective design review standards that do not conflict with this section or Section 65913.6. If, on or after July 1, 2019, a local agency adopts an ordinance that eliminates zoning designations permissive to residential use or decreases residential zoning development capacity within an existing zoning district in which the development is located than what was authorized on July 1, 2019, then that development shall be deemed to be consistent with any applicable requirement of this section and Section 65913.6 if it complies with zoning designations

1 not in conflict with this section and Section 65913.6 that were  
2 authorized as of July 1, 2019.

3 (B) For purposes of this paragraph, “objective zoning standards”  
4 and “objective design review standards” means standards that  
5 involve no personal or subjective judgment by a public official  
6 and are uniformly verifiable by reference to an external and  
7 uniform benchmark or criterion available and knowable by both  
8 the development proponent and the public official before the  
9 development proponent submits an application pursuant to this  
10 section. These standards include, but are not limited to, height,  
11 setbacks, floor area ratio, and lot coverage. For purposes of this  
12 section and Section 65913.6, “objective zoning standard” does not  
13 include any limits related to residential density that would limit a  
14 development to fewer than four residential units per parcel.

15 (3) A local agency may require the neighborhood multifamily  
16 project to provide at least 0.5 parking spaces per unit.

17 (e) “Vacant land” means either of the following:

18 (1) A property that contains no existing structures.

19 (2) A property that contains at least one existing structure, but  
20 the structure or structures have been unoccupied for at least five  
21 years and are considered substandard as defined by Section 17920.3  
22 of the Health and Safety Code.

23 SEC. 3. Section 65913.6 is added to the Government Code, to  
24 read:

25 65913.6. (a) For purposes of this section, the definitions  
26 provided in Section 65913.5 shall apply.

27 (b) Except as provided in subdivision (g), a development  
28 proponent of a neighborhood multifamily project on an eligible  
29 parcel may submit an application for a development to be subject  
30 to a streamlined, ministerial approval process provided by this  
31 section and not be subject to a conditional use permit if the  
32 development meets the requirements of this section and Section  
33 65913.5.

34 (c) (1) If a local agency determines that a development  
35 submitted pursuant to this section is in conflict with any of the  
36 requirements specified in this section or Section 65913.5, it shall  
37 provide the development proponent written documentation of  
38 which requirement or requirements the development conflicts with,  
39 and an explanation for the reason or reasons the development  
40 conflicts with that requirement or requirements, within 60 days of

1 submission of the development to the local agency pursuant to this  
2 section.

3 (2) If the local agency fails to provide the required  
4 documentation pursuant to paragraph (1), the development shall  
5 be deemed to satisfy the requirements of this section and Section  
6 65913.5.

7 (d) Any design review or public oversight of the development  
8 may be conducted by the local agency's planning commission or  
9 any equivalent board or commission responsible for review and  
10 approval of development projects, or the city council or board of  
11 supervisors, as appropriate. That design review or public oversight  
12 shall be objective and be strictly focused on assessing compliance  
13 with criteria required for streamlined projects, as well as any  
14 reasonable objective design standards published and adopted by  
15 ordinance or resolution by a local agency before submission of a  
16 development application, and shall be broadly applicable to  
17 development within the local agency. That design review or public  
18 oversight shall be completed within 90 days of submission of the  
19 development to the local agency pursuant to this section and shall  
20 not in any way inhibit, chill, or preclude the ministerial approval  
21 provided by this section or its effect, as applicable.

22 (e) Notwithstanding any other law, a local agency, whether or  
23 not it has adopted an ordinance governing automobile parking  
24 requirements in multifamily developments, shall not impose  
25 automobile parking standards for a streamlined development that  
26 was approved pursuant to this section, including those related to  
27 orientation or structure of off-street automobile parking, beyond  
28 those provided in the minimum requirements of Section 65913.5.

29 (f) (1) If a local agency approves a development pursuant to  
30 this section, that approval shall automatically expire after three  
31 years except that a project may receive a one-time, one-year  
32 extension if the project proponent provides documentation that  
33 there has been significant progress toward getting the development  
34 construction ready. For purposes of this paragraph, "significant  
35 progress" includes filing a building permit application.

36 (2) If a local agency approves a development pursuant to this  
37 section, that approval shall remain valid for three years from the  
38 date of the final action establishing that approval and shall remain  
39 valid thereafter for a project so long as vertical construction of the  
40 development has begun and is in progress. Additionally, the



development proponent may request, and the local agency shall have discretion to grant, an additional one-year extension to the original three-year period. The local agency's action and discretion in determining whether to grant the foregoing extension shall be limited to considerations and process set forth in this section.

(g) This section shall not apply if the local agency finds that the development project as proposed would have a specific, adverse impact upon the public health or safety, including, but not limited to, fire safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

(h) A local agency shall not adopt any requirement, including, but not limited to, increased fees or inclusionary housing requirements, that applies to a project solely or partially on the basis that the project is eligible to receive ministerial or streamlined approval pursuant to this section.

(i) This section shall not affect a development proponent's ability to use any alternative streamlined by right permit processing adopted by a local agency, including the provisions of subdivision (i) of Section 65583.2 or 65913.4.

SEC. 4. Chapter 4.35 (commencing with Section 65918.50) is added to Division 1 of Title 7 of the Government Code, to read:

#### CHAPTER 4.35. EQUITABLE COMMUNITIES INCENTIVES

65918.50. For purposes of this chapter:

(a) "Development proponent" means an applicant who submits an application for an equitable communities incentive pursuant to this chapter.

(b) "Eligible applicant" means a development proponent ~~who receives~~ *whose development project meets the requirements of this chapter to receive* an equitable communities incentive.

(c) "FAR" means floor area ratio.

(d) “High-quality bus corridor” means a corridor with fixed route bus service that meets all of the following criteria:

(1) It has average service intervals for each line and in each direction of no more than 10 minutes during the three peak hours between 6 a.m. to 10 a.m., inclusive, and the three peak hours between 3 p.m. to 7 p.m., inclusive, on Monday through Friday.

(2) It has average service intervals for each line and in each direction of no more than 20 minutes during the hours of 6 a.m. to 10 p.m., inclusive, on Monday through Friday.

(3) It has average service intervals for each line and in each direction of no more than 30 minutes during the hours of 8 a.m. to 10 p.m., inclusive, on Saturday and Sunday.

(4) It has met the criteria specified in paragraphs (1) to (3), inclusive, for the five years preceding the date that a development proponent submits an application for approval of a residential development.

(e) (1) “Jobs-rich area” means an area identified by the Department of Housing and Community Development in consultation with the Office of Planning and Research that is high opportunity and either is jobs rich or would enable shorter commute distances based on whether, in a regional analysis, the tract meets both of the following:

(A) The tract is high opportunity, meaning its characteristics are associated with positive educational and economic outcomes for households of all income levels residing in the tract.

(B) The tract meets either of the following criteria:

(i) New housing sited in the tract would enable residents to live near more jobs than is typical for tracts in the region.

(ii) New housing sited in the tract would enable shorter commute distances for residents, relative to existing commute patterns and jobs-housing fit.

(2) The Department of Housing and Community Development shall, commencing on January 1, ~~2020~~, 2021, publish and update, every five years thereafter, a map of the state showing the areas identified by the department as “jobs-rich areas.”

(f) “Job-rich housing project” means a residential development within a jobs-rich area. A residential development shall be deemed to be within a jobs-rich area if both of the following apply:

(1) All parcels within the project have no more than 25 percent of their area outside of the jobs-rich area.

(2) No more than 10 percent of residential units or 100 units, whichever is less, of the development are outside of the jobs-rich area.

(g) “Local government” means a city, including a charter city, a county, or a city and county.

(h) “Major transit stop” means a rail transit station or a ferry terminal that is a major transit stop pursuant to subdivision (b) of Section 21155 of the Public Resources Code.

(i) “Potentially sensitive community” means any of the following:

(1) An area that is designated as “high segregation and poverty” or “low resource” on the 2019 Opportunity Maps developed by the California Tax Credit Allocation Committee.

(2) A census tract that is in the top 25 percent scoring census tracts from the internet-based CalEnviroScreen 3.0 tool.

(3) A qualified census tract identified by the United States Department of Housing and Urban Development for 2019.

(4) It is the intent of the Legislature to consider ~~all~~ both of the following:

(A) Identifying additional communities as potentially sensitive communities in inland areas, areas experiencing rapid change in housing cost, and other areas based on objective measures of community sensitivity.

(B) Application of the process for determining sensitive communities established in subdivision (d) of Section 65918.55 to the San Francisco Bay area.

(j) “Residential development” means a project with at least two-thirds of the square footage of the development designated for residential use.

(k) “Sensitive community” means either of the following:

(1) Except as provided in paragraph (2), an area identified pursuant to subdivision ~~(d)~~ (b) of Section ~~65918.55~~ 65918.58.

(2) In the Counties of Alameda, Contra Costa, Marin, Napa, Santa Clara, San Francisco, San Mateo, Solano, and Sonoma, areas designated by the Metropolitan Transportation Commission on December 19, 2018, as the intersection of disadvantaged and vulnerable communities as defined by the Metropolitan Transportation Commission and the San Francisco Bay Conservation and Development Commission, which identification

1 of a sensitive community shall be updated at least every five years  
2 by the Department of Housing and Community Development.

3 (l) “Tenant” means a person who does not own the property  
4 where they reside, including residential situations that are any of  
5 the following:

6 (1) Residential real property rented by the person under a  
7 long-term lease.

8 (2) A single-room occupancy unit.

9 (3) An accessory dwelling unit that is not subject to, or does  
10 not have a valid permit in accordance with, an ordinance adopted  
11 by a local agency pursuant to Section 65852.2.

12 (4) A residential motel.

13 (5) A mobilehome park, as governed under the Mobilehome  
14 Residency Law (Chapter 2.5 (commencing with Section 798) of  
15 Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational  
16 Vehicle Park Occupancy Law (Chapter 2.6 (commencing with  
17 Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code),  
18 the Mobilehome Parks Act (Part 2.1 (commencing with Section  
19 18200) of Division 13 of the Health and Safety Code), or the  
20 Special Occupancy Parks Act (Part 2.3 (commencing with Section  
21 18860) of Division 13 of the Health and Safety Code).

22 (6) Any other type of residential property that is not owned by  
23 the person or a member of the person’s household, for which the  
24 person or a member of the person’s household provides payments  
25 on a regular schedule in exchange for the right to occupy the  
26 residential property.

27 (m) “Transit-rich housing project” means a residential  
28 development, the parcels of which are all within a one-half mile  
29 radius of a major transit stop or a one-quarter mile radius of a stop  
30 on a high-quality bus corridor. A project shall be deemed to be  
31 within the radius if both of the following apply:

32 (1) All parcels within the project have no more than 25 percent  
33 of their area outside of a one-half mile radius of a major transit  
34 stop or a one-quarter mile radius of a stop on a high-quality bus  
35 corridor.

36 (2) No more than 10 percent of the residential units or 100 units,  
37 whichever is less, of the project are outside of a one-half mile  
38 radius of a major transit stop or a one-quarter mile radius of a stop  
39 on a high-quality bus corridor.

1     65918.51. ~~A~~(a) *Except as provided in subdivision (b) or*  
2 *Section 65918.58, on and after January 1, 2023, a local*  
3 *government shall, upon request of a development proponent, grant*  
4 *an equitable communities incentive, as specified in*~~Section~~  
5 ~~65918.53, Sections 65918.54 and 65918.55, when the development~~  
6 *proponent seeks and agrees to construct a multifamily residential*  
7 *development that satisfies the requirements specified in*~~Section~~  
8 ~~65918.52. Sections 65918.52 and 65918.53, and, if applicable,~~  
9 *Sections 65918.54 and 65918.55.*

10     (b) *A local government shall not be required to grant an*  
11 *equitable communities incentive pursuant to subdivision (a) if the*  
12 *local government has a local flexibility plan that has been reviewed*  
13 *and certified by the Department of Housing and Community*  
14 *Development pursuant to Section 65918.59.*

15     65918.52. ~~In order to be eligible for an equitable communities~~  
16 ~~incentive pursuant to this chapter, a~~ *A residential development*  
17 ~~shall meet is not eligible for an equitable communities incentive~~  
18 ~~pursuant to this chapter unless the residential development meets~~  
19 *all of the following criteria:*

20     (a) *The residential development is either a job-rich housing*  
21 *project or transit-rich housing project.*

22     (b) *The residential development is located on a site that meets*  
23 *the following requirements:*

24         (1) *At the time of application, the site is zoned to allow housing*  
25 *as an underlying use in the zone, including, but not limited to, a*  
26 *residential, mixed-use, or commercial zone, as defined and allowed*  
27 *by the local government.*

28         (2) *If the residential development is located within a coastal*  
29 *zone, as defined in Division 20 (commencing with Section 30000)*  
30 *of the Public Resources Code, the site*~~satisfies the requirements~~  
31 ~~specified in paragraph (2) of subdivision (a) of Section 65913.4.~~  
32 *meets the following conditions:*

33             (A) *The site satisfies the requirements specified in paragraph*  
34 *(2) of subdivision (a) of Section 65913.4.*

35             (B) *The site is located in a city that has a population equal to*  
36 *or greater than 50,000, based on the most recent United States*  
37 *Census Bureau data.*

38         (3) *The site is not located within any of the following:*

39             (A) ~~A coastal zone, as defined in Division 20 (commencing~~  
40 ~~with Section 30000) of the Public Resources Code, if the site is~~

1 also located in a city that has a population of less than 50,000,  
2 based on the most recent United States Census Bureau data.

3 (B)

4 (A) A very high fire hazard severity zone, as determined by the  
5 Department of Forestry and Fire Protection pursuant to Section  
6 51178, or within a very high fire hazard severity zone as indicated  
7 on maps adopted by the Department of Forestry and Fire Protection  
8 pursuant to Section 4202 of the Public Resources Code. A parcel  
9 is not ineligible within the meaning of this paragraph if it is either  
10 of the following:

11 (i) A site excluded from the specified hazard zones by a local  
12 agency, pursuant to subdivision (b) of Section 51179.

13 (ii) A site that has adopted fire hazard mitigation measures  
14 pursuant to existing building standards or state fire mitigation  
15 measures applicable to the development.

16 (C)

17 (B) A parcel for which either of the following apply:

18 (i) The parcel is a contributing parcel within a historic district  
19 established by an ordinance of the local government that was in  
20 effect as of December 31, 2010.

21 (ii) The parcel includes a structure that was listed on a state or  
22 federal register of historic resources before the date that the  
23 development proponent first submits an application for an equitable  
24 communities incentive pursuant to this chapter.

25 (e) ~~If the residential development is located within a county that~~  
26 ~~has a population equal to or less than 600,000, based on the most~~  
27 ~~recent United States Census Bureau data, the residential~~  
28 ~~development satisfies all of the following additional requirements:~~

29 (1) ~~The site satisfies the requirements specified in paragraph~~  
30 ~~(2) of subdivision (a) of Section 65913.4.~~

31 (2) ~~The site is not located within either of the following:~~

32 (A) ~~An architecturally or historically significant historic district,~~  
33 ~~as defined in subdivision (h) of Section 5020.1 of the Public~~  
34 ~~Resources Code.~~

35 (B) ~~A special flood hazard area subject to inundation by the 1~~  
36 ~~percent annual chance flood (100-year flood) as determined by~~  
37 ~~the Federal Emergency Management Agency in any official maps~~  
38 ~~published by the Federal Emergency Management Agency. If a~~  
39 ~~development proponent is able to satisfy all applicable federal~~  
40 ~~qualifying criteria in order to provide that the site satisfies this~~

1 ~~subparagraph and is otherwise eligible for streamlined approval~~  
2 ~~under this section, a local government shall not deny the application~~  
3 ~~on the basis that the development proponent did not comply with~~  
4 ~~any additional permit requirement, standard, or action adopted by~~  
5 ~~that local government that is applicable to that site. A development~~  
6 ~~may be located on a site described in this subparagraph if either~~  
7 ~~of the following are met:~~

8 ~~(i) The site has been subject to a Letter of Map Revision~~  
9 ~~prepared by the Federal Emergency Management Agency and~~  
10 ~~issued to the local jurisdiction.~~

11 ~~(ii) The site meets Federal Emergency Management Agency~~  
12 ~~requirements necessary to meet minimum flood plain management~~  
13 ~~criteria of the National Flood Insurance Program pursuant to Part~~  
14 ~~59 (commencing with Section 59.1) and Part 60 (commencing~~  
15 ~~with Section 60.1) of Subchapter B of Chapter I of Title 44 of the~~  
16 ~~Code of Federal Regulations.~~

17 ~~(3) The residential development has a minimum density of 30~~  
18 ~~dwelling units per acre in jurisdictions considered metropolitan,~~  
19 ~~as defined in subdivision (f) of Section 65583.2, or a minimum~~  
20 ~~density of 20 dwelling units per acre in jurisdictions considered~~  
21 ~~suburban, as defined in subdivision (e) of Section 65583.2.~~

22 ~~(4) The residential development is located within a one-half~~  
23 ~~mile radius of a major transit stop and within a city with a~~  
24 ~~population greater than 50,000.~~

25 ~~(d) (1) If the local government has adopted an inclusionary~~  
26 ~~housing ordinance requiring that the development include a certain~~  
27 ~~number of units affordable to households with incomes that do not~~  
28 ~~exceed the limits for moderate income, lower income, very low~~  
29 ~~income, or extremely low income specified in Sections 50079.5,~~  
30 ~~50093, 50105, and 50106 of the Health and Safety Code, and that~~  
31 ~~ordinance requires that a new development include levels of~~  
32 ~~affordable housing in excess of the requirements specified in~~  
33 ~~paragraph (2), the residential development complies with that~~  
34 ~~ordinance. The ordinance may provide alternative means of~~  
35 ~~compliance that may include, but are not limited to, in-lieu fees,~~  
36 ~~land dedication, offsite construction, or acquisition and~~  
37 ~~rehabilitation of existing units.~~

38 ~~(2) (A) If the local government has not adopted an inclusionary~~  
39 ~~housing ordinance, as described in paragraph (1), the residential~~  
40 ~~development includes an affordable housing contribution for~~

~~households with incomes that do not exceed the limits for extremely low income, very low income, and low income specified in Sections 50093, 50105, and 50106 of the Health and Safety Code.~~

~~(B) For purposes of this paragraph, the residential development is subject to one of the following, as applicable:~~

~~(i) If the project has 10 or fewer units, no affordability contribution is imposed.~~

~~(ii) If the project has 11 to 20 residential units, the development proponent may pay an in-lieu fee to the local government for affordable housing, where feasible, pursuant to subparagraph (C).~~

~~(iii) If the project has more than 20 residential units, the development proponent shall do either of the following:~~

~~(I) Make a comparable affordability contribution toward housing offsite that is affordable to lower income households, pursuant to subparagraph (C).~~

~~(II) Include units on the site of the project that are affordable to extremely low income, very low income, or lower income households, as defined in Sections 50079.5, 50105, and 50106 of the Health and Safety Code, as follows:~~

Project Size	Inclusionary Requirement
<del>21–200 units</del>	<del>15% lower income; or 8% very low income; or 6% extremely low income</del>
<del>201–350 units</del>	<del>17% lower income; or 10% very low income; or 8% extremely low income</del>
<del>351 or more units</del>	<del>25% lower income; or 15% very low income; or 11% extremely low income</del>

~~(C) (i) The development proponent of a project that qualifies pursuant to clause (ii) or subclause (I) of clause (iii) of subparagraph (B) may make a comparable affordability contribution toward housing offsite that is affordable to lower income households, pursuant to this subparagraph.~~

~~(ii) For the purposes of this subparagraph, “comparable affordability contribution” means either a dedication of land or direct in-lieu fee payment to a housing provider that proposes to~~



1 build a residential development in which 100 percent of the units,  
2 excluding manager's units, are sold or rented at affordable housing  
3 cost, as defined in Section 50052.5 of the Health and Safety Code,  
4 or affordable rent, as defined in Section 50053 of the Health and  
5 Safety Code, subject to all of the following conditions:

6 (I) ~~The site, and if applicable, the dedicated land, is located~~  
7 ~~within a one-half mile of the qualifying project.~~

8 (II) ~~The site, and if applicable, the dedicated land, is eligible~~  
9 ~~for an equitable communities incentive.~~

10 (III) ~~The residential development that receives a dedication of~~  
11 ~~land or in-lieu fee payment pursuant to this paragraph provides~~  
12 ~~the same number of affordable units at the same income category,~~  
13 ~~which would have been required onsite for the qualifying project~~  
14 ~~pursuant to subclause (II) of clause (iii) of subparagraph (B) of~~  
15 ~~paragraph (2).~~

16 (IV) ~~The value of the dedicated land or in-lieu fee payment must~~  
17 ~~be at least equal to the capitalized value of the forgone revenue~~  
18 ~~that the development proponent would have incurred if the~~  
19 ~~qualifying project had provided the required number and type of~~  
20 ~~affordable units onsite.~~

21 (V) ~~If the qualifying project includes 21 or more units of~~  
22 ~~housing, the comparable affordability contribution is subject to a~~  
23 ~~recorded covenant with the local jurisdiction. A copy of the~~  
24 ~~covenant shall be provided to the Department of Housing and~~  
25 ~~Community Development.~~

26 (iii) ~~For the purposes of this subparagraph, "qualifying project"~~  
27 ~~means a project that receives an equitable communities incentive~~  
28 ~~by providing a comparable affordability contribution.~~

29 (iv) ~~The qualifying development shall not be issued a certificate~~  
30 ~~of occupancy before the residential development receiving a~~  
31 ~~dedication of land or direct in-lieu fee payment pursuant to this~~  
32 ~~subparagraph receives a building permit.~~

33 (D) ~~Affordability of units pursuant to this paragraph shall be~~  
34 ~~restricted by deed for a period of 55 years for rental units or 45~~  
35 ~~years for units offered for sale.~~

36 (e)

37 (c) ~~The site does not contain, or has not contained, either of the~~  
38 ~~following:~~

39 (1) ~~Housing occupied by tenants within the seven years~~  
40 ~~preceding the date of the application, including housing that has~~

1 been demolished or that tenants have vacated prior to the  
2 application for a development permit.

3 (2) A parcel or parcels on which an owner of residential real  
4 property has exercised their rights under Chapter 12.75  
5 (commencing with Section 7060) of Division 7 of Title 1 to  
6 withdraw accommodations from rent or lease within 15 years prior  
7 to the date that the development proponent submits an application  
8 pursuant to this chapter.

9 ~~(f)~~

10 (d) The residential development complies with all applicable  
11 labor, construction employment, and wage standards otherwise  
12 required by law and any other generally applicable requirement  
13 regarding the approval of a development project, including, but  
14 not limited to, the local government's conditional use or other  
15 discretionary permit approval process, the California  
16 Environmental Quality Act (Division 13 (commencing with Section  
17 21000) of the Public Resources Code), or a streamlined approval  
18 process that includes labor protections.

19 ~~(g)~~

20 (e) The residential development complies with all other relevant  
21 standards, requirements, and prohibitions imposed by the local  
22 government regarding architectural design, restrictions on or  
23 oversight of demolition, impact fees, and community benefits  
24 agreements.

25 ~~(h)~~

26 (f) The equitable communities incentive shall not be used to  
27 undermine the economic feasibility of delivering low-income  
28 housing under the state density bonus program or a local  
29 implementation of the state density bonus program, or any locally  
30 adopted program that puts conditions on new development  
31 applications on the basis of receiving a zone change or general  
32 plan amendment in exchange for benefits such as increased  
33 affordable housing, local hire, or payment of prevailing wages.

34 ~~65918.53. (a) (1) Any transit-rich or job-rich housing project~~  
35 ~~within a county that has a population greater than 600,000, based~~  
36 ~~on the most recent United States Census Bureau data, that meets~~  
37 ~~the criteria specified in Section 65918.52 shall receive, upon~~  
38 ~~request, an equitable communities incentive as follows:~~

1     65918.53. A residential development is not eligible for an  
2     equitable communities incentive pursuant to this chapter unless  
3     the residential development meets all of the following criteria:

4     (a) If the local government has adopted an inclusionary housing  
5     ordinance requiring that the development include a certain number  
6     of units affordable to households with incomes that do not exceed  
7     the limits for moderate income, lower income, very low income,  
8     or extremely low income specified in Sections 50079.5, 50093,  
9     50105, and 50106 of the Health and Safety Code, and that  
10    ordinance requires that a new development include levels of  
11    affordable housing in excess of the requirements specified in  
12    paragraph (2), the residential development complies with that  
13    ordinance. The ordinance may provide alternative means of  
14    compliance that may include, but are not limited to, in-lieu fees,  
15    land dedication, offsite construction, or acquisition and  
16    rehabilitation of existing units.

17    (b) (1) If the local government has not adopted an inclusionary  
18    housing ordinance, as described in subdivision (a), the residential  
19    development includes an affordable housing contribution for  
20    households with incomes that do not exceed the limits for extremely  
21    low income, very low income, and low income specified in Sections  
22    50093, 50105, and 50106 of the Health and Safety Code.

23    (2) For purposes of this subdivision, a residential development  
24    satisfies the affordable housing contribution requirement of this  
25    subdivision if the residential development is subject to one of the  
26    following, as applicable:

27    (A) If the project has 10 or fewer units, no affordability  
28    contribution is imposed.

29    (B) If the project has 11 to 20 residential units, the development  
30    proponent may pay an in-lieu fee to the local government for  
31    affordable housing, where feasible, pursuant to paragraph (3).

32    (C) If the project has more than 20 residential units, the  
33    development proponent shall do either of the following:

34    (i) Make a comparable affordability contribution toward housing  
35    offsite that is affordable to lower income households, pursuant to  
36    paragraph (3).

37    (ii) Include units on the site of the project that are affordable  
38    to extremely low income, very low income, or lower income  
39    households, as defined in Sections 50079.5, 50105, and 50106 of  
40    the Health and Safety Code, as follows:

1	<i>Project Size</i>	<i>Inclusionary Requirement</i>
2	21–200 units	15% lower income; or
3		8% very low income; or
4		6% extremely low income
5	201–350 units	17% lower income; or
6		10% very low income; or
7		8% extremely low income
8	351 or more units	25% lower income; or
9		15% very low income; or
10		11% extremely low income

11  
 12 (3) (A) The development proponent of a project that qualifies  
 13 pursuant to subparagraph (B) of, or clause (i) of subparagraph  
 14 (C) of, paragraph (2) may make a comparable affordability  
 15 contribution toward housing offsite that is affordable to lower  
 16 income households, pursuant to this paragraph.

17 (B) For the purposes of this paragraph, “comparable  
 18 affordability contribution” means either a dedication of land or  
 19 direct in-lieu fee payment to a housing provider that proposes to  
 20 build a residential development in which 100 percent of the units,  
 21 excluding manager’s units, are sold or rented at affordable housing  
 22 cost, as defined in Section 50052.5 of the Health and Safety Code,  
 23 or affordable rent, as defined in Section 50053 of the Health and  
 24 Safety Code, subject to all of the following conditions:

25 (i) The site, and, if applicable, the dedicated land are located  
 26 within a one-half mile of the qualifying project.

27 (ii) The site, and, if applicable, the dedicated land are eligible  
 28 for an equitable communities incentive.

29 (iii) The residential development that receives a dedication of  
 30 land or in-lieu fee payment pursuant to this paragraph provides  
 31 the same number of affordable units at the same income category  
 32 that would have been required on the site of the qualifying project  
 33 pursuant to clause (ii) of subparagraph (C) of paragraph (2) for  
 34 the qualifying project to be eligible for an equitable community  
 35 incentive if the development proponent did not make a comparable  
 36 affordability contribution.

37 (iv) The value of the dedicated land or in-lieu fee payment is at  
 38 least equal to the capitalized value of the forgone revenue that the  
 39 development proponent would have incurred if the qualifying

1 *project has provided the required number and type of affordable*  
2 *units onsite.*

3 *(v) If the qualifying project includes 21 or more units of housing,*  
4 *the comparable affordability contribution is subject to a recorded*  
5 *covenant with the local jurisdiction. A copy of the covenant shall*  
6 *be provided to the Department of Housing and Community*  
7 *Development.*

8 *(C) For the purposes of this paragraph, “qualifying project”*  
9 *means a project that receives an equitable communities incentive*  
10 *by providing a comparable affordability contribution.*

11 *(D) The qualifying development shall not be issued a certificate*  
12 *of occupancy before the residential development receiving a*  
13 *dedication of land or direct in-lieu fee payment pursuant to this*  
14 *paragraph receives a building permit.*

15 *(4) The affordability of units made affordable to meet the*  
16 *requirements of this subdivision shall be restricted by deed for a*  
17 *period of 55 years for rental units or 45 years for units offered for*  
18 *sale.*

19 *(c) Residents living within one-half mile of the development at*  
20 *time of application shall receive priority for the following:*

21 *(1) Forty percent of the affordable housing units in the*  
22 *development that are reserved for lower income households.*

23 *(2) Forty percent of the affordable housing units in the*  
24 *development that are reserved for very low income households.*

25 *(3) Forty percent of the affordable housing units in the*  
26 *development that are reserved for extremely low income*  
27 *households.*

28 *65918.54. An eligible applicant that proposes a residential*  
29 *development within a county that has a population greater than*  
30 *600,000, based on the most recent United States Census Bureau*  
31 *data, shall receive, upon request, an equitable communities*  
32 *incentive as follows:*

33 *(a) If the residential development is a transit-rich or job-rich*  
34 *housing project, the applicant shall receive both of the following:*

35 ~~(A)~~

36 *(1) A waiver from maximum controls on density.*

37 ~~(B)~~

38 *(2) A waiver from minimum automobile parking requirements*  
39 *greater than 0.5 automobile parking spots per unit.*

40 ~~(2) An eligible applicant proposing a~~

~~(b) If the residential development within a county that has a population greater than 600,000, based on the most recent United States Census Bureau data, that is located within a one-half mile radius, but outside a one-quarter mile radius, of a major transit stop stop, the applicant shall receive, in addition to the incentives specified in paragraph (1), subdivision (a), waivers from all of the following:~~

~~(A)~~

~~(1) Maximum height requirements less than 45 feet.~~

~~(B)~~

~~(2) Any requirement governing the relationship between the size of the parcel and the area that the building may occupy that would restrict the structure to a FAR of less than 2.5.~~

~~(C)~~

~~(3) Notwithstanding subparagraph (B) of paragraph (1), paragraph (2) of subdivision (a), any minimum automobile parking requirement.~~

~~(3) An eligible applicant proposing a~~

~~(c) If the residential development within a county that has a population greater than 600,000, based on the most recent United States Census Bureau data, that is located within a one-quarter mile radius of a major transit stop stop, the applicant shall receive, in addition to the incentives specified in paragraph (1), subdivision (a), waivers from all of the following:~~

~~(A)~~

~~(1) Maximum height requirements less than 55 feet.~~

~~(B)~~

~~(2) Any requirement governing the relationship between the size of the parcel and the area that the building may occupy that would restrict the structure to a FAR of less than 3.25.~~

~~(C)~~

~~(3) Notwithstanding paragraph (2) of subdivision (a), any minimum automobile parking requirement.~~

~~(b) A residential development within a county that has a population less than or equal to 600,000, based on the most recent United States Census Bureau data, that meets the criteria specified in Section 65918.52 shall receive, upon request, an equitable communities incentive as follows:~~

~~(1) A waiver from maximum controls on density, subject to paragraph (3) of subdivision (c) of Section 65918.52.~~

1     ~~(2) A waiver from maximum height limitations less than or~~  
2 ~~equal to one story, or 15 feet, above the highest allowable height~~  
3 ~~for mixed use or residential use. For purposes of this paragraph,~~  
4 ~~“highest allowable height” means the tallest height, including~~  
5 ~~heights that require conditional approval, allowable pursuant to~~  
6 ~~zoning and any specific or area plan that covers the parcel.~~

7     ~~(3) Any requirement governing the relationship between the~~  
8 ~~size of the parcel and the area that the building may occupy that~~  
9 ~~would restrict the structure to a FAR of less than 0.6 times the~~  
10 ~~number of stories proposed for the project.~~

11     ~~(4) A waiver from minimum automobile parking requirements,~~  
12 ~~as follows:~~

13     ~~(A) If the residential development is located within a one-quarter~~  
14 ~~mile radius of a rail transit station in a city with a population of~~  
15 ~~greater than 100,000, based on the most recent United States~~  
16 ~~Census Bureau data, the residential development project shall~~  
17 ~~receive a waiver from any minimum automobile parking~~  
18 ~~requirement.~~

19     ~~(B) If the residential development does not meet the criteria~~  
20 ~~specified in clause (i), the residential development project shall~~  
21 ~~receive a waiver from minimum automobile parking requirements~~  
22 ~~of more than 0.5 parking spaces per unit.~~

23     ~~(c) Notwithstanding any other law, a project that qualifies for~~  
24 ~~an equitable communities incentive may also apply for a density~~  
25 ~~bonus, incentives or concessions, and parking ratios in accordance~~  
26 ~~with subdivision (b) of Section 65915. To calculate a density bonus~~  
27 ~~for a project that receives an equitable communities incentive, the~~  
28 ~~“otherwise maximum allowable gross residential density” as~~  
29 ~~described in subdivision (f) of Section 65915 shall be equal to the~~  
30 ~~proposed number of units in, or the proposed square footage of,~~  
31 ~~the residential development after applying the equitable~~  
32 ~~communities incentive received pursuant to this chapter. In no~~  
33 ~~case may a city, county, or city and county apply any development~~  
34 ~~standard that will have the effect of physically precluding the~~  
35 ~~construction of a development meeting the criteria of this chapter~~  
36 ~~and subdivision (b) of Section 65915 at the unit count or square~~  
37 ~~footage or with the concessions or incentives permitted by this~~  
38 ~~chapter and as may be increased under Section 65915 in accordance~~  
39 ~~with this subdivision, but no additional waivers or reductions of~~

1 development standards, as described in subdivision (c) of Section  
2 65915 shall be permitted.

3 ~~(d) The local government shall grant an incentive requested by~~  
4 ~~an eligible applicant pursuant to this chapter unless the local~~  
5 ~~government makes a written finding, based on substantial evidence,~~  
6 ~~that the incentive would have a specific, adverse impact on any~~  
7 ~~real property or historic district that is listed on a federal or state~~  
8 ~~register of historical resources and for which there is no feasible~~  
9 ~~method to satisfactorily mitigate or avoid the specific, adverse~~  
10 ~~impact without rendering the development unaffordable.~~

11 ~~(e) An eligible applicant proposing a project that meets all of~~  
12 ~~the requirements under Section 65913.4 may submit an application~~  
13 ~~for streamlined, ministerial approval in accordance with that~~  
14 ~~section.~~

15 ~~(f) The local government may modify or expand the terms of~~  
16 ~~an equitable communities incentive provided pursuant to this~~  
17 ~~chapter, provided that the equitable communities incentive is~~  
18 ~~consistent with, and meets the minimum standards specified in,~~  
19 ~~this chapter.~~

20 *65918.55. (a) An eligible applicant that proposes a residential*  
21 *development within a county that has a population less than or*  
22 *equal to 600,000, based on the most recent United States Census*  
23 *Bureau data, that meets all of the requirements in subdivision (b)*  
24 *shall receive, upon request, an equitable communities incentive*  
25 *as follows:*

26 *(1) A waiver from maximum controls on density.*

27 *(2) A waiver from maximum height limitations less than or equal*  
28 *to one story, or 15 feet, above the highest allowable height for*  
29 *mixed use or residential use. For purposes of this paragraph,*  
30 *“highest allowable height” means the tallest height, including*  
31 *heights that require conditional approval, allowable pursuant to*  
32 *zoning and any specific or area plan that covers the parcel.*

33 *(3) Any requirement governing the relationship between the*  
34 *size of the parcel and the area that the building may occupy that*  
35 *would restrict the structure to a FAR of less than 0.6 times the*  
36 *number of stories proposed for the project.*

37 *(4) A waiver from minimum automobile parking requirements,*  
38 *as follows:*

39 *(A) If the residential development is located within a one-quarter*  
40 *mile radius of a rail transit station in a city with a population of*



1 greater than 100,000, based on the most recent United States  
2 Census Bureau data, the residential development project shall  
3 receive a waiver from any minimum automobile parking  
4 requirement.

5 (B) If the residential development does not meet the criteria  
6 specified in subparagraph (A), the residential development project  
7 shall receive a waiver from minimum automobile parking  
8 requirements of more than 0.5 parking spaces per unit.

9 (b) To be eligible for an equitable communities incentive  
10 outlined in subdivision (a), a residential development shall meet  
11 all of the following requirements:

12 (1) The site satisfies the requirements specified in paragraph  
13 (2) of subdivision (a) of Section 65913.4.

14 (2) The site is not located within either of the following:

15 (A) An architecturally or historically significant historic district,  
16 as defined in subdivision (h) of Section 5020.1 of the Public  
17 Resources Code.

18 (B) A special flood hazard area subject to inundation by the  
19 1-percent annual chance flood (100-year flood), as determined by  
20 the Federal Emergency Management Agency in any official maps  
21 published by the Federal Emergency Management Agency. If a  
22 development proponent is able to satisfy all applicable federal  
23 qualifying criteria in order to provide that the site satisfies this  
24 subparagraph and is otherwise eligible for an equitable  
25 communities incentive under this chapter, a local government shall  
26 not deny the application on the basis that the development  
27 proponent did not comply with any additional permit requirement,  
28 standard, or action adopted by that local government that is  
29 applicable to that site. A development may be located on a site  
30 described in this subparagraph if either of the following are met:

31 (i) The site has been subject to a Letter of Map Revision  
32 prepared by the Federal Emergency Management Agency and  
33 issued to the local jurisdiction.

34 (ii) The site meets Federal Emergency Management Agency  
35 requirements necessary to meet minimum flood plain management  
36 criteria of the National Flood Insurance Program pursuant to Part  
37 59 (commencing with Section 59.1) and Part 60 (commencing with  
38 Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code  
39 of Federal Regulations.

1     (3) *The residential development has a minimum density of 30*  
2 *dwelling units per acre in jurisdictions considered metropolitan,*  
3 *as defined in subdivision (f) of Section 65583.2, or a minimum*  
4 *density of 20 dwelling units per acre in jurisdictions considered*  
5 *suburban, as defined in subdivision (e) of Section 65583.2.*

6     (4) *The residential development is located within a one-half*  
7 *mile radius of a major transit stop and within a city with a*  
8 *population greater than 50,000.*

9     (c) *Notwithstanding any other law, a project that qualifies for*  
10 *an equitable communities incentive may also apply for a density*  
11 *bonus, incentives or concessions, and parking ratios in accordance*  
12 *with subdivision (b) of Section 65915. To calculate a density bonus*  
13 *for a project that receives an equitable communities incentive, the*  
14 *“otherwise maximum allowable gross residential density,” as*  
15 *described in subdivision (f) of Section 65915, shall be equal to the*  
16 *proposed number of units in, or the proposed square footage of,*  
17 *the residential development after applying the equitable*  
18 *communities incentive received pursuant to this chapter. In no*  
19 *case may a city, county, or city and county apply any development*  
20 *standard that will have the effect of physically precluding the*  
21 *construction of a development meeting the criteria of this chapter*  
22 *and subdivision (b) of Section 65915 at the unit count or square*  
23 *footage or with the concessions or incentives permitted by this*  
24 *chapter and as may be increased under Section 65915 in*  
25 *accordance with this subdivision, but no additional waivers or*  
26 *reductions of development standards, as described in subdivision*  
27 *(e) of Section 65915 shall be permitted.*

28     65918.56. (a) *The local government shall grant an incentive*  
29 *requested by an eligible applicant pursuant to this chapter unless*  
30 *the local government makes a written finding, based on substantial*  
31 *evidence, that the incentive would have a specific, adverse impact*  
32 *on any real property or historic district that is listed on a federal*  
33 *or state register of historical resources and for which there is no*  
34 *feasible method to satisfactorily mitigate or avoid the specific,*  
35 *adverse impact without rendering the development unaffordable.*

36     (b) *An eligible applicant proposing a project that meets all of*  
37 *the requirements under Section 65913.4 may submit an application*  
38 *for streamlined, ministerial approval in accordance with that*  
39 *section.*

1     (c) *The local government may modify or expand the terms of*  
2 *an equitable communities incentive provided pursuant to this*  
3 *chapter, provided that the equitable communities incentive is*  
4 *consistent with, and meets the minimum standards specified in,*  
5 *this chapter.*

6     ~~65918.54.~~

7     65918.57. The Legislature finds and declares that this chapter  
8 addresses a matter of statewide concern rather than a municipal  
9 affair as that term is used in Section 5 of Article XI of the  
10 California Constitution. Therefore, this chapter applies to all cities,  
11 including charter cities.

12     ~~65918.55.~~

13     65918.58. (a) On or before July 1, ~~2020~~, 2023, Sections  
14 65918.51 to 65918.54, inclusive, shall not apply to a potentially  
15 sensitive community. After July 1, ~~2020~~, 2023, Sections 65918.51  
16 to 65918.54, inclusive, shall apply in any potentially sensitive  
17 community that is not identified as a sensitive community pursuant  
18 to subdivision (b).

19     (b) On or before July 1, ~~2020~~, 2023, sensitive communities in  
20 each county shall be identified and mapped in accordance with the  
21 following:

22     (1) The council of governments, or the county board of  
23 supervisors in a county without a council of governments, shall  
24 establish a working group comprised of residents of potentially  
25 sensitive communities within the county, ensuring equitable  
26 representation of vulnerable populations, including, but not limited  
27 to, renters, low-income people, and members of classes protected  
28 under the California Fair Employment and Housing Act (Part 2.8  
29 (commencing with Section 12900) of Division 3 of Title 2).

30     (2) The working group shall develop a map of sensitive  
31 communities within the county, which shall include some or all  
32 of the areas identified as potentially sensitive communities pursuant  
33 to subdivision (i) of Section 65918.50. The working group shall  
34 prioritize the input of residents from each potentially sensitive  
35 community in making a determination about that community.

36     (3) Each board of supervisors or council of governments shall  
37 adopt the sensitive communities map for the county, along with  
38 an explanation of the composition and function of the working  
39 group and the community process and methodology used to create  
40 the maps, at a public hearing held on or before July 1, ~~2020~~, 2023.

(c) Sections 65918.51 to 65918.54, inclusive, shall apply in a sensitive community on and after January 1, 2026, unless the city or county in which the sensitive community is located has adopted a community plan for an area that includes the sensitive community that is aimed toward increasing residential density and multifamily housing choices near transit stops and meets all of the following:

(1) The community plan is not in conflict with the goals of this chapter.

(2) The community plan permits increased density and multifamily development near transit, with all upzoning linked to onsite affordable housing requirements that meet or exceed the affordable housing requirements in Sections 65918.51 to 65918.54, inclusive. Community plans shall, at a minimum, be consistent with the overall residential development capacity and the minimum affordability standards set forth in Sections 65918.51 to 65918.54, inclusive, within the boundaries of the community plan.

(3) The community plan includes provisions to protect vulnerable residents from displacement.

(4) The community plan promotes economic justice for workers and residents.

(5) The community plan was developed in partnership with at least one of the following:

(A) A nonprofit or community organization that focuses on organizing low-income residents in the sensitive community.

(B) A nonprofit or community organization that focuses on organizing low-income residents in the jurisdiction.

(C) If there are no nonprofit or community organizations working within the sensitive community or the jurisdiction, a nonprofit with demonstrated experience conducting outreach to low-income communities.

(6) Residents of the sensitive community are engaged throughout the planning process, including through at least three community meetings that are held at times and locations accessible to low-income residents.

(7) All public documents and meetings related to the planning process are translated into all languages spoken by at least 25 percent of residents of the sensitive community.

(8) The community plan is adopted before July 1, 2025.

(d) Each city and each county shall make reasonable efforts to develop a community plan for any sensitive communities within

1 its jurisdiction. A community plan may address other locally  
2 identified priorities, provided they are not in conflict with the intent  
3 of this chapter or any other law. A city or county may designate a  
4 community plan adopted before July 1, ~~2020~~, 2023, as the plan  
5 that meets the requirements of this ~~paragraph~~, *subdivision*, provided  
6 that the plan meets all criteria in this section.

7 (e) Notwithstanding any other provision of this section, Sections  
8 65918.51 to 65918.54, inclusive, shall apply in any sensitive  
9 community if all of the following apply:

10 (1) At least 20 percent of adult residents of the sensitive  
11 community sign a petition attesting that the community desires to  
12 make the provisions of Sections 65918.51 to 65918.54, inclusive,  
13 applicable in the area. The petition shall describe in plain language  
14 the planning standards set forth in Sections 65918.51 to 65918.54,  
15 inclusive; be translated into all languages spoken by at least 25  
16 percent of residents in the affected area; and collect contact  
17 information from signatories to the petition, including first, middle,  
18 and last name, mailing address, and phone number and email  
19 address if available.

20 (2) The local government has verified the petition to ensure  
21 compliance with paragraph (1).

22 (3) Following signature verification, the ~~local government~~ *city*  
23 *or county* provides public notice and opportunity to comment to  
24 residents of the affected area and holds a minimum of three public  
25 hearings in the affected area at a time and in a place and manner  
26 accessible to low-income residents and other vulnerable  
27 populations.

28 (4) The governing body for the city or county in which the  
29 sensitive community is located determines, by majority vote, to  
30 apply this chapter in the affected area.

31 (f) It is the intent of the Legislature to consider all of the  
32 following:

33 (1) Tasking local government entities with greater community  
34 connection with convening and administering the process for  
35 identifying sensitive communities.

36 (2) Requiring review by the Department of Housing and  
37 Community Development of the designation of sensitive  
38 communities.

39 *65918.59. (a) On or before July 1, 2021, the Governor's Office*  
40 *of Planning and Research, in consultation with the Department*

1 of Housing and Community Development, shall develop and  
2 publish on its internet website rules, regulations, or guidelines for  
3 the submission and approval of a local flexibility plan. The rules,  
4 regulations, or guidelines shall include requirements that the local  
5 government demonstrate that the local flexibility plan would do  
6 the following:

7 (1) Affirmatively further fair housing, as that term is defined in  
8 Section 8899.50, to an extent as great or greater than if the local  
9 government were to grant equitable communities incentives in  
10 fulfillment of Section 65918.51.

11 (2) Achieve a standard of transportation efficiency as great or  
12 greater than if the local government were to grant equitable  
13 communities incentives in fulfillment of Section 65918.51.

14 (3) Increase overall feasible housing capacity for households  
15 of lower, moderate, and above moderate incomes, considering  
16 economic factors such as cost of likely construction types,  
17 affordable housing requirements, and the impact of local  
18 development fees.

19 (b) On or after July 1, 2021, a local government may submit a  
20 local flexibility plan for review and approval by the Department  
21 of Housing and Community Development pursuant to the rules,  
22 regulations, or guidelines adopted pursuant to subdivision (a).

23 (c) A local government submitting a local flexibility plan and  
24 the Department of Housing and Community Development shall  
25 process, review, and certify the local flexibility plan as  
26 expeditiously as possible after local community planning and  
27 stakeholder outreach is complete.

28 (d) Any rule, regulation, or guideline developed and published  
29 by the Governor's Office of Planning and Research pursuant to  
30 this section shall not be subject to Chapter 3.5 (commencing with  
31 Section 11340) of Part 1 of Division 3 of Title 2.

32 SEC. 5. No reimbursement is required by this act pursuant to  
33 Section 6 of Article XIII B of the California Constitution because  
34 a local agency or school district has the authority to levy service  
35 charges, fees, or assessments sufficient to pay for the program or  
36 level of service mandated by this act, within the meaning of Section  
37 17556 of the Government Code.