



CITY *of* CALABASAS

**CITY COUNCIL AGENDA**

**REGULAR MEETING – WEDNESDAY, MARCH 24, 2021**

**VIA ZOOM TELECONFERENCE**

[www.cityofcalabasas.com](http://www.cityofcalabasas.com)

**IMPORTANT NOTICE REGARDING THE MARCH 24, 2021, COUNCIL MEETING**

This meeting is being conducted utilizing teleconferencing and electronic means consistent with Governor Newsom’s Executive Order N-29-20, regarding the COVID-19 pandemic. The live stream of the meeting may be viewed on the City’s CTV Channel 3 and/or online at <http://www.cityofcalabasas.com/>. In accordance with the Governor’s Executive Order, the public may participate in the meeting using the following steps:

From a PC, Mac, iPhone or Android device please go to:

<https://us02web.zoom.us/j/87165951533?pwd=c3ZDM2orYWtpSVFFVWFWR000cVE2UT09>

Webinar ID: 871 6595 1533

Passcode: 433537

Or iPhone one-tap:

US: +1-669-900-9128,, 87165951533# or +1-253-215-8782,, 87165951533#

Or Telephone: Dial(for higher quality, dial a number based on your current location):

US: +1-669-900-9128 or +1-253-215-8782 or +1-346-248-7799 or +1-646  
558-8656 or +1-301-715-8592 or +1-312-626-6799

International numbers available: <https://us02web.zoom.us/j/87165951533?pwd=c3ZDM2orYWtpSVFFVWFWR000cVE2UT09>

In the event a quorum of the City Council loses electrical power or suffers an internet connection outage not corrected within 15 minutes, the meeting will be adjourned. Any items noticed as public hearings will be continued to the next regularly scheduled meeting of the City Council. Any other agenda items the Council has not taken action on will be placed on a future agenda.

Please access a [Guide to Virtual Meeting Participation](#) for more information on how to join City Council or Commission meetings.

Any legal action by an applicant, appellant, or other person, seeking to obtain judicial review of any City Council decisions may be subject to the 90-day filing period of, and governed by, Code of Civil Procedure sections 1094.5 and 1094.6.

### **CLOSED SESSION – 6:00 P.M.**

1. Conference with Real Property Negotiator  
(Gov't Code §54956.8)  
Property Address: 27040 Malibu Hills Rd, Calabasas, CA 91301  
Agency Negotiator: Kindon Meik, City Manager  
Negotiating Party: City of Agoura Hills  
Under Negotiation: Price and Terms of Payment
2. Public Employee Performance Evaluation (Gov. Code § 54957)  
Position Title: City Manager

### **OPENING MATTERS – 7:00 P.M.**

Call to Order/Roll Call of Councilmembers  
Pledge of Allegiance  
Approval of Agenda

### **PRESENTATIONS – 7:15 P.M.**

- Recognition of resident Grace Montano for being a Calabasas hero
- By Christopher Moore, Local Government Liaison, [California Public Utilities Commission](#)

### **ANNOUNCEMENTS/INTRODUCTIONS – 7:35 P.M.**

### **ORAL COMMUNICATION – PUBLIC COMMENT – 7:45 P.M.**

### **CONSENT ITEMS – 7:55 P.M.**

1. [Approval of minutes of March 10, 2021](#)
2. [Adoption of Resolution No. 2021-1719, reaffirming and extending the existence of a Local State of Emergency due to the Novel Coronavirus COVID-19 Pandemic](#)
3. [Adoption of Resolution 2021-1720, directing the transfer of \\$200,000 from the AB939 fund to the Rondell Smart Park Project to cover cost of the site preparation work for installation of electric vehicle charging stations](#)
4. [Adoption of Resolution No. 2021-1721, executing the Master Agreement No. 00587S and Program Supplement Agreement No. W06 to fund development of a Local Road Safety Plan \(LRSP\)](#)

5. [Adoption of Ordinance No. 2021-392, amending Section 17.22.020 of the Calabasas Municipal Code \(Density Bonus Provisions\), as required to comply with the provisions of California Assembly Bill 2345 \(AB2345\)](#)
6. [Consideration and approval of Dennis Washburn's appointment to the Art in Public Places Advisory Committee](#)
7. [Adoption of Resolution No. 2021-1722, approving a renewal of the General Services Agreement with Los Angeles County ending June 30, 2026](#)
8. [Approval and adoption of Policies and Procedures for City review and acceptance by the City of donated memorials and plaques](#)
9. [Adoption of Resolution No. 2021-1723, amending Resolution No. 2017-1571 establishing the amount and procedure for health benefit reimbursement for management retirees](#)

#### **CONTINUED BUSINESS – 8:05 P.M.**

10. [City Council discussion of the continued Las Virgenes/Malibu Council of Governments request to review proposed 2021 State Housing Bills, and authorization for the City Manager to prepare and Mayor to sign letters reflecting the City Council's position on all or selected bills](#)
11. [Adoption of Resolution No. 2021-1718, amending the FY 2020-21 budget of the South Coast Air Quality Management District fund. Authorize the six leased Toyota Prius cars to be purchased from Toyota Financial Services and sold](#)

#### **PUBLIC HEARING – 8:45 P.M.**

12. [Introduction of Ordinance No. 2021-391, to revise Calabasas Municipal Code \(CMC\) Section 17.11.010 and 17.12.050 \(Antennas/Personal Wireless Telecommunication Facilities\), and add a new Chapter 17.31 to regulate Wireless Telecommunication Facilities](#)  
*The Communications & Technology Commission (acting as a Planning Commission per Section 17.76 of the CMC) recommended approval of the Ordinance to the City Council at a Public Hearing held on February 25, 2021*

#### **NEW BUSINESS – 9:00 P.M.**

13. [Sheriff's Crime Report - February 2021](#)
14. [Discussion on 2021social distant City events](#)

15. [Annual progress report for 2020 regarding the City of Calabasas 2030 General Plan 2014-2021 Housing Element](#)

**INFORMATIONAL REPORTS – 9:50 P.M.**

16. [Check Register for the period of February 23-March 15, 2021](#)

**TASK FORCE REPORTS – 9:45 P.M.**

**CITY MANAGER’S REPORT – 9:50 P.M.**

**FUTURE AGENDA ITEMS – 9:55 P.M.**

**ADJOURN – 10:00 P.M.**

The City Council will adjourn to a special meeting/study session scheduled on Wednesday, March 31, 2021, at 7:00 p.m.

**MINUTES OF A REGULAR MEETING OF  
THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA  
HELD WEDNESDAY, MARCH 10, 2021**

Mayor Bozajian called the Closed Session to order at 6:00 p.m. via Zoom Teleconferencing.

1. Conference with Labor Negotiators (Gov. Code Section 54957.6)  
City Negotiator: Don Penman, Interim City Manager  
Employees: All Unrepresented Employees
2. Conference with Legal Counsel, Existing Litigation  
(Gov. Code Section 54956.9(d)(1))  
Case Name: Zeesman, et al. v. City of Calabasas and related cross actions, Los Angeles County Superior Court, Case No. BC681331
3. Conference with Real Property Negotiator  
(Gov. Code §54956.8)  
Property Address: 27040 Malibu Hills Rd, Calabasas, CA 91301  
Agency Negotiator: Don Penman, Interim City Manager  
Negotiating Party: City of Agoura Hills  
Under Negotiation: Price and Terms of Payment
4. Conference with Real Property Negotiator  
(Gov. Code §54956.8)  
Property Identifier: Portion of APN: 2069-007-041  
Negotiating Parties: Calabasas Union Corporation

Present: Mayor Bozajian, Mayor pro Tem Maurer, Councilmembers Kraut, Shapiro and Weintraub

Mayor Bozajian called the Open Session to order at 7:04 p.m. via Zoom Teleconferencing.

**ROLL CALL**

Present: Mayor Bozajian, Mayor pro Tem Maurer, Councilmembers Kraut, Shapiro and Weintraub  
Absent: None  
Staff: Ahlers, Bartlett, Hernandez, McConville, Penman, Summers and Tamuri

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Matt Summers.

## **APPROVAL OF AGENDA**

**Councilmember Weintraub moved, seconded by Councilmember Shapiro to approve the agenda. MOTION CARRIED 5/0 by Roll Call Vote as follows:**

**AYES:** Mayor Bozajian, Mayor pro Tem Maurer, Councilmembers Kraut, Shapiro and Weintraub

Mr. Summers reported that the City Council met in Closed Session prior to this meeting and there were no reportable actions.

## **ANNOUNCEMENTS/INTRODUCTIONS**

Members of the Council made the following announcements:

Mayor pro Tem Maurer

- The Senior Center is hosting their 7<sup>th</sup> Annual Special Speaker Series with Fritz Coleman and Laurie Levenson as guest speakers. More information available on the City's website.
- Extended an invitation to various events hosted by the Calabasas Library. The annual Fun Fair on March 13, Friends of Calabasas Library Fundraiser at The Stand on March 13 as well as a series of online programs for adults starting March 10.

Councilmember Kraut

- Toured the Headwaters Corner facility to discuss the future of the historic ranch house.
- Extended an invitation to the Cruise Into Spring Parking Lot Trivia hosted by the Senior Center on March 24.

Councilmember Shapiro

- The Senior Center is collecting gently used or new shoes until March 19.
- There are 1,177 cases of Covid-19 in Calabasas.
- As of March 15, those who are ages 16-64 with pre-existing conditions will be eligible to receive the Covid-19 vaccine.
- Expressed his condolences for the passing of Lala Kumatoy due to Covid-19.
- The Calabasas Chamber of Commerce is hosting their annual Law Day, and participating attorneys will be providing free legal advice on April 30.

Councilmember Weintraub

- LA County is making progress and is being considered to enter the red tier.
- LVUSD is bringing back grades 7-12 for in-person learning as of March 22.
- Strongly encouraged those that are eligible to receive the Covid-19 vaccine to make an appointment.

Mayor Bozajian

- The City is receiving \$4.5 million from the Covid-19 relief package.

### **ORAL COMMUNICATIONS – PUBLIC COMMENT**

Morrigan Snyder spoke during public comment.

### **PRESENTATIONS**

- Recognition of resident Grace Montano for being a Calabasas hero

This presentation was continued to the March 24 Council meeting.

- Recognition of Don Penman for his service as Interim City Manager

Mayor Bozajian recognized Mr. Penman for his leadership, his wealth of experience and professionalism during his time at the City.

Councilmembers expressed gratitude and appreciation to Mr. Penman.

### **CONSENT ITEMS**

Mayor Bozajian requested Item No.2 be pulled from Consent.

1. Approval of minutes of February 24, 2021

**Mayor pro Tem Maurer moved, seconded by Councilmember Weintraub to approve Consent Item No. 1. MOTION CARRIED 5/0 by Roll Call Vote as follows:**

**AYES:** Mayor Bozajian, Mayor pro Tem Maurer, Councilmembers Kraut, Shapiro and Weintraub

2. Adoption of Resolution No. 2021-1718, amending the FY 2020-21 budget of the South Coast Air Quality Management District fund. Authorize the six leased Toyota Prius cars to be purchased from Toyota Financial Services and sold; and authorize the purchase of three SUVs

Mr. McConville presented the report.

**After discussion, direction was provided to staff, and item was continued to the March 24 Council meeting.**

### **PUBLIC HEARING**

3. Introduction of Ordinance No. 2021-392, amending Section 17.22.020 of the Calabasas Municipal Code (Density Bonus Provisions), as required to comply with the provisions of California Assembly Bill 2345 (AB2345)

Mayor Bozajian opened public hearing.

Mr. Bartlett presented the report.

Mayor Bozajian closed public hearing.

**After discussion, Councilmember Shapiro moved, seconded by Councilmember Weintraub to approve Item No. 3 with modifications. MOTION CARRIED 5/0 by Roll Call Vote as follows:**

AYES: Mayor Bozajian, Mayor pro Tem Maurer, Councilmembers Kraut, Shapiro and Weintraub

### **NEW BUSINESS**

4. Discussion and consideration of draft Policies and Procedures for review and acceptance by the City of donated memorials and plaques

Mr. Bartlett presented the report.

**After discussion direction was provided to staff, and item was continued to the March 24 Council meeting.**

5. City Council review of proposed 2021 State Housing Bills, and authorization for the City Manager to prepare and Mayor to sign letters reflecting the City Council's position on all or selected bills Mid-year budget review update FY 2020-2021

Ms. Tamuri presented the report.

**After extensive discussion, Councilmember Kraut moved, seconded by Mayor pro Tem Maurer to continue this item to the March 24 Council meeting. Additionally, the City Council requested to have a representative from the League of California Cities present to answer any questions. MOTION CARRIED 4/1 by Roll Call Vote as**

**follows:**

AYES: Mayor Bozajian, Mayor pro Tem Maurer, Councilmembers Kraut, and Shapiro  
NOES: Councilmember Weintraub

**INFORMATIONAL REPORTS**

6. Check Register for the period of February 13-23, 2021

**No action taken on this item.**

**TASK FORCE REPORTS**

Mayor pro Tem Maurer reported she met with the CPA to discuss SB612 which ensures reliable electricity during heat peak storms. In addition, she participated in a Legislative Day with Senator Stern to discuss energy issues. Lastly, she is currently working with staff on FAQs and PSAs related to CPA.

Councilmember Shapiro reported his attendance to the Valley Economic Alliance Board meeting to discuss rules and regulations in regard to the reopening of schools. He also reported his attendance to a SCAG meeting where the Regional Council voted to approve and support the RHINA numbers for the six cycles. Lastly, he reported his participation on a Diversity Inclusion Committee meeting.

Councilmember Kraut reported his attendance to the California Contract Cities Local Advocacy Day.

Councilmember Weintraub reported her participation in a COG meeting. She stated that moving forward she will work closely with staff on narrowing down Bills that are important to the City.

Mayor Bozajian reported that the California Contract Cities Local Advocacy Day will continue every Thursday for a four-part series. Additionally, he shared his excitement as the Bill he wrote has now been numbered. If approved, City Selection Committee meetings will be hosted virtually moving forward. Lastly, he reported that Mayor pro Tem Maurer and he will be working on the Redistricting taskforce to discuss redistricting concerns.

**CITY MANAGER'S REPORT**

None.

**FUTURE AGENDA ITEMS**

Mayor pro Tem Maurer requested a discussion regarding the Woolsey Fire Settlement funds. She also made a formal request to Planning staff to examine affordable senior housing.

**ADJOURN**

The meeting adjourned at 9:10 p.m. to a regular meeting scheduled on Wednesday, March 24, 2021, at 7:00 p.m.

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Maricela Hernandez, City Clerk  
*Master Municipal Clerk*  
*California Professional Municipal Clerk*



**CITY of CALABASAS**

**CITY COUNCIL AGENDA REPORT**

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**DATE:** MARCH 8, 2021

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** KINDON MEIK, CITY MANAGER

**BY:** MARICELA HERNANDEZ, MMC, CPMC, CITY CLERK *MHC*

**SUBJECT:** ADOPTION OF RESOLUTION 2021-1719, REAFFIRMING AND EXTENDING THE EXISTENCE OF A LOCAL STATE OF EMERGENCY DUE TO THE COVID-19 PANDEMIC

**MEETING**

**DATE:** MARCH 24, 2021

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**SUMMARY RECOMMENDATION:**

Staff recommends the City Council adopt Resolution No. 2021-1719, reaffirming and extending the existence of a Local State of Emergency due to the Novel Coronavirus COVID-19 Pandemic.

**REPORT:**

On March 16, 2021, the City Manager, acting as the Director of Emergency Services, proclaimed a local emergency in the City of Calabasas due to the Novel Coronavirus COVID-19 Pandemic, following the issuance of state and federal emergency declarations. On March 16, 2020, the City Council ratified the local emergency declaration.

On March 16, 2020 the City Manager, acting as the Director of Emergency Services, issued Executive Order No. 1, closing certain businesses within the City, imposing operational restrictions on other certain businesses, and imposing a temporary moratorium on residential evictions within the City for the duration of the emergency.

On March 17, 2020, the City Manager, acting as the Director of Emergency Services, issued Executive Order No. 2, closing certain additional businesses in response to the Novel Coronavirus. On March 18, 2020, the City Manager, acting as the Director of Emergency Services, issued Executive Order No. 3, imposing a temporary moratorium on commercial tenant evictions within the City for the duration of the emergency. On March 19, 2020, the City Manager, acting as the Director of Emergency Services, issued Executive Order No. 4, banning public and private gatherings outside a residence. On March 27, 2020, the City Manager, acting as the Director of Emergency Services, issued Executive Order No. 5, closing trails and imposing price-gouging regulations.

Further, on April 8, 2020, the City Manager, acting as the Director of Emergency Services, issued Executive Order No. 6, requiring face coverings and social distancing plans for construction and real estate businesses. On April 16, 2020, the City Manager, acting as the Director of Emergency Services, issued Executive Order No. 7, expanding the face-covering requirement.

On May 6, 2020, the City Manager, acting as the Director of Emergency Services, issued Executive Order No. 8, opening certain trails and greenspaces for passive outdoor recreation and reopening limited retail and other businesses that had previously been closed, provided social distancing protocols are implemented. On May 13, 2020, the City Manager, acting as the Director of Emergency Services, issued Executive Order No. 9, ordering the opening of City and homeowners' association owned or other privately owned tennis courts, pickle ball courts, and equestrian facilities solely for outdoor recreation. On May 19, 2020 the Community Development Director, acting as the First Alternate Director of Emergency Services, issued Executive Order No. 10, allowing the reopening of certain businesses within the City as determined by, and in compliance with the requirements set by, the Los Angeles County Public Health Officer's Safer at Home Order for Control of COVID-19.

On June 3, 2020, the City Manager, acting as the Director of Emergency Services, issued Executive Order No. 11, allowing for restaurants to establish or expand dining areas. On June 17, 2020, the City Manager, acting as the Director of Emergency Services, issued Executive Order No. 12, allowing the reopening of parking lots and restrooms at De Anza Park and other park and recreation facilities within the City.

On June 25, 2020 the City Manager, acting as the Director of Emergency Services, issued Executive Order No. 13, rescinding Executive Order No. 2020-01, which restricted residential evictions for inability to pay rent due to circumstances related to the COVID-19 pandemic. In addition, rescinding Executive Order No. 2020-03, which, restricted commercial evictions for inability to pay rent due to circumstances related to the COVID-19 pandemic.

On July 17, 2020, the City Manager, acting as the Director of Emergency Services, issued Executive Order No. 14, allowing for any business located within the City to establish or expand outdoor operations areas, provided they follow guidelines set by the City; and allowing for any gym or fitness business to establish outdoor operations areas in open areas of a public park, provided they follow guidelines set by the City.

On September 23, 2020, the City Council reaffirmed and extended the existence of a Local State of Emergency due to the Novel Coronavirus COVID-19 Pandemic.

On October 5, 2020, the City Manager, acting as the Director of Emergency Services, issued Executive Order No. 15, allowing for outdoor playgrounds, park restrooms, tennis courts, swimming pools, and related parking lots located outdoors in the City may be opened to the public subject to the restrictions stated in the California Department of Public Health Guidelines on Outdoor Playgrounds and other Outdoor Recreational Facilities.

On October 30, 2020, the City Manager, acting as the Director of Emergency Services, issued Executive Order No. 16, prohibiting all motion picture, television, or still photography production for commercial purposes on residential property, except for those types of filming exempted from a City filming permit requirement by Calabasas Municipal Code Section 5.04.050.

On November 10, 2020, the City Council reaffirmed and extended the existence of a Local State of Emergency due to the Novel Coronavirus COVID-19 Pandemic.

On December 9, 2020, the City Council reaffirmed and extended the existence of a Local State of Emergency due to the Novel Coronavirus COVID-19 Pandemic.

On January 27, 2021, the City Council reaffirmed and extended the existence of a Local State of Emergency due to the Novel Coronavirus COVID-19 Pandemic.

Under Calabasas Municipal Code section 2.44.060(a), the City Council must confirm such orders at the earliest practicable time. Under Government Code section 8630(c), Council must review the need for continuing the local emergency at least once every 60 days until the Council adopts a resolution terminating the local emergency. Staff, therefore, recommends that the City Council adopt Resolution 2020-1704, confirming the issuance of Executive Orders to protect public health and safety by the City Manager, acting as the Director of Emergency Services and deem that the local emergency continue to exist till Council has proclaimed its termination.

**ATTACHMENT:**

Resolution No. 2021-1719

**ITEM 2 ATTACHMENT  
RESOLUTION NO. 2021-1719**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CALABASAS, CALIFORNIA, REAFFIRMING AND EXTENDING  
THE EXISTENCE OF A LOCAL STATE OF EMERGENCY DUE TO  
THE NOVEL CORONAVIRUS COVID-19 PANDEMIC.**

**WHEREAS**, conditions of extreme peril to the safety of persons have arisen and continue to exist within the City of Calabasas as the result of conditions surrounding the Novel Coronavirus COVID-19 Pandemic; and

**WHEREAS**, the Governor has declared a State Health Emergency in response to the Novel Coronavirus COVID-19 Pandemic; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency as a result of COVID-19; and

**WHEREAS**, the COVID-19 pandemic, if fully manifested, poses extreme peril to the health and safety of persons and property within the City and are, or are likely to be, beyond the control and capacity of the services, personnel, equipment and facilities of the City; and

**WHEREAS**, Calabasas Municipal Code section 2.44.060 empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said City is affected or likely to be affected by a public calamity and the City Council is not in session; and

**WHEREAS**, the City Manager, acting as the Director of Emergency Services did proclaim the existence of a local emergency within the City on the 16<sup>th</sup> day of March 2020, and issued Executive Orders to protect public health and safety; and

**WHEREAS**, the City Council of the City of Calabasas ratified the proclamation of a local emergency on March 16, 2020, by adoption of Resolution No. 2020-1672; and

**WHEREAS**, the City Manager issued several Executive Orders, acting as the Director of Emergency Services under Calabasas Municipal Code section 2.44.060, to protect the public health and safety of persons and property within the City; and

**WHEREAS**, the City Council of the City of Calabasas ratified the previous Executive Orders issued by the City Manager/Director of Emergency Services under the Proclamation of the Existence of a Local Emergency on March 25, 2020, by adoption of Resolution No. 2020-1674; and

**WHEREAS**, the City Council of the City of Calabasas ratified further Executive Orders issued by the City Manager/Director of Emergency Services under the Proclamation of the Existence of a Local Emergency on April 22, 2020, by adoption of Resolution No. 2020-1678; and

**WHEREAS**, the City Council of the City of Calabasas ratified further Executive Orders issued by the City Manager/Director of Emergency Services under the Proclamation of the Existence of a Local Emergency on May 18, 2020, by adoption of Resolution No. 2020-1681; and

**WHEREAS**, the City Council of the City of Calabasas ratified further Executive Orders issued by the City Manager/Director of Emergency Services under the Proclamation of the Existence of a Local Emergency on June 10, 2020, by adoption of Resolution No. 2020-1686; and

**WHEREAS**, the City Council of the City of Calabasas ratified further Executive Orders issued by the City Manager/Director of Emergency Services under the Proclamation of the Existence of a Local Emergency on June 24, 2020, by adoption of Resolution No. 2020-1692; and

**WHEREAS**, the City Council of the City of Calabasas ratified further Executive Orders issued by the City Manager/Director of Emergency Services under the Proclamation of the Existence of a Local Emergency on August 5, 2020, by adoption of Resolution No. 2020-1697; and

**WHEREAS**, the City Council of the City of Calabasas ratified the proclamation of a local emergency on September 23, 2020, by adoption of Resolution No. 2020-1703; and

**WHEREAS**, the City Council of the City of Calabasas ratified further Executive Orders issued by the City Manager/Director of Emergency Services under the Proclamation of the Existence of a Local Emergency on October 14, 2020, by adoption of Resolution No. 2020-1706; and

**WHEREAS**, the City Council of the City of Calabasas ratified further Executive Orders issued by the City Manager/Director of Emergency Services under the Proclamation of the Existence of a Local Emergency on November 10, 2020, by adoption of Resolution No. 2020-1709; and

**WHEREAS**, the City Council of the City of Calabasas ratified the proclamation of a local emergency on December 9, 2020, by adoption of Resolution No. 2020-1704; and

**WHEREAS**, the City Council of the City of Calabasas ratified the proclamation of a local emergency on January 27, 2021, by adoption of Resolution No. 2020-1713; and

**WHEREAS**, Calabasas Municipal Code Section 2.44.060 empowers the City Council to confirm the Executive Orders issued to protect public health and safety, and

**WHEREAS**, Government Code Section 8630, subdivision c, requires that the City Council review the need for continuing the local emergency at least once every 60 days.

**NOW THEREFORE, IT IS HEREBY RESOLVED**, by the City Council of the City of Calabasas reaffirms the City Manager/Director of Emergency Services' Proclamation of the Existence of a Local Emergency and declares that a local state of emergency continues to exist within the City of Calabasas.

**BE IT FURTHER RESOLVED that** the local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Calabasas.

**BE IT FURTHER RESOLVED that** the Executive Orders issued by the City Manager/Director of Emergency Services are hereby reconfirmed.

The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

**PASSED, APPROVED AND ADOPTED this 24<sup>th</sup> day of March 2021.**

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James R. Bozajian, Mayor

ATTEST:

APPROVED AS TO FORM:

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Maricela Hernandez, City Clerk  
*Master Municipal Clerk*  
*California Professional Municipal Clerk*

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Scott H. Howard  
Colantuono, Highsmith & Whatley, PC  
City Attorney



*CITY of CALABASAS*

CITY COUNCIL AGENDA REPORT

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**DATE:** MARCH 15, 2021

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** ROBERT YALDA, P.E., T.E., PUBLIC WORKS DIRECTOR /CITY ENGINEER  
TATIANA HOLDEN, P.E., SENIOR CIVIL ENGINEER

**SUBJECT:** ADOPTION OF RESOLUTION NO. 2021-1720 DIRECTING THE  
TRANSFER OF \$200,000 FROM THE AB 939 FUND TO THE  
RONDELL SMART PARK PROJECT TO COVER COST OF THE SITE  
PREPARATION WORK FOR INSTALLATION OF ELECTRIC VEHICLE  
CHARGING STATIONS

**MEETING DATE:** MARCH 24, 2021

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**SUMMARY RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution No. 2021-1720 directing the transfer of \$200,000 from the AB 939 fund to the Rondell Smart Park Project to cover cost of the site preparation work for installation of electric vehicle charging stations.

**BACKGROUND/ DISCUSSION:**

The Rondell Smart Park project includes installation of four dual charging stations by EVgo. The City signed an agreement with EVgo, outlining responsibilities of each party. EVgo is responsible for installation of four DC chargers with required signage, setting up a separate electric meter service for the stations, and for operating and maintaining the Charging Station in good working order and repair at no cost to the City. The City is responsible for installation of the supporting infrastructure.

Renewable energy projects are eligible to be funded by AB 939. Staff recommends that AB 949 fund money will be used to cover costs associated with installation of the supporting infrastructure for EV charging stations.

**FISCAL IMPACT/SOURCE OF FUNDING:**

The current AB 939 fund balance allows requested \$200,000 to be transferred to the Rondell Smart Park project. Account No. 40-339-6502-10 is used to track all costs associated with the project. The requested funds should be appropriated to this account and the budget adjusted accordingly.

**REQUESTED ACTION:**

Staff recommends that the City Council adopt Resolution No. 2021-1720 directing the transfer of \$200,000 from the AB 939 fund to the Rondell Smart Park Project to cover cost of the site preparation work for installation of electric vehicle charging stations.

**ATTACHMENTS:**

Attachment A: Resolution No. 2021-1720  
Exhibit A: Budget Amendment

**RESOLUTION NO. 2021-1720**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, DIRECTING THE TRANSFER OF \$200,000 FROM THE AB 939 FUND TO THE RONDELL SMART PARK PROJECT TO COVER COST OF THE SITE PREPARATION WORK FOR INSTALLATION OF ELECTRIC VEHICLE CHARGING STATIONS.**

**WHEREAS**, The Integrated Waste Management Act of 1989 (AB 939), was passed because of an increase in the waste stream and the decrease in landfill capacity; and

**Whereas**, AB 939 requires cities and counties to reduce, reuse, recycle, and compost all discarded materials to the maximum extent feasibly before any landfilling or other destructive method is used; and

**Whereas**, AB 939 authorized local jurisdictions to impose and collect fees based on the types or amounts of solid waste generated

**WHEREAS**, AB 939 funds can be used for projects promoting and utilizing renewable energy; and

**WHEREAS**, The Rondell Smart Park project includes installation of four electric vehicle charging stations, which qualify for AB 939 funds as a renewable energy project; and

**WHEREAS**, City awarded the project to C.A. Rasmussen, Inc. at the June 10, 2020 City Council meeting; and

**WHEREAS**, on June 24, 2020 the City Council adopted the Operating and Capital Improvement Budget for FY 2020-21; and

**WHEREAS**, Exhibit "A" hereof describes said budget amendments and the resultant impact to the budget line items; and

**WHEREAS**, the bid amount for the site preparation work for installation of electric vehicle charging stations, including contingency, is \$200,000.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CALABASAS AS FOLLOWS:**

**Section 1.** A budget amendment appropriating \$400,000 for FY 2020-21 as more particularly described in Exhibit "A", attached hereto, is hereby approved.

Section 2. The City Clerk shall certify to the adoption of the Resolution and shall cause the same to be processed in the manner required by law.

Section 3. The City Clerk shall certify to the passage of this resolution and enter it into the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** this 24<sup>th</sup> day of March 2021.

\_\_\_\_\_  
James R. Bozajian, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Maricela Hernandez, City Clerk  
*Master Municipal Clerk*  
*California Professional Municipal Clerk*

\_\_\_\_\_  
Scott H. Howard  
Colantuono, Highsmith & Whatley, PC  
City Attorney

**BUDGET AMENDMENT TO**  
**AB 939 and Capital Improvement Fund**  
**to Adjust Revenues & Expenditures for the Installation**  
**of Electric Vehicle Charging Stations**  
**FY 2020 - 21**

**A. Fund Allocation**

Account Number	FUND Name	Amount
14-000-0310-00	AB 939 Fund	(\$ 200,000)
40-000-0310-00	Capital Improvement Fund	\$ -
	<b>TOTAL</b>	(\$ 200,000)

**B. Estimated REVENUES**

Account Number	Current Budget	Revision	Amended Budget
40-000-4900-14	\$ -	\$ 200,000	\$ 200,000
<i>Adjusting Capital Improvement Fund Transfers In from AB 939</i>			
<b>TOTAL REVENUES</b>	<b>\$ -</b>	<b>\$ 200,000</b>	<b>\$ 200,000</b>

**C. Expenditure Account APPROPRIATIONS**

Account Number	Current Budget	Revision	Amended Budget
14-000-9900-40	\$ -	\$ 200,000	\$ 200,000
<i>Adjusting AB 939 Transfers Out to Capital Improvement Fund</i>			
40-339-6502-10	\$ 3,000,000	\$ 200,000	\$ 3,200,000
<i>Adjusting Rondell Park Project for EV Charging Stations</i>			
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 3,000,000</b>	<b>\$ 400,000</b>	<b>\$ 3,400,000</b>



CITY *of* CALABASAS

CITY COUNCIL AGENDA REPORT

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**DATE:** MARCH 15, 2021

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** ROBERT YALDA, CITY ENGINEER/PUBLIC WORKS DIRECTOR  
TATIANA HILDEN, SENIOR CIVIL ENGINEER

**SUBJECT:** ADOPTION OF RESOLUTION 2021-1721 EXECUTING THE MASTER AGREEMENT NO. 00587S AND PROGRAM SUPPLEMENT AGREEMENT NO. W06 TO FUND DEVELOPMENT OF A LOCAL ROAD SAFETY PLAN (LRSP)

**MEETING DATE:** MARCH 24, 2021

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**SUMMARY RECOMMENDATION:**

Staff recommends to adopt Resolution No. 2021-1721 that will authorize the execution of the Master and Program Supplement Agreements so that the City can submit reimbursement invoices to Caltrans for expenses occurred for development of a Local Road Safety Plan (LRSP), State project No. LRSPL-5463(020).

**BACKGROUND:**

In December 2020, the City applied for funding available through the through a Highway Safety Improvement Program (HSIP) grant from the California Department of Transportation (Caltrans) to develop a Local Road Safety Plan (LRSP). The LRSP will be used to identify and prioritize potential traffic safety improvements in the City as well as provide foundational information for submittal of future grant applications.

**DISCUSSION/ANALYSIS:**

The attached resolution identifies the federal funding allocated for the LRSP project. It also acknowledges that Caltrans is the entity that will administer these funds for the City. The Administering Agency-State and Program Supplement Agreements is required to be in place prior to Caltrans authorizing any reimbursements.

Resolution No. 2021-1721 has been drafted to meet Caltrans' requirements. Also, the Resolution entitles the City Manager as the City's authorized representative to execute the Agreements.

**FISCAL IMPACT/SOURCE OF FUNDING:**

State funding of \$40,000 has been issued through the LRSP grant for this project. Local match of \$5,000 will be covered by SB1 funds.

**REQUESTED ACTION:**

Staff recommends to adopt Resolution No. 2021-1721 that will authorize the execution of the Master and Program Supplement Agreements so that the City can submit reimbursement invoices to Caltrans for expenses occurred for development of a Local Road Safety Plan (LRSP), State project No. LRSPL-5463(020).

**ATTACHMENTS:**

- Attachment A: Resolution No. 2021-1721
- Exhibit A: Administering Agency – State Agreement No. 00587S
- Exhibit B: Program Supplement No. W06 to the Administering Agency – State Agreement No. 00587S
- Exhibit C: Budget Amendment

# Item 4 Attachment A

## RESOLUTION NO. 2021-1721

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE MASTER AGREEMENT NO. 00587S AND PROGRAM SUPPLEMENT AGREEMENT NO. W06.**

**WHEREAS**, the City of Calabasas ("City") is eligible to receive Federal funding for certain transportation projects, through the California Department of Transportation ("Caltrans"); and

**WHEREAS**, the City has applied for and received Federal funding for the Local Road Safety Plan project; and

**WHEREAS**, Master Agreement No. 00587S and Program Supplement Agreement No. W06 need to be executed with Caltrans before such funds could be claimed; and

**WHEREAS**, on June 24, 2020 the City Council adopted the Operating and Capital Improvement Budget for FY 2020-21; and

**WHEREAS**, Exhibit "C" hereof describes said budget amendments and the resultant impact to the budget line items.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS DOES RESOLVE AS FOLLOWS:**

**SECTION 1.** The City Council of the City of Calabasas does hereby approve the Master Agreement No. 00587S and Program Supplement Agreement No. W06 with the State of California, in the form attached to this Resolution as Exhibits "A" and "B".

**SECTION 2.** The City wishes to delegate authorization to execute these agreements and any amendments thereto to the City Manager to be authorized to execute the Master Agreement No. 00587S and Program Supplement Agreement No. W06 with Caltrans.

**SECTION 3.** A budget amendment appropriating \$50,000 for FY 2020-21 as more particularly described in Exhibit "C", attached hereto, is hereby approved.

**SECTION 4.** The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

**PASSED, APPROVED AND ADOPTED** this 24<sup>th</sup> day of March, 2021.

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James R. Bozajian, Mayor

ATTEST:

APPROVED AS TO FORM:

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Maricela Hernandez, City Clerk  
*Master Municipal Clerk*  
*California Professional Municipal Clerk*

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Scott H. Howard  
Colantuono, Highsmith & Whatley, PC  
City Attorney

MASTER AGREEMENT  
ADMINISTERING AGENCY-STATE AGREEMENT FOR  
STATE-FUNDED PROJECTS

Item 4 Exhibit "A"

07 City of Calabasas  
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District     Administering Agency

Agreement No. 00587S

This AGREEMENT, is entered into effective this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the City of Calabasas, hereinafter referred to as "ADMINISTERING AGENCY," and the State of California, acting by and through its Department of Transportation (Caltrans), hereinafter referred to as "STATE", and together referred to as "PARTIES" or individually as a "PARTY."

RECITALS:

1. WHEREAS, the Legislature of the State of California has enacted legislation by which certain State funds are made available for use on local transportation related projects of public entities qualified to act as recipients of these state funds; and
2. WHEREAS, ADMINISTERING AGENCY has applied to the California Transportation Commission (CTC) and/or STATE for funding from either the State Transportation Improvement Program (STIP), or other State-funded programs (herein referred to as STATE FUNDS), as defined in the Local Assistance Program Guidelines (LAPG), for use on local authorized transportation related projects as a local administered project(s), hereinafter referred to as "PROJECT"; and
3. WHEREAS, said PROJECT will not receive any federal funds; and
4. WHEREAS, before STATE FUNDS will be made available for PROJECT, ADMINISTERING AGENCY and STATE are required to enter into an agreement to establish terms and conditions applicable to the ADMINISTERING AGENCY when receiving STATE FUNDS for a designated PROJECT facility and to the subsequent operation and maintenance of that completed facility.

NOW, THEREFORE, the PARTIES agree as follows:

## ARTICLE I - PROJECT ADMINISTRATION

1. This AGREEMENT shall have no force or effect with respect to any program project unless and until a project-specific Program Supplement to this AGREEMENT for state funded projects, hereinafter referred to as "PROGRAM SUPPLEMENT", has been fully executed by both STATE and ADMINISTERING AGENCY.
2. The State approved project-specific allocation letter designate the party responsible for implementing PROJECT, type of work and location of PROJECT.
3. The PROGRAM SUPPLEMENT sets out special covenants as a condition for the ADMINISTERING AGENCY to receive STATE FUNDS from/through STATE for designated PROJECT. The PROGRAM SUPPLEMENT shall also show these STATE FUNDS that have been initially encumbered for PROJECT along with the matching funds to be provided by ADMINISTERING AGENCY and/or others. Execution of PROGRAM SUPPLEMENT by the PARTIES shall cause ADMINISTERING AGENCY to adopt all of the terms of this AGREEMENT as though fully set forth therein in the PROGRAM SUPPLEMENT. Unless otherwise expressly delegated in a resolution by the governing body of ADMINISTERING AGENCY, and with written concurrence by STATE, the PROGRAM SUPPLEMENT shall be approved and managed by the governing body of ADMINISTERING AGENCY.
4. ADMINISTERING AGENCY agrees to execute and return each project-specific PROGRAM SUPPLEMENT within ninety (90) days of receipt. The PARTIES agree that STATE may suspend future allocations, encumbrances and invoice payments for any on-going or future STATE FUNDED PROJECT performed by ADMINISTERING AGENCY if any project-specific PROGRAM SUPPLEMENT is not returned within that ninety (90) day period unless otherwise agreed by STATE in writing.
5. ADMINISTERING AGENCY further agrees, as a condition to the release and payment of STATE FUNDS encumbered for the PROJECT described in each PROGRAM SUPPLEMENT, to comply with the terms and conditions of this AGREEMENT and all of the agreed-upon Special Covenants or Remarks incorporated within the PROGRAM SUPPLEMENT, and Cooperative/Contribution Agreement where appropriate, defining and identifying the nature of the specific PROJECT.
6. STATE FUNDS will not participate in any portion of PROJECT work performed in advance of the effective date of the executed PROGRAM SUPPLEMENT for said PROJECT.
7. Projects allocated with STATE FUNDS from the STIP will be administered in accordance with the current CTC STIP Guidelines, as adopted or amended and in accordance with Chapter 23 of the Local Assistance Program Guidelines (LAPG) published by STATE.
8. Projects allocated with STATE FUNDS not programmed in the STIP will be administered in accordance with the applicable chapter of the LAPG and/or any other instructions published by STATE.
9. ADMINISTERING AGENCY's eligible costs for preliminary engineering work includes all preliminary work directly related to PROJECT up to contract award for construction, including, but not limited to, environmental studies and permits (E&P), preliminary surveys and reports, laboratory work, soil investigations, the preparation of plans, specifications and estimates (PS&E), advertising for bids, awarding of a contract and project development contract administration.

10. ADMINISTERING AGENCY's eligible costs for construction engineering includes actual inspection and supervision of PROJECT construction work; construction staking; laboratory and field testing; and the preparation and processing of field reports, records, estimates, final reports, and allowable expenses of employees/consultants engaged in such activities.

11. Unless the PARTIES agree otherwise in writing, ADMINISTERING AGENCY's employees or its sub-contractor engineering consultant shall be responsible for all PROJECT engineering work.

12. ADMINISTERING AGENCY shall not proceed with final design of PROJECT until final environmental approval of PROJECT. Final design entails the design work necessary to complete the PS&E and other work necessary for a construction contract but not required earlier for environmental clearance of that PROJECT.

13. If PROJECT is not on STATE-owned right-of-way, PROJECT shall be constructed in accordance with Chapter 11 of the Local Assistance Procedures Manual (LAPM) that describes minimum statewide design standards for local agency streets and roads. The design standards for projects off the National Highway System (NHS) allow STATE to accept either the STATE's minimum statewide design standards or the approved geometric design standards of ADMINISTERING AGENCY. Additionally, for projects off the NHS, STATE will accept ADMINISTERING AGENCY-approved standard specifications, standard plans, materials sampling and testing quality assurance programs that meet the conditions described in the then current Local Assistance Procedures Manual.

14. If PROJECT involves work within or partially within STATE-owned right-of-way, that PROJECT shall also be subject to compliance with the policies, procedures and standards of the STATE Project Development Procedures Manual and Highway Design Manual and where appropriate, an executed cooperative agreement between STATE and ADMINISTERING AGENCY that outlines the PROJECT responsibilities and respective obligations of the PARTIES. ADMINISTERING AGENCY and its' contractors shall each obtain an encroachment permit through STATE prior to commencing any work within STATE rights of way or work which affects STATE facilities.

15. When PROJECT is not on the State Highway System (SHS) but includes work to be performed by a railroad, the contract for such work shall be prepared by ADMINISTERING AGENCY or by STATE, as the PARTIES may hereafter agree. In either event, ADMINISTERING AGENCY shall enter into an agreement with the railroad providing for future maintenance of protective devices or other facilities installed under the contract.

16. The Department of General Services, Division of the State Architect, or its designee, shall review the contract PS&E for the construction of buildings, structures, sidewalks, curbs and related facilities for accessibility and usability. ADMINISTERING AGENCY shall not award a PROJECT construction contract for these types of improvements until the State Architect has issued written approval stating that the PROJECT plans and specifications comply with the provisions of sections 4450 and 4454 of the California Government Code, if applicable. Further requirements and guidance are provided in Title 24 of the California Code of Regulations.

17. ADMINISTERING AGENCY shall provide or arrange for adequate supervision and inspection of each PROJECT. While consultants may perform supervision and inspection work for PROJECT with a fully qualified and licensed engineer, ADMINISTERING AGENCY shall provide a full-time employee to be in responsible charge of each PROJECT.

18. Unless otherwise provided in the PROGRAM SUPPLEMENT, ADMINISTERING AGENCY shall advertise, award, and administer the PROJECT construction contract or contracts.
19. The cost of maintenance, security, or protection performed by ADMINISTERING AGENCY or contractor forces during any temporary suspension of PROJECT or at any other time may not be charged to the PROJECT.
20. ADMINISTERING AGENCY shall submit PROJECT-specific award information, using Exhibit 23-A of the LAPG, to STATE's District Local Assistance Engineer, within sixty (60) days after contract award. A copy of Exhibit 23-A shall also be included with the submittal of the first invoice for a construction contract by ADMINISTERING AGENCY to: Department of Transportation, Division of Accounting Local Programs Accounting Branch, MS #33, PO Box 942874, Sacramento, California 94274-0001.
21. ADMINISTERING AGENCY shall submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure by ADMINISTERING AGENCY to submit a "Report of Expenditures" within 180 days of project completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance Chapters 17 and 19 of the Local Assistance Procedures Manual.
22. ADMINISTERING AGENCY shall comply with the Americans with Disabilities Act (ADA) of 1990 that prohibits discrimination on the basis of disability and all applicable regulations and guidelines issued pursuant to the ADA.
23. The Governor and the Legislature of the State of California, each within their respective jurisdictions, have prescribed certain nondiscrimination requirements with respect to contract and other work financed with public funds. ADMINISTERING AGENCY agrees to comply with the requirements of the FAIR EMPLOYMENT PRACTICES ADDENDUM, attached hereto as Exhibit A and further agrees that any agreement entered into by ADMINISTERING AGENCY with a third party for performance of work connected with PROJECT shall incorporate Exhibit A (with third party's name replacing ADMINISTERING AGENCY) as parts of such agreement.
24. ADMINISTERING AGENCY shall include in all subcontracts awarded when applicable, a clause that requires each subcontractor to comply with California Labor Code requirements that all workers employed on public works aspects of any project (as defined in California Labor Code sections 1720-1815) be paid not less than the general prevailing wage rates predetermined by the Department of Industrial Relations as effective at the date of contract award by the ADMINISTERING AGENCY.

## ARTICLE II - RIGHTS OF WAY

1. No contract for the construction of a STATE FUNDED PROJECT shall be awarded until all necessary rights of way have been secured. Prior to the advertising for construction of PROJECT, ADMINISTERING AGENCY shall certify and, upon request, shall furnish STATE with evidence that all necessary rights-of-way are available for construction purposes or will be available by the time of award of the construction contract.

2. The furnishing of rights of way by ADMINISTERING AGENCY as provided for herein includes, and is limited to, the following, unless the PROGRAM SUPPLEMENT provides otherwise.

(a) Expenditures to purchase all real property required for PROJECT free and clear of liens, conflicting easements, obstructions and encumbrances, after crediting PROJECT with the fair market value of any excess property retained and not disposed of by ADMINISTERING AGENCY.

(b) The cost of furnishing of right-of-way as provided for herein includes, in addition to real property required for the PROJECT, title free and clear of obstructions and encumbrances affecting PROJECT and the payment, as required by applicable law, of damages to owners of remainder real property not actually taken but injuriously affected by PROJECT.

(c) The cost of relocation payments and services provided to owners and occupants pursuant to Government Code sections 7260-7277 when PROJECT displaces an individual, family, business, farm operation or nonprofit organization.

(d) The cost of demolition and/or the sale of all improvements on the right-of-way after credit is recorded for sale proceeds used to offset PROJECT costs.

(e) The cost of all unavoidable utility relocation, protection or removal.

(f) The cost of all necessary hazardous material and hazardous waste treatment, encapsulation or removal and protective storage for which ADMINISTERING AGENCY accepts responsibility and where the actual generator cannot be identified and recovery made.

3. ADMINISTERING AGENCY agrees to indemnify and hold STATE harmless from any liability that may result in the event the right-of-way for a PROJECT, including, but not limited to, being clear as certified or if said right-of-way is found to contain hazardous materials requiring treatment or removal to remediate in accordance with Federal and State laws. ADMINISTERING AGENCY shall pay, from its own non-matching funds, any costs which arise out of delays to the construction of PROJECT because utility facilities have not been timely removed or relocated, or because rights-of-way were not available to ADMINISTERING AGENCY for the orderly prosecution of PROJECT work.

## ARTICLE III - MAINTENANCE AND MANAGEMENT

1. ADMINISTERING AGENCY will maintain and operate the property acquired, developed, constructed, rehabilitated, or restored by PROJECT for its intended public use until such time as the parties might amend this AGREEMENT to otherwise provide. With the approval of STATE, ADMINISTERING AGENCY or its successors in interest in the PROJECT property may transfer this obligation and responsibility to maintain and operate PROJECT property for that intended public purpose to another public entity.

2. Upon ADMINISTERING AGENCY's acceptance of the completed construction contract or upon contractor being relieved of the responsibility for maintaining and protecting PROJECT, ADMINISTERING AGENCY will be responsible for the maintenance, ownership, liability, and the expense thereof, for PROJECT in a manner satisfactory to the authorized representatives of STATE and if PROJECT falls within the jurisdictional limits of another Agency or Agencies, it is the duty of ADMINISTERING AGENCY to facilitate a separate maintenance agreement(s) between itself and the other jurisdictional Agency or Agencies providing for the operation, maintenance, ownership and liability of PROJECT. Until those agreements are executed, ADMINISTERING AGENCY will be responsible for all PROJECT operations, maintenance, ownership and liability in a manner satisfactory to the authorized representatives of STATE. If, within ninety (90) days after receipt of notice from STATE that a PROJECT, or any portion thereof, is not being properly operated and maintained and ADMINISTERING AGENCY has not satisfactorily remedied the conditions complained of, the approval of future STATE FUNDED PROJECTS of ADMINISTERING AGENCY will be withheld until the PROJECT shall have been put in a condition of operation and maintenance satisfactory to STATE. The provisions of this section shall not apply to a PROJECT that has been vacated through due process of law with STATE's concurrence.

3. PROJECT and its facilities shall be maintained by an adequate and well-trained staff of engineers and/or such other professionals and technicians as PROJECT reasonably requires. Said operations and maintenance staff may be employees of ADMINISTERING AGENCY, another unit of government, or a contractor under agreement with ADMINISTERING AGENCY. All maintenance will be performed at regular intervals or as required for efficient operation of the complete PROJECT improvements.

## ARTICLE IV - FISCAL PROVISIONS

1. All contractual obligations of STATE are subject to the appropriation of resources by the Legislature and the allocation of resources by the CTC.
2. STATE'S financial commitment of STATE FUNDS will occur only upon the execution of this AGREEMENT, the execution of each project-specific PROGRAM SUPPLEMENT and/or STATE's approved finance letter.
3. ADMINISTERING AGENCY may submit signed duplicate invoices in arrears for reimbursement of allowable PROJECT costs on a monthly or quarterly progress basis once the project-specific PROGRAM SUPPLEMENT has been executed by STATE.
4. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the STATE FUNDS are encumbered on either the project-specific PROGRAM SUPPLEMENT or through a project-specific finance letter approved by STATE. STATE reserves the right to suspend future allocations and invoice payments for any on-going or future STATE FUNDED project performed by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period
5. Invoices shall be submitted on ADMINISTERING AGENCY letterhead that includes the address of ADMINISTERING AGENCY and shall be formatted in accordance with Chapter 5 of the LAPM.
6. Invoices must have at least one copy of supporting backup documentation for allowable costs incurred and claimed for reimbursement by ADMINISTERING AGENCY. Acceptable backup documentation includes, but is not limited to, agency's progress payment to the contractors, copies of cancelled checks showing amounts made payable to vendors and contractors, and/or a computerized summary of PROJECT costs.
7. Payments to ADMINISTERING AGENCY can only be released by STATE as reimbursements of actual allowable PROJECT costs already incurred and paid for by ADMINISTERING AGENCY.
8. An indirect cost allocation plan and related documentation are to be provided to STATE (Caltrans Audits & Investigations) annually for review and approval prior to ADMINISTERING AGENCY seeking reimbursement of indirect cost incurred within each fiscal year being claimed for reimbursement. The indirect cost allocation plan must be prepared in accordance with the requirements set forth in Office of Management and Budget Circular A-87 and Chapter 4 of the Local Assistance Procedures Manual.
9. STATE will withhold the greater of either two (2) percent of the total of all STATE FUNDS encumbered for each PROGRAM SUPPLEMENT or \$40,000 until ADMINISTERING AGENCY submits the Final Report of Expenditures for each completed PROGRAM SUPPLEMENT PROJECT.
10. The estimated total cost of PROJECT, the amount of STATE FUNDS obligated, and the required matching funds may be adjusted by mutual consent of the PARTIES with an allocation letter and finance letter. STATE FUNDING may be increased to cover PROJECT cost increases only if such additional funds are available and the CTC and/or STATE concurs with that increase in the form of an allocation and finance letter.

11. When such additional STATE FUNDS are not available, ADMINISTERING AGENCY agrees that any increases in PROJECT costs must be defrayed with ADMINISTERING AGENCY's own funds.

12. ADMINISTERING AGENCY shall use its own non STATE FUNDS to finance the local share of eligible costs and all PROJECT expenditures or contract items ruled ineligible for financing with STATE FUNDS. STATE shall make the final determination of ADMINISTERING AGENCY's cost eligibility for STATE FUNDED financing with respect to claimed PROJECT costs.

13. ADMINISTERING AGENCY will reimburse STATE for STATE's share of costs for work performed by STATE at the request of ADMINISTERING AGENCY. STATE's costs shall include overhead assessments in accordance with section 8755.1 of the State Administrative Manual.

14. STATE FUNDS allocated from the STIP are subject to the timely use of funds provisions enacted by Senate Bill 45, approved in 1997, and subsequent STIP Guidelines and State procedures approved by the CTC and STATE.

15. STATE FUNDS encumbered for PROJECT are available for liquidation only for five (5) years from the beginning of the State fiscal year when those funds were appropriated in the State Budget. STATE FUNDS not liquidated within these periods will be reverted unless a Cooperative Work Agreement (CWA) is submitted by ADMINISTERING AGENCY and approved by the California Department of Finance in accordance with Government Code section 16304. The exact date of fund reversion will be reflected in the STATE signed PROJECT finance letter.

16. Payments to ADMINISTERING AGENCY for PROJECT-related travel and subsistence (per diem) expenses of ADMINISTERING AGENCY forces and its contractors and subcontractors claimed for reimbursement or as local match credit shall not exceed rates authorized to be paid to rank and file STATE employees under current State Department of Personnel Administration (DPA) rules. If the rates invoiced by ADMINISTERING AGENCY are in excess of DPA rates, ADMINISTERING AGENCY is responsible for the cost difference, and any overpayments inadvertently paid by STATE shall be reimbursed to STATE by ADMINISTERING AGENCY on demand.

17. ADMINISTERING AGENCY agrees to comply with Office of Management and Budget (OMB) Circular A-87, Cost Principles for State and Local Governments, and 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

18. ADMINISTERING AGENCY agrees, and will assure that its contractors and subcontractors will be obligated to agree that (a) Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual PROJECT cost items and (b) those parties shall comply with federal administrative procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Every sub-recipient receiving PROJECT funds as a contractor or sub-contractor under this AGREEMENT shall comply with Federal administrative procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. ADMINISTERING AGENCY agrees to comply with the provisions set

forth in 23 CFR Parts 140, 645 and 646 when contracting with railroad and utility companies.

19. Any PROJECT costs for which ADMINISTERING AGENCY has received payment or credit that are determined by subsequent audit to be unallowable under OMB Circular A-87, 48 CFR, Chapter 1, Part 31, 23 CFR Parts 140, 645 and 646 or 49 CFR, Part 18, are subject to repayment by ADMINISTERING AGENCY to STATE.

20. Upon written demand by STATE, any overpayment to ADMINISTERING AGENCY of amounts invoiced to STATE shall be returned to STATE.

21. Should ADMINISTERING AGENCY fail to refund any moneys due STATE as provided herein or should ADMINISTERING AGENCY breach this AGREEMENT by failing to complete PROJECT without adequate justification and approval by STATE, then, within thirty (30) days of demand, or within such other period as may be agreed to in writing between the PARTIES hereto, STATE, acting through the State Controller, the State Treasurer, the CTC or any other public entity or agency, may intercept, withhold and demand the transfer of an amount equal to the amount paid by or owed to STATE for each PROJECT, from future apportionments, or any other funds due ADMINISTERING AGENCY from the Highway Users Tax Fund or any other sources of funds, and/or may also withhold approval of future STATE FUNDED projects proposed by ADMINISTERING AGENCY.

22. Should ADMINISTERING AGENCY be declared to be in breach of this AGREEMENT or otherwise in default thereof by STATE, and if ADMINISTERING AGENCY is constituted as a joint powers authority, special district, or any other public entity not directly receiving funds through the State Controller, STATE is authorized to obtain reimbursement from whatever sources of funding are available, including the withholding or transfer of funds, pursuant to Article IV - 21, from those constituent entities comprising a joint powers authority or by bringing of an action against ADMINISTERING AGENCY or its constituent member entities, to recover all funds provided by STATE hereunder.

23. ADMINISTERING AGENCY acknowledges that the signatory party represents the ADMINISTERING AGENCY and further warrants that there is nothing within a Joint Powers Agreement, by which ADMINISTERING AGENCY was created, if any exists, that would restrict or otherwise limit STATE's ability to recover STATE FUNDS improperly spent by ADMINISTERING AGENCY in contravention of the terms of this AGREEMENT.

## ARTICLE V

### AUDITS, THIRD PARTY CONTRACTING, RECORDS RETENTION AND REPORTS

1. STATE reserves the right to conduct technical and financial audits of PROJECT work and records when determined to be necessary or appropriate and ADMINISTERING AGENCY agrees, and shall require its contractors and subcontractors to agree, to cooperate with STATE by making all appropriate and relevant PROJECT records available for audit and copying as required by paragraph three (3) of Article V.
2. ADMINISTERING AGENCY, its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate incurred PROJECT costs and matching funds by line item for the PROJECT. The accounting system of ADMINISTERING AGENCY, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles, enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices sent to or paid by STATE.
3. For the purpose of determining compliance with Title 21, California Code of Regulations, Chapter 21, section 2500 et seq., when applicable, and other matters connected with the performance and costs of ADMINISTERING AGENCY's contracts with third parties pursuant to Government Code section 8546.7, ADMINISTERING AGENCY, ADMINISTERING AGENCY's contractors and subcontractors, and STATE shall each maintain and make available for inspection and audit all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above-referenced parties shall make such AGREEMENT and PROGRAM SUPPLEMENT materials available at their respective offices at all reasonable times during the entire PROJECT period and for three (3) years from the date of final payment to ADMINISTERING AGENCY under any PROGRAM SUPPLEMENT. STATE, the California State Auditor, or any duly authorized representative of STATE or the United States, shall each have access to any books, records, and documents that are pertinent to a PROJECT for audits, examinations, excerpts, and transactions and ADMINISTERING AGENCY shall furnish copies thereof if requested.
4. ADMINISTERING AGENCY is required to have an audit in accordance with the Single Audit Act of OMB Circular A-133 if it receives a total of \$500,000 or more in STATE FUNDS in a single fiscal year. The STATE FUNDS received under PROGRAM SUPPLEMENT are a part of the Catalogue of Federal Domestic Assistance (CFDA) 20.205, Highway Planning and Research.
5. ADMINISTERING AGENCY agrees to include all PROGRAM SUPPLEMENTS adopting the terms of this AGREEMENT in the schedule of projects to be examined in ADMINISTERING AGENCY'S annual audit and in the schedule of projects to be examined under its single audit prepared in accordance with OMB Circular A-133.
6. ADMINISTERING AGENCY shall not award a construction contract over \$10,000 or other contracts over \$25,000 [excluding professional service contracts of the type which are required to be procured in accordance with Government Code sections 4525 (d), (e) and (f)] on the basis of a noncompetitive negotiation for work to be performed under this AGREEMENT without the prior written approval of STATE. All contracts awarded by ADMINISTERING AGENCY intended or used as local match credit must meet the requirements set forth in this AGREEMENT regarding local match funds.

7. Any subcontract entered into by ADMINISTERING AGENCY as a result of this AGREEMENT shall contain all of the provisions of Article IV, FISCAL PROVISIONS, and this ARTICLE V, AUDITS, THIRD-PARTY CONTRACTING, RECORDS RETENTION AND REPORTS and shall mandate that travel and per diem reimbursements and third-party contract reimbursements to subcontractors will be allowable as PROJECT costs only after those costs are incurred and paid for by the subcontractors.

8. To be eligible for local match credit, ADMINISTERING AGENCY must ensure that local match funds used for a PROJECT meet the fiscal provisions requirements outlined in ARTICLE IV in the same manner that is required of all other PROJECT expenditures.

9. In addition to the above, the pre-award requirements of third-party contractor/consultants with ADMINISTERING AGENCY should be consistent with LOCAL ASSISTANCE PROCEDURES.

## ARTICLE VI - MISCELLANEOUS PROVISIONS

1. ADMINISTERING AGENCY agrees to use all PROJECT funds reimbursed hereunder only for transportation purposes that are in conformance with Article XIX of the California State Constitution and other California laws.
2. ADMINISTERING AGENCY shall conform to all applicable State and Federal statutes and regulations, and the Local Assistance Program Guidelines and Local Assistance Procedures Manual as published by STATE and incorporated herein, including all subsequent approved revisions thereto applicable to PROJECT unless otherwise designated in the project-specific executed PROJECT SUPPLEMENT.
3. This AGREEMENT is subject to any additional restrictions, limitations, conditions, or any statute enacted by the State Legislature or adopted by the CTC that may affect the provisions, terms, or funding of this AGREEMENT in any manner.
4. ADMINISTERING AGENCY and the officers and employees of ADMINISTERING AGENCY, when engaged in the performance of this AGREEMENT, shall act in an independent capacity and not as officers, employees or agents of STATE.
5. Each project-specific PROGRAM SUPPLEMENT shall separately establish the terms and funding limits for each described PROJECT funded under this AGREEMENT and that PROGRAM SUPPLEMENT. No STATE FUNDS are obligated against this AGREEMENT.
6. ADMINISTERING AGENCY certifies that neither ADMINISTERING AGENCY nor its principals are suspended or debarred at the time of the execution of this AGREEMENT, and ADMINISTERING AGENCY agrees that it will notify STATE immediately in the event a suspension or a debarment occurs after the execution of this AGREEMENT.
7. ADMINISTERING AGENCY warrants, by execution of this AGREEMENT, that no person or selling agency has been employed or retained to solicit or secure this AGREEMENT upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by ADMINISTERING AGENCY for the purpose of securing business. For breach or violation of this warranty, STATE has the right to annul this AGREEMENT without liability, pay only for the value of the PROJECT work actually performed, or in STATE's discretion, to deduct from the price of PROGRAM SUPPLEMENT consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.
8. In accordance with Public Contract Code section 10296, ADMINISTERING AGENCY hereby certifies under penalty of perjury that no more than one final unappealable finding of contempt of court by a federal court has been issued against ADMINISTERING AGENCY within the immediate preceding two (2) year period because of ADMINISTERING AGENCY's failure to comply with an order of a federal court that orders ADMINISTERING AGENCY to comply with an order of the National Labor Relations Board.
9. ADMINISTERING AGENCY shall disclose any financial, business, or other relationship with STATE that may have an impact upon the outcome of this AGREEMENT or any individual PROJECT encompassed within a PROGRAM SUPPLEMENT. ADMINISTERING AGENCY shall also list current contractors who may have a financial interest in the outcome of a PROJECT undertaken pursuant to this AGREEMENT.

10. ADMINISTERING AGENCY hereby certifies that it does not now have nor shall it acquire any financial or business interest that would conflict with the performance of any PROJECT initiated under this AGREEMENT.

11. ADMINISTERING AGENCY warrants that this AGREEMENT was not obtained or secured through rebates, kickbacks or other unlawful consideration either promised or paid to any STATE employee. For breach or violation of this warranty, STATE shall have the right, in its sole discretion, to terminate this AGREEMENT without liability, to pay only for PROJECT work actually performed, or to deduct from a PROGRAM SUPPLEMENT price or otherwise recover the full amount of such rebate, kickback, or other unlawful consideration.

12. Any dispute concerning a question of fact arising under this AGREEMENT that is not disposed of by agreement shall be decided by the STATE's Contract Officer, who may consider any written or verbal evidence submitted by ADMINISTERING AGENCY. The decision of the Contract Officer, issued in writing, shall be conclusive and binding on the PARTIES on all questions of fact considered and determined by the Contract Officer.

13. Neither the pending of a dispute nor its consideration by the Contract Officer will excuse the ADMINISTERING AGENCY from full and timely performance in accordance with the terms of this AGREEMENT and each PROGRAM SUPPLEMENT.

14. Neither STATE nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by ADMINISTERING AGENCY under or in connection with any work, authority or jurisdiction of ADMINISTERING AGENCY arising under this AGREEMENT. It is understood and agreed that ADMINISTERING AGENCY shall fully defend, indemnify and save harmless STATE and all of its officers and employees from all claims and suits or actions of every name, kind and description brought forth under, including but not limited to, tortuous, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by ADMINISTERING AGENCY under this AGREEMENT.

15. Neither ADMINISTERING AGENCY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by, under or in connection with any work, authority or jurisdiction arising under this AGREEMENT. It is understood and agreed that STATE shall fully defend, indemnify and save harmless the ADMINISTERING AGENCY and all of its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including but not limited to, tortuous, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by STATE under this AGREEMENT.

16. In the event of (a) ADMINISTERING AGENCY failing to timely proceed with effective PROJECT work in accordance with the project-specific PROGRAM SUPPLEMENT; (b) failing to maintain any applicable bonding requirements; and (c) otherwise materially violating the terms and conditions of this AGREEMENT and/or any PROGRAM SUPPLEMENT, STATE reserves the right to terminate funding for that PROJECT upon thirty (30) days' written notice to ADMINISTERING AGENCY.

17. No termination notice shall become effective if, within thirty (30) days after receipt of a Notice of Termination, ADMINISTERING AGENCY either cures the default involved or, if the default is not reasonably susceptible of cure within said thirty (30) day period the ADMINISTERING

AGENCY proceeds thereafter to complete that cure in a manner and time line acceptable to STATE.

18. Any such termination shall be accomplished by delivery to ADMINISTERING AGENCY of a Notice of Termination, which notice shall become effective not less than thirty (30) days after receipt, specifying the reason for the termination, the extent to which funding of work under this AGREEMENT and the applicable PROGRAM SUPPLEMENT is terminated and the date upon which such termination becomes effective, if beyond thirty (30) days after receipt. During the period before the effective termination date, ADMINISTERING AGENCY and STATE shall meet to attempt to resolve any dispute. In the event of such termination, STATE may proceed with the PROJECT work in a manner deemed proper by STATE. If STATE terminates funding for PROJECT with ADMINISTERING AGENCY for the reasons stated in paragraph sixteen (16) of ARTICLE VI, STATE shall pay ADMINISTERING AGENCY the sum due ADMINISTERING AGENCY under the PROGRAM SUPPLEMENT and/or STATE-approved finance letter prior to termination, provided, however, ADMINISTERING AGENCY is not in default of the terms and conditions of this AGREEMENT or the project-specific PROGRAM SUPPLEMENT and that the cost of any PROJECT completion to STATE shall first be deducted from any sum due ADMINISTERING AGENCY.

19. In the case of inconsistency or conflicts with the terms of this AGREEMENT and that of a project-specific PROGRAM SUPPLEMENT and/or Cooperative Agreement, the terms stated in that PROGRAM SUPPLEMENT and/or Cooperative Agreement shall prevail over those in this AGREEMENT.

20. Without the written consent of STATE, this AGREEMENT is not assignable by ADMINISTERING AGENCY either in whole or in part.

21. No alteration or variation of the terms of this AGREEMENT shall be valid unless made in writing and signed by the PARTIES, and no oral understanding or agreement not incorporated herein shall be binding on any of the PARTIES.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT by their duly authorized officer.

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION

City of Calabasas

By \_\_\_\_\_  
\_\_\_\_\_

By \_\_\_\_\_  
Kindon Meik, City Manager

Chief, Office of Project Implementation  
Division of Local Assistance

City of Calabasas  
Representative Name & Title  
(Authorized Governing Body Representative)

Date \_\_\_\_\_

Date \_\_\_\_\_

## EXHIBIT A - FAIR EMPLOYMENT PRACTICES ADDENDUM

1. In the performance of this Agreement, ADMINISTERING AGENCY will not discriminate against any employee for employment because of race, color, sex, sexual orientation, religion, age, ancestry or national origin, physical disability, medical condition, marital status, political affiliation, family and medical care leave, pregnancy leave, or disability leave. ADMINISTERING AGENCY will take affirmative action to ensure that employees are treated during employment without regard to their race, sex, sexual orientation, color, religion, ancestry, or national origin, physical disability, medical condition, marital status, political affiliation, family and medical care leave, pregnancy leave, or disability leave. Such action shall include, but not be limited to, the following: employment; upgrading; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. ADMINISTERING AGENCY shall post in conspicuous places, available to employees for employment, notices to be provided by STATE setting forth the provisions of this Fair Employment section.

2. ADMINISTERING AGENCY, its contractor(s) and all subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code, 1290-0 et seq.), and the applicable regulations promulgated thereunder (Cal. Code Regs., Title 2, 7285.0, et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code section 12900(a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations are incorporated into this AGREEMENT by reference and made a part hereof as if set forth in full. Each of the ADMINISTERING AGENCY'S contractors and all subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreements, as appropriate.

3. ADMINISTERING AGENCY shall include the nondiscrimination and compliance provisions of this clause in all contracts and subcontracts to perform work under this AGREEMENT.

4. ADMINISTERING AGENCY will permit access to the records of employment, employment advertisements, application forms, and other pertinent data and records by STATE, the State Fair Employment and Housing Commission, or any other agency of the State of California designated by STATE, for the purposes of investigation to ascertain compliance with the Fair Employment section of this Agreement.

### 5. Remedies for Willful Violation:

(a) STATE may determine a willful violation of the Fair Employment provision to have occurred upon receipt of a final judgment to that effect from a court in an action to which ADMINISTERING AGENCY was a party, or upon receipt of a written notice from the Fair Employment and Housing Commission that it has investigated and determined that ADMINISTERING AGENCY has violated the Fair Employment Practices Act and had issued an order under Labor Code section 1426 which has become final or has obtained an injunction under Labor Code section 1429.

(b) For willful violation of this Fair Employment Provision, STATE shall have the right to terminate this Agreement either in whole or in part, and any loss or damage sustained by STATE in securing the goods or services thereunder shall be borne and paid for by ADMINISTERING AGENCY and by the surety under the performance bond, if any, and STATE may deduct from any moneys due

or thereafter may become due to ADMINISTERING AGENCY, the difference between the price named in the Agreement and the actual cost thereof to STATE to cure ADMINISTERING AGENCY's breach of this Agreement.

**PROGRAM SUPPLEMENT NO. W06**  
**to**  
**ADMINISTERING AGENCY-STATE AGREEMENT**  
**FOR STATE FUNDED PROJECTS NO 00587S**

**Adv Project ID**      **Date:** February 23, 2021  
 0721000140      **Location:** 07-LA-0-CAL  
                          **Project Number:** LRSPL-5463(020)  
                          **E.A. Number:**  
                          **Locode:** 5463

This Program Supplement, effective \_\_\_\_\_, hereby adopts and incorporates into the Administering Agency-State Agreement No. 00587S for State Funded Projects which was entered into between the ADMINISTERING AGENCY and the STATE with an effective date of \_\_\_\_\_ and is subject to all the terms and conditions thereof. This PROGRAM SUPPLEMENT is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. \_\_\_\_\_ approved by the ADMINISTERING AGENCY on \_\_\_\_\_ (See copy attached).

The ADMINISTERING AGENCY further stipulates that as a condition to the payment by the State of any funds derived from sources noted below encumbered to this project, Administering Agency accepts and will comply with the Special Covenants and remarks set forth on the following pages.

**PROJECT LOCATION:** CITY OF CALABASAS, DEVELOPE A LOCAL ROADWAY SAFETY PLAN.

**TYPE OF WORK:** DEVELOPE A LOCAL ROADWAY SAFETY PLAN.

Estimated Cost	State Funds		Matching Funds	
	STATE	LOCAL	LOCAL	OTHER
\$45,000.00	\$40,000.00	\$5,000.00		\$0.00

**CITY OF CALABASAS**

**STATE OF CALIFORNIA**  
**Department of Transportation**

By \_\_\_\_\_

By \_\_\_\_\_

Title Kindon Meik, City Manager

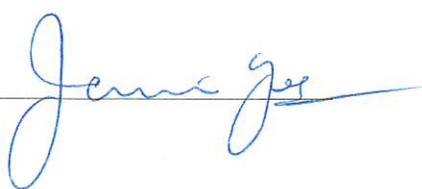
Chief, Office of Project Implementation  
 Division of Local Assistance

Date \_\_\_\_\_

Date \_\_\_\_\_

Attest \_\_\_\_\_  
 Maricela Hernandez, City Clerk

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer 

Date 2/25/2024 \$40,000.00

**SPECIAL COVENANTS OR REMARKS**

1. All obligations of STATE under the terms of this Agreement are subject to the appropriation of resources by the Legislature and the encumbrance of funds under this Agreement. Funding and reimbursement are available only upon the passage of the State Budget Act containing these STATE funds.
2. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

3. ADMINISTERING AGENCY agrees to comply with the requirements in 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (applicable to Federal and State Funded Projects).
4. This PROJECT is funded with State-Only funding from the Local Roadway Safety Plan (LRSP) Program. ADMINISTERING AGENCY agrees to develop an LRSP under this PROJECT.

The ADMINISTERING AGENCY agrees to follow all relevant State laws and requirements including the California Environmental Quality Act (CEQA).

This PSA allows reimbursement of eligible PROJECT expenditures to the ADMINISTERING AGENCY for which the LRSP State funds are allocated. The effective State allocation date establishes the eligibility date for the ADMINISTERING AGENCY to start reimbursable work. Any work performed prior the effective allocation date is not eligible for reimbursement from the LRSP funds.

ADMINISTERING AGENCY agrees that LRSP funds available for reimbursement will be

**SPECIAL COVENANTS OR REMARKS**

limited to the amount allocated and encumbered by the STATE consistent with the scope of work in the STATE approved application. Funds encumbered may not be used for a modified scope of work after a project is awarded unless approved by the Statewide LRSP Coordinator prior to performing work.

ADMINISTERING AGENCY agrees to the program delivery and reporting requirements. The study and the LRSP must be completed within thirty-six (36) months of the funding allocation. The Final Report of Expenditure, the final invoice and the LRSP report must be submitted to the DLAE within six (6) months of the report completion.

**BUDGET AMENDMENT TO**  
**AB 939 and Capital Improvement Fund**  
to Adjust Revenues & Expenditures for the Local Road Safety Plan  
FY 2020 - 21

**A. Fund Allocation**

Account Number	FUND Name	Amount
36-000-0310-00	Grants Fund	\$ -
63-000-0310-00	Road Maint & Rehab (RMRA)	(\$ 5,000)
	<b>TOTAL</b>	(\$ 5,000)

**B. Estimated REVENUES**

Account Number	Current Budget	Revision	Amended Budget
36-000-4668-04	\$ -	\$ 40,000	\$ 40,000
36-000-4900-63	\$ -	\$ 5,000	\$ 5,000
<i>State Local Road Safety Grant &amp; Transfers In from RMRA (SBI)</i>			
<b>TOTAL REVENUES</b>	\$ -	\$ 45,000	\$ 45,000

**C. Expenditure Account APPROPRIATIONS**

Account Number	Current Budget	Revision	Amended Budget
36-331-5252-00	\$ -	\$ 45,000	\$ 45,000
<i>Local Road Safety Plan</i>			
63-000-9900-36	\$ -	\$ 5,000	\$ 5,000
<i>RMRA Transfers Out to Grant Fund</i>			
<b>TOTAL APPROPRIATIONS</b>	\$ -	\$ 50,000	\$ 50,000



**CITY of CALABASAS**  
**CITY COUNCIL AGENDA REPORT**

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**DATE:** MARCH 15, 2021

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** TOM BARTLETT, AICP, CITY PLANNER

**SUBJECT:** ADOPTION OF ORDINANCE NO. 2021-392, AMENDING SECTION 17.22.020 OF THE CALABASAS MUNICIPAL CODE (DENSITY BONUS PROVISIONS), AS REQUIRED TO COMPLY WITH CALIFORNIA ASSEMBLY BILL 2345 (AB 2345)

**MEETING DATE:** MARCH 24, 2021

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**SUMMARY RECOMMENDATION:**

Staff recommends that the City Council adopt Ordinance No. 2021-392 (Attachment A), revising CMC section 17.22.020 as necessary to comply with the provisions of AB 2345.

**BACKGROUND:**

Under California law (Section 65915 of the California Gov. Code), every city and county in California must adopt and implement for all residential zoning districts a series of density bonuses and attendant development standard concessions and incentives for the purpose of promoting affordable housing development. Assembly Bill 2345 (AB 2345), which took effect on January 1, 2021 requires that the City amend its provisions for the granting of density bonuses.

On March 10, 2021, the City Council conducted a public hearing on draft Ordinance No. 2021-392, after which the City Council asked that the draft ordinance be amended to include a provision stating that in the event the State of California would at some future date either modify the statutes to reduce the density bonus

requirements for local jurisdictions, or to repeal the density bonus requirements for local jurisdictions altogether, that the City's density bonus regulations under the ordinance would automatically reflect such change(s) in the State law.

Accordingly, Section 5 of Ordinance No. 2021-392 has been revised to read as follows:

Section 5: This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Calabasas ordinance. If Government Code section 65915 is ever repealed or held unconstitutional or unenforceable by a final, non-appealable judgment of a court of competent jurisdiction, then Calabasas Municipal Code section 17.22.030 shall be repealed. If Government Code section 65915 is ever amended, or portions of that law are ever held unconstitutional or unenforceable by a final, non-appealable judgment of a court of competent jurisdiction, then Calabasas Municipal Code section 17.22.030 shall be modified as needed to only allow as much of a density bonus as is required by state law.

Based on the inclusion of this amendment, the City Council voted to introduce, and waive further reading of, Ordinance No. 2021-392. The ordinance may now be adopted.

**ENVIRONMENTAL IMPACT REVIEW:**

No environmental impact review under the California Environmental Quality Act is required because the proposed ordinance will merely promulgate a newly enacted California housing law, and that state housing law already applies preemptively to all qualifying housing development projects to be considered by the City.

**RECOMMENDATION:**

Staff recommends that the City Council adopt Ordinance No. 2021-392, revising CMC section 17.22.020 as necessary to comply with the provisions of AB 2345.

**ATTACHMENTS:**

Attachment A: Ordinance No. 2021-392 amending CMC Chapter 17.22 as necessary to comply with the provisions of AB 2345

**ORDINANCE NO. 2021-392**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA AMENDING CHAPTER 17.22 OF THE CALABASAS MUNICIPAL CODE, "AFFORDABLE HOUSING", TO BRING INTO CONSISTENCY WITH NEW CALIFORNIA LAW THE STANDARDS AND REQUIREMENTS FOR PROVIDING AND INCENTIVIZING AFFORDABLE HOUSING WITH DENSITY BONUSES AND OTHER STATE-MANDATED CONCESSIONS AS PART OF EITHER A RESIDENTIAL HOUSING PROJECT OR A COMMERCIAL MIXED-USE PROJECT.**

**WHEREAS**, the City Council of the City of Calabasas, California ("the City Council") has considered all of the evidence including, but not limited to, the Planning Commission Resolution No. 2021-707, Planning Division staff report and attachments, and public testimony at its meeting; and,

**WHEREAS**, the City Council finds that the proposed amendment to Chapter 17.22 will update the City's affordable housing requirements as they pertain to density bonus, so that the affordability thresholds, density bonus amounts, and requisite concessions, incentives, and waivers align with newly enacted State law; and,

**WHEREAS**, the City Council finds that the proposed Development Code Amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and,

**WHEREAS**, the proposed Development Code Amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA) because the project is exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA), and pursuant to Sections 15002(j)(1) and 15061(B)(3) of the CEQA Guidelines; and,

**WHEREAS**, the proposed Development Code Amendment is consistent with newly effective amendments to California Government Code section 65915 and is consistent with the Housing Element of the Calabasas 2030 General Plan, which encourages the development of affordable housing, is adopted in the public interest, and is otherwise consistent with federal and state law; and,

**WHEREAS**, the City Council has considered the entirety of the record, which includes, without limitation, the Calabasas 2030 General Plan, the staff report, public comments, Planning Commission Resolution No. 2021-707, and the record of the

public hearing conducted by the Planning Commission on February 18, 2021; and all other associated reports and testimony;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Based upon the foregoing the City Council finds:

1. Notice of the March 10, 2021 City Council public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Gelson’s Market, and at Calabasas City Hall.
2. Notice of the March 10, 2021 City Council public hearing was published in the *Las Virgenes Enterprise* ten (10) days prior to the hearing.
3. Notice of the March 10, 2021 City Council public hearing complied with the public notice requirements set forth in Government Code Section 65009 (b)(2).
4. Following a public hearing held on February 18, 2021, the Planning Commission adopted Resolution No. 2021-707 recommending to the City Council adoption of this ordinance.

**SECTION 2.** Section 17.76.050(B) Calabasas Municipal Code allows the City Council to approve the Development Code Amendment, which follows in Section 3 of this ordinance, provided that the following findings are made:

1. *The proposed amendment is consistent with the goals, policies, and actions of the General Plan;*

The proposed amendment to Chapter 17.22 will update the City’s affordable housing requirements as they pertain to density bonus, so that the affordability thresholds, density bonus amounts, and requisite concessions, incentives, and waivers align with newly enacted State law. The Calabasas 2030 General Plan, as updated on September 11, 2013 through the adoption of the 2014-2021 Housing Element Update, includes the following objective statements: 1) Assist in the provision of a variety of housing types to address the needs of all economic segments of the Calabasas community; and, 2) Address and remove governmental constraints that may hinder or discourage housing development in Calabasas. The proposed amendment will assist in the provision of a variety of housing types to address the needs of all economic segments of the Calabasas community by increasing the number of potential new and new affordable housing units on residentially zoned and mixed-use zoned properties in the city and decreasing the per-unit development costs for new housing production. The proposed amendment will also remove governmental constraints by allowing qualified housing development projects to more easily secure development standard concessions and waivers as necessary to accomplish affordable housing production. In addition to being consistent with these General Plan objectives, the proposed amendment specifically implements the following General Plan policies, as articulated in the 2014-2021 Housing Element:

**Policy V-12:** Continue to require new housing development to set aside a portion of units for lower and moderate income households through the Inclusionary Housing Ordinance.

**Policy V-14:** Provide financial and/or regulatory incentives to facilitate the development of affordable housing.

**Policy V-15:** Encourage affordable housing units to be dispersed throughout a project and not grouped together in a single area.

**Policy V-17:** Offer regulatory incentives and concessions, including density bonuses, to offset or reduce the costs of developing affordable housing.

Accordingly, the proposed amendment is consistent with the goals, policies, and actions of the General Plan.

*2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the city;*

The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City because it updates the City's affordable housing requirements to comply with new state law, and any future residential development project that would take advantage of the updated density bonus provisions still must comply fully with all other applicable standards for site development, including but not limited to: Hillside Grading Ordinance, Scenic Corridor Overlay Ordinance and Design Guidelines, Dark Skies Ordinance, Landscaping Ordinance, Oak Tree Ordinance, Green Buildings Ordinance, and other health and safety requirements of applicable laws. Any such future project must comply fully with the provisions of the Building and Fire Codes, and would be subject to environmental review in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, and must mitigate all identified significant environmental impacts. Government Code section 65915, subdivision (d)(1)(B) also recognizes the City's ability to prevent specific, adverse impacts on public health or safety from granting requested incentives or concessions and to impose mitigation measures as needed to protect against specific, adverse impacts to public health and safety.

*3. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).*

The proposed amendment is exempt from the requirement for environmental review under CEQA because: 1) the density bonus provisions promulgated through the updated Code already took effect on January 1, 2017 with preemptive authority under the new State statutes; thus, the City's action is not creating a new land use regulation and it can be seen with certainty that no environmental impacts will result from the City's action. Consequently, and in accordance with CEQA Section 21084

and both Section 15002(i)(1) -- Lack of Local Jurisdictional Discretion -- and Section 15061(b)(3) -- General Rule of Exemption -- of the CEQA Guidelines, a Notice of Exemption has been prepared for this proposed amendment.

*4. The proposed amendment is internally consistent with other applicable provisions of this development code.*

The proposed amendment is internally consistent with other applicable provisions of the Development Code because it updates only Chapter 17.22, Affordable Housing, and all other chapters remain unaffected.

**SECTION 3.** Development Code Amendment: Section 17.22.020 of the Land Use and Development Code is hereby amended to read as follows, with additions denoted as underlined and deletions denoted in ~~strike-out~~:

**17.22.020 - Affordable housing requirements; eligibility for bonus and incentives.**

A. Affordable Housing Requirement. All residential or mixed use development projects proposing five or more housing units shall include housing that is affordable to low, very low and/or moderate income households, in compliance with this section. Housing units provided in compliance with this section that meet the requirements of both this Section 17.22.020(A) and Section 17.22.020(B) shall be eligible for density bonuses and incentives in compliance with Section 17.22.030. At a minimum, a proposed residential development project shall include the following number of affordable housing units at the stated rental rates or sales prices, or shall provide off-site alternatives in compliance with the provisions of this chapter:

1. Twenty (20) percent of the total number of units shall be rented or sold at prices affordable to households with an income of up to one hundred ten (110) percent of the county median income; or
2. Fifteen (15) percent of the total number of units shall be rented or sold at prices affordable to households with an income of up to ninety (90) percent of the county median income; or
3. Ten (10) percent of the total number of units shall be rented or sold at prices affordable to households with an income of up to seventy-five (75) percent of the county median income; or
4. Five percent of the total number of units shall be rented or sold at prices affordable to households with an income of up to fifty (50) percent of the county median income.

B. In order to be eligible for a density bonus and other incentives as provided by this chapter, a proposed residential development project shall:

1. Consist of five or more dwelling units; and

2. Provide for the construction of one or more of the following within the development, one of which the permit applicant shall elect as the basis for its request for a density bonus:

- a. Ten (10) percent of the total units of a housing development for low income households, as defined in Health and Safety Code section 50079.5; or
- b. Five percent of the total units of a housing development for very low income households, as defined in Health and Safety Code section 50105; or
- c. A senior citizen housing development as defined in Civil Code sections 51.3 and 51.12, or mobile home park that limits residency based on age requirements for housing for older persons pursuant to Civil Code section 798.76 or 799.5; or
- d. Ten (10) percent of the total dwelling units in a common interest development as defined in Civil Code section 1351, for persons and families of moderate income, as defined in Health and Safety Code section 50093, provided that all units in the development are offered to the public for purchase; or
- e. Ten percent of the total units of a housing development for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units.

3. Satisfy all other applicable provisions of this development code.

#### **17.22.030 - Types of bonus and incentives allowed.**

As required by Government Code Section 65915, this section offers density bonuses, incentives, concessions, and waivers, as applicable, to permit applicants for providing housing that is affordable to the types of households and qualifying residents identified in subsection (A) of this section. A housing or mixed-use development that satisfies all applicable provisions of this section shall be entitled to one density bonus and one or more incentives or concessions, described below. If the density bonus, incentives, or concessions cannot be accommodated on a site due to strict compliance with the provisions of this development code, the council shall waive or modify development standards, to the extent required by state law, to accommodate the bonus units, incentives, or concessions to which the development would be entitled, unless such waiver or modification does not result in identifiable and actual cost reductions to provide for affordable housing costs or would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health, safety, or the physical environment, and for which there is no feasible method to mitigate or avoid the specific adverse impact. In offering these

incentives, this section carries out the requirements of Government Code Sections 65302, 65913, and 65915, et seq.

A. Density Bonus. The density bonus granted to a residential development project shall consist of an increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the General Plan as of the date of application. The applicant may elect to accept a lesser percentage of a density bonus. The amount of density bonus to which the applicant is entitled shall vary according to the amount and type of affordable housing units provided, and shall be set at the amount specified in Government Code section 65915. The City will also grant a density bonus for qualifying projects containing affordable housing provided by partnership between a commercial developer and an affordable housing developer, as required by Government Code section 65915.7.

B. Additional Density Bonus. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates developable land to the city as provided for in Government Code Section 65915, the applicant shall be entitled to an increase above the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the General Plan for the entire development, as required and at the amounts set by Government Code section 65915. This increase is in addition to any density bonus provided by subsection (A)(2) of this section, up to a maximum combined density increase of thirty-five (35) percent.

C. Incentives and Concessions, Number. In addition to reduced off-street parking requirements, as provided in Government Code 65915, aAn eligible project shall receive at least one and as many as four ~~one, two or three~~ incentives or concessions, as follows:

1. One incentive or concession for a project that includes at least ten (10) percent of the total units for lower income households, at least five percent for very low income households, or at least ten (10) percent for persons and families of moderate income in a common interest development;

2. Two incentives or concessions for a project that includes at least seventeen (17) ~~twenty (20)~~ percent of the total units for lower income households, at least ten (10) percent for very low income households, or at least twenty (20) percent for persons and families of moderate income in a common interest development;

~~and~~

3. Three incentives or concessions for a project that includes at least twenty-four (24) ~~thirty (30)~~ percent of the total units for lower income households, at least fifteen (15) percent for very low income households, or at least thirty (30) percent for persons and families of moderate income in a common interest development.;

and,

4. Four incentives or concessions for a project that includes at least eighty (80) percent of the total units for very low income or low income households.

D. Incentives and Concessions, Description. A project that is eligible to receive incentives pursuant to subsection (C) above shall be entitled to at least one of the following incentives identified in Government Code Section 65915(I):

1. A reduction in the site development standards (as defined by Government Code Section 65915 Subsection (o)(1)) or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission.
2. Approval of mixed-use zoning in conjunction with the housing project if nonresidential land uses would reduce the cost of the housing project, and the nonresidential land uses would be compatible with the housing project and adjoining development.
3. Other regulatory incentives or concessions proposed by the permit applicant or the city that would result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set at the applicable affordability levels.

Nothing in this section shall be construed to require the city to provide, or limit the city's ability to provide, direct financial incentives for housing development, including the provision of publicly owned land by the city or the waiver of fees and dedication requirements.

E. Limitations and Exceptions.

1. In order to receive incentives or concessions as described in subsections (C) and (D), an applicant must submit a proposal to the city requesting the specific incentives or concessions that the applicant desires. The applicant must file an application for a density bonus, on the form provided by the Community Development Director and with the attachments required by that form, which is part of and must be filed with the application for the development project itself. The applicant must provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, and/or waivers or reductions of development standards and parking ratios, including information demonstrating that the requested incentives, concessions, or waivers will result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set at the applicable affordability levels. The application for a density bonus is part of the application for the development project itself, as such the application for a density bonus may not be deemed complete until the application for the housing or mixed use development is deemed complete.
2. The city shall grant the incentives or concessions requested by the permit applicant pursuant to subsection (E)(1) and required pursuant to subsection (C), unless the city makes a written finding, based upon substantial evidence, of either of the following:

- a. The incentive or concession will not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5 or for rents for the targeted units to be set at the applicable affordability levels; or
- b. The incentive or concession would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate income households.

3. The city's granting of an incentive, concession, or density bonus shall not require or be interpreted, in and of itself, to require a General Plan amendment, zoning change, or other discretionary approval.

4. Nothing in this section shall be interpreted to require the city to waive or reduce development standards or to grant an incentive or concession that would violate applicable state or federal law or have a specific, adverse impact upon public health, safety or the physical environment for which there is no feasible method of mitigating or avoiding the specific adverse impact; nor shall this subsection require the city to waive or reduce development standards or to grant an incentive that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

F. Continued Availability and Affordability. Before the issuance of a building permit for any dwelling unit in a development for which density bonus units have been awarded or incentives or concessions have been received, the land use permit application for the residential project shall include the procedures proposed by the permit applicant to maintain the continued affordability of all lower income and restricted occupancy density bonus units, and the permit applicant shall identify the restricted units and enter into a written covenant with the city to guarantee the continued affordability of all lower income and restricted occupancy density bonus units as required by Government Code section 65915.

G. Recordation of Agreement. The terms and conditions of the covenant set forth in subsection (F) shall run with the land which is to be developed, shall be binding upon the successor(s)-in-interest of the permit applicant, shall be recorded in the county recorder's office, and shall be approved as to form by the City Attorney as compliance with applicable state law.

H. Processing of Bonus Request.

- 1. Permit Required. Requests for affordable units shall require approval of a building permit, together with all other permits required by this code, in

compliance with the requirements of this development code which shall be reviewed and recommended by the commission, and approved by the council.

2. Criteria to Be Considered. Criteria to be considered in analyzing a requested density bonus shall include whether the applicant has agreed to construct a development that meets the requirements of this section. Criteria to be considered in analyzing a requested incentive or concession shall include whether the applicant has provided information demonstrating that the requested incentives, concessions, or waivers will result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set at the applicable affordability levels and whether an incentive or concession has a specific adverse impact upon health, safety or the physical environment, and whether there is no feasible method to eliminate or mitigate such specific adverse impact.

3. Findings for Approval. In addition to the findings required for the approval of a building permit in compliance with the requirements of this development code, the approval of a density bonus shall require the following additional findings to be made:

- a. The development project would not be a hazard or public nuisance or establish a use or development inconsistent with the goals and policies of the General Plan;
- b. Adequate evidence exists to ensure that the development of the property would result in the provision of affordable housing in a manner consistent with the purpose and intent of this chapter, including information demonstrating that the requested incentives, concessions, or waivers will result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set at the applicable affordability levels and that the provision of any requested incentives, concessions, or waivers will not violate applicable state or federal law, not have a specific, adverse impact upon public health, safety or the physical environment for which there is no feasible method of mitigating or avoiding the specific adverse impact, and will not have an adverse impact on any real property that is listed in the California Register of Historical Resources;
- c. In the event that the city does not grant at least one financial concession or incentive as defined in Government Code Section 65915 in addition to the density bonus, that additional concessions or incentives will not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set at the applicable affordability levels; and
- d. There are sufficient provisions to guarantee that the units will remain affordable in the future.

4. Development Standards. In no case may the city apply any development standard that would have the effect of precluding the construction of a development meeting the criteria of Section 17.22.020(B) at the densities or with the incentives or concessions permitted by this chapter. An applicant may submit to the city a proposal for the waiver or reduction of development standards. The applicant must show that the waiver or modification is necessary to not physically preclude the construction of a development meeting the criteria of subdivision 3 (b) at the densities or with the concessions or incentives permitted under this chapter.

I. Appeal. In accordance with Chapter 17.74, a Appeals of commission actions on the granting of density bonuses in compliance with this chapter ~~Chapter 17.74~~ will be heard by the council. Additionally, an applicant may initiate judicial proceedings if the city refuses to grant a requested density bonus, incentive, or modification or waiver of a development standard. If a court finds that the refusal to grant a requested density bonus, incentive, or modification or waiver of a development standard is in violation of this chapter or Government Code Section 65915, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this section shall be interpreted to require the city to waive or reduce development standards or to grant an incentive that would have a specific, adverse impact upon public health, safety or the physical environment for which there is no feasible method of mitigating or avoiding the specific adverse impact; nor shall this subsection require the city to waive or reduce development standards or to grant an incentive that would have a specific adverse impact on any real property that is listed in the California Register of Historical Resources.

**SECTION 4.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Calabasas hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

**SECTION 5.** Effective Date:

This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Calabasas ordinance. If Government Code section 65915 is ever repealed or held unconstitutional or unenforceable by a final, non-appealable judgment of a court of competent jurisdiction, then Calabasas Municipal Code section 17.22.030 shall be repealed. If Government Code section 65915 is ever amended, or portions of that law are ever held unconstitutional or unenforceable by a final, non-appealable judgment of a court of competent jurisdiction, then

Calabasas Municipal Code section 17.22.030 shall be modified as needed to only allow as much of a density bonus as is required by state law.

**SECTION 6.** Certification:

The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

**PASSED, APPROVED AND ADOPTED** this 24<sup>th</sup> day of March, 2021.

\_\_\_\_\_  
James R. Bozajian, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Maricela Hernandez, City Clerk  
*Master Municipal Clerk*  
*California Professional Municipal Clerk*

\_\_\_\_\_  
Scott H. Howard  
Colantuono, Highsmith & Whatley, PC  
City Attorney



CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

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**DATE:** MARCH 5, 2021

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** MARICELA HERNANDEZ, MMC, CPMC, CITY CLERK *Marc*

**SUBJECT:** CONSIDERATION AND APPROVAL OF DENNIS WASHBURN'S APPOINTMENT TO THE ART IN PUBLIC PLACES ADVISORY COMMITTEE

**MEETING**

**DATE:** MARCH 24, 2021

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**SUMMARY RECOMMENDATION:**

It is recommended that the City Council approve the appointment of Dennis Washburn to the Art in Public Places Advisory Committee.

**BACKGROUND:**

Per the Calabasas Municipal Code Section 17.24.070, the Arts in Public Places Advisory Committee is comprised of a parks and recreation commissioner appointed by the chair, a planning commissioner appointed by the chair and one at-large member appointed by the city council and the committee shall be advisory to the city council. All members must be residents of the City. The committee is advisory to the City Council. On March 4, 2021, the Planning Commission nominated Commissioner Washburn for the position. Commissioner Washburn has served on the Planning Commission for more than five years.

**REQUESTED ACTION:**

That the Council approve the appointment of Dennis Washburn to the Art in Public Places Advisory Committee.

*Elle*



**CITY of CALABASAS**

**CITY COUNCIL AGENDA REPORT**

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**DATE:** MARCH 8, 2021

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** KINDON MEIK, CITY MANAGER

**BY:** MARICELA HERNANDEZ, MMC, CPMC, CITY CLERK *Marc*

**SUBJECT:** ADOPTION OF RESOLUTION NO. 2021-1722, APPROVING A RENEWAL OF THE GENERAL SERVICES AGREEMENT WITH LOS ANGELES COUNTY ENDING JUNE 30, 2026

**MEETING**

**DATE:** MARCH 24, 2021

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**SUMMARY RECOMMENDATION:**

That the City Council adopt Resolution No. 2021-1722, approving the renewal of the City's General Services Agreement with the County of Los Angeles.

**DISCUSSION/ANALYSIS:**

The City's General Services Agreement (GSA) with the County of Los Angeles will expire on June 30, 2021. The GSA is general in nature and simply authorizes the County to provide services requested by the City. Services provided under the GSA consist of "as-needed" time-limited services such as predatory animal control, prosecution of City ordinances, direct assessment collection, and a variety of public works services (as negotiated directly with the County departments). Ongoing services, such as law enforcement and public health code enforcement, are provided by the responsible County departments through different contracts known as Specific Service Agreements (SSAs). Any SSAs between the City and the County of Los Angeles are not affected by renewal of this GSA.

The GSA is for a five-year period, commencing July 1, 2021, through June 30, 2026, and can be terminated on July 1<sup>st</sup> of any year upon 30 days' prior written notice to the County.

**REQUESTED ACTION:**

It is recommended that the City Council adopt Resolution No. 2021-1722, approving the renewal of a General Services Agreement with the County of Los Angeles, and authorizing the Mayor to execute the agreement.

**ATTACHMENTS:**

1. Resolution No. 2021-1722
2. Current General Services Agreement
3. New General Services Agreement

**ITEM 7 ATTACHMENT 1  
RESOLUTION NO. 2021-1722**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CALABASAS, CALIFORNIA, APPROVING THE RENEWAL  
OF A GENERAL SERVICES AGREEMENT WITH THE  
COUNTY OF LOS ANGELES.**

**WHEREAS**, the City Council of the City of Calabasas desires to renew the General Services Agreement currently in effect between the County of Los Angeles and the City; and

**WHEREAS**, the current agreement for General Services expires on June 30, 2021.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CALABASAS AS FOLLOWS:**

SECTION 1. The City Council of the City of Calabasas hereby requests renewal of its standard agreement with the County of Los Angeles for General Services, terminating June 30, 2026.

SECTION 2. The City Council of the City of Calabasas requests the Board of Supervisors to consent to the renewal of the General Services Agreement subject to the terms and provisions thereof and to authorize Los Angeles County Departments to continue to provide the services requested pursuant to the General Services Agreement.

SECTION 3. The City Council hereby approves and authorizes the Mayor to execute the General Services Agreement with the County of Los Angeles (attachment "3").

SECTION 4. The City Clerk of the City of Calabasas is hereby directed to send three certified copies of the resolution and three executed copies of the General Services Agreement to the Chief Executive Officer for the County of Los Angeles.

SECTION 5. The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

**PASSED, APPROVED AND ADOPTED** this 24<sup>th</sup> day of March 2021.

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James R. Bozajian, Mayor

ATTEST:

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Maricela Hernandez, City Clerk  
*Master Municipal Clerk*  
*California Professional Municipal Clerk*

APPROVED AS TO FORM:

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Scott H. Howard  
Colantuono, Highsmith & Whatley, PC  
City Attorney

**GENERAL SERVICES AGREEMENT**

THIS GENERAL SERVICES AGREEMENT ("Agreement"), dated for purposes of reference only, June 1, 2016, is made by and between the County of Los Angeles, hereinafter referred to as the "County", and the City of Calabasas, hereinafter referred to as the "City."

**RECITALS:**

(a) The City is desirous of contracting with the County for the performance by its appropriate officers and employees of City functions.

(b) The County is agreeable to performing such services on the terms and conditions hereinafter set forth.

(c) Such contracts are authorized and provided for by the provisions of Section 56½ of the Charter of the County of Los Angeles and Section 51300, *et seq.*, of the Government Code.

**THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:**

1. The County agrees, through its officers, agents and employees, to perform those City functions, which are hereinafter provided for.

2. The City shall pay for such services as are provided under this Agreement at rates to be determined by the County Auditor-Controller in accordance with the policies and procedures established by the Board of Supervisors.

These rates shall be readjusted by the County Auditor-Controller annually effective the first day of July of each year to reflect the cost of such service in accordance with the policies and procedures for the determination of such rates as adopted by the Board of Supervisors of County.

3. No County agent, officer or department shall perform for said City any function not coming within the scope of the duties of such officer or department in performing services for the County.

4. No service shall be performed hereunder unless the City shall have available funds previously appropriated to cover the cost thereof.

5. No function or service shall be performed hereunder by any County agent, officer or department unless such function or service shall have been requested in writing by the City on order of the City Council thereof or such officer as it may designate and approved by the Board of Supervisors of the County, or such officer as it may designate, and each such service or function shall be performed at the times and under circumstances which do not interfere with the performance of regular County operations.

6. Whenever the County and City mutually agree as to the necessity for any such County officer or department to maintain administrative headquarters in the City, the City shall furnish at its own cost and expense all necessary office space, furniture, and furnishings, office supplies, janitorial service, telephone, light, water, and other utilities. In all instances where special supplies, stationery, notices, forms and the like must be issued in the name of the City, the same shall be supplied by the City at its expense.

It is expressly understood that in the event a local administrative office is maintained in the City for any such County officer or department, such quarters may be used by the County officer or department in connection with the performance of its duties in territory outside the City and adjacent thereto provided, however, that the performance of such outside duties shall not be at any additional cost to the City.

7. All persons employed in the performance of such services and functions for the City shall be County agent, officer or employee, and no City employee as such shall be taken over by the County, and no person employed hereunder shall have any City pension, civil service, or other status or right.

For the purpose of performing such services and functions, and for the purpose of giving official status to the performance hereof, every County agent, officer and employee engaged in performing any such service or function shall be deemed to be an agent, officer or employee of said City while performing service for the City within the scope of this agreement.

8. The City shall not be called upon to assume any liability for the direct payment of any salary, wages or other compensation to any County personnel performing services hereunder for the City, or any liability other than that provided for in this agreement.

Except as herein otherwise specified, the City shall not be liable for compensation or indemnity to any County employee for injury or sickness arising out of his or her employment.

9. The parties hereto have executed an Assumption of Liability Agreement approved by the Board of Supervisors on December 27, 1977 and/or a Joint Indemnity Agreement approved by the Board of Supervisors on October 8, 1991. Whichever of these documents the City has signed later in time is currently in effect and hereby made a part of and incorporated into this agreement as set out in full herein. In the event that the Board of Supervisors later approves a revised Joint Indemnity Agreement and the City executes the revised agreement, the subsequent agreement as of its effective date shall supersede the agreement previously in effect between the parties hereto.

10. Each County agent, officer or department performing any service for the City provided for herein shall keep reasonably itemized and in detail work or job records covering the cost of all services performed, including salary, wages and other compensation for labor; supervision and planning, plus overhead, the reasonable rental value of all County-owned machinery and equipment, rental paid for all rented machinery or equipment, together with the cost of an operator thereof when furnished with said machinery or equipment, the cost of all machinery and supplies furnished by the County, reasonable handling charges, and all additional items of expense incidental to the performance of such function or service.

11. All work done hereunder is subject to the limitations of the provisions of Section 23008 of the Government Code, and in accordance therewith, before any work is done or services rendered pursuant hereto, an amount equal to the cost or an amount 10% in excess of the estimated cost must be reserved by the City from its funds to insure payment for work, services or materials provided hereunder.

12. The County shall render to the City at the close of each calendar month an itemized invoice which covers all services performed during said month, and the City shall pay County therefore within thirty (30) days after date of said invoice.

If such payment is not delivered to the County office which is described on said invoice within thirty (30) days after the date of the invoice, the County is entitled to recover interest thereon. Said interest shall be at the rate of seven (7) percent per annum or any portion thereof calculated from the last day of the month in which the services were performed.

13. Notwithstanding the provisions of Government Code Section 907, if such payment is not delivered to the County office which is described on said invoice within

thirty (30) days after the date of the invoice, the County may satisfy such indebtedness, including interest thereon, from any funds of any such City on deposit with the County without giving further notice to said City of County's intention to do so.

14. This Agreement shall become effective on the date herein-above first mentioned and shall run for a period ending June 30, 2021, and at the option of the City Council of the City, with the consent of the Board of Supervisors of County, shall be renewable thereafter for an additional period of not to exceed five (5) years.

15. In the event the City desires to renew this Agreement for said five-year period, the City Council shall not later than the last day of May 2021, notify the Board of Supervisors of County that it wishes to renew the same, whereupon the Board of Supervisors, not later than the last day of June 2021, shall notify the City Council in writing of its willingness to accept such renewal. Otherwise such Agreement shall finally terminate at the end of the aforescribed period.

Notwithstanding the provisions of this paragraph herein-above set forth, the County may terminate this Agreement at any time by giving thirty (30) days' prior written notice to the City. The City may terminate this Agreement as of the first day of July of any year upon thirty (30) days' prior written notice to the County.

16. This Agreement is designed to cover miscellaneous and sundry services which may be supplied by the County of Los Angeles and the various departments thereof. In the event there now exists or there is hereafter adopted a specific contract between the City and the County with respect to specific services, such contract with respect to specific services shall be controlling as to the duties and obligations of the parties anything herein to the contrary notwithstanding, unless such special contract adopts the provisions hereof by reference.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers.

Executed this 8<sup>th</sup> day of June 2016.

APPROVED AS TO FORM:

The City of Calabasas,

by: [Signature]  
Scott H. Howard, City Attorney

By [Signature]  
Mayor James R. Bozajian

ATTEST:

THE COUNTY OF LOS ANGELES

City Clerk

By [Signature]  
Maricella Hernandez, MMC

By [Signature]  
Chair, Board of Supervisors

ATTEST:



LORI GLASGOW  
Executive Officer/Clerk  
of the Board of Supervisors

By [Signature]  
Deputy JUN 28 2016

**ADOPTED**  
BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

APPROVED AS TO FORM:

#7 JUN 08 2016

MARY C. WICKHAM  
County Counsel

By [Signature]  
Deputy

[Signature]  
LORI GLASGOW  
EXECUTIVE OFFICER

**GENERAL SERVICES AGREEMENT**

THIS GENERAL SERVICES AGREEMENT ("Agreement"), dated for purposes of reference only, June 1, 2021, is made by and between the County of Los Angeles, hereinafter referred to as the "County", and the City of Calabasas, hereinafter referred to as the "City."

RECITALS:

(a) The City is desirous of contracting with the County for the performance by its appropriate officers and employees of City functions.

(b) The County is agreeable to performing such services on the terms and conditions hereinafter set forth.

(c) Such contracts are authorized and provided for by the provisions of Section 56½ of the Charter of the County of Los Angeles and Section 51300, *et seq.*, of the Government Code.

THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. The County agrees, through its officers, agents and employees, to perform those City functions, which are hereinafter provided for.

2. The City shall pay for such services as are provided under this Agreement at rates to be determined by the County Auditor-Controller in accordance with the policies and procedures established by the Board of Supervisors.

These rates shall be readjusted by the County Auditor-Controller annually effective the first day of July of each year to reflect the cost of such service in accordance with the policies and procedures for the determination of such rates as adopted by the Board of Supervisors of County.

3. No County agent, officer or department shall perform for said City any

function not coming within the scope of the duties of such agent, officer or department in performing services for the County.

4. No service shall be performed hereunder unless the City shall have available funds previously appropriated to cover the cost thereof.

5. No function or service shall be performed hereunder by any County agent, officer or department unless such function or service shall have been requested in writing by the City on order of the City Council thereof or such officer as it may designate and approved by the Board of Supervisors of the County, or such officer as it may designate, and each such service or function shall be performed at the times and under circumstances which do not interfere with the performance of regular County operations.

6. Whenever the County and City mutually agree as to the necessity for any such County agent, officer or department to maintain administrative headquarters in the City, the City shall furnish at its own cost and expense all necessary office space, furniture, and furnishings, office supplies, janitorial service, telephone, light, water, and other utilities. In all instances where special supplies, stationery, notices, forms and the like must be issued in the name of the City, the same shall be supplied by the City at its expense.

It is expressly understood that in the event a local administrative office is maintained in the City for any such County agent, officer or department, such quarters may be used by the County agent, officer or department in connection with the performance of its duties in territory outside the City and adjacent thereto provided, however, that the performance of such outside duties shall not be at any additional cost to the City.

7. All persons employed in the performance of such services and functions for

the City shall be County agents, officers or employees, and no City employee as such shall be taken over by the County, and no person employed hereunder shall have any City pension, civil service, or other status or right.

For the purpose of performing such services and functions, and for the purpose of giving official status to the performance hereof, every County agent, officer and employee engaged in performing any such service or function shall be deemed to be an agent, officer or employee of said City while performing service for the City within the scope of this agreement.

8. The City shall not be called upon to assume any liability for the direct payment of any salary, wages or other compensation to any County personnel performing services hereunder for the City, or any liability other than that provided for in this agreement.

Except as herein otherwise specified, the City shall not be liable for compensation or indemnity to any County employee for injury or sickness arising out of his or her employment.

9. The parties hereto have executed an Assumption of Liability Agreement approved by the Board of Supervisors on December 27, 1977 and/or a Joint Indemnity Agreement approved by the Board of Supervisors on October 8, 1991. Whichever of these documents the City has signed later in time is currently in effect and hereby made a part of and incorporated into this agreement as set out in full herein. In the event that the Board of Supervisors later approves a revised Joint Indemnity Agreement and the City executes the revised agreement, the subsequent agreement as of its effective date shall supersede the agreement previously in effect between the parties hereto.

10. Each County agent, officer or department performing any service for the

City provided for herein shall keep reasonably itemized and in detail work or job records covering the cost of all services performed, including salary, wages and other compensation for labor, supervision and planning, plus overhead, the reasonable rental value of all County-owned machinery and equipment, rental paid for all rented machinery or equipment, together with the cost of an operator thereof when furnished with said machinery or equipment, the cost of all machinery and supplies furnished by the County, reasonable handling charges, and all additional items of expense incidental to the performance of such function or service.

11. All work done hereunder is subject to the limitations of the provisions of Section 23008 of the Government Code, and in accordance therewith, before any work is done or services rendered pursuant hereto, an amount equal to the cost or an amount 10% in excess of the estimated cost must be reserved by the City from its funds to ensure payment for work, services or materials provided hereunder.

12. The County shall render to the City at the close of each calendar month an itemized invoice which covers all services performed during said month, and the City shall pay County therefore within thirty (30) days after date of said invoice.

If such payment is not delivered to the County office which is described on said invoice within thirty (30) days after the date of the invoice, the County is entitled to recover interest thereon. Said interest shall be at the rate of seven (7) percent per annum or any portion thereof calculated from the last day of the month in which the services were performed.

13. Notwithstanding the provisions of Government Code Section 907, if such payment is not delivered to the County office which is described on said invoice within thirty (30) days after the date of the invoice, the County may satisfy such indebtedness,

including interest thereon, from any funds of any such City on deposit with the County without giving further notice to said City of County's intention to do so.

14. This Agreement shall become effective on the date herein-above first mentioned and shall run for a period ending June 30, 2026, and at the option of the City Council of the City, with the consent of the Board of Supervisors of County, shall be renewable thereafter for an additional period of not to exceed five (5) years.

15. In the event the City desires to renew this Agreement for said five-year period, the City Council shall not later than the last day of May 2026, notify the Board of Supervisors of County that it wishes to renew the same, whereupon the Board of Supervisors, not later than the last day of June 2026, shall notify the City Council in writing of its willingness to accept such renewal. Otherwise, such Agreement shall finally terminate at the end of the aforescribed period.

Notwithstanding the provisions of this paragraph herein-above set forth, the County may terminate this Agreement at any time by giving thirty (30) days' prior written notice to the City. The City may terminate this Agreement as of the first day of July of any year upon thirty (30) days' prior written notice to the County.

16. This Agreement is designed to cover miscellaneous and sundry services which may be supplied by the County of Los Angeles and the various departments thereof. In the event there now exists or there is hereafter adopted a specific contract between the City and the County with respect to specific services, such contract with respect to specific services shall be controlling as to the duties and obligations of the parties anything herein to the contrary notwithstanding, unless such special contract adopts the provisions hereof by reference.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers.

Executed this 25th day of March 2021.

The City of Calabasas,

By \_\_\_\_\_  
Mayor, James R. Bozajian

ATTEST:

City Clerk

**THE COUNTY OF LOS ANGELES**

By \_\_\_\_\_  
Maricela Hernandez, City Clerk  
Master Municipal Clerk  
California Professional Municipal Clerk

By \_\_\_\_\_  
Chair, Board of Supervisors

ATTEST:

**CELIA ZAVALA**  
Executive Officer/Clerk  
of the Board of Supervisors

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

**RODRIGO CASTRO-SILVA**  
County Counsel

APPROVED AS TO FORM:

By \_\_\_\_\_  
Senior Deputy

\_\_\_\_\_  
Scott H. Howard  
Colantuono, Highsmith & Whatley, PC  
City Attorney



*CITY of CALABASAS*

**CITY COUNCIL AGENDA REPORT**

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**DATE:** MARCH 15, 2021

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** THOMAS BARTLETT, A.I.C.P., CITY PLANNER

**SUBJECT:** APPROVAL AND ADOPTION OF POLICIES AND PROCEDURES FOR CITY REVIEW AND ACCEPTANCE OF DONATED MEMORIALS AND PLAQUES

**MEETING DATE:** MARCH 24, 2021

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**SUMMARY RECOMMENDATION:**

Staff recommends that the City Council approve and adopt final written policies and procedures for City review and acceptance of donated memorials and plaques (Attachment A).

**BACKGROUND:**

On March 10, 2021, the City Council discussed the draft policies and procedures for City review and acceptance of new memorials and plaques proposed by persons, entities or organizations not directly affiliated with the City, and which would be donated to the City. The City Council recommended a few modifications to the draft set of written policies and procedures, and agreed by consensus that the written policies and procedures would be approvable after incorporating the requested amendments.

The written policies and procedures include: 1) a statement of public purpose for the policies and procedures; 2) a listing of objective criteria for the consideration of any proposed new monument or plaque; 3) definitions of various types and scales of

memorials and plaques; and, 4) clear procedures for the review by Staff, the HPC, and the City Council of any proposals.

One of the more substantial amendments requested by the City Council on March 10<sup>th</sup> was addition of clear language specifying that any donated and accepted memorial or plaque becomes the property of the City, and that the City is permitted to modify, relocate, or remove any such memorial or plaque. Another requested amendment was to replace the non-specific word "community" with "City of Calabasas" in several locations. A number of other less substantial amendments were also requested by the City Council, and several others have been accomplished by staff to maintain consistency throughout the document.

Below is a summary listing of all the amendments (indicated page and paragraph numbers refer to the draft document -- a red-line copy is found at Attachment B):

1. Page 1, paragraph 1: At the conclusion of the last sentence, the word "community" has been replaced with "City of Calabasas".
2. Page 1, paragraph 2: At the conclusion of the last sentence, the word "community" has been replaced with "City".
3. Page 2, paragraph 1: To improve clarity, the sentence has been modified to read as follows: "In order to be considered, the proposed project must meet the following criteria." ("by the HPC" was deleted)
4. Page 2, third listed criterion: The subject heading was revised to read "**Significance to the City of Calabasas**", replacing "Local Community Significance."
5. Page 2, third listed criterion, first sentence: The word "community" has been replaced with "City of Calabasas".
6. Page 2, seventh listed criterion: The subject heading has been modified to read: "**Ownership and Right to Modify or Remove**".
7. Page 3, ninth listed criterion, final sentence: To improve clarity, the sentence has been modified to read as follows: "*In addition to the preceding standards, the following standards shall apply to any proposed new memorial within the Civic Center Plaza.*" (The *italicized* text was added.)
8. Page 3, Beneath the ninth listed criterion: To improve clarity and readability, and to place greater emphasis on the requirement for City Council approval, the four listed supplemental standards applicable to proposed memorials, plaques, etc. in the Civic Center Plaza have been re-ordered. Supplemental standard "d" has been moved up to the beginning of the list – to now be "a", with the remaining three supplemental standards following accordingly, in the same order, but now as "b", "c", and "d".
9. Page 3, supplemental standard "b" (as now reordered): To improve clarity, the words "and may be considered" have been added to the first sentence, so that it now reads as follows: "California State Historical markers and

markers pertaining to events or persons of national significance are permitted and may be considered, if mounted to walls or structures.”

10. Page 7, fourth paragraph: The heading above the paragraph has been modified to read: “CITY APPROVAL REQUIRED FOR ALL MONUMENTS, MEMORIALS, MARKERS, AND PLAQUES”.
11. Page 7, fourth paragraph: The fourth sentence in the paragraph has been modified by striking the word “or”, following the word “reject”, and by inserting the words “or remove” after “conditionally approve”.

**FISCAL IMPACT/SOURCE OF FUNDING:**

The draft policies and procedures specify that any proposed new memorials or plaques must be designed, fabricated, and installed by the proposing entity, and that ongoing maintenance (to include replacement in event of loss by theft or vandalism) must be funded via insurance, bond, and/or an endowment fund.

**REQUESTED ACTION:**

That the City Council approve and adopt the final written policies and procedures for City review and acceptance of donated memorials and plaques (Attachment A).

**ATTACHMENTS:**

- |              |   |
|--------------|---|
| Attachment A | Final policies and procedures for the review and acceptance by the City of donated memorials and plaques. |
| Attachment B | Red-line copy of draft policies and procedures.   |

## ITEM 8 - ATTACHMENT A

### City of Calabasas Policies and Procedures for Review and Acceptance of Monuments, Memorials, Markers and Plaques

**PURPOSE:** The purpose of this policy is to provide the City Council, City Staff, the Historic Preservation Commission (HPC), and the general public with guidance for determinations of appropriateness, acceptance, placement, and maintenance of monuments, memorials, markers, and plaques proposed by outside entities or persons for placement on City property. From time to time, requests are received from individuals and organizations for permission to place on City property monuments, memorials, markers or plaques to recognize or honor an individual, organization or event. When properly designed, planned, fabricated and displayed, memorials can furnish the general public with essential information, as well as an enhanced sense of place and understanding of the City of Calabasas.

As the steward of public lands within the City, the City of Calabasas is committed to protecting the parks, open spaces, public buildings, and other public areas of the City while providing opportunities for appropriately designed monuments, memorials, markers, and plaques that honor an individual, organization or event beneficial to the City.

*NOTE: These policies and procedures are not intended to address proposals of commemorative public artwork – works of public art installed as part of development projects are addressed in Calabasas Municipal Code chapter 17.24, Art in Public Places. Similarly, these policies and procedures are not intended to address street naming requests, which are reviewed and considered under separate City policies and guidance.*

#### **INITIAL CRITERIA FOR SUBMITTED PROJECTS:**

Before proceeding with the subsequent steps of this process, applicants desiring to place a monument, memorial, marker or plaque shall submit to the City's Historic Preservation Officer a letter that outlines, in sufficient detail, the main purpose and concept of their proposal. Staff will then schedule a feasibility consultation with the applicant and advise them of the content of this policy, the appropriateness of the proposed memorial or monument in light of this policy, and the necessary courses of action required to complete the application. In the case of proposals for complex and large-scale memorials or monuments, Staff reserves the right to submit the applicant's preliminary proposal directly to the Historic Preservation Commission for a review of the concept before embarking on further costly planning and study.

In order to be considered, the proposed project must meet the following criteria.

1. **Use of Public Space:** Donors of monuments, memorials, markers, and plaques shall consider the primary uses of public spaces and facilities in their request for a location or suitable site. While appropriate memorials may enrich an area, public parklands, civic spaces and open spaces are precious commodities. Therefore, monuments, memorials, markers, and plaques should be carefully reviewed to appropriately balance these two public benefits.
2. **Timelessness:** Memorial proposals should represent long-standing values and principles of the greater community, and offer meaning and relevance not only to the present-day citizenry, but also to future generations.
3. **Significance to the City of Calabasas:** Proposed projects should commemorate or to identify a particularly significant historic event, organization or person, and should appeal to the broader interests of the City of Calabasas. To ensure that the significance of a monument's subject will withstand the test of time, a project may commemorate only an event one year or older, and only a person one year or more posthumously. The City Council may waive this requirement in cases of unusual and compelling circumstances, in the City Council's sole discretion.
4. **Past Honors:** The City inventories all publicly owned fine artworks, public art, and design enhancements, in addition to all commemorative monuments, memorials, markers, and plaques. In consideration of any proposed new memorial, it is recognized that some individuals, organizations or events may have been sufficiently honored in the past, and that additional recognition may be unwarranted or redundant, in the City's sole judgment.
5. **Maintenance Planning:** Maintenance concerns should be an essential consideration, with adequate financial provision made for continued future maintenance. Permanent memorials must be made from durable materials that will stand up over time. Memorials that include moveable parts or technological elements may not be as enduring and will require additional consideration and review and approval by the City, in its sole discretion.
6. **Financial Responsibility:** The donor of a proposed memorial is required to pay for the complete design, fabrication, installation, and maintenance (via an endowment) to ensure adequate quality of care for the memorial. Funding contributions toward the endowment or maintenance fund may be combined with other donations to benefit not only the donated memorial, but also other memorials. Donations made towards larger scale projects can be pooled and the larger project(s) will appropriately recognize both individual and group donations.
7. **Ownership and Right to Modify or Remove:** All improvements made on City lands, including any donated monument, memorial, marker, or plaque, become the property of the City of Calabasas. The City may, in the exercise of its sole judgment as to the City's needs, move, remove, modify, or replace any improvement, including any monument,

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memorial, marker, or plaque, on City property at any time and in any manner.

8. **Structures Over Six Feet in Height:** Any proposed structure or improvement over six feet in height must be designed according to professional engineering practices and approved through a building permit, together with any other permits required by applicable law, in addition to being approved by the City through this policy.
9. **Calabasas Civic Center Plaza:** The Civic Center Plaza, which includes Calabasas City Hall, Calabasas Public Library, and the Calabasas Senior Center, is a cohesively designed civic campus, which serves as the centerpiece of the City. Outdoor spaces and amenities throughout the plaza are as integral to the overall appearance and aesthetic character as the individual buildings. This valuable resource requires special protection. In addition to the preceding standards, the following standards shall apply to any proposed new memorial within the Civic Center Plaza.
  - a. Approval of monuments, memorials, markers and plaques within the Civic Center campus will be under the jurisdiction of the City Council, following review and recommendation from the HPC.
  - b. California State Historical markers and markers pertaining to events or persons of national significance are permitted and may be considered, if mounted to walls or structures. Pole-mounted markers are not permitted.
  - c. Plaques recognizing donors for significant improvements or acknowledging the naming of a significant improvement such as, but not limited to, pocket parks, fountains, gardens, gazebos, overlooks and other significant features may be placed within the Calabasas Civic Center Plaza. The plaques may be no larger than four (4) square feet and must be made of either cast bronze, cast aluminum (or other suitable metal), carved stone, or tile. Any such acknowledgement shall utilize wording similar to: “sponsored by...”, “underwritten by...”, or “a gift from...”, and shall not contain any corporate logos. The City will approve all text. Plaques must be placed on or immediately adjacent to the improvement being recognized.
  - d. Plaques acknowledging the gift of a public bench, drinking fountain, or other similarly small-scale memorial shall be bronze and no larger than ten inches by four inches (10” x 4”). The City will approve all text. Memorial plaques for trees or other plantings are not permitted.
10. **Headwaters Corner Property:** For projects associated with the Headwaters Corner property, applications shall be reviewed first by the HPC, and the Commission shall forward its recommendation to the City Council for approval.

**CRITERIA FOR REVIEW OF DESIGN & PLACEMENT:**

Memorials vary greatly in the impact they have upon the City and open space. The review process for allowing their placement on City land should reflect those differences. Accordingly, all proposed memorials will be judged for appropriateness based upon the following criteria.

**Design Criteria:**

- The quality, scale, and character of the memorial should be commensurate with the location or setting.
- The memorial should contribute to the location from a functional and design standpoint.
- The memorial should be designed by a qualified professional in the field appropriate to the size, scale, and complexity of the proposal.
- Logos (symbols or trademarks designed for easy and definite recognition) may not be used in the overall design concept of the memorial. Logos may not appear on a plaque acknowledging the memorial’s donors. An acknowledgment plaque should be incidental to the memorial and not the main focus of the memorial.

**Placement Criteria:**

- The location under consideration shall be an appropriate setting for the memorial. There must be some specific geographic justification for locating the memorial in the proposed location.
- It should be considered that a particular location may reach a saturation point and it would be appropriate to limit future memorial installations at a particular location or area.
- The location of the memorial should complement and enhance existing and proposed circulation and use patterns.
- The location of the memorial should be supported by, and not conflict with, the City’s General Plan policies, as well as any adopted public art master plan, applicable neighborhood or community plan, park plan or area design guidelines.

**BASIC APPLICATION REQUIREMENTS:** The following items must be provided in order to file an application for review by the HPC.

1. **All Inclusive Costs:** The cost of design, fabrication, plaques, transportation, installation, site preparation work, foundation, lighting, electrical, permits etc. must be financed by the sponsoring or requesting party. The memorial proposal shall list all-inclusive costs, and any costs excluded shall be stated clearly in the proposal. Additionally, any party hired or employed by the requesting party must provide proof of insurance approved by the City that may include and not be limited to:

general liability, automobile insurance, professional liability insurance, performance insurance bonds, workman's compensation coverage, and others as may be required by the City.

2. **Site:** All proposed monuments or memorials must relate to and support their proposed site and/or community. Any party proposing to install a monument, plaque or memorial must propose a specific location, along with written justification that explains the significance and relationship to the proposed memorial or monument. The City reserves the right to consider alternative locations.
3. **Maintenance:** All monuments, memorials, markers, and plaques require insurance, bond, and/or an endowment fund, in amounts and types as determined necessary by the City. Furthermore, a maintenance schedule shall be prepared by the memorial donor adequate to ensure long-term care at conditions satisfactory to both the donor and the City. The posted insurance or bond must also cover costs of replacement and/or removal. If an adequate level of maintenance is not continued, the City reserves the right to remove or modify the memorial or any portion of the memorial.
4. **Wording on memorial plaques:** Individuals and groups may be recognized for their contributions towards a memorial project. All text and design must be approved by the HPC prior to the fabrication of the plaque.

**APPROVAL PROCESS FOR SIMPLE PLAQUES, ADORNED PLAQUES, MARKERS,  
AND SITE ACCESSORIES AND AMENITIES**

1. **Written Proposal:** After the initial feasibility of the applicant's proposed memorial has been established, the applicant shall submit a written proposal with as much information as possible as to the design, size, materials, appropriateness of preferred site, map identifying the proposed site, plaque wording, sketches, renderings, a rendering of the plaque or site accessory at the proposed site, and estimated costs. A maintenance plan must also be submitted prior to final approval.
2. **Proposal Review:** The requesting party is required to complete the following steps before presentation to the HPC for recommendation:
  - a. Prepare any additional submission requests as required by staff.
  - b. Provide evidence of financing or fund raising activities.
  - c. Submit proof of insurance requirements, and a written statement of knowledge and intent to post the necessary surety for long-term maintenance.
  - d. Provide site plans, detailed designs, and schematic drawings. (Any engineering, structural, or site impact questions raised by Staff must be addressed before the proposal can be placed on the HPC agenda for recommendation.)

- e. Submit information about the materials, coatings and patinas to be used.

Once all of the requirements listed above have been completed, the proposal will be placed on the next available HPC agenda. In its decision-making process, the HPC will consider all information, including the staff recommendation, the written proposal and concepts, and public testimony. The HPC may approve the proposal, request additional information on the proposal, or deny the proposal.

Following an approval by the HPC, the requesting party will be required to enter into a contractual agreement with the City of Calabasas prior to the commencement of any work. No work may begin unless the applicant can provide evidence of funding sufficient to cover 100% of all costs associated with the design, construction, and placement of the memorial. The applicant must also provide evidence of funding of a maintenance surety or endowment equal to 10% of the total cost of the memorial. All construction documents applicable to the project must be submitted and reviewed by the appropriate City departments before construction may begin.

#### **APPROVAL PROCESS FOR COMPLEX AND LARGE-SCALE MEMORIALS**

1. **Written Proposal:** After the initial feasibility of the applicant's proposed memorial has been established, the applicant shall submit a written proposal with as much information as possible as to the design, size, materials, appropriateness of preferred site, map identifying the proposed site, plaque wording, sketches, artists renderings and/or models, a rendering of the memorial at the proposed site, and estimated costs. A maintenance plan, developed and approved by a qualified professional, must be submitted prior to final approval.
2. **Proposal Review:** All written proposals shall be reviewed by City staff and a recommendation shall be made to the HPC.
3. **Conceptual Approval, Modification, or Disapproval:** Upon completion of the City staff review, a written report will be forwarded to the HPC recommending either acceptance and approval, denial, or modifications to the proposal. The requesting party is required to complete the following steps before presentation to the HPC for approval:
  - a. Prepare any additional submission requests as required during proposal review.
  - b. Provide evidence of financing or fund raising activities.
  - c. Submit proof of insurance requirements.
  - d. Provide site plans, detailed designs, and schematic drawings.
  - e. Address any engineering, structural, or site impact questions before the proposal can be placed on the HPC's agenda for action.
  - f. Submit information concerning the type of materials to be used, the type of coatings and patinas, and the involved artists or design professionals.

Once all of the requirements listed above have been completed, the proposal will be placed on the next regularly scheduled HPC meeting agenda. The HPC will consider all information, including the staff HPC recommendation, the written proposal and concepts, and public testimony in its decision making process. The HPC may recommend approval of the placement of the proposal, request additional information on the proposal, or recommend denial of the proposal.

After a recommendation is rendered by the HPC, the recommendation will be forwarded to City Council for final review. Following approval by the City Council, the requesting party will be required to enter into a contractual agreement with the City of Calabasas prior to the commencement of any work.

No work may begin unless the applicant can provide evidence of funding sufficient to cover 100% of all costs associated with the design, construction, and placement of the memorial. The applicant must also provide evidence of funding of a maintenance surety or endowment equal to 10% of the total cost of the memorial. All construction documents applicable to the project must be submitted and reviewed by the appropriate City departments before commencing construction.

#### **CITY APPROVAL REQUIRED FOR ALL MONUMENTS, MEMORIALS, MARKERS AND PLAQUES**

In all cases, written approval by the City is required for proposed monuments, memorials, markers, and plaques to be placed on City property. All City property is owned by the City and access to any City property for placement of a proposed monument, memorial, marker, or plaque requires written City approval, through the procedures in this Policy, as all City property is a government speech forum, not a public forum nor limited public forum. Whether to approve any proposed monument, memorial, marker, or plaque for placement on City property and acceptance as City speech is subject to the sole discretion of the City. This Policy is not an offer of access to City property and the City reserves the right to approve, modify, reject, conditionally approve, or remove any or all proposed monuments, memorials, markers, or plaques, in its sole judgment as to its needs. In exercising this judgment, the City will comply with all applicable law.

#### **DEFINITIONS**

Distinctions are made between simple plaques and markers, versus more elaborate memorials. The various types of memorials are categorized as follows:

##### **Simple Memorials and Plaques**

1. Simple Plaques are those mounted flush with the ground, flush with a wall, or flush with some other existing durable support object (such as an existing exterior wall, post, boulder, or rock outcropping). The size of the plaque should be appropriately designed to suit the limitations and consideration of the setting.

2. Adorned Plaques are those installed within, and as part of, a larger, more intricate setting. These include plaque installations within, and inclusive of, a decorative surround or frame; and plaque installations which include a new durable support object or base (for example, plaques mounted on a raised pedestal, boulder, wall, or other vertical element, where the support object is proposed new, as a component of the overall monument proposal.
3. Markers are small scale, conspicuous, stand-alone objects used to distinguish or mark something.
4. Basic Site Accessories and Amenities include landscaping, benches, seating, picnic tables, drinking fountains, sundials, shade structures, mosaics, unique pathways, etc.

### **Complex and Large-Scale Memorials**

5. Memorials are medium scale and typically serve as a remembrance of a person or an event.
6. Monuments are large scale and typically venerate persons or groups for their enduring significance or association with an especially notable event or movement.
7. Fountains can range from being fairly simple to large and complex features combining other site accessories, sculptural elements, and landscaping. All fountains require supportive plumbing and electrical systems. Fountains therefore require additional consideration and review because of the infrastructure required, additional maintenance implied, and possible environmental issues. Some monuments or memorials may incorporate a fountain element as part of the overall design.
8. Memorial gardens and plazas may include one or more of the objects listed above, but will also include an overall spatial experience that usually includes elaborate landscaping.
9. Other Memorials is a category to cover proposals that may not fit into any of the categories previously described.

## ITEM 8 - ATTACHMENT B

### **Red-Line of Draft City of Calabasas Policies and Procedures for Review and Acceptance of Monuments, Memorials, Markers and Plaques**

**PURPOSE:** The purpose of this policy is to provide the City Council, City Staff, the Historic Preservation Commission (HPC), and the general public with guidance for determinations of appropriateness, acceptance, placement, and maintenance of monuments, memorials, markers, and plaques proposed by outside entities or persons for placement on City property. From time to time, requests are received from individuals and organizations for permission to place on City property monuments, memorials, markers or plaques to recognize or honor an individual, organization or event. When properly designed, planned, fabricated and displayed, memorials can furnish the general public with essential information, as well as an enhanced sense of place and understanding of the ~~community~~ [City of Calabasas](#).

As the steward of public lands within the City, the City of Calabasas is committed to protecting the parks, open spaces, public buildings, and other public areas of the City while providing opportunities for appropriately designed monuments, memorials, markers, and plaques that honor an individual, organization or event beneficial to the ~~community~~ [City](#).

*NOTE: These policies and procedures are not intended to address proposals of commemorative public artwork – works of public art installed as part of development projects are addressed in Calabasas Municipal Code chapter 17.24, Art in Public Places. Similarly, these policies and procedures are not intended to address street naming requests, which are reviewed and considered under separate City policies and guidance.*

#### **INITIAL CRITERIA FOR SUBMITTED PROJECTS:**

Before proceeding with the subsequent steps of this process, applicants desiring to place a monument, memorial, marker or plaque shall submit to the City's Historic Preservation Officer a letter that outlines, in sufficient detail, the main purpose and concept of their proposal. Staff will then schedule a feasibility consultation with the applicant and advise them of the content of this policy, the appropriateness of the proposed memorial or monument in light of this policy, and the necessary courses of action required to complete the application. In the case of proposals for complex and large-scale memorials or monuments, Staff reserves the right to submit the applicant's preliminary proposal directly to the Historic Preservation Commission for a review of the concept before embarking on further costly planning and study.

In order to be considered ~~by the HPC~~, the proposed project must meet the following criteria.

1. **Use of Public Space:** Donors of monuments, memorials, markers, and plaques shall consider the primary uses of public spaces and facilities in their request for a location or suitable site. While appropriate memorials may enrich an area, public parklands, civic spaces and open spaces are precious commodities. Therefore, monuments, memorials, markers, and plaques should be carefully reviewed to appropriately balance these two public benefits.
2. **Timelessness:** ~~Memorial proposals should represent long-standing values and principles of the greater community, and offer meaning and relevance not only to the present-day citizenry, but also to future generations.~~
3. ~~Local Community Significance to the City of Calabasas:~~ Proposed projects should commemorate or to identify a particularly significant historic event, organization or person, and should appeal to the broader interests of the ~~community~~ City of Calabasas. To ensure that the significance of a monument's subject will withstand the test of time, a project may commemorate only an event one year or older, and only a person one year or more posthumously. The City Council may waive this requirement in cases of unusual and compelling circumstances, in the City Council's sole discretion.
4. **Past Honors:** The City inventories all publicly owned fine artworks, public art, and design enhancements, in addition to all commemorative monuments, memorials, markers, and plaques. In consideration of any proposed new memorial, it is recognized that some individuals, organizations or events may have been sufficiently honored in the past, and that additional recognition may be unwarranted or redundant, in the City's sole judgment.
5. **Maintenance Planning:** Maintenance concerns should be an essential consideration, with adequate financial provision made for continued future maintenance. Permanent memorials must be made from durable materials that will stand up over time. Memorials that include moveable parts or technological elements may not be as enduring and will require additional consideration and review and approval by the City, in its sole discretion.
6. **Financial Responsibility:** The donor of a proposed memorial is required to pay for the complete design, fabrication, installation, and maintenance (via an endowment) to ensure adequate quality of care for the memorial. Funding contributions toward the endowment or maintenance fund may be combined with other donations to benefit not only the donated memorial, but also other memorials. Donations made towards larger scale projects can be pooled and the larger project(s) will appropriately recognize both individual and group donations.
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needs, move, remove, modify, or replace any improvement, including any monument, memorial, marker, or plaque, on City property at any time and in any manner.

8. **Structures Over Six Feet in Height:** Any proposed structure or improvement over six feet in height must be designed according to professional engineering practices and approved through a building permit, together with any other permits required by applicable law, in addition to being approved by the City through this policy.
9. **Calabasas Civic Center Plaza:** The Civic Center Plaza, which includes Calabasas City Hall, Calabasas Public Library, and the Calabasas Senior Center, is a cohesively designed civic campus, which serves as the centerpiece of the City. Outdoor spaces and amenities throughout the plaza are as integral to the overall appearance and aesthetic character as the individual buildings. This valuable resource requires special protection. [In addition to the preceding standards,](#) the following standards shall apply to any proposed new memorial within the Civic Center Plaza.
  - a. Approval of monuments, memorials, markers and plaques within the Civic Center campus will be under the jurisdiction of the City Council, following review and recommendation from the HPC. *[This sub-criterion has been moved from the bottom of the list to this location, with the following sub-criteria re-lettered accordingly.]*
  - b. California State Historical markers and markers pertaining to events or persons of national significance are permitted [and may be considered](#), if mounted to walls or structures. Pole-mounted markers are not permitted.
  - c. Plaques recognizing donors for significant improvements or acknowledging the naming of a significant improvement such as, but not limited to, pocket parks, fountains, gardens, gazebos, overlooks and other significant features may be placed within the Calabasas Civic Center Plaza. The plaques may be no larger than four (4) square feet and must be made of either cast bronze, cast aluminum (or other suitable metal), carved stone, or tile. Any such acknowledgement shall utilize wording similar to: “sponsored by...”, “underwritten by...”, or “a gift from...”, and shall not contain any corporate logos. The City will approve all text. Plaques must be placed on or immediately adjacent to the improvement being recognized.
  - d. Plaques acknowledging the gift of a public bench, drinking fountain, or other similarly small-scale memorial shall be bronze and no larger than ten inches by four inches (10” x 4”). The City will approve all text. Memorial plaques for trees or other plantings are not permitted.
10. **Headwaters Corner Property:** For projects associated with the Headwaters Corner property, applications shall be reviewed first by the HPC, and the Commission shall forward its recommendation to the City Council for approval.

**CRITERIA FOR REVIEW OF DESIGN & PLACEMENT:**

Memorials vary greatly in the impact they have upon the City and open space. The review process for allowing their placement on City land should reflect those differences. Accordingly, all proposed memorials will be judged for appropriateness based upon the following criteria.

**Design Criteria:**

- The quality, scale, and character of the memorial should be commensurate with the location or setting.
- The memorial should contribute to the location from a functional and design standpoint.
- The memorial should be designed by a qualified professional in the field appropriate to the size, scale, and complexity of the proposal.
- Logos (symbols or trademarks designed for easy and definite recognition) may not be used in the overall design concept of the memorial. Logos may not appear on a plaque acknowledging the memorial’s donors. An acknowledgment plaque should be incidental to the memorial and not the main focus of the memorial.

**Placement Criteria:**

- The location under consideration shall be an appropriate setting for the memorial. There must be some specific geographic justification for locating the memorial in the proposed location.
- It should be considered that a particular location may reach a saturation point and it would be appropriate to limit future memorial installations at a particular location or area.
- The location of the memorial should complement and enhance existing and proposed circulation and use patterns.
- The location of the memorial should be supported by, and not conflict with, the City’s General Plan policies, as well as any adopted public art master plan, applicable neighborhood or community plan, park plan or area design guidelines.

**BASIC APPLICATION REQUIREMENTS:** The following items must be provided in order to file an application for review by the HPC.

1. **All Inclusive Costs:** The cost of design, fabrication, plaques, transportation, installation, site preparation work, foundation, lighting, electrical, permits etc. must be financed by the sponsoring or requesting party. The memorial proposal shall list all-inclusive costs, and any costs excluded shall be stated clearly in the proposal. Additionally, any party hired or employed by the requesting party must provide proof of insurance approved by the City that may include and not be limited to:

general liability, automobile insurance, professional liability insurance, performance insurance bonds, workman's compensation coverage, and others as may be required by the City.

2. **Site:** All proposed monuments or memorials must relate to and support their proposed site and/or community. Any party proposing to install a monument, plaque or memorial must propose a specific location, along with written justification that explains the significance and relationship to the proposed memorial or monument. The City reserves the right to consider alternative locations.
3. **Maintenance:** All monuments, memorials, markers, and plaques require insurance, bond, and/or an endowment fund, in amounts and types as determined necessary by the City. Furthermore, a maintenance schedule shall be prepared by the memorial donor adequate to ensure long-term care at conditions satisfactory to both the donor and the City. The posted insurance or bond must also cover costs of replacement and/or removal. If an adequate level of maintenance is not continued, the City reserves the right to remove or modify the memorial or any portion of the memorial.
4. **Wording on memorial plaques:** Individuals and groups may be recognized for their contributions towards a memorial project. All text and design must be approved by the HPC prior to the fabrication of the plaque.

**APPROVAL PROCESS FOR SIMPLE PLAQUES, ADORNED PLAQUES, MARKERS,  
AND SITE ACCESSORIES AND AMENITIES**

1. **Written Proposal:** After the initial feasibility of the applicant's proposed memorial has been established, the applicant shall submit a written proposal with as much information as possible as to the design, size, materials, appropriateness of preferred site, map identifying the proposed site, plaque wording, sketches, renderings, a rendering of the plaque or site accessory at the proposed site, and estimated costs. A maintenance plan must also be submitted prior to final approval.
2. **Proposal Review:** The requesting party is required to complete the following steps before presentation to the HPC for recommendation:
  - a. Prepare any additional submission requests as required by staff.
  - b. Provide evidence of financing or fund raising activities.
  - c. Submit proof of insurance requirements, and a written statement of knowledge and intent to post the necessary surety for long-term maintenance.
  - d. Provide site plans, detailed designs, and schematic drawings. (Any engineering, structural, or site impact questions raised by Staff must be addressed before the proposal can be placed on the HPC agenda for recommendation.)

- e. Submit information about the materials, coatings and patinas to be used.

Once all of the requirements listed above have been completed, the proposal will be placed on the next available HPC agenda. In its decision-making process, the HPC will consider all information, including the staff recommendation, the written proposal and concepts, and public testimony. The HPC may approve the proposal, request additional information on the proposal, or deny the proposal.

Following an approval by the HPC, the requesting party will be required to enter into a contractual agreement with the City of Calabasas prior to the commencement of any work. No work may begin unless the applicant can provide evidence of funding sufficient to cover 100% of all costs associated with the design, construction, and placement of the memorial. The applicant must also provide evidence of funding of a maintenance surety or endowment equal to 10% of the total cost of the memorial. All construction documents applicable to the project must be submitted and reviewed by the appropriate City departments before construction may begin.

#### **APPROVAL PROCESS FOR COMPLEX AND LARGE-SCALE MEMORIALS**

1. **Written Proposal:** After the initial feasibility of the applicant's proposed memorial has been established, the applicant shall submit a written proposal with as much information as possible as to the design, size, materials, appropriateness of preferred site, map identifying the proposed site, plaque wording, sketches, artists renderings and/or models, a rendering of the memorial at the proposed site, and estimated costs. A maintenance plan, developed and approved by a qualified professional, must be submitted prior to final approval.
2. **Proposal Review:** All written proposals shall be reviewed by City staff and a recommendation shall be made to the HPC.
3. **Conceptual Approval, Modification, or Disapproval:** Upon completion of the City staff review, a written report will be forwarded to the HPC recommending either acceptance and approval, denial, or modifications to the proposal. The requesting party is required to complete the following steps before presentation to the HPC for approval:
  - a. Prepare any additional submission requests as required during proposal review.
  - b. Provide evidence of financing or fund raising activities.
  - c. Submit proof of insurance requirements.
  - d. Provide site plans, detailed designs, and schematic drawings.
  - e. Address any engineering, structural, or site impact questions before the proposal can be placed on the HPC's agenda for action.
  - f. Submit information concerning the type of materials to be used, the type of coatings and patinas, and the involved artists or design professionals.

Once all of the requirements listed above have been completed, the proposal will be placed on the next regularly scheduled HPC meeting agenda. The HPC will consider all information, including the staff HPC recommendation, the written proposal and concepts, and public testimony in its decision making process. The HPC may recommend approval of the placement of the proposal, request additional information on the proposal, or recommend denial of the proposal.

After a recommendation is rendered by the HPC, the recommendation will be forwarded to City Council for final review. Following approval by the City Council, the requesting party will be required to enter into a contractual agreement with the City of Calabasas prior to the commencement of any work.

No work may begin unless the applicant can provide evidence of funding sufficient to cover 100% of all costs associated with the design, construction, and placement of the memorial. The applicant must also provide evidence of funding of a maintenance surety or endowment equal to 10% of the total cost of the memorial. All construction documents applicable to the project must be submitted and reviewed by the appropriate City departments before commencing construction.

#### **CITY APPROVAL REQUIRED FOR ALL MONUMENTS, MEMORIALS, MARKERS AND PLAQUES**

In all cases, written approval by the City is required for proposed monuments, memorials, markers, and plaques to be placed on City property. All City property is owned by the City and access to any City property for placement of a proposed monument, memorial, marker, or plaque requires written City approval, through the procedures in this Policy, as all City property is a government speech forum, not a public forum nor limited public forum. Whether to approve any proposed monument, memorial, marker, or plaque for placement on City property and acceptance as City speech is subject to the sole discretion of the City. This Policy is not an offer of access to City property and the City reserves the right to approve, modify, reject, ~~or~~ conditionally approve, or remove any or all proposed monuments, memorials, markers, or plaques, in its sole judgment as to its needs. In exercising this judgment, the City will comply with all applicable law.

#### **DEFINITIONS**

Distinctions are made between simple plaques and markers, versus more elaborate memorials. The various types of memorials are categorized as follows:

##### **Simple Memorials and Plaques**

1. Simple Plaques are those mounted flush with the ground, flush with a wall, or flush with some other existing durable support object (such as an existing exterior wall, post, boulder, or rock outcropping). The size of the plaque should be appropriately designed to suit the limitations and consideration of the setting.

2. Adorned Plaques are those installed within, and as part of, a larger, more intricate setting. These include plaque installations within, and inclusive of, a decorative surround or frame; and plaque installations which include a new durable support object or base (for example, plaques mounted on a raised pedestal, boulder, wall, or other vertical element, where the support object is proposed new, as a component of the overall monument proposal.
3. Markers are small scale, conspicuous, stand-alone objects used to distinguish or mark something.
4. Basic Site Accessories and Amenities include landscaping, benches, seating, picnic tables, drinking fountains, sundials, shade structures, mosaics, unique pathways, etc.

### **Complex and Large-Scale Memorials**

5. Memorials are medium scale and typically serve as a remembrance of a person or an event.
6. Monuments are large scale and typically venerate persons or groups for their enduring significance or association with an especially notable event or movement.
7. Fountains can range from being fairly simple to large and complex features combining other site accessories, sculptural elements, and landscaping. All fountains require supportive plumbing and electrical systems. Fountains therefore require additional consideration and review because of the infrastructure required, additional maintenance implied, and possible environmental issues. Some monuments or memorials may incorporate a fountain element as part of the overall design.
8. Memorial gardens and plazas may include one or more of the objects listed above, but will also include an overall spatial experience that usually includes elaborate landscaping.
9. Other Memorials is a category to cover proposals that may not fit into any of the categories previously described.



**CITY of CALABASAS**

**CITY COUNCIL AGENDA REPORT**

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**DATE:** MARCH 16, 2021

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** SCOTT H. HOWARD, CONTRACT CITY ATTORNEY  
MATTHEW T. SUMMERS, ASSISTANT CITY ATTORNEY  
COLANTUONO HIGHSMITH & WHATLEY, PC

**SUBJECT:** ADOPTION OF RESOLUTION NO. 2021-1723 OF THE CITY COUNCIL OF THE CITY OF CALABASAS, AMENDING RESOLUTION NO. 2017-1571 REGARDING THE EXISTING AMOUNT AND PROCEDURE FOR HEALTH BENEFIT REIMBURSEMENT FOR MANAGEMENT RETIREES.

**MEETING DATE:** MARCH 24, 2021

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**SUMMARY RECOMMENDATION:**

Staff recommends City Council adopt Resolution No. 2021-1723 amending Resolution 2017-1571 regarding the existing amount and procedure for health benefit reimbursement for management retirees.

**BACKGROUND:**

In March 2020, the California Attorney General published a legal opinion that a City could not provide benefits to City Council Members greater than those available to the most generously benefitted group of non-safety employees, and further required that cities take steps to correct the situation.<sup>1</sup> The City's health and welfare benefits program complies with the Opinion and underlying applicable law, because the City offers the same health and other welfare benefits to current City Council Members as are offered to the City's management employees group, on the same terms and at the same prices. The City Attorney and the Finance Department further reviewed

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<sup>1</sup> 103 Ops.Cal.Atty.Gen. 8 (March 3, 2020)

the retiree medical benefits program and determined that the City's existing retiree medical benefits program regulations, stated in Resolution No. 2017-1571, need to be clarified to specify the reimbursement procedures and requirements for eligible management retirees seeking reimbursement for adjusted to confirm its intent as a reimbursement for specified health insurance costs borne by eligible retirees. The proposed resolution amends Resolution 2017-1571 to confirm the requirements and procedures allowing for reimbursements, up to the same defined cap as currently imposed, of the medical benefits premium costs incurred by each eligible retiree. The proposed resolution maintains the same list of eligible management positions as before. It is not an expansion of the program.

**DISCUSSION:**

The City may pay the premiums, dues, or other charges for health and welfare benefits<sup>2</sup> for retired employees and retired Council Members, if retired Council Members are provided the same benefits, on the same terms and prices, as a large group of employees.<sup>3</sup> The benefits extended to both current and retired City Council Members must not be more generous than those provided to the most generously benefitted group of non-safety employees, meaning persons who are not sworn law enforcement, firefighter, or other public safety employees.<sup>4</sup> The City complies with these requirements for its health and welfare benefits provided to both current and retiree Council Members.

The City's existing retiree medical benefit program allows eligible management retirees, and certain eligible dependents, to receive reimbursements for certain qualified medical insurance expenses, up to a cap defined as the cost for an employee and one dependent charged by PERS for the PERS Choice Medical Supplement coverage for the lifetime of the eligible management retiree. Eligible management retirees are those persons who have served at least five years with the City and were City Council Members, City Managers, or within a Management Classification. A surviving spouse or qualified dependent of an eligible management retiree who retired after January 25, 2017 can also receive a reduced benefit for their lifetime, or, if a surviving spouse, until they remarry.

Management retirees who are simultaneously employed by the City and another PERS agency are eligible for the program, if they meet the other qualification requirements and either retire with the City as their last PERS employer, or retire from the other PERS agency later, if it was the same PERS agency with which they were simultaneously employed while at the City. A dual PERS-employer management retiree cannot leave City employment with the City as their only PERS employer upon departure, then later take a new PERS employment position, and remain eligible for

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<sup>2</sup> Gov't Code, § 53205.

<sup>3</sup> Gov't Code, § 53202.3.

<sup>4</sup> Gov't Code, § 53208.5, subd. (b.).

retiree medical benefits from the City. All of the above eligibility rules will stay the same as before. Staff do not propose any changes to the eligibility requirements. Similarly, staff do not propose any changes to the existing maximum reimbursement amount cap.

In compliance with applicable law, the proposed resolution amends the program's regulations to provide that retirees eligible for retiree medical benefits must submit proof of payment of eligible medical insurance premium or copayment costs to then receive a reimbursement of their eligible health and welfare benefits costs. Health and welfare benefits costs defined as eligible for reimbursement include medical insurance, Medicare supplement insurance, and dental, vision, or other medical insurance premium or copayment costs paid by the Management Retiree or qualifying dependent. The proposed resolution clarifies that eligible management retirees must submit proof of costs within the timelines and with such supporting detail as required by the City's Finance Department.

If adopted, staff will then provide notice and detailed explanations as to the proposed changes to all existing and potential future eligible management retirees, ahead of the proposed July 1, 2021 effective date.

**FISCAL IMPACT/SOURCE OF FUNDING:**

The adoption of this Resolution will not increase the City's anticipated costs for the retiree medical benefits program. The adoption of this resolution may result in reduced costs for the City, if any eligible retirees receive reduced reimbursement payments as a result of incurring eligible medical benefits premiums costs below the maximum reimbursement amount or failing to submit appropriate documentation as needed for reimbursement.

**REQUESTED ACTION:**

Staff recommends that the City Council adopt the proposed Resolution.

**ATTACHMENT:**

Resolution No. 2021-1723

**ITEM 9 ATTACHMENT  
RESOLUTION NO. 2021-1723**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CALABASAS, CALIFORNIA, AMENDING RESOLUTION  
NO. 2017-1571 REGARDING THE EXISTING AMOUNT  
AND PROCEDURE FOR THE CITY'S EXISTING HEALTH  
BENEFIT REIMBURSEMENT FOR MANAGEMENT  
RETIREES.**

**WHEREAS**, the City desires to adjust the rules and regulations governing the City's existing program for paying medical insurance premiums for Management Retirees who meet certain eligibility requirements, without changing the list of persons eligible for the program.

**NOW THEREFORE**, effective July 1, 2021, Resolution 2017-1571 is hereby amended to read as follows:

**Section 1. Definitions.**

- a. City. The City of Calabasas, California
- b. Dependent. The term used synonymously with the Internal Revenue Service's (IRS's) definition of a "spouse" or a "permanently and totally disabled" person. Dependent shall also include a domestic partner or domestic partnership, as defined in Section 297 of the California Family Code, and all rights and responsibilities granted to a spouse or surviving spouse shall be granted equally to a domestic partner to the extent provided by Section 297.5 of the California Family Code. Proper legal documentation verifying a legal marriage or registered domestic partnership, or a permanent and total disability, is required. Recognition of a "dependent" is determined at the time the Management Retiree ends employment with the City.
- c. Management Retiree. An individual who was employed by the City in one of the following salary classifications according to the City Council's Resolution Approving a Salary Schedule for Permanent Employees in effect at the time the individual's employment with the City ended: City Council, City Manager, or Management Classification.

- d. Eligible Health and Welfare Benefits Costs. Health and welfare benefits costs eligible for reimbursement, under the terms and conditions of this Resolution, shall include the following: medical insurance premium or copayment costs paid by the Management Retiree or qualifying dependent; Medicare supplement medical insurance premium or copayment costs paid by the Management Retiree or qualifying dependent; dental, vision, or other medical insurance premium or copayment costs paid by the Management Retiree or qualifying dependent.
- e. PERS. California Public Employees Retirement System.

**Section 2.** Eligibility to receive health and welfare benefit costs reimbursement payments after retiring from PERS is limited to the persons listed in this Resolution. A Management Retiree is eligible to receive health and welfare benefit costs reimbursement payments if the Management Retiree:

- a. Has been employed full-time by the City for a minimum of five (5) years; and
- b. Retires from the PERS System with the City of Calabasas being the Management Retiree's last place of PERS employment; or
- c. Retires from the PERS System at another PERS agency ("the Second PERS Agency") if he/she was simultaneously employed by City and the Second PERS Agency while employed by the City.

**Section 3.** Provision for Health and Welfare Benefit Costs Reimbursement Payments after Retiring from PERS.

The City shall reimburse each eligible Management Retiree for the eligible Management Retiree's health and welfare benefits costs, in an amount not to exceed the "Supplement/Managed Medicare Monthly Rate (M)" listed under "Employee & 1 Dependent" for the "PERS Choice Medical Supplement" coverage identified on the rate sheet entitled: "*CalPERS 20\_\_ Regional Health Premiums (Actives and Annuitants)*" for the Los Angeles area provided by PERS for each year.

In the event that the Management Retiree dies, the qualifying dependent, if one exists, shall receive a reduced health and welfare benefits costs reimbursement payment, in an amount not to exceed the "Supplement/Managed Medicare Monthly Rate (M)" listed under "Employee Only" for the "PERS Choice Medical Supplement" coverage identified on the rate sheet entitled: "*CalPERS 20\_\_ Regional Health Premiums (Actives and Annuitants)*" for the Los Angeles area provided by PERS for each year, until the time of his/her death, or until he/she re-marries. This "Dependent Benefit" shall only be provided to Management Retirees who retire after January 25, 2017.

As these cited rates are adjusted by PERS, likewise will the maximum reimbursement amount to the Management Retiree or qualifying dependent be adjusted so that the maximum reimbursement amount and the cost identified by PERS are identical.

The health and welfare benefit costs reimbursement payment will be made by the City directly to the Management Retiree or his/her qualifying dependent on at least a quarterly basis. Neither concurrent retirement from PERS and the City, nor a minimum age requirement is necessary to receive this benefit, however health and welfare benefit costs reimbursement payments will begin only after retirement from PERS has occurred, under the conditions specified above in Section 2.

This is a reimbursement program only. On regular basis as required by the City, the Management Retiree is responsible to provide documentary proof to the City that the Management Retiree incurred health and welfare benefit costs eligible for reimbursement.

The City Manager and Chief Financial Officer are authorized to promulgate regulations and a required reimbursement request form to implement this Resolution and to document compliance that all reimbursement payments made by the City are authorized under this Resolution.

**Section 4. Effective Date.**

This Resolution shall take effect on July 1, 2021.

**Section 5. Conflict with Other Documents.**

Should any provision herein conflict with any applicable memorandum of understanding or employment agreement, the provisions of those other documents shall prevail. All other and former retirement health benefits contrary to, or inconsistent with any provisions hereof are amended to conform herewith.

**Section 6.** The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

**PASSED, APPROVED, AND ADOPTED** this 24<sup>th</sup> day of March 2021.

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James R. Bozajian, Mayor

ATTEST:

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Maricela Hernandez, City Clerk  
*Master Municipal Clerk*  
*California Professional Municipal Clerk*

APPROVED AS TO FORM:

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Scott H. Howard  
Colantuono, Highsmith & Whatley, PC  
City Attorney



# CITY *of* CALABASAS

## CITY COUNCIL AGENDA REPORT

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**DATE:** MARCH 15, 2021

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** MAUREEN TAMURI AIA, AICP  
COMMUNITY DEVELOPMENT DIRECTOR

**SUBJECT:** CITY COUNCIL DISCUSSION OF THE CONTINUED LAS VIRGENES MALIBU COUNCIL OF GOVERNMENTS REQUEST TO REVIEW PROPOSED 2021 STATE HOUSING BILLS, AND AUTHORIZATION TO THE CITY MANAGER TO PREPARE AND MAYOR TO SIGN LETTERS REFLECTING THE CITY COUNCIL'S POSITION ON ALL OR SELECTED BILLS

**MEETING**

**DATE:** MARCH 24, 2021

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**SUMMARY RECOMMENDATION:**

That the City Council discuss the continued Las Virgenes Malibu Council of Governments request to review proposed 2021 State Housing Bills, and authorization to the City Manager to prepare and Mayor to sign letters reflecting the City Council's position on all or selected bills.

**BACKGROUND:**

At their meeting of March 10, 2021, the City Council initiated discussion of the Las Virgenes Malibu Council of Government's (COG) request to provide positions on a list of 17 proposed 2021 Housing bills. The Council agreed to consider a late request received from the City of Hidden Hills to additionally consider a position on SB 765.

**AGENDA ITEM NO. 10**

## DISCUSSION:

The Council discussed the Staff report, focusing on the five bills of higher impact. There was a consensus that additional materials and explanation of the bills was desired in order to determine if a position of the Council was warranted.

Staff was requested to return with a) a simplified "bullet list" of points, b) a copy of the most current bill text and c) a request that a knowledgeable League of Cities representative could be present to address more detailed questions from the Council. Jeff Kiernan of the League of California Cities has accepted an invitation from the City Clerk to attend the meeting and respond to Council questions.

Councilmember Weintraub requested that a video of COG lobbyist Mr. Dane Hutchings presentation to the COG also be made available. Here is a link to the video presentation: <https://youtu.be/dWkBxreyyCk>

### Housing Bills of Higher Impact (Exhibit 1)

Following, please find a short synopsis of AB 115, SB 9, SB 10, SB 12, SB 55 and SB765 with bullet points for Council consideration:

- 1) **AB 115** would require housing as an allowed use in commercial zones, overriding any provision of the City's General Plan, Specific Plan or Development Code. If passed, it would require the City to permit housing currently prohibited in four Commercial zones.

#### Pros

- *Would greatly expand multifamily housing development sites in Calabasas, especially in the Mullholland Corridor commercial area.*
- *Encourages development of deed restricted low income units.*

#### Cons

- *Loss of commercially zoned sites to housing could significantly impact the City's sales tax base and annual revenues*
- *Reduces the limited number of commercial parcels in the City*
- *Costs for the General Plan revisions, rezoning and Development Code updates would be the responsibility of the City*

- 2) **SB 9** (previously introduced last year as SB 1120), would require a proposed housing development with 2 residential units in a single family residential zone to be ministerial approved by right. SB 9 would also require cities to consider ministerial urban lot splits, resulting in the potential for three new homes on an existing single family lot.

Pros

- The small parcel size (1,200sf) and ministerial approval process incentivizes homeowners to split lots and sell off surplus areas, resulting in an accelerated delivery of new housing sites and homes.
- Housing development would be defacto occurring on infill, previously developed lots, a preferable alternative to larger undeveloped and resource rich rural sites.

Cons

- Rapid, unregulated home development strains the current capacity of City infrastructure (e.g. roadways) and services.
- Impacts would accrue to outside agencies, such as the LVUSD and LVMWD, who would need to accommodate the unplanned growth.
- Single family community character, protected under the City's General Plan, would be lost.
- Increases wildfire risks to a larger population.

- 3) **SB 10** would allow (not mandate) cities to pass an ordinance allowing for the zoning of up to 10 units on a parcel in a transit/jobs rich area or urban infill site as CEQA exempt. While the bill exempts High Fire Severity Zones (HFSZ) (the whole of Calabasas), it remains unclear if Calabasas is eligible as additional exemption language regarding "sites who have complied with State fire mitigation measures" are exempt from the exemption.

Pros

- If the City is determined eligible, the opportunity for streamlined creation of smaller housing projects could attract better scaled infill housing in Calabasas.

Cones

- The ambiguous language regarding the City's eligibility needs to be clarified and corrected, as all new projects in Calabasas are required to be "fire hardened" by State Building Codes in HFSZ's.

- 4) **SB 12** would require future adoption of a comprehensive development and retrofit strategy and program to address climate resiliency, flood and wildfire property loss/damage through updates to the General Plan and Safety Element. The program would mandate an inspection and enforcement program to achieve protection of lives and property form wildfire risks. The dates of individual efforts would be required on or after July 2024. State Agency's would be required to set standards, and reduce RHNA allocations in HFSZ designated areas.

Pros:

- The retrofit of Calabasas structures to resist wildfire events would reduce property losses.
- New development would be more protected, accessible and fire hardened.
- The development of periodically updated safety plans to include feasible implementation measures would protect lives and property.
- State demands to develop housing commensurate with non-HFSZ would be greatly reduced or eliminated.
- Fire hardened structures could prove eligible for insurance coverage benefits.

Cons:

- Funding for the program would be borne by the City, as part of their annual budgeting. Costs and staffing efforts for the required periodic updates of General Plan elements and enforcement program would be high, but could be offset by seeking eligible grants or imposing new fees.
- The cost of required retrofit programs would be borne by property owners unless grants are made available. There are over 8,750 occupied structures in the City that could be subject to retrofit requirements.
- The bill imposes stronger findings, additional safety component costs and funded long term maintenance for all new housing developments over 9 units, and could render such projects financially infeasible.
- HOA costs could increase if increased standards for wildfire reduction measures in shared common areas or open space are required.

5) **SB 55** (previously SB 474) would prohibit approvals of all new commercial and residential development in designated High Fire Severity Zones.

Pros

- Community growth and resultant impacts would be alleviated.

Cons

- Because the City is reliant upon maintaining a vibrant sales tax base, the inability to develop revenue generating activities on vacant parcels such as the former Sperling Nursery could have a significant effect on future revenue growth.
- Community investment or property values might be negatively impacted by the severity of the restriction.

6) **SB 765** would provide a City with the ability to return to previous setback rear and side yard regulations for ADU's, which are currently set by the

State at 4ft. for rear and side yards. An applicant can request an alternative setback if the City requirements render development of an ADU infeasible.

**Pros**

- The City's setbacks of 10 feet for a side yard, and 20 ft. for a rear yard provide greater lighting, air and privacy between occupied structures.

**Cons**

- Some property owners may elect front yard locations for their ADU's as a result of meeting the increased side and rear yard setbacks, which would generate less desirable aesthetic impacts to a neighborhood or street.

**FISCAL IMPACT/SOURCE OF FUNDING:**

Staff has not yet determined the financial impact of the bills, and are unable to provide an estimate of the annual and long term cost and staffing impacts to the City.

**REQUESTED ACTION:**

That the City Council discuss the continued Las Virgenes Malibu Council of Governments request to review proposed 2021 State Housing Bills, and authorization to the City Manager to prepare and Mayor to sign letters reflecting the City Council's position on all or selected bills.

**ATTACHMENTS:**

Exhibit 1) AB 115, SB 9, SB 10, SB12, SB 55 and SB 765 Legislative Council Digests and Bill Texts

**ASSEMBLY BILL NO. 115**  
**LEGISLATIVE COUNSEL'S DIGEST AND BILL TEXT**

**AB-115 Planning and zoning: commercial zoning: housing development.** (2021-2022)

SHARE THIS:



Date Published: 12/18/2020 09:00 PM

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

**ASSEMBLY BILL****NO. 115****Introduced by Assembly Member Bloom****December 18, 2020**

An act to add and repeal Section 65583.7 of the Government Code, relating to land use.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 115, as introduced, Bloom. Planning and zoning: commercial zoning: housing development.

Existing law, the Planning and Zoning Law, requires that the legislative body of each county and each city adopt a comprehensive, long-term general plan for the physical development of the county and city, and specified land outside its boundaries, that includes, among other mandatory elements, a housing element. Existing law authorizes the legislative body of any county or city, pursuant to specified procedures, to adopt ordinances that, among other things, regulate the use of buildings, structures, and land as between industry, business, residences, open space, and other purposes.

This bill, notwithstanding any inconsistent provision of a city's or county's general plan, specific plan, zoning ordinance, or regulation, would require that a housing development be an authorized use on a site designated in any local agency's zoning code or maps for commercial uses if certain conditions apply. Among these conditions, the bill would require that the housing development be subject to a recorded deed restriction requiring that at least 20% of the units have an affordable housing cost or affordable rent for lower income households, as those terms are defined, and located on a site that satisfies specified criteria.

The bill would require the city or county to apply certain height, density, and floor area ratio standards to a housing development that meets these criteria. The bill would deem a housing development consistent, compliant, and in conformity with local development standards, zoning codes or maps, and general plan if it meets the requirements of the bill. The bill would require a jurisdiction to comply with these requirements only until it has completed the rezoning, required as described above, for the 6th revision of its housing element. The bill would repeal these provisions as of January 1, 2031.

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

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

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 Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 65583.7 is added to the Government Code, to read:

**65583.7.** (a) Notwithstanding any inconsistent provision of a city's or county's general plan, specific plan, zoning ordinance, or regulation, and subject to subdivision (c), a housing development shall be an authorized use on a site designated in any local agency's zoning code or maps for commercial uses if all of the following apply:

(1) The housing development is subject to a recorded deed restriction requiring that at least 20 percent of the units have an affordable housing cost or affordable rent for lower income households.

(2) The site of the housing development satisfies both of the following:

(A) The site of the housing development is not adjacent to any site that is an industrial use.

(B) At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For purposes of this subparagraph, parcels that are only separated by a street or highway shall be considered to be adjoined.

(b) (1) A city or county shall apply the following development standards to a housing development that meets the criteria in subdivision (a), unless existing applicable zoning standards of the city or county are less restrictive:

(A) The height limit applicable to the housing development shall be the greatest of the following:

(i) The highest allowed height for the site of the housing development.

(ii) The highest allowed height for a commercial or residential use within one-half mile of the site of the housing development.

(iii) Thirty-six feet.

(B) The maximum allowable floor area ratio of the housing development shall be not less than 0.6 times the number of stories that complies with the height limit under clause (i) of subdivision (A).

(C) The density limit applicable to the housing development shall be the greater of the following:

(i) The greatest allowed density for a mixed use or residential use within one-half mile of the site of the housing development.

(ii) The applicable density deemed appropriate to accommodate housing for lower income households identified in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2.

(2) In addition, the housing development shall comply with any applicable design standards of the city or county to the extent that those design standards do not prohibit the maximum height limit, density, or floor area ratio allowed under this section.

(3) Notwithstanding any other provision of this section, a developer of a housing development allowed in accordance with this section may apply for a density bonus pursuant to Section 65915.

(4) A housing development shall be deemed consistent, compliant, and in conformity with local development standards, zoning codes or maps, and the general plan if it meets the requirements of this section.

(c) For purposes of this section:

(1) "Affordable housing cost" has the same meaning as defined in Section 50052.5 of the Health and Safety Code.

(2) "Affordable rent" has the same meaning as defined in Section 50053 of the Health and Safety Code.

(3) "Greatest allowed density" means the maximum allowable gross residential density, including any density that requires conditional approval, allowable under local zoning, including the zoning ordinances and any specific plan adopted by the applicable city or county that apply to the site of the housing development.

(4) "Highest allowable height" means the tallest height, including any height that requires conditional approval, allowable under local zoning, including the zoning ordinances and any specific plan adopted by the applicable city or county that apply to the site of the housing development.

(5) "Industrial use" includes, but is not limited to, utilities, manufacturing, wholesale trade, transportation, and warehousing.

(6) "Lower income households" has the same meaning as defined in Section 50079.5 of the Health and Safety Code.

(d) A jurisdiction shall only be subject to this section until it has completed the rezoning required by Section 65583 for the 6th revision of its housing element pursuant to this article.

(e) The Legislature finds and declares that ensuring the adequate production of affordable housing is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.

(f) This section shall remain in effect only until January 1, 2031, and as of that date is repealed.

**SEC. 2.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

**SENATE BILL NO. 9**  
**LEGISLATIVE COUNSEL'S DIGEST AND BILL TEXT**

**SB-9 Housing development: approvals.** (2021-2022)

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Date Published: 12/07/2020 09:00 PM

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

**SENATE BILL****NO. 9**

**Introduced by Senators Atkins, Caballero, Rubio, and Wiener  
(Coauthors: Senators Gonzalez and McGuire)  
(Coauthor: Assembly Member Robert Rivas)**

**December 07, 2020**

An act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the Government Code, relating to land use.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 9, as introduced, Atkins. Housing development: approvals.

The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions.

This bill, among other things, would require a proposed housing development containing 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving the construction of 2 residential units, including, but not limited to, authorizing a city or county to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of up to 2 units, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances.

The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency and sets forth procedures governing the local agency's processing,

approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification of those maps. Under the Subdivision Map Act, an approved or conditionally approved tentative map expires 24 months after its approval or conditional approval or after any additional period of time as prescribed by local ordinance, not to exceed an additional 12 months, except as provided.

This bill, among other things, would require a city or county to ministerially approve a parcel map or tentative and final map for an urban lot split that meets certain requirements, including, but not limited to, that the urban lot split would not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the parcel is located within a residential zone, and that the parcel is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.

The bill would set forth what a local agency can and cannot require in approving an urban lot split, including, but not limited to, authorizing a city or county to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, unless those standards would have the effect of physically precluding the construction of 2 units on either of the resulting parcels, prohibiting the imposition of setback requirements under certain circumstances, and setting maximum setback requirements under all other circumstances.

The bill would also extend the limit on the additional period that may be provided by ordinance, as described above, from 12 months to 24 months and would make other conforming or nonsubstantive changes.

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. CEQA does not apply to the approval of ministerial projects.

This bill, by establishing the ministerial review processes described above, would thereby exempt the approval of projects subject to those processes from CEQA.

The California Coastal Act of 1976 provides for the planning and regulation of development, under a coastal development permit process, within the coastal zone, as defined, that shall be based on various coastal resources planning and management policies set forth in the act.

This bill would exempt a local government from being required to hold public hearings for coastal development permit applications for housing developments and urban lot splits pursuant to the above provisions.

By increasing the duties of local agencies with respect to land use regulations, the bill would impose a state-mandated local program.

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

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

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

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 65852.21 is added to the Government Code, to read:

**65852.21.** (a) A proposed housing development containing two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

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

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

(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's 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.

(5) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:

(A) If a local ordinance so allows.

(B) The site has not been occupied by a tenant in the last three years.

(6) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(b) (1) Notwithstanding any local law and except as provided in paragraph (2), a city or county may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2) (A) The city or county shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units.

(B) (i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local government may require a setback of up to four feet from the side and rear lot lines.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(d) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(e) Notwithstanding Section 65852.2, a local agency shall not be required to permit an accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

(f) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(g) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(h) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes two new units or if it proposes to add one new unit to an existing unit.

(2) The terms "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(i) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

**SEC. 2.** Section 66411.7 is added to the Government Code, to read:

**66411.7.** (a) Notwithstanding any other provision of this division and any local law, a city or county shall ministerially approve, as set forth in this section, a parcel map or tentative and final map for an urban lot split that meets all the following requirements:

(1) The parcel map or tentative and final map subdivides an existing parcel to create two new parcels of equal size.

(2) (A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet.

(B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.

(3) The parcel being subdivided meets all the following requirements:

(A) The parcel is located within a residential zone.

(B) The parcel subject to the proposed urban lot split is located within a city the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

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

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

(iii) A parcel or parcels on which an owner of residential real property has exercised the owner's 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.

(iv) Housing that has been occupied by a tenant in the last three years.

(E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section.

(G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

(b) An application for an urban lot split shall be approved in accordance with the following requirements:

(1) A local agency shall approve or deny an application for an urban lot split ministerially without discretionary review.

(2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

(3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map or tentative and final map for an urban lot split.

(c) (1) Except as provided in paragraph (2), notwithstanding any local law, a city or county may impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to a parcel created by an urban lot split that do not conflict with this section.

(2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels.

(3) (A) Notwithstanding paragraph (2), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local government may require a setback of up to four feet from the side and rear lot lines.

(d) In addition to any conditions established in accordance with subdivision (c), a local agency may require any of the following conditions when considering an application for an urban lot split:

(1) Easements required for the provision of public services and facilities.

(2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.

(3) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(e) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.

(f) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(g) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an urban lot split, the correction of nonconforming zoning conditions.

(h) Notwithstanding Section 65852.2, a local agency shall not be required to permit an accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 65852.21.

(i) Notwithstanding paragraph (3) of subdivision (c), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(j) Local agencies shall include the number of applications for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(k) For purposes of this section, the terms "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(l) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(m) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for urban lot splits pursuant to this section.

**SEC. 3.** Section 66452.6 of the Government Code is amended to read:

**66452.6.** (a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional ~~12~~ 24 months. However, if the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way ~~which~~ *that* about the boundary of the property to be subdivided and ~~which~~ *that* are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by ~~36~~ 48 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2012, and each calendar year thereafter, the amount of two hundred thirty-six thousand seven hundred ninety dollars (\$236,790) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) "Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(b) (1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency ~~which~~ *that* approved or conditionally approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed ~~prior to~~ *before* the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). ~~Prior to~~ *Before* the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies ~~which~~ *that* regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action ~~prior to~~ *before* expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency ~~which~~ *that* owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency ~~which~~ *that* owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency ~~which~~ *that* owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated

to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

**SEC. 4.** The Legislature finds and declares that ensuring access to affordable housing is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 1 and 2 of this act adding Sections 65852.21 and 66411.7 to the Government Code and Section 3 of this act amending Section 66452.6 of the Government Code apply to all cities, including charter cities.

**SEC. 5.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

**SENATE BILL NO. 10**  
**LEGISLATIVE COUNSEL'S DIGEST AND BILL TEXT**



**SB-10 Planning and zoning: housing development: density.** (2021-2022)

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Date Published: 02/24/2021 09:00 PM

AMENDED IN SENATE FEBRUARY 24, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

**SENATE BILL**

**NO. 10**

**Introduced by Senator Wiener**  
**(Principal coauthors: Senators Atkins and Caballero)**  
**(Principal coauthor: Assembly Member Robert Rivas)**

**December 07, 2020**

An act to add Section 65913.5 to the Government Code, relating to land use.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 10, as amended, Wiener. Planning and zoning: housing development: density.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. Existing law requires an attached housing development to be a permitted use, not subject to a conditional use permit, on any parcel zoned for multifamily housing if at least certain percentages of the units are available at affordable housing costs to very low income, lower income, and moderate-income households for at least 30 years and if the project meets specified conditions relating to location and being subject to a discretionary decision other than a conditional use permit. Existing law provides for various incentives intended to facilitate and expedite the construction of affordable housing.

This bill would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to pass an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, ~~2022~~, 2023, based on specified criteria. The bill would specify that an ordinance adopted under these ~~provisions~~ *provisions, and any resolution adopted to amend the jurisdiction's General Plan to be consistent with that ordinance*, is not a project for purposes of the California Environmental Quality Act. The bill would prohibit a residential or mixed-use residential project consisting of 10 or more units that is located on a parcel rezoned pursuant to these provisions from being approved ministerially or by right.

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

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 65913.5 is added to the Government Code, to read:

**65913.5.** (a) (1) Notwithstanding any local restrictions on adopting zoning ordinances enacted by the jurisdiction, including restrictions enacted by a local voter initiative, that limit the legislative body's ability to adopt zoning ordinances, a local government may pass an ordinance to zone a parcel for up to 10 units of residential density per parcel, at a height specified by the local government in the ordinance, if the parcel is located in one of the following:

(A) A transit-rich area.

(B) A jobs-rich area.

(C) An urban infill site.

(2) An ordinance adopted in accordance with this ~~subdivision~~ *subdivision, and any resolution adopted to amend the jurisdiction's General Plan to be consistent with that zoning ordinance*, shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(3) Paragraph (1) shall not apply to parcels located within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This paragraph does not apply to parcels excluded from the specified hazard zones by a local agency pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(b) (1) Notwithstanding any other law, a residential or mixed-use residential project consisting of more than 10 new residential units on one or more parcels that have been zoned to permit residential development pursuant to this section shall not be approved ministerially or by right, and shall not be exempt from Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) Paragraph (1) shall not apply to a project to create no more than two accessory dwelling units and no more than two junior accessory dwelling units per parcel pursuant to Sections 65852.2 and 65852.22 of the Government Code.

(3) A project may not be divided into smaller projects in order to exclude the project from the prohibition in this subdivision.

(c) For purposes of this section:

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

(A) It has average service intervals of no more than 15 minutes during the three peak hours between 6 a.m. to 10 a.m., inclusive, and the three peak hours between 3 p.m. and 7 p.m., inclusive, on Monday through Friday.

(B) It has average service intervals of no more than 20 minutes during the hours of 6 a.m. to 10 a.m., inclusive, on Monday through Friday.

(C) It has average intervals of no more than 30 minutes during the hours of 8 a.m. to 10 p.m., inclusive, on Saturday and Sunday.

(2) (A) "Jobs-rich area" means an area identified by the Department of Housing and Community Development in consultation with the Office of Planning and Research *and other necessary stakeholders* 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:

(i) 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.

(ii) 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.

(B) The Department of Housing and Community Development shall, commencing on January 1, ~~2022~~, 2023, publish and update, every five years thereafter, a map of the state showing the areas identified by the department as "jobs-rich areas." *The department shall begin with the most current version of the Department of Housing and Community Development and California Tax Credit Allocation Committee Opportunity Maps and update the methodology as it determines is appropriate to advance the goals of subparagraph (A).*

(3) "Transit-rich area" means a parcel within one-half mile of a major transit stop, as defined in Section 21064.3 of the Public Resources Code, or a parcel on a high-quality bus corridor.

(4) "Urban infill site" means a site that satisfies all of the following:

(A) A site that is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) A site in which at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

(C) A site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.

(d) The Legislature finds and declares that ensuring the adequate production of affordable housing is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.

**SENATE BILL NO. 12**  
**LEGISLATIVE COUNSEL'S DIGEST AND BILL TEXT**

**SB-12 Local government: planning and zoning: wildfires.** (2021-2022)

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CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

**SENATE BILL****NO. 12**

**Introduced by Senator McGuire  
(Coauthors: Senators Atkins, Caballero, and Dodd)**

**December 07, 2020**

An act to amend Sections 65007, 65302, 65584, 65584.04, and 65584.06 of, and to add Sections 65011, 65012, 65013, 65040.18, 65302.11, 65860.2, 65865.6, 65962.3, and 66474.03 to, the Government Code, to amend Section 13132.7 of the Health and Safety Code, and to amend Section 4290 of, and to add Section 4123.6 to, the Public Resources Code, relating to local government.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 12, as introduced, McGuire. Local government: planning and zoning: wildfires.

(1) The Planning and Zoning Law requires the legislative body of a city or county to adopt a comprehensive, long-term general plan that includes various elements, including, among others, a housing element and a safety element for the protection of the community from unreasonable risks associated with the effects of various geologic and seismic hazards, flooding, and wildland and urban fires. Existing law requires the housing element to be revised according to a specific schedule. Existing law requires the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years to identify new information relating to flood and fire hazards and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element.

Existing law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided.

This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse. The bill would also require the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard

mitigation plan, but not less than once every 8 years, to identify new information relating to retrofit updates applicable to the city or county that was not available during the previous revision of the safety element. By increasing the duties of local officials, this bill would create a state-mandated local program.

(2) Existing law requires the general plan to include a land use element that designates the proposed general distribution and general location and extent of the uses of the land for, among other purposes, housing, business, and industry. Existing law additionally requires the general plan to include a housing element and requires each local government to review and revise its housing element, as specified.

This bill would require a city or county that contains a very high fire risk area, as defined, upon each revision of the housing element on or after July 1, 2024, to amend the land use element of its general plan to contain, among other things, the locations of all very high fire risk areas within the city or county and feasible implementation measures designed to carry out specified goals, objectives, and policies relating to the protection of lives and property from unreasonable risk of wildfire. The bill would require the city or county to complete a review of, and make findings related to, wildfire risk reduction standards, as defined, upon each subsequent revision of the housing element, as provided. The bill would require the State Board of Forestry and Fire Protection to review the findings and make recommendations, as provided.

The bill would additionally require the Office of the State Fire Marshal, in consultation with the Office of Planning and Research and the Board of Forestry and Fire Protection, by January 1, 2023, to adopt wildfire risk reduction standards that meet certain requirements and reasonable standards for third-party inspection and certifications for a specified enforcement program. The bill would also require the Office of the State Fire Marshal to, by January 1, 2024, update the maps of the very high fire hazard severity zones, as specified. The bill would require the Office of the State Fire Marshal to convene a working group of stakeholders, as specified, to assist in this effort and to consider specified national standards.

Existing law requires county or city zoning ordinances to be consistent with the general plan of the county or city, as specified.

This bill would require a city or county that contains a very high fire risk area, within 12 months following the amendment of the city or county's land use element, to adopt a very high fire risk overlay zone or otherwise amend its zoning ordinance so that it is consistent with the general plan, as specified.

This bill would additionally prohibit the legislative body of a city or county that contains a very high fire risk area, upon the effective date of the revision of the city or county's land use element, from entering into a development agreement for property that is located within a very high fire risk area, approving specified discretionary permits or other discretionary entitlements for projects located within a very high fire risk area, or approving a tentative map or a parcel map for which a tentative map was not required for a subdivision that is located within a very high fire risk area, unless the city or county makes specified findings based on substantial evidence in the record.

By increasing the duties of local officials, this bill would impose a state-mandated local program.

(3) Existing law requires the Department of Housing and Community Development, in consultation with each council of governments, to determine each region's existing and projected housing need, as provided. Existing law requires each council of governments, or the department for cities and counties without a council of governments, to adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county and that furthers specified objectives.

This bill would require the regional housing needs allocation plan to additionally further the objective of reducing development pressure within very high fire risk areas.

(4) Existing law requires the council of governments, or delegate subregion, as applicable, to develop a proposed methodology for distributing the existing and projected regional housing need and, to the extent that sufficient data is available as provided, to include specified factors to develop the methodology that allocates regional housing needs, including, among other factors, the rate of overcrowding.

This bill would additionally require the council of governments, or delegate subregion, as applicable, to include within those factors for the seventh and subsequent revisions of the housing element, the amount of land in each member jurisdiction that is within a very high fire risk area by allocating a lower proportion of housing if the council of governments or delegate subregion determines, based on specified factors, that it is likely that the jurisdiction would otherwise need to identify lands within a very high fire risk area as adequate sites in order to meet its housing need allocation.

For cities and counties without a council of governments, existing law requires the Department of Housing and Community Development to determine and distribute the existing and projected housing need, unless that responsibility is delegated as provided to cities and counties, based upon available data and in consultation with the cities and counties, taking into consideration, among other things, the availability of suitable sites and public facilities.

This bill would also require the department, for the seventh and subsequent revisions of the housing element, to take into consideration the amount of land in each city and each county that is within a very high fire risk area, as defined, by allocating a lower proportion of housing if the department determines, based on specified factors, that it is likely that the jurisdiction would otherwise need to identify lands within a very high fire risk area as adequate sites in order to meet its housing need allocation.

By increasing the duties of local officials, this bill would impose a state-mandated local program.

(5) Existing law requires the Office of Planning and Research to implement various long-range planning and research policies and goals that are intended to, among other things, encourage the formation and proper functioning of local entities and, in connection with those responsibilities, to adopt guidelines for the preparation and content of the mandatory elements required in city and county general plans.

This bill would require the Office of Planning and Research, on or before January 1, 2023, in collaboration with cities and counties, to identify local ordinances, policies, and best practices relating to land use planning in very high fire risk areas, wildfire risk reduction, and wildfire preparedness and publish these resources on the above-described clearinghouse, as specified.

(6) Existing law requires, until the 2023–24 fiscal year, the amount of \$165,000,000 to be appropriated from the Greenhouse Gas Reduction Fund to the Department of Forestry and Fire Protection for healthy forest and fire prevention programs and projects that improve forest health and reduce greenhouse gas emissions caused by uncontrolled wildfires.

This bill would establish the Wildfire Risk Reduction Planning Support Grants Program, administered by the Department of Forestry and Fire Protection, for the purpose of providing small jurisdictions, as defined, containing very high fire hazard risk areas with grants for specified planning activities to enable those jurisdictions to meet the requirements set forth in the bill, as described above. Upon appropriation, the bill would require the department to distribute grant funds under the program via a noncompetitive, over-the-counter process, as provided, to small jurisdictions. The bill would require a recipient small jurisdiction to use the allocation solely for wildfire risk reduction planning activities, as specified. The bill would authorize the department to set aside up to 5% of any amount appropriated for these purposes for program administration.

(7) Existing law requires the State Board of Forestry and Fire Protection to adopt regulations implementing minimum fire safety standards that are applicable to lands classified and designated as very high fire hazard severity zones, and requires the regulations to apply to the perimeters and access to all residential, commercial, and industrial building construction within lands classified and designated as very high fire hazard severity zones, as defined, after July 1, 2021.

This bill would specify that the above-described regulations apply to the perimeters and access from the perimeters to all residential, commercial, and industrial building construction within lands classified and designated as very high fire hazard severity zones. The bill would also require the regulations to conform as nearly as practicable with specified existing regulations adopted by the State Fire Marshal.

(8) Existing law requires a common interest development within a very high fire severity zone to allow an owner to install or repair a roof with at least one type of fire retardant roof covering material that meets specified requirements.

This bill would require the one type of fire retardant roof covering material to additionally meet, at a minimum, class B standards, as specified in the International Building Code.

(9) 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 Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 65007 of the Government Code is amended to read:

**65007.** As used in this title, Sections 65302.9, 65860.1, 65865.5, 65962, and 66474.5, the following terms have the following meanings, unless the context requires otherwise:

(a) "Adequate progress" means all of the following:

(1) The total project scope, schedule, and cost of the completed flood protection system have been developed to meet the appropriate standard of protection.

(2) (A) Revenues that are sufficient to fund each year of the project schedule developed in paragraph (1) have been identified and, in any given year and consistent with that schedule, at least 90 percent of the revenues scheduled to be received by that year have been appropriated and are currently being expended.

(B) Notwithstanding subparagraph (A), for any year in which state funding is not appropriated consistent with an agreement between a state agency and a local flood management agency, the Central Valley Flood Protection Board may find that the local flood management agency is making adequate progress in working toward the completion of the flood protection system.

(3) Critical features of the flood protection system are under construction, and each critical feature is progressing as indicated by the actual expenditure of the construction budget funds.

(4) The city or county has not been responsible for a significant delay in the completion of the system.

(5) The local flood management agency shall provide the Department of Water Resources and the Central Valley Flood Protection Board with the information specified in this subdivision sufficient to determine substantial completion of the required flood protection. The local flood management agency shall annually report to the Central Valley Flood Protection Board on the efforts in working toward completion of the flood protection system.

(b) "Central Valley Flood Protection Plan" has the same meaning as that set forth in Section 9612 of the Water Code.

(c) "Developed area" has the same meaning as that set forth in Section 59.1 of Title 44 of the Code of Federal Regulations.

(d) "Flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency (*FEMA*). The identification of flood hazard zones does not imply that areas outside the flood hazard zones, or uses permitted within flood hazard zones, will be free from flooding or flood damage.

(e) "National Federal Emergency Management Agency standard of flood protection" means the level of flood protection that is necessary to withstand flooding that has a 1-in-100 chance of occurring in any given year using criteria developed by the Federal Emergency Management Agency *FEMA* for application in the National Flood Insurance Program.

(f) "Nonurbanized area" means a developed area or an area outside a developed area in which there are fewer than 10,000 residents that is not an urbanizing area.

(g) "Project levee" means any levee that is part of the facilities of the State Plan of Flood Control.

(h) "Sacramento-San Joaquin Valley" means lands in the bed or along or near the banks of the Sacramento River or San Joaquin River, or their tributaries or connected therewith, or upon any land adjacent thereto, or within the overflow basins thereof, or upon land susceptible to overflow therefrom. The Sacramento-San Joaquin Valley does not include lands lying within the Tulare Lake basin, including the Kings River.

(i) "State Plan of Flood Control" has the same meaning as that set forth in subdivision (j) of Section 5096.805 of the Public Resources Code.

(j) "Tulare Lake basin" means the Tulare Lake Hydrologic Region as defined in the California Water Plan Update 2009, prepared by the Department of Water Resources pursuant to Chapter 1 (commencing with Section 10004) of Part 1.5 of Division 6 of the Water Code.

(k) "Undetermined risk area" means an urban or urbanizing area within a moderate flood hazard zone, as delineated on an official flood insurance rate map issued by ~~the Federal Emergency Management Agency; FEMA,~~ which has not been determined to have an urban level of protection.

(l) "Urban area" means a developed area in which there are 10,000 residents or more.

(m) "Urbanizing area" means a developed area or an area outside a developed area that is planned or anticipated to have 10,000 residents or more within the next 10 years.

(n) "Urban level of flood protection" means the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the Department of Water Resources. "Urban level of flood protection" shall not mean shallow flooding or flooding from local drainage that meets the criteria of the national ~~Federal Emergency Management Agency FEMA~~ standard of flood protection.

(o) "Very high fire risk area" has the same meaning as defined in Section 65011.

**SEC. 2.** Section 65011 is added to the Government Code, to read:

**65011.** For the purposes of Sections 65302.11, 65860.2, 65865.6, 65962.3, and 66474.03, unless the context requires otherwise, the following terms have the following meanings:

(a) "Adequate progress" means the city or county is taking concrete steps reasonably calculated to achieve funding and implementation of the applicable standard with the timeframe specified in subdivision (b) of Section 65012.

(b) "Very high fire risk area" means any lands located within a very high fire hazard severity zone, as designated pursuant to subdivisions (a) and (b) of Section 51179, or as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.

**SEC. 3.** Section 65012 is added to the Government Code, to read:

**65012.** (a) For the purposes of Sections 65302.11, 65860.2, 65865.6 65962.3, and 66474.03, "wildfire risk reduction standard" means the following:

(1) For a development of any size:

(A) The regulations adopted by the State Board of Forestry and Fire Protection, the State Fire Marshal, and the California Building Standards Commission regarding defensible space, vegetation management, fuel modification, and materials and construction methods for exterior wildfire exposure, including, but not limited to, all of the following, or the successor provisions:

(i) Chapter 7A of the California Building Code.

(ii) Chapter 49 of the California Fire Code.

(iii) Section R337 of the California Residential Code.

(iv) Chapter 12-7A of the California Referenced Standards Code.

(v) Subchapter 2 (commencing with Section 1270) of Chapter 7 of Division 1.5 of Title 14 of the California Code of Regulations.

(vi) Article 3 (commencing with Section 1299.01) of Subchapter 3 of Chapter 7 of Division 1.5 of Title 14 of the California Code of Regulations.

(B) A wildland fire hazard assessment and wildfire hazard mitigation plan approved by the enforcing agency in accordance with standards adopted by the State Fire Marshal pursuant to Section 65013.

(C) An enforcement program established, funded, and implemented to verify ongoing compliance of the defensible space, vegetation management, and fuel modification requirements of the regulations described in subparagraph (A), and with any continuing obligations imposed under a fire protection plan or wildfire hazard mitigation plan established for the project. The enforcing agency may charge a fee sufficient to cover the costs of administering the program and providing any inspections conducted by the enforcing agency. The program shall ensure that compliance is documented for each affected property or structure at least once every three years.

Acceptable methods of compliance inspection and documentation shall be determined by the enforcing agency and may include any of the following:

(i) The local, state, or federal fire authority or designee authorized to enforce vegetation management requirements.

(ii) The enforcing agency.

(iii) Third-party inspection and certification authorized in accordance with the regulations adopted by the State Fire Marshal pursuant to Section 65013.

(D) The regulations relating to the organization and deployment of fire suppression operations, fire protection infrastructure, water supplies for fire fighting, and reducing ignition hazards from wildland fire adopted by the State Fire Marshal pursuant to Section 65013.

(2) For a development of nine units or more:

(A) All of the standards set forth in paragraph (1).

(B) A fire protection plan setting forth reasonable site-specific safety measures to ensure that the development as a whole is planned and constructed to resist the encroachment of uncontrolled fire. The fire protection plan may be combined with the wildfire hazard mitigation plan prepared for the development in accordance with subparagraph (B) of paragraph (1). The plan shall include, but not be limited to, all of the following:

(i) A development layout that reduces wildfire risk to the greatest extent practicable, through measures that may include, but are not limited to, clustering of structures in the lowest risk areas on the property, while still requiring all structures to be separated by a safe distance to avoid the spread of fires from structure to structure, the use of natural and manmade features as fire breaks, and the establishment of community protection fire breaks on the perimeter of the property.

(ii) Identification of a low-risk fire safety area where community members can evacuate to and wait until emergency service providers can reach them.

(iii) Mechanisms, including funding, to maintain common areas and open spaces within the development so that ground fuels do not promote the spread of wildfire and aerial fuels do not allow the spread of a fire through the tree canopy.

(C) A condition on the development that all parcels within the development containing structures are subject to an ongoing, permanent fee, tax, or assessment, an assessment through a homeowners' association, or a similar funding mechanism sufficient to ensure that defensible space and vegetation management maintenance is funded and occurs on a schedule so as to comply with subparagraph (C) of paragraph (1), and other requirements for maintaining defensible space and vegetation management under law, including, but not limited to, Section 4291 of the Public Resources Code.

(D) The development shall not be approved unless the city or county finds, based on substantial evidence in the record, that the development can be reasonably accessed and served in the case of a wildfire, with adequate ingress and egress, including, but not limited to, primary and secondary routes and capacity for evacuation and emergency response at the same time.

(3) For any development subject to this subdivision that includes 100 or more residential dwelling units:

(A) All of the standards set forth in paragraphs (1) and (2).

(B) Additional wildfire risk reduction standards adopted by the State Fire Marshal pursuant to clause (ii) of subparagraph (A) of paragraph (1) of subdivision (a) of Section 65013, or conditions imposed by the city or county that provide the same practical effect as the standards and are at least the equivalent of the standards in reducing the risk to life and property from catastrophic wildfire.

(b) For a period of five years following adoption of the zoning ordinance amendment pursuant to Section 65860.2, a development shall be deemed in compliance with the wildfire risk reduction standards set forth in subparagraphs (C) and (D) of paragraph (1) of subdivision (a) if the city or county finds, based on substantial evidence in the record, that the responsible state and local agencies have made adequate progress toward providing protection from wildfire risk to the level set forth in those standards, or wildfire protection standards adopted by the city or county that meet or exceed those standards.

(c) Nothing in this section shall be construed to limit the existing authority of the State Fire Marshal or any other public agency under any other law from adopting standards that are more protective of life and property from the risk of wildfire.

**SEC. 4.** Section 65013 is added to the Government Code, to read:

**65013.** (a) By January 1, 2023, the Office of the State Fire Marshal, in consultation with the Office of Planning and Research and the State Board of Forestry and Fire Protection, shall do all of the following:

(1) Adopt wildfire risk reduction standards that meet all of the following requirements:

(A) (i) Account for differences in the size of proposed developments, consistent with the categories set forth in Section 65012.

(ii) When adopting standards for developments that include 100 or more residential dwelling units, the Office of the State Fire Marshal shall incorporate all applicable recommendations included in the Office of Planning and Research's most recent publication of "Fire Hazard Planning-General Plan Technical Advice Series."

(B) Include standards for organization and development of fire suppression operations, fire protection infrastructure, water supplies for fire fighting, and reducing structure ignition hazards from wildland fire.

(C) Include any additional requirements for fire hardening or similar building standards applicable to structures located in areas without a secondary egress route that are identified in accordance with subdivision (a) of Section 4290.5 of the Public Resources Code.

(D) Establish community-scale risk reduction measures, including, but not limited to, both of the following:

(i) Community design and layout.

(ii) Location and construction of infrastructure to reduce ignition potential and ensure availability of water supplies essential for fire suppression during a wildfire.

(E) Are designed to reduce the risk of catastrophic loss due to wildfire based upon a risk model that uses current wildfire hazard severity information known for the very high fire risk areas. The Office of the State Fire Marshal shall utilize a risk model that meets both of the following requirements:

(i) The risk model is able to quantify the risk for a community or parcel in a very high fire risk area through the input of mitigating factors into the model.

(ii) The model uses the best available science and objective scientific methodologies.

(F) Are directly applicable to, and account for, California's climate, weather, topography, and development patterns.

(2) Adopt standards for third-party inspection and certification conducted pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 65012.

(b) (1) By January 1, 2024, the Office of the State Fire Marshal shall update the maps of the very high fire hazard severity zones pursuant to Section 51178.

(2) In updating the maps pursuant to subparagraph (A), the State Fire Marshal shall identify areas within very high fire hazard severity zones where new residential development poses exceptional risk to future occupants of the development and to fire personnel and other public safety personnel that must access the development during a wildfire.

(c) Standards adopted pursuant to this section, regulations and rules of general applicability adopted pursuant to Section 65012, and regulations and rules of general applicability adopted by state or local agencies as necessary to implement those standards, shall be reasonable, and shall be feasible and achievable for the majority of developments in each category set forth in subdivision (a) of Section 65012.

(d) In developing the standards required by this section, the Office of the State Fire Marshal shall do both of the following:

(1) Convene a working group of stakeholders, including representatives of urban, suburban, and rural counties and cities to assist in this effort.

(2) Consider national standards, including, but not limited to, the following:

(A) The ICC International Wildland-Urban Interface Code.

(B) NFPA 1141: Standard for Fire Protection Infrastructure for Land Development and Wildland, Rural, and Suburban Areas.

(C) NFPA 1142: Standard on Water Supplies for Suburban and Rural Fire Fighting.

(D) NFPA 1144: Standard for Reducing Structure Ignition Hazards from Wildland Fire.

(E) NFPA 1720: Standards for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations and Special Operations, to the Public by Volunteer Fire Departments.

(e) The Office of the State Fire Marshal may incorporate some or all of the wildfire risk reduction standards adopted pursuant to this section into the building standards developed pursuant to Section 13108.5 of the Health and Safety Code or the regulations adopted pursuant to Section 4290 of the Public Resources Code.

(f) Standards adopted pursuant to this section shall be adopted pursuant to the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2).

(g) Nothing in this section shall be construed to limit the existing authority of the State Fire Marshal or any other state or local public agency under any other law from adopting standards that are more protective of life and property from the risk of wildfire.

(h) "Very high fire risk area" has the same meaning as defined in Section 65011.

**SEC. 5.** Section 65040.18 is added to the Government Code, to read:

**65040.18.** By January 1, 2023, the Office of Planning and Research, in collaboration with cities and counties, shall identify local ordinances, policies, and best practices relating to land use planning in very high fire risk areas, wildfire risk reduction, and wildfire preparedness and publish these resources on the clearinghouse established pursuant to Section 71360 of the Public Resources Code. The office shall include in the clearinghouse any comprehensive retrofit strategies submitted pursuant to subparagraph (E) of paragraph (6) of subdivision (g) of Section 65302. The office shall regularly update the clearinghouse materials made available pursuant to this section. For purposes of this section, "very high fire risk area" has the same meaning as defined in Section 65011.

**SEC. 6.** Section 65302 of the Government Code, as amended by Section 169 of Chapter 370 of the Statutes of 2020, is amended to read:

**65302.** The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, greenways, as defined in Section 816.52 of the Civil Code, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify and annually review those areas covered by the plan that are subject to flooding identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources. The land use element shall also do both of the following:

(1) Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5).

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the

general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

(A) In determining the impact of new growth on military readiness activities, information provided by military facilities shall be considered. Cities and counties shall address military impacts based on information from the military and other sources.

(B) The following definitions govern this paragraph:

(i) "Military readiness activities" mean all of the following:

(I) Training, support, and operations that prepare the members of the military for combat.

(II) Operation, maintenance, and security of any military installation.

(III) Testing of military equipment, vehicles, weapons, and sensors for proper operation or suitability for combat use.

(ii) "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States Department of Defense as defined in paragraph (1) of subsection (g) of Section 2687 of Title 10 of the United States Code.

(b) (1) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan.

(2) (A) Commencing January 1, 2011, upon any substantive revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.

(B) For purposes of this paragraph, "users of streets, roads, and highways" mean bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

(c) A housing element as provided in Article 10.6 (commencing with Section 65580).

(d) (1) A conservation element for the conservation, development, and utilization of natural resources, including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies, including flood management, water conservation, or groundwater agencies that have developed, served, controlled, managed, or conserved water of any type for any purpose in the county or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5, if that information has been submitted by the water agency to the city or county.

(2) The conservation element may also cover all of the following:

(A) The reclamation of land and waters.

(B) Prevention and control of the pollution of streams and other waters.

(C) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.

(D) Prevention, control, and correction of the erosion of soils, beaches, and shores.

(E) Protection of watersheds.

(F) The location, quantity, and quality of the rock, sand, and gravel resources.

(3) Upon the next revision of the housing element on or after January 1, 2009, the conservation element shall identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560).

(f) (1) A noise element that shall identify and appraise noise problems in the community. The noise element shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:

(A) Highways and freeways.

(B) Primary arterials and major local streets.

(C) Passenger and freight online railroad operations and ground rapid transit systems.

(D) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.

(E) Local industrial plants, including, but not limited to, railroad classification yards.

(F) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.

(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average sound level (Ldn). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive: *subparagraphs (A) to (F), inclusive, of paragraph (1).*

(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

(4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

(g) (1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

(2) The safety element, upon the next revision of the housing element on or after January 1, 2009, shall also do the following:

(A) Identify information regarding flood hazards, including, but not limited to, the following:

(i) Flood hazard zones. As used in this subdivision, "flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by FEMA. The identification of a flood hazard zone does not imply that areas outside the flood hazard zones or uses permitted within flood hazard zones will be free from flooding or flood damage.

(ii) National Flood Insurance Program maps published by FEMA.

(iii) Information about flood hazards that is available from the United States Army Corps of Engineers.

(iv) Designated floodway maps that are available from the Central Valley Flood Protection Board.

(v) Dam failure inundation maps prepared pursuant to Section 6161 of the Water Code that are available from the Department of Water Resources.

(vi) Awareness Floodplain Mapping Program maps and 200-year flood plain maps that are or may be available from, or accepted by, the Department of Water Resources.

(vii) Maps of levee protection zones.

(viii) Areas subject to inundation in the event of the failure of project or nonproject levees or floodwalls.

(ix) Historical data on flooding, including locally prepared maps of areas that are subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding.

(x) Existing and planned development in flood hazard zones, including structures, roads, utilities, and essential public facilities.

(xi) Local, state, and federal agencies with responsibility for flood protection, including special districts and local offices of emergency services.

(B) Establish a set of comprehensive goals, policies, and objectives based on the information identified pursuant to subparagraph (A), for the protection of the community from the unreasonable risks of flooding, including, but not limited to:

(i) Avoiding or minimizing the risks of flooding to new development.

(ii) Evaluating whether new development should be located in flood hazard zones, and identifying construction methods or other methods to minimize damage if new development is located in flood hazard zones.

(iii) Maintaining the structural and operational integrity of essential public facilities during flooding.

(iv) Locating, when feasible, new essential public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities or identifying construction methods or other methods to minimize damage if these facilities are located in flood hazard zones.

(v) Establishing cooperative working relationships among public agencies with responsibility for flood protection.

(C) Establish a set of feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to subparagraph (B).

(3) Upon the next revision of the housing element on or after January 1, 2014, the safety element shall be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas, as defined in Section 4102 of the Public Resources Code, and land classified as very high fire hazard severity zones, as defined in Section 51177. This review shall consider the advice included in the Office of Planning and Research's most recent publication of "Fire Hazard Planning, General Plan Technical Advice Series" and shall also include all of the following:

(A) Information regarding fire hazards, including, but not limited to, all of the following:

(i) Fire hazard severity zone maps available from the Department of Forestry and Fire Protection.

(ii) Any historical data on wildfires available from local agencies or a reference to where the data can be found.

(iii) Information about wildfire hazard areas that may be available from the United States Geological Survey.

(iv) General location and distribution of existing and planned uses of land in very high fire hazard severity zones and in state responsibility areas, including structures, roads, utilities, and essential public facilities. The location and distribution of planned uses of land shall not require defensible space compliance measures required by state law or local ordinance to occur on publicly owned lands or open space designations of homeowner associations.

(v) Local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services.

(B) A set of goals, policies, and objectives based on the information identified pursuant to subparagraph (A) for the protection of the community from the unreasonable risk of wildfire.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives based on the information identified pursuant to subparagraph (B) including, but not limited to, all of the following:

(i) Avoiding or minimizing the wildfire hazards associated with new uses of land.

(ii) Locating, when feasible, new essential public facilities outside of high fire risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in a state responsibility area or very high fire hazard severity zone.

(iii) Designing adequate infrastructure if a new development is located in a state responsibility area or in a very high fire hazard severity zone, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.

(iv) Working cooperatively with public agencies with responsibility for fire protection.

(D) If a city or county has adopted a fire safety plan or document separate from the general plan, an attachment of, or reference to, a city or county's adopted fire safety plan or document that fulfills commensurate goals and objectives and contains information required pursuant to this paragraph.

(4) Upon the next revision of a local hazard mitigation plan, adopted in accordance with the federal Disaster Mitigation Act of 2000 (Public Law 106-390), on or after January 1, 2017, or, if a local jurisdiction has not adopted a local hazard mitigation plan, beginning on or before January 1, 2022, the safety element shall be reviewed and updated as necessary to address climate adaptation and resiliency strategies applicable to the city or county. This review shall consider advice provided in the Office of Planning and Research's General Plan Guidelines and shall include all of the following:

(A) (i) A vulnerability assessment that identifies the risks that climate change poses to the local jurisdiction and the geographic areas at risk from climate change impacts, including, but not limited to, an assessment of how climate change may affect the risks addressed pursuant to paragraphs (2) and (3).

(ii) Information that may be available from federal, state, regional, and local agencies that will assist in developing the vulnerability assessment and the adaptation policies and strategies required pursuant to subparagraph (B), including, but not limited to, all of the following:

(I) Information from the internet-based Cal-Adapt tool.

(II) Information from the most recent version of the California Adaptation Planning Guide.

(III) Information from local agencies on the types of assets, resources, and populations that will be sensitive to various climate change exposures.

(IV) Information from local agencies on their current ability to deal with the impacts of climate change.

(V) Historical data on natural events and hazards, including locally prepared maps of areas subject to previous risk, areas that are vulnerable, and sites that have been repeatedly damaged.

(VI) Existing and planned development in identified at-risk areas, including structures, roads, utilities, and essential public facilities.

(VII) Federal, state, regional, and local agencies with responsibility for the protection of public health and safety and the environment, including special districts and local offices of emergency services.

(B) A set of adaptation and resilience goals, policies, and objectives based on the information specified in subparagraph (A) for the protection of the community.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives identified pursuant to subparagraph (B) including, but not limited to, all of the following:

(i) Feasible methods to avoid or minimize climate change impacts associated with new uses of land.

(ii) The location, when feasible, of new essential public facilities outside of at-risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in at-risk areas.

(iii) The designation of adequate and feasible infrastructure located in an at-risk area.

(iv) Guidelines for working cooperatively with relevant local, regional, state, and federal agencies.

(v) The identification of natural infrastructure that may be used in adaptation projects, where feasible. Where feasible, the plan shall use existing natural features and ecosystem processes, or the restoration of natural features and ecosystem processes, when developing alternatives for consideration. For purposes of this clause, "natural infrastructure" means using natural ecological systems or processes to reduce vulnerability to climate change related hazards, or other related climate change effects, while increasing the long-term adaptive capacity of coastal and inland areas by perpetuating or restoring ecosystem services. This includes, but is not limited to,

the conservation, preservation, or sustainable management of any form of aquatic or terrestrial vegetated open space, such as beaches, dunes, tidal marshes, reefs, seagrass, parks, rain gardens, and urban tree canopies. It also includes systems and practices that use or mimic natural processes, such as permeable pavements, bioswales, and other engineered systems, such as levees that are combined with restored natural systems, to provide clean water, conserve ecosystem values and functions, and provide a wide array of benefits to people and wildlife.

(D) (i) If a city or county has adopted the local hazard mitigation plan, or other climate adaptation plan or document that fulfills commensurate goals and objectives and contains the information required pursuant to this paragraph, separate from the general plan, an attachment of, or reference to, the local hazard mitigation plan or other climate adaptation plan or document.

(ii) Cities or counties that have an adopted hazard mitigation plan, or other climate adaptation plan or document that substantially complies with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions, climate adaptation plan or document, specifically showing how each requirement of this subdivision has been met.

(5) Upon the next revision of the housing element on or after January 1, 2020, the safety element shall be reviewed and updated as necessary to identify residential developments in any hazard area identified in the safety element that do not have at least two emergency evacuation routes.

*(6) Upon the next revision of the housing element or the hazard mitigation plan, after July 1, 2024, whichever occurs first, the safety element shall be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires. The comprehensive retrofit strategy shall include, but is not limited to, all of the following:*

*(A) A list of the types of retrofits needed in an area based on fire risk.*

*(B) A process for identifying and inventorying structures in need of retrofit for fire hardening. The strategy shall prioritize the identification and inventorying of residential structures in very high fire risk areas.*

*(C) Goals and milestones for completing needed retrofit work.*

*(D) Potential funding sources and financing strategies to pay for needed retrofits on public and private property.*

*(E) Once adopted, the planning agency shall submit the adopted comprehensive retrofit strategy to the Office of Planning and Research for inclusion in the clearinghouse established pursuant to Section 71360 of the Public Resources Code.*

~~(6)~~

(7) After the initial revision of the safety element pursuant to paragraphs (2), (3), (4), ~~and (5)~~, (5), and (6), the planning agency shall review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every eight years, to identify new information relating to flood and fire ~~hazards and hazards~~, climate adaptation and resiliency ~~strategies strategies, and retrofit updates~~ applicable to the city or county that was not available during the previous revision of the safety element.

~~(7)~~

(8) Cities and counties that have flood plain management ordinances that have been approved by FEMA that substantially comply with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions or the flood plain ordinance, specifically showing how each requirement of this subdivision has been met.

~~(8)~~

(9) Before the periodic review of its general plan and before preparing or revising its safety element, each city and county shall consult the California Geological Survey of the Department of Conservation, the Central Valley Flood Protection Board, if the city or county is located within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code, and the Office of Emergency Services for the purpose of including information known by and available to the department, the agency, and the board required by this subdivision.

(9)

(10) To the extent that a county's safety element is sufficiently detailed and contains appropriate policies and programs for adoption by a city, a city may adopt that portion of the county's safety element that pertains to the city's planning area in satisfaction of the requirement imposed by this subdivision.

(h) (1) An environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community. The environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements, shall do all of the following:

(A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

(B) Identify objectives and policies to promote civic engagement in the public decisionmaking process.

(C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

(2) A city, county, or city and county subject to this subdivision shall adopt or review the environmental justice element, or the environmental justice goals, policies, and objectives in other elements, upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018.

(3) By adding this subdivision, the Legislature does not intend to require a city, county, or city and county to take any action prohibited by the United States Constitution or the California Constitution.

(4) For purposes of this subdivision, the following terms shall apply:

(A) "Disadvantaged communities" means an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.

(B) "Public facilities" includes public improvements, public services, and community amenities, as defined in subdivision (d) of Section 66000.

(C) "Low-income area" means an area with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development's list of state income limits adopted pursuant to Section 50093 of the Health and Safety Code.

**SEC. 7.** Section 65302.11 is added to the Government Code, to read:

**65302.11.** (a) Upon each revision of the housing element on or after July 1, 2024, each city or county that contains a very high fire risk area shall amend the land use element of its general plan to contain all of the following with respect to lands located within a very high fire risk area:

(1) (A) The goals contained in the most recent Strategic Fire Plan for California prepared by the Department of Forestry and Fire Protection.

(B) The locations of all very high fire risk areas within the city or county.

(C) The data and analysis described in the Office of Planning and Research's most recent publication of "Fire Hazard Planning—General Plan Technical Advice Series."

(D) The goals of any local hazard mitigation plan, community wildfire protection plan, and climate adaptation plan that has been adopted by the governing body of the city or county.

(2) Objectives and policies, based on the goals, data, and analysis identified pursuant to paragraph (1), for the protection of lives and property from unreasonable risk of wildfire. These objectives and policies shall take into consideration, and be consistent with, the information, goals, policies, objectives, and implementation measures included in the safety element in accordance with paragraph (3) of subdivision (g) of Section 65302.

(3) Feasible implementation measures designed to carry out the goals, objectives, and policies established pursuant to this subdivision.

(b) (1) After the initial amendment of the land use element pursuant to subdivision (a), the governing body of the city or county shall review all of the following upon each subsequent revision of the housing element, but not less than once every eight years:

(A) The implementation of the wildfire risk reduction standards, as defined in Section 65012, within the jurisdiction. The governing body shall make written findings, based upon substantial evidence, regarding whether the city or county has implemented the wildfire risk reduction standards during the preceding planning period, or made adequate progress toward implementing the wildfire risk reduction standards as provided in subdivision (b) of Section 65012.

(B) The designation of lands within the jurisdiction as very high fire hazard severity zones pursuant to subdivision (b) of Section 51179. The governing body shall make written findings, based upon substantial evidence, supporting the determinations made in accordance with that subdivision.

(2) The draft findings required under this subdivision shall be submitted to the State Board of Forestry and Fire Protection and to every local agency that provides fire protection to territory in the city or county at least 90 days prior to adoption by the governing body.

(A) The State Board of Forestry and Fire Protection shall, and a local agency may, review the draft findings and recommend changes to the city or county within 60 days of its receipt regarding both of the following:

(i) Whether the city or county has implemented the wildfire risk reduction standards during the preceding planning period, or made adequate progress toward implementing the wildfire risk reduction standards as provided in subdivision (b) of Section 65012.

(ii) Whether the designation of lands within the jurisdiction as very high fire hazard severity zones is appropriate.

(B) (i) Prior to the adoption of its draft findings, the governing body shall consider the recommendations, if any, made by the State Board of Forestry and Fire Protection and any local agency that provides fire protection to territory in the city or county. If the governing body determines not to accept all or some of the recommendations, if any, made by the State Board of Forestry and Fire Protection or the local agency, the governing body shall communicate in writing to the State Board of Forestry and Fire Protection or the local agency, its reasons for not accepting the recommendations.

(ii) If the governing body proposes not to adopt the State Board of Forestry and Fire Protection's recommendations concerning its draft findings, the State Board of Forestry and Fire Protection, within 15 days of receipt of the governing body's written response, may request in writing a consultation with the governing body to discuss the State Board of Forestry and Fire Protection's recommendations and the governing body's response. The consultation may be conducted in person, electronically, or telephonically. If the State Board of Forestry and Fire Protection requests a consultation pursuant to this subparagraph, the governing body shall not approve the draft element or draft amendment until after consulting with the State Board of Forestry and Fire Protection. The consultation shall occur within 30 days after the State Board of Forestry and Fire Protection's request.

(C) The State Board of Forestry and Fire Protection shall notify the city or county and may notify the Office of the Attorney General that the city or county is in violation of state law if the State Board of Forestry and Fire Protection finds that the written findings do not substantially comply with this section, or that the city or county has otherwise failed to substantially comply with this section or with Section 65860.2.

(3) Any interested person may bring an action to compel compliance with the requirements of this subdivision. The action shall be brought pursuant to Section 1085 of the Code of Civil Procedure.

(c) For purposes of this section, "very high fire risk area" has the same meaning as defined in Section 65011.

**SEC. 8.** Section 65584 of the Government Code is amended to read:

**65584.** (a) (1) For the fourth and subsequent revisions of the housing element pursuant to Section 65588, the department shall determine the existing and projected need for housing for each region pursuant to this article. For purposes of subdivision (a) of Section 65583, the share of a city or county of the regional housing need shall include that share of the housing need of persons at all income levels within the area significantly affected by the general plan of the city or county.

(2) It is the intent of the Legislature that cities, counties, and cities and counties should undertake all necessary actions to encourage, promote, and facilitate the development of housing to accommodate the entire regional housing need, and reasonable actions should be taken by local and regional governments to ensure that future housing production meets, at a minimum, the regional housing need established for planning purposes. These actions shall include applicable reforms and incentives in Section 65582.1.

(3) The Legislature finds and declares that insufficient housing in job centers hinders the state's environmental quality and runs counter to the state's environmental goals. In particular, when Californians seeking affordable housing are forced to drive longer distances to work, an increased amount of greenhouse gases and other pollutants is released and puts in jeopardy the achievement of the state's climate goals, as established pursuant to Section 38566 of the Health and Safety Code, and clean air goals.

(b) The department, in consultation with each council of governments, shall determine each region's existing and projected housing need pursuant to Section 65584.01 at least two years prior to the scheduled revision required pursuant to Section 65588. The appropriate council of governments, or for cities and counties without a council of governments, the department, shall adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county at least one year prior to the scheduled revision for the region required by Section 65588. The allocation plan prepared by a council of governments shall be prepared pursuant to Sections 65584.04 and 65584.05.

(c) Notwithstanding any other provision of law, the due dates for the determinations of the department or for the council of governments, respectively, regarding the regional housing need may be extended by the department by not more than 60 days if the extension will enable access to more recent critical population or housing data from a pending or recent release of the United States Census Bureau or the Department of Finance. If the due date for the determination of the department or the council of governments is extended for this reason, the department shall extend the corresponding housing element revision deadline pursuant to Section 65588 by not more than 60 days.

(d) The regional housing needs allocation plan shall further all of the following objectives:

(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households.

(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.

(3) Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.

(4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent American Community Survey.

(5) Affirmatively furthering fair housing.

(6) *Promoting resilient communities. Furthering this objective shall include reducing development pressure within very high fire risk areas. This paragraph shall apply only to the regional housing needs allocation plan for the seventh and subsequent revisions of the housing element.*

(e) For purposes of this section, "affirmatively furthering fair housing" means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

(f) For purposes of this section, "household income levels" are as determined by the department as of the most recent American Community Survey pursuant to the following code sections:

(1) ~~Very low incomes incomes~~, as defined by Section 50105 of the Health and Safety Code.

- (2) Lower incomes, as defined by Section 50079.5 of the Health and Safety Code.
- (3) Moderate incomes, as defined by Section 50093 of the Health and Safety Code.
- (4) Above moderate incomes are those exceeding the moderate-income level of Section 50093 of the Health and Safety Code.
- (g) Notwithstanding any other provision of law, determinations made by the department, a council of governments, or a city or county pursuant to this section or Section 65584.01, 65584.02, 65584.03, 65584.04, 65584.05, 65584.06, 65584.07, or 65584.08 are exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

**SEC. 9.** Section 65584.04 of the Government Code is amended to read:

**65584.04.** (a) At least two years ~~before~~ *prior to* a scheduled revision required by Section 65588, each council of governments, or delegate subregion as applicable, shall develop, in consultation with the department, a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable pursuant to this section. The methodology shall further the objectives listed in subdivision (d) of Section 65584.

(b) (1) No more than six months before the development of a proposed methodology for distributing the existing and projected housing need, each council of governments shall survey each of its member jurisdictions to request, at a minimum, information regarding the factors listed in subdivision (e) that will allow the development of a methodology based upon the factors established in subdivision (e).

(2) With respect to the objective in paragraph (5) of subdivision (d) of Section 65584, the survey shall review and compile information that will allow the development of a methodology based upon the issues, strategies, and actions that are included, as available, in an Analysis of Impediments to Fair Housing Choice or an Assessment of Fair Housing completed by any city or county or the department that covers communities within the area served by the council of governments, and in housing elements adopted pursuant to this article by cities and counties within the area served by the council of governments.

(3) The council of governments shall seek to obtain the information in a manner and format that is comparable throughout the region and utilize readily available data to the extent possible.

(4) The information provided by a local government pursuant to this section shall be used, to the extent possible, by the council of governments, or delegate subregion as applicable, as source information for the methodology developed pursuant to this section. The survey shall state that none of the information received may be used as a basis for reducing the total housing need established for the region pursuant to Section 65584.01.

(5) If the council of governments fails to conduct a survey pursuant to this subdivision, a city, county, or city and county may submit information related to the items listed in subdivision (e) before the public comment period provided for in subdivision (d).

(c) The council of governments shall electronically report the results of the survey of fair housing issues, strategies, and actions compiled pursuant to paragraph (2) of subdivision (b). The report shall describe common themes and effective strategies employed by cities and counties within the area served by the council of governments, including common themes and effective strategies around avoiding the displacement of lower income households. The council of governments shall also identify significant barriers to affirmatively furthering fair housing at the regional level and may recommend strategies or actions to overcome those barriers. A council of governments or metropolitan planning organization, as appropriate, may use this information for any other purpose, including publication within a regional transportation plan adopted pursuant to Section 65080 or to inform the land use assumptions that are applied in the development of a regional transportation plan.

(d) Public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of the regional housing needs. Participation by organizations other than local jurisdictions and councils of governments shall be solicited in a diligent effort to achieve public participation of all economic segments of the community as well as members of protected classes under Section 12955. The proposed methodology, along with any relevant underlying data and assumptions, an explanation of how information about local government conditions gathered pursuant to subdivision (b) has been used to develop the proposed methodology, how each of the factors listed in subdivision (e) is incorporated into the methodology, and how the proposed methodology furthers the objectives listed in subdivision (e) of Section 65584, shall be

distributed to all cities, counties, any subregions, and members of the public who have made a written or electronic request for the proposed methodology and published on the council of governments', or delegate subregion's, internet website. The council of governments, or delegate subregion, as applicable, shall conduct at least one public hearing to receive oral and written comments on the proposed methodology.

(e) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, shall include the following factors to develop the methodology that allocates regional housing needs:

(1) Each member jurisdiction's existing and projected jobs and housing relationship. This shall include an estimate based on readily available data on the number of low-wage jobs within the jurisdiction and how many housing units within the jurisdiction are affordable to low-wage workers as well as an estimate based on readily available data, of projected job growth and projected household growth by income level within each member jurisdiction during the planning period.

(2) The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following:

(A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.

(B) The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

(C) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis, including land zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts conversion to nonagricultural uses.

(D) County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated area and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts its conversion to nonagricultural uses.

(3) The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.

(4) Agreements between a county and cities in a county to direct growth toward incorporated areas of the county and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of the jurisdiction that prohibits or restricts conversion to nonagricultural uses.

(5) The loss of units contained in assisted housing developments, as defined in paragraph (9) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.

(6) The percentage of existing households at each of the income levels listed in subdivision ~~(e)~~ (f) of Section 65584 that are paying more than 30 percent and more than 50 percent of their income in rent.

(7) The rate of overcrowding.

(8) The housing needs of farmworkers.

(9) The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.

(10) The housing needs of individuals and families experiencing homelessness. If a council of governments has surveyed each of its member jurisdictions pursuant to subdivision (b) on or before January 1, 2020, this paragraph shall apply only to the development of methodologies for the seventh and subsequent revisions of the housing element.

(11) The loss of units during a state of emergency that was declared by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the analysis.

(12) The region's greenhouse gas emissions targets provided by the State Air Resources Board pursuant to Section 65080.

(13) *The amount of land in each member jurisdiction that is within a very high fire risk area, by allocating a lower proportion of housing to a jurisdiction if it is likely that the jurisdiction would otherwise need to identify lands within a very high fire risk area as adequate sites pursuant to Section 65583 in order to meet its housing need allocation. In determining whether it is likely the jurisdiction would otherwise need to identify lands within a very high fire risk area as adequate sites pursuant to Section 65583 in order to meet its housing need allocation, the council of governments, or delegate subregion as applicable, shall consider factors that include, but are not limited to, the following:*

(A) (i) *The percentage of land described in subparagraph (B) of paragraph (2) within the jurisdiction that includes a very high fire risk area.*

(ii) *Whether suitable alternative sites exist outside the jurisdiction, but within the region, to accommodate the remaining regional housing need.*

(B) *Any determination by a council of governments, or delegate subregions, as applicable, to establish, or not establish, a lower allocation under this paragraph for a jurisdiction containing a very high fire risk area shall be supported by a data-driven analysis demonstrating that the reduced allocation is, or is not, appropriate, including evidence-based consideration of the factors set forth in clauses (i) and (ii) of subparagraph (A).*

(C) *This paragraph shall apply only to the development of methodologies for the seventh and subsequent revisions of the housing element.*

(D) *For the purposes of this paragraph, "very high fire risk area" has the same meaning as defined in Section 65011.*

~~(13)~~

(14) *Any other factors adopted by the council of governments, that further the objectives listed in subdivision (d) of Section 65584, provided that the council of governments specifies which of the objectives each additional factor is necessary to further. The council of governments may include additional factors unrelated to furthering the objectives listed in subdivision (d) of Section 65584 so long as the additional factors do not undermine the objectives listed in subdivision (d) of Section 65584 and are applied equally across all household income levels as described in subdivision (f) of Section 65584 and the council of governments makes a finding that the factor is necessary to address significant health and safety conditions.*

(f) *The council of governments, or delegate subregion, as applicable, shall explain in writing how each of the factors described in subdivision (e) was incorporated into the methodology and how the methodology furthers the objectives listed in subdivision (d) of Section 65584. The methodology may include numerical weighting. This information, and any other supporting materials used in determining the methodology, shall be posted on the council of governments', or delegate subregion's, internet website.*

(g) *The following criteria shall not be a justification for a determination or a reduction in a jurisdiction's share of the regional housing need:*

(1) *Any ordinance, policy, voter-approved measure, or standard of a city or county that directly or indirectly limits the number of residential building permits issued by a city or county.*

(2) *Prior underproduction of housing in a city or county from the previous regional housing need allocation, as determined by each jurisdiction's annual production report submitted pursuant to subparagraph (H) of paragraph (2) of subdivision (a) of Section 65400.*

(3) Stable population numbers in a city or county from the previous regional housing needs cycle.

(h) Following the conclusion of the public comment period described in subdivision (d) on the proposed allocation methodology, and after making any revisions deemed appropriate by the council of governments, or delegate subregion, as applicable, as a result of comments received during the public comment period, and as a result of consultation with the department, each council of governments, or delegate subregion, as applicable, shall publish a draft allocation methodology on its internet website and submit the draft allocation methodology, along with the information required pursuant to subdivision (e), to the department.

(i) Within 60 days, the department shall review the draft allocation methodology and report its written findings to the council of governments, or delegate subregion, as applicable. In its written findings the department shall determine whether the methodology furthers the objectives listed in subdivision (d) of Section 65584. If the department determines that the methodology is not consistent with subdivision (d) of Section 65584, the council of governments, or delegate subregion, as applicable, shall take one of the following actions:

(1) Revise the methodology to further the objectives listed in subdivision (d) of Section 65584 and adopt a final regional, or subregional, housing need allocation methodology.

(2) Adopt the regional, or subregional, housing need allocation methodology without revisions and include within its resolution of adoption findings, supported by substantial evidence, as to why the council of governments, or delegate subregion, believes that the methodology furthers the objectives listed in subdivision (d) of Section 65584 despite the findings of the department.

(j) If the department's findings are not available within the time limits set by subdivision (i), the council of governments, or delegate subregion, may act without them.

(k) Upon either action pursuant to subdivision (i), the council of governments, or delegate subregion, shall provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion, as applicable, and to the department, and shall publish the adopted allocation methodology, along with its resolution and any adopted written findings, on its internet website.

(l) The department may, within 90 days, review the adopted methodology and report its findings to the council of governments, or delegate subregion.

(m) (1) It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan. To achieve this goal, the allocation plan shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy.

(2) The final allocation plan shall ensure that the total regional housing need, by income category, as determined under Section 65584, is maintained, and that each jurisdiction in the region receive an allocation of units for low- and very low income households.

(3) The resolution approving the final housing need allocation plan shall demonstrate that the plan is consistent with the sustainable communities strategy in the regional transportation plan and furthers the objectives listed in subdivision (d) of Section 65584.

**SEC. 10.** Section 65584.06 of the Government Code is amended to read:

**65584.06.** (a) For cities and counties without a council of governments, the department shall determine and distribute the existing and projected housing need, in accordance with Section 65584 and this section. If the department determines that a county or counties, supported by a resolution adopted by the board or boards of supervisors, and a majority of cities within the county or counties representing a majority of the population of the county or counties, possess the capability and resources and has agreed to accept the responsibility, with respect to its jurisdiction, for the distribution of the regional housing need, the department shall delegate this responsibility to the cities and county or counties.

(b) The distribution of regional housing need shall, based upon available data and in consultation with the cities and counties, take into consideration market demand for housing, the distribution of household growth within the county assumed in the regional transportation plan where applicable, employment opportunities and commuting patterns, the availability of suitable sites and public facilities, the needs of individuals and families experiencing homelessness, agreements between a county and cities in a county to direct growth toward incorporated areas of the county, or other considerations as may be requested by the affected cities or counties and agreed to by the department. As part of the allocation of the regional housing need, the department shall provide each city and

county with data describing the assumptions and methodology used in calculating its share of the regional housing need. Consideration of suitable housing sites or land suitable for urban development is not limited to existing zoning ordinances and land use restrictions of a locality, but shall include consideration of the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

*(c) (1) The distribution of regional housing need pursuant to this section shall also take into consideration the amount of land in each city and each county that is within a very high fire risk area, by allocating a lower proportion of housing to a jurisdiction if it is likely that the jurisdiction would otherwise need to identify lands within a very high fire risk area as adequate sites pursuant to Section 65583 in order to meet its housing need allocation. In determining whether it is likely the jurisdiction would otherwise need to identify lands within a very high fire risk area as adequate sites pursuant to Section 65583 in order to meet its housing need allocation, the department shall consider factors that include, but are not limited to, the following:*

*(A) The percentage of land described in subparagraph (B) of paragraph (2) of subdivision (e) of Section 65584.04 within the jurisdiction that includes a very high fire risk area.*

*(B) Whether suitable alternative sites exist outside the jurisdiction, but within the region, to accommodate the remaining regional housing need.*

*(2) Any determination to establish, or not establish, a lower allocation under this paragraph for a jurisdiction containing a very high fire risk area shall be supported by a data-driven analysis demonstrating that the reduced allocation is, or is not, appropriate, including evidence-based consideration of the factors set forth in paragraph (1).*

*(3) This paragraph shall apply only to the development of methodologies for the seventh and subsequent revisions of the housing element.*

*(e)*

*(d) Within 90 days following the department's determination of a draft distribution of the regional housing need to the cities and the county, a city or county may propose to revise the determination of its share of the regional housing need in accordance with criteria set forth in the draft distribution. The proposed revised share shall be based upon comparable data available for all affected jurisdictions, and accepted planning methodology, and shall be supported by adequate documentation.*

*(d)*

*(e) (1) Within 60 days after the end of the 90-day time period for the revision by the cities or county, the department shall accept the proposed revision, modify its earlier determination, or indicate why the proposed revision is inconsistent with the regional housing need.*

*(2) If the department does not accept the proposed revision, then, within 30 days, the city or county may request a public hearing to review the determination.*

*(3) The city or county shall be notified within 30 days by certified mail, return receipt requested, of at least one public hearing regarding the determination.*

*(4) The date of the hearing shall be at least 10 but not more than 15 days from the date of the notification.*

*(5) Before making its final determination, the department shall consider all comments received and shall include a written response to each request for revision received from a city or county.*

*(e)*

*(f) If the department accepts the proposed revision or modifies its earlier determination, the city or county shall use that share. If the department grants a revised allocation pursuant to subdivision (d), the department shall ensure that the total regional housing need is maintained. The department's final determination shall be in writing and shall include information explaining how its action is consistent with this section. If the department indicates that the proposed revision is inconsistent with the regional housing need, the city or county shall use the share that was originally determined by the department. The department, within its final determination, may adjust the allocation of a city or county that was not the subject of a request for revision of the draft distribution.*

(f)

(g) The department shall issue a final regional housing need allocation for all cities and counties within 45 days of the completion of the local review period.

(g)

(h) Statutory changes enacted after the date the department issued a final determination pursuant to this section shall not be a basis for a revision of the final determination.

(i) For purposes of this section, "very high fire risk area" has the same meaning as defined in Section 65011.

**SEC. 11.** Section 65860.2 is added to the Government Code, to read:

**65860.2.** (a) Not more than 12 months following the amendment of the land use element of a city's or county's general plan pursuant to Section 65302.11, each city or county that contains a very high fire risk area, as defined in Section 65011, shall adopt a very high fire risk overlay zone or otherwise amend its zoning ordinance so that it is consistent with the general plan, as amended.

(b) Notwithstanding any other law, the minimum requirements set forth in this section shall apply to all cities, including charter cities, and counties that contain a very high fire risk area. The Legislature finds and declares that establishment of minimum requirements for wildfire protection in very high fire risk areas is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Except as expressly stated, it is not the intent of the Legislature to limit the ordinances, rules, or regulations that a city or county may otherwise adopt and enforce beyond the minimum requirements outlined in this section.

**SEC. 12.** Section 65865.6 is added to the Government Code, to read:

**65865.6.** (a) Notwithstanding any other law and subject to subdivision (b), after the amendments to the land use element of the city's or county's general plan and zoning ordinances required by Sections 65302.11 and 65860.2 have become effective, the legislative body of a city or county that contains a very high fire risk area, as defined in Section 65011, shall not enter into a development agreement for property that is located within such a very high fire risk area unless the city or county finds, based on substantial evidence in the record that the project and all structures within the project are protected from wildfire risk in accordance with the wildfire risk reduction standards in effect at the time that the development agreement is entered into, or wildfire protection standards adopted by the city or county that meet or exceed the wildfire risk reduction standards in effect at the time that the development agreement is entered into.

(b) Subdivision (a) shall apply only to a development agreement entered into on or after the date upon which the statutes of limitation specified in subdivision (c) of Section 65009 have run with respect to the amendments to a city's or county's general plan and zoning ordinances required by Sections 65302.11 and 65860.2 or, if the amendments and any associated environmental documents are challenged in court, the validity of the amendments and any associated environmental documents has been upheld in a final decision.

(c) For purposes of this section, "wildfire risk reduction standards" means the wildfire risk reduction standards set forth in Section 65012 that are adopted pursuant to Section 65013 or implemented by the city or county pursuant to subparagraph (B) or (C) of paragraph (1) or subparagraph (B), (C), or (D) of paragraph (2) of subdivision (a) of Section 65012.

(d) This section shall not be interpreted to change or diminish the requirements of any other law or ordinance relating to fire protection. In the event of conflict among the wildfire risk reduction standards, or between the wildfire risk reduction standards and the requirements of any other law relating to fire protection, such conflicts shall be resolved in a manner which on balance is most protective against potential loss from wildfire exposure. Nothing in this section shall be construed to limit the existing authority of a city or county under any other law from adopting ordinances, rules, or regulations beyond the minimum requirements outlined in this section.

(e) For purposes of this section, "very high fire risk area" has the same meaning as defined in Section 65011.

**SEC. 13.** Section 65962.3 is added to the Government Code, to read:

**65962.3.** (a) Notwithstanding any other law, and subject to subdivision (b), after the amendments to the land use element of the city's or county's general plan and zoning ordinances required by Sections 65302.11 and 65860.2 have become effective, a city or county that contains a very high fire risk area, as defined in Section 65011, shall not approve a discretionary permit or other discretionary entitlement that would result in the construction of a new building or construction that would result in an increase in allowed occupancy for an existing building, or a ministerial permit that would result in the construction of a new residence, for a project that is located within such a very high fire risk area unless the city or county finds, based on substantial evidence in the record that the project and all structures within the project are protected from wildfire risk in accordance with the wildfire risk reduction standards defined in Section 65012, or wildfire protection standards in effect at the time the application for the permit or entitlement is deemed complete, adopted by the city or county that meet or exceed the wildfire risk reduction standards in effect at the time the application for the permit or entitlement is deemed complete. Approval of a final map or parcel map that conforms to a previously approved tentative map pursuant to Section 66458 shall not constitute approval of a ministerial permit for purposes of this section.

(b) Subdivision (a) shall only apply to a discretionary permit, discretionary entitlement, or ministerial permit issued on or after the date upon which the statutes of limitation specified in subdivision (c) of Section 65009 have run with respect to the amendments to a city's or a county's general plan and zoning ordinances required by Sections 65302.11 and 65860.2 or, if the amendments and any associated environmental documents are challenged in court, the validity of the amendments and any associated environmental documents has been upheld in a final decision.

(c) This section shall not be interpreted to waive or reduce a city or county's obligation pursuant to Section 65863 to ensure that its housing element inventory accommodates, at all times throughout the housing element planning period, its remaining share of its regional housing need.

(d) This section shall not be interpreted to change or diminish the requirements of any other law or ordinance relating to fire protection. In the event of conflict among the wildfire risk reduction standards, or between the wildfire risk reduction standards and the requirements of any other law relating to fire protection, such conflicts shall be resolved in a manner which on balance is most protective against potential loss from wildfire exposure. Nothing in this section shall be construed to limit the existing authority of a city or county under any other law from adopting ordinances, rules, or regulations beyond the minimum requirements outlined in this section.

(e) For purposes of this section, "wildfire risk reduction standards" means those wildfire risk reduction standards set forth in Section 65012 that are adopted pursuant to Section 65013 or implemented by the city or county pursuant to subparagraph (B) or (C) of paragraph (1) of or subparagraph (B), (C), or (D) of paragraph (2) of subdivision (a) of Section 65012.

(f) For purposes of this section, "very high fire risk area" has the same meaning as defined in Section 65011.

**SEC. 14.** Section 66474.03 is added to the Government Code, to read:

**66474.03.** (a) Notwithstanding any other law and subject to subdivision (b), after the amendments to the land use element of the city's or county's general plan and zoning ordinances required by Sections 65302.11 and 65860.2 have become effective, each city and each county that contains a very high fire risk area, as defined in Section 65011, shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, for a subdivision that is located within such a very high fire risk area unless, in addition to any findings required under Section 66474.02, the city or county finds, based on substantial evidence in the record that the project and all structures within the project are protected from wildfire risk in accordance with the wildfire risk reduction standards in effect at the time the application for the tentative map or parcel map is deemed complete, or wildfire protection standards adopted by the city or county that meet or exceed the wildfire risk reduction standards in effect at the time the application for the tentative map or parcel map is deemed complete.

(b) Subdivision (a) shall only apply to an approval of a tentative map, or a parcel map for which a tentative map was not required, on or after the date upon which the statutes of limitation specified in subdivision (c) of Section 65009 have run with respect to the amendments to the land use element of the city's or county's general plan and zoning ordinances required by Sections 65302.11 and 65860.2 or, if the amendments and any associated environmental documents are challenged in court, the validity of the amendments and any associated environmental documents has been upheld in a final decision.

(c) For purposes of this section, "wildfire risk reduction standards" means those wildfire risk reduction standards set forth in Section 65012 that are adopted pursuant to Section 65013 or implemented by the city or county

pursuant to subparagraph (B) or (C) of paragraph (1) or subparagraph (B), (C), or (D) of paragraph (2) of subdivision (a) of Section 65012.

(d) This section shall not be interpreted to change or diminish the requirements of any other law or ordinance relating to fire protection. In the event of conflict among the wildfire risk reduction standards, or between the wildfire risk reduction standards and the requirements of any other law relating to fire protection, such conflicts shall be resolved in a manner which on balance is most protective against potential loss from wildfire exposure. Nothing in this section shall be construed to limit the existing authority of a city or county under any other law from adopting ordinances, rules, or regulations beyond the minimum requirements outlined in this section.

**SEC. 15.** Section 13132.7 of the Health and Safety Code is amended to read:

**13132.7.** (a) Within a very high fire hazard severity zone designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code and within a very high *fire* hazard severity zone designated by a local agency pursuant to Chapter 6.8 (commencing with Section 51175) of Part 1 of Division 1 of Title 5 of the Government Code, the entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, shall be a fire retardant roof covering that is at least class B as defined in the Uniform Building Code, as adopted and amended by the State Building Standards Commission.

(b) In all other areas, the entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, shall be a fire retardant roof covering that is at least class C as defined in the Uniform Building Code, as adopted and amended by the State Building Standards Commission.

(c) Notwithstanding subdivision (b), within state responsibility areas classified by the State Board of Forestry and Fire Protection pursuant to Article 3 (commencing with Section 4125) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code, except for those state responsibility areas designated as moderate fire hazard responsibility zones, the entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, shall be a fire retardant roof covering that is at least class B as defined in the Uniform Building Code, as adopted and amended by the State Building Standards Commission.

(d) (1) Notwithstanding subdivision (a), (b), or (c), within very high fire hazard severity zones designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code or by a local agency pursuant to Chapter 6.8 (commencing with Section 51175) of Part 1 of Division 1 of Title 5 of the Government Code, the entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, shall be a fire retardant roof covering that is at least class A as defined in the Uniform Building Code, as adopted and amended by the State Building Standards Commission.

(2) Paragraph (1) does not apply to any jurisdiction containing a very high fire hazard severity zone if the jurisdiction fulfills both of the following requirements:

(A) Adopts the model ordinance approved by the State Fire Marshal pursuant to Section 51189 of the Government Code or an ordinance that substantially conforms to the model ordinance of the State Fire Marshal.

(B) Transmits, upon adoption, a copy of the ordinance to the State Fire Marshal.

(e) The State Building Standards Commission shall incorporate the requirements set forth in subdivisions (a), (b), and (c) by publishing them as an amendment to the California Building Standards Code in accordance with Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13.

(f) Nothing in this section shall limit the authority of a city, county, city and county, or fire protection district in establishing more restrictive requirements, in accordance with current law, than those specified in this section.

(g) This section shall not affect the validity of an ordinance, adopted prior to the effective date for the relevant roofing standard specified in subdivisions (a) and (b), by a city, county, city and county, or fire protection district, unless the ordinance mandates a standard that is less stringent than the standards set forth in subdivision (a), in

which case the ordinance shall not be valid on or after the effective date for the relevant roofing standard specified in subdivisions (a) and (b).

(h) Any qualified historical building or structure as defined in Section 18955 may, on a case-by-case basis, utilize alternative roof constructions as provided by the State Historical Building Code.

(i) The installer of the roof covering shall provide certification of the roof covering classification, as provided by the manufacturer or supplier, to the building owner and, when requested, to the agency responsible for enforcement of this part. The installer shall also install the roof covering in accordance with the manufacturer's listing.

(j) No wood roof covering materials shall be sold or applied in this state unless both of the following conditions are met:

(1) The materials have been approved and listed by the State Fire Marshal as complying with the requirements of this section.

(2) The materials have passed at least 5 years of the 10-year natural weathering test. The 10-year natural weathering test required by this subdivision shall be conducted in accordance with standard 15-2 of the 1994 edition of the Uniform Building Code at a testing facility recognized by the State Fire Marshal.

(k) The Insurance Commissioner shall accept the use of fire retardant wood roof covering material that complies with the requirements of this section, used in the partial repair or replacement of nonfire retardant wood roof covering material, as complying with the requirement in Section 2695.9 of Title 10 of the California Code of Regulations relative to matching replacement items in quality, color, and size.

(l) No common interest development, as defined in Section 4100 or 6534 of the Civil Code, may require an owner to install or repair a roof in a manner that is in violation of this section. The governing documents, as defined in Section 4150 or 6552 of the Civil Code, of a common interest development within a very high fire severity zone shall allow for at least one type of fire retardant roof covering material that meets the requirements of this ~~section~~ *section and that is, at a minimum, class B, as defined in the International Building Code.*

**SEC. 16.** Section 4123.6 is added to the Public Resources Code, to read:

**4123.6.** (a) For purposes of this section:

(1) "Department" means the Department of Forestry and Fire Protection.

(2) "Program" means the Wildfire Risk Reduction Planning Support Grants Program established by this section.

(3) "Small jurisdiction" means either of the following:

(A) A county that had a population of less than 250,000 as of January 1, 2019.

(B) A city located within a county described in subparagraph (A) that contains a very high fire risk area.

(b) (1) The Wildfire Risk Reduction Planning Support Grants Program is hereby established for the purpose of providing small jurisdictions that contain very high fire risk areas with grants for planning activities to enable those jurisdictions to meet the requirements set forth in the act adding this section.

(2) Upon appropriation by the Legislature for purposes of this section, the department shall distribute grant funds under the program, in accordance with subdivision (e).

(c) The department shall administer the program and, consistent with the requirements of this section, provide grants to jurisdictions for the purposes described in paragraph (1) of subdivision (b).

(d) A small jurisdiction that receives an allocation of grant funds pursuant to this section shall use that allocation solely for wildfire risk reduction planning activities, including, but not limited to, one or more of the following:

(1) Updating planning documents and zoning ordinances, including general plans, community plans, specific plans, local hazard mitigation plans, community wildfire protection plans, climate adaptation plans, and local coastal programs to implement Sections 65302.11 and 65860.2 of the Government Code.

- (2) Developing and adopting a comprehensive retrofit strategy in accordance with paragraph (6) of subdivision (g) of Section 65302 of the Government Code.
  - (3) Reviewing and updating the local designation of lands within the jurisdiction as very high fire hazard severity zones pursuant to subdivision (b) of Section 51179 of the Government Code.
  - (4) Implementing the wildfire risk reduction standards set forth in Sections 65012 and 65013 of the Government Code or local wildfire protection standards that meet or exceed those wildfire risk reduction standards, including development and adoption of any appropriate local ordinances, rules, or regulations.
  - (5) Establishing and initial funding of an enforcement program in accordance with subparagraph (C) of paragraph (1) of subdivision (a) of Section 65012 of the Government Code.
  - (6) Performing infrastructure planning, including for access roads, water supplies providing fire protection, or other public facilities necessary to support the wildfire risk reduction standards set forth in Sections 65012 and 65013 of the Government Code.
  - (7) Partnering with other local entities to implement wildfire risk reduction.
  - (8) Updating local planning processes to otherwise support wildfire risk reduction.
  - (9) Completing any environmental review associated with the activities described in paragraphs (1) to (8), inclusive.
  - (10) Covering the costs of temporary staffing or consulting needs associated with the activities described in paragraphs (1) to (9), inclusive.
- (e) (1) The amount described in paragraph (2) of subdivision (b) shall be allocated in each year for which funding is made available for the program to small jurisdictions in accordance with this subdivision.
  - (2) The department shall administer a noncompetitive, over-the-counter application process for grants funded by the allocation specified in paragraph (1) for wildfire risk reduction planning activities, as described in subdivision (d), for small jurisdictions.
  - (3) The department shall award no more than three hundred fifty thousand dollars (\$350,000), and no less than two hundred fifty thousand dollars (\$250,000), to a qualifying small jurisdiction.
  - (4) Any qualifying small jurisdiction may submit an application for funding, in the form and manner prescribed by the department, in order to receive an allocation of funds pursuant to this subdivision. An application submitted pursuant to this paragraph shall include a description of the proposed uses of funds, in accordance with subdivision (d). The department shall verify whether each funding request meets the minimum criteria established by this subdivision and make awards on a continuous basis based on those criteria.
  - (f) Of any amount appropriated for purposes of this section, up to 5 percent of those funds may be set aside for program administration by the department.
  - (g) For purposes of this section, "very high fire risk area" has the same meaning as defined in Section 65011.

**SEC. 17.** Section 4290 of the Public Resources Code is amended to read:

**4290.** (a) The board shall adopt regulations implementing minimum fire safety standards related to defensible space that are applicable to state responsibility area lands under the authority of the department, and to lands classified and designated as very high fire hazard severity zones, as defined in subdivision (i) of Section 51177 of the Government Code. These regulations apply to the perimeters and access *from the perimeters* to all residential, commercial, and industrial building construction within state responsibility areas approved after January 1, 1991, and within lands classified and designated as very high fire hazard severity zones, as defined in subdivision (i) of Section 51177 of the Government Code after July 1, 2021. *The regulations shall conform as nearly as practicable with the regulations adopted by the State Fire Marshal pursuant to Section 65013.* The board may not adopt building standards, as defined in Section 18909 of the Health and Safety Code, under the authority of this section. As an integral part of fire safety standards, the State Fire Marshal has the authority to adopt regulations for roof coverings and openings into the attic areas of buildings specified in Section 13108.5 of the Health and Safety Code. The regulations apply to the placement of mobile homes as defined by National Fire Protection Association standards. These regulations do not apply where an application for a building permit was filed prior to January 1, 1991, or to parcel or tentative maps or other developments approved prior to January 1,

1991, if the final map for the tentative map is approved within the time prescribed by the local ordinance. The regulations shall include all of the following:

- (1) Road standards for fire equipment access.
- (2) Standards for signs identifying streets, roads, and buildings.
- (3) Minimum private water supply reserves for emergency fire use.
- (4) Fuel breaks and greenbelts.

(b) The board shall, on and after July 1, 2021, periodically update regulations for fuel breaks and greenbelts near communities to provide greater fire safety for the perimeters to all residential, commercial, and industrial building construction within state responsibility areas and lands classified and designated as very high fire hazard severity zones, as defined in subdivision (i) of Section 51177 of the Government Code, after July 1, 2021. These regulations shall include measures to preserve undeveloped ridgelines to reduce fire risk and improve fire protection. The board shall, by regulation, define "ridgeline" for purposes of this subdivision.

(c) These regulations do not supersede local regulations which equal or exceed minimum regulations adopted by the state.

(d) The board may enter into contracts with technical experts to meet the requirements of this section.

**SEC. 18.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

**SENATE BILL NO. 765**  
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**SB-765 Accessory dwelling units: setbacks.** (2021-2022)

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CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

**SENATE BILL**

**NO. 765**

**Introduced by Senator Stern  
(Principal coauthor: Assembly Member Friedman)**

**February 19, 2021**

An act to amend Section 65852.2 of the Government Code, relating to land use.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 765, as introduced, Stern. Accessory dwelling units: setbacks.

The Planning and Zoning Law, among other things, provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. Existing law prohibits a local agency's accessory dwelling unit ordinance from imposing a setback requirement of more than 4 feet from the side and rear lot lines for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

This bill would remove the above-described prohibition on a local agency's accessory dwelling unit ordinance, and would instead provide that the rear and side yard setback requirements for accessory dwelling units may be set by the local agency. The bill would authorize an accessory dwelling unit applicant to submit a request to the local agency for an alternative rear and side yard setback requirement if the local agency's setback requirements make the building of the accessory dwelling unit infeasible. The bill would prohibit any rear and side yard setback requirements established pursuant to these provisions from being greater than those in effect as of January 1, 2020. The bill would specify that if the local agency did not have an accessory dwelling unit ordinance as of January 1, 2020, the applicable rear and side yard setback requirement is 4 feet.

By requiring local agencies to review an applicant's request for an alternative rear and side yard setback requirement, the bill would impose a state-mandated local program.

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 Local Program: yes

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 65852.2 of the Government Code, as amended by Section 3.5 of Chapter 198 of the Statutes of 2020, is amended to read:

**65852.2.** (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure. unit.

(viii) (I) *Rear and side yard setback requirements for accessory dwelling units shall be established by the local agency, except as otherwise provided in clause (vii) and this clause.*

(II) *An applicant for an accessory dwelling unit may submit a request to the local agency for an alternative rear and side yard setback requirement based upon specific site topographical conditions if the local agency's setback requirements make the building of the accessory dwelling unit infeasible. The local agency may approve the request upon making a finding that the alternative setback is necessary to make the building of the accessory dwelling unit feasible and the alternative setback requirement adjusts the setback requirement only to the extent necessary to accommodate the accessory dwelling unit.*

(III) *In no event shall the local agency's rear and side yard setback requirements be greater than those in effect as of January 1, 2020.*

(IV) If the local agency did not have an accessory dwelling unit ordinance as of January 1, 2020, the rear and side yard setback requirement shall be four feet.

~~(viii)~~

(ix) Local building code requirements that apply to detached dwellings, as appropriate.

~~(ix)~~

(x) Approval by the local health officer where a private sewage disposal system is being used, if required.

~~(x)~~

(xi) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

~~(xi)~~

(xii) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

~~(xii)~~

(xiii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height ~~with four-foot side and rear yard setbacks~~ to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit ~~that does not exceed four-foot side and rear yard setbacks~~ for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 ~~feet and four-foot rear yard and side setbacks:~~ feet.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same

parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

- (A) An efficiency unit.
- (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- (2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
- (3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
- (4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- (5) "Local agency" means a city, county, or city and county, whether general law or chartered.
- (6) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
- (7) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- (8) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- (9) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- (10) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
- (k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.
- (l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.
- (m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.
- (n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:
  - (1) The accessory dwelling unit was built before January 1, 2020.
  - (2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.
- (o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

**SEC. 2.** Section 65852.2 of the Government Code, as amended by Section 4.5 of Chapter 198 of the Statutes of 2020, is amended to read:

**65852.2.** (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure: unit.

(viii) (I) Rear and side yard setback requirements for accessory dwelling units shall be established by the local agency, except as otherwise provided in clause (vii) and this clause.

(II) An applicant for an accessory dwelling unit may submit a request to the local agency for an alternative rear and side yard setback requirement based upon specific site topographical conditions if the local agency's setback requirements make the building of the accessory dwelling unit infeasible. The local agency may approve the request upon making a finding that the alternative setback is necessary to make the building of the accessory dwelling unit feasible and the alternative setback requirement adjusts the setback requirement only to the extent necessary to accommodate the accessory dwelling unit.

(III) In no event shall the local agency's rear and side yard setback requirements be greater than those in effect as of January 1, 2020.

(IV) If the local agency did not have an accessory dwelling unit ordinance as of January 1, 2020, the rear and side yard setback requirement shall be four feet.

(viii)

(ix) Local building code requirements that apply to detached dwellings, as appropriate.

(ix)

(x) Approval by the local health officer where a private sewage disposal system is being used, if required.

~~(x)~~

(xi) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

~~(xi)~~

(xii) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

~~(xii)~~

(xiii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) (A) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed except that, subject to subparagraph (B), a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(B) Notwithstanding subparagraph (A), a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit permitted between January 1, 2020, to January 1, 2025, during which time the local

agency was prohibited from imposing an owner-occupant requirement.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height ~~with four-foot side and rear yard setbacks~~ to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit ~~that does not exceed four-foot side and rear yard setbacks~~ for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of ~~16-feet and four-foot rear yard and side setbacks.~~ feet.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency may require owner occupancy for either the primary dwelling or the accessory dwelling unit on a single-family lot, subject to the requirements of paragraph (6) of subdivision (a).

(5) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(6) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(7) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same

parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

- (A) An efficiency unit.
- (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- (2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
- (3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
- (4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- (5) "Local agency" means a city, county, or city and county, whether general law or chartered.
- (6) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
- (7) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- (8) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- (9) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- (10) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
- (k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.
- (l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.
- (m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.
- (n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:
  - (1) The accessory dwelling unit was built before January 1, 2020.
  - (2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.
- (o) This section shall become operative on January 1, 2025.

**SEC. 3.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



**CITY of CALABASAS**

**CITY COUNCIL AGENDA REPORT**

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**DATE: MARCH 15, 2020**

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: RON AHLERS, CHIEF FINANCIAL OFFICER  
MICHAEL MCCONVILLE, MANAGEMENT ANALYST**

**SUBJECT: ADOPTION OF RESOLUTION NO. 2021-1718 AMENDING THE FY 2020-21 BUDGET OF THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT FUND. AUTHORIZE THE SIX LEASED TOYOTA PRIUS CARS TO BE PURCHASED FROM TOYOTA FINANCIAL SERVICES AND SOLD.**

**MEETING DATE: MARCH 24, 2021**

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**SUMMARY RECOMMENDATION:**

City Council authorize: (1) The purchase of the six leased Toyota Prius cars from Toyota Financial Services in an amount not to exceed \$68,000; (2) The subsequent sale of the six Toyota Prius cars for approximately \$84,000; (3) The adoption of Resolution 2021-1718, amending the FY 2020-21 budget of the South Coast Air Quality Management District Fund.

**BACKGROUND:**

**This is continued business from the March 10, 2021 City Council Meeting.**

In April 2018 the City entered into a 36 month lease agreement for six Toyota Prius cars to be used as the City's fleet vehicles. The Finance Department oversees the lease agreements, while the Public Works Department coordinates vehicle scheduling, use, and maintenance. The annual leasing costs for the fleet is \$25,000, and when including fees, totals \$78,000 at the end of the April 2021 term. The

leases are funded using monies from Fund 12 (South Coast Air Quality Management District).

Information regarding the use of the City’s fleet vehicles is summarized below:

Vehicle	Car #	Department Assignment	Current Odometer Reading	Average Miles Per Year
2018 Toyota Prius	100	General Staff	4,371	1,457
2018 Toyota Prius	101	General Staff	13,765	4,588
2018 Toyota Prius	102	Public Works	5,932	1,977
2018 Toyota Prius	103	Building & Safety	19,621	6,540
2018 Toyota Prius	104	Building & Safety	9,533	3,178
2018 Toyota Prius	105	Building & Safety	12,314	4,105
<b>Totals:</b>			<b>65,536</b>	<b>3,641 (avg.)</b>

Over the course of 36 months, the six vehicles were driven for a combined total of 65,536 miles, with each car averaging 3,641 miles driven annually.

**DISCUSSION:**

End of Fleet Leases

The term end date for the Toyota Prius leases is April 11, 2021, by which time the City will have spent a combined \$78,000 on payments and fees over the course of 36 months. The City has two actions it may take once the leases reach their end date: (1) return all six vehicles and pay a disposition fee of \$350 per each vehicle totaling a combined \$2,100; or (2) purchase all six vehicles for a combined price of \$66,000, or \$11,000 each.

Due to the low mileage and reasonable purchase price of the fleet, staff solicited appraisals for the six vehicles to determine if it would be favorable if the City were to buy-out the leases. After receiving appraisal offers to purchase the six Prius vehicles for a combined total of \$84,000, staff determined that it indeed would be financially advantageous for the City to buy and subsequently sell the six Toyota Prius vehicles. Specifically, the City would purchase the six Toyota Prius cars for \$66,000 and immediately sell the same Prius cars for \$84,000, providing the City with \$18,000 in proceeds to be used on future fleet purchases.

## Fleet Replacement

After analyzing vehicle use trends amongst the City's current Prius fleet, staff determined that the City was leasing more cars than required and that purchasing a smaller fleet would be optimal due to the City's low mileage requirements. Specifically, staff from Public Works, Building & Safety, and Finance concluded that purchasing three (3) vehicles would suffice to meet the City's fleet requirements. It was also determined that a SUV would be more practical for field staff to use due to their higher ground clearance and larger cargo/storage capacity. Finally, staff required that the vehicle had to be certified as a Level 3 Super Ultra Low Emission Vehicle (SULEV) by the California Air Resources Board.

For the reasons stated above, staff recommended the purchase of three (3) 2021 Dodge Durango SUVs during the March 10, 2021 City Council Meeting. City Council did not authorize these purchases and instead directed staff to return with electric vehicle options for consideration.

To properly analyze and respond to City Council requests from the March 10 meeting, staff is now recommending only the authorization to purchase, and the authorization to sell, the six leased Prius vehicles with the April 11 term date. Staff has removed the authorization to purchase replacement vehicles until a final electric fleet option can be thoroughly discussed. This allows ample time to obtain quotes for electric vehicles, assess other local agency fleet electrification efforts, and analyze charging station and infrastructure requirements.

During this time the City will also continue utilizing two vehicles purchased in prior years to ensure that there is no interruption of service.

### **FISCAL IMPACT/SOURCE OF FUNDING:**

The purchase of the six leased Toyota Prius cars from Toyota Financial Services in an amount not to exceed \$68,000.

The subsequent sale of the six Toyota Prius cars for approximately \$84,000.

### **REQUESTED ACTION:**

City Council authorize: (1) The purchase of the six leased Toyota Prius cars from Toyota Financial Services in an amount not to exceed \$68,000; (2) The subsequent sale of the six Toyota Prius cars for approximately \$84,000; (3) The adoption of Resolution 2021-1718, amending the FY 2020-21 budget of the South Coast Air Quality Management District Fund. To also authorize the City Manager to sign all documents regarding purchase and sale terms as listed above.

**ATTACHMENTS:**

1. Resolution No. 2021-1718, Budget Amendment Appropriation

**ITEM 11 ATTACHMENT  
RESOLUTION NO. 2021-1718**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, AMENDING THE FISCAL YEAR 2020-21 OPERATING AND CAPITAL IMPROVEMENT BUDGET TO PURCHASE SIX LEASED TOYOTA PRIUS AND SELL THESE SAME TOYOTA PRIUS.**

**WHEREAS**, on June 24, 2020 the City Council adopted the Operating and Capital Improvement Budget for FY 2020-21; and

**WHEREAS**, a staff report has been presented to the City Council on March 24, 2021, requesting approval to purchase six leased Toyota Prius vehicles and sell these same Toyota Prius vehicles; and

**WHEREAS**, Exhibit "A" hereof describes said budget amendments and the resultant impact to the budget line items.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Calabasas, California, as follows:

A budget amendment appropriating \$2,190,793 for FY 2020-21 as more particularly described in Exhibit "A", attached hereto, is hereby approved.

The City Clerk shall certify to the adoption and shall cause the same to be processed in the manner required by law.

**PASSED, APPROVED AND ADOPTED** this 24<sup>th</sup> day of March 2021.

\_\_\_\_\_  
James R. Bozajian, Mayor

ATTEST:

\_\_\_\_\_  
Maricela Hernandez, City Clerk  
*Master Municipal Clerk*  
*California Professional Municipal Clerk*

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott H. Howard  
Colantuono, Highsmith & Whatley, PC  
City Attorney

**BUDGET AMENDMENT TO**  
**South Coast Air Quality Management District Fund**  
**to Adjust Revenues & Expenditures for the Purchase and Sale**  
**of Six Leased Toyota Prius Vehicles**  
**FY 2020 - 21**

**A. Fund Allocation**

Account Number	FUND Name	Amount
12-000-0310-00	SCAQMD	\$ 16,000
	<b>TOTAL</b>	<b>\$ 16,000</b>

**B. Estimated REVENUES**

Account Number	Current Budget	Revision	Amended Budget
12-000-4161-00	\$ -	\$ 84,000	\$ 84,000
<i>Adjusting SCAQMD fund to SELL six leased Toyota Prius vehicles</i>			
<b>TOTAL REVENUES</b>	<b>\$ -</b>	<b>\$ 84,000</b>	<b>\$ 84,000</b>

**C. Expenditure Account APPROPRIATIONS**

Account Number	Current Budget	Revision	Amended Budget
12-331-6500-00	\$ 129,800	\$ 68,000	\$ 197,800
<i>Adjusting SCAQMD fund to PURCHASE six leased Toyota Prius vehicles</i>			
<b>TOTAL EXPENSES</b>	<b>\$ 129,800</b>	<b>\$ 68,000</b>	<b>\$ 197,800</b>



CITY of CALABASAS

**CITY COUNCIL AGENDA REPORT**

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**DATE:** MARCH 11, 2021

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** MICHAEL RUSSO, COMMUNICATIONS DIRECTOR  
MICHAEL KLEIN, SENIOR PLANNER, AICP *MAK*  
MATTHEW SUMMERS, ASSISTANT CITY ATTORNEY

**SUBJECT:** CONSIDERATION OF ORDINANCE NO. 2021-391, TO REVISE CMC SECTIONS 17.11.010 AND 17.12.050 (ANTENNAS/PERSONAL WIRELESS TELECOMMUNICATION FACILITIES), AND ADD A NEW CHAPTER 17.31 TO REGULATE WIRELESS TELECOMMUNICATION FACILITIES. THE COMMUNICATION AND TECHNOLOGY COMMISSION (ACTING AS A PLANNING COMMISSION PER SECTION 17.76 OF THE CMC) RECOMMENDED APPROVAL OF THE ORDINANCE TO THE CITY COUNCIL AT A PUBLIC HEARING HELD ON FEBRUARY 25, 2021.

**MEETING DATE:** MARCH 24, 2021

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**SUMMARY RECOMMENDATION:**

That the City Council introduce and waive further reading of Ordinance No. 2021-391 (Attachment A), amending CMC sections 17.11.010 and 17.12.050 (Antennas/Personal Wireless Telecommunication Facilities), and add a new Chapter 17.31 to regulate Wireless Telecommunication Facilities.

**BACKGROUND:**

The City regulates installation, operation, and maintenance of personal wireless telecommunications facilities in the City under the provisions of the Wireless Facility Ordinance, Section 17.12.050 of the Calabasas Municipal Code. As stated in Section 17.12.050(A), the ordinance is intended to protect the health and safety of residents and business, protect the benefits provided to residents and business

by wireless telecommunications facilities, balance these goals by permitting the installation and operation of personal wireless telecommunication facilities where needed, while reducing adverse economic, safety and/or aesthetic impacts. The ordinance must accomplish these goals while also complying with all applicable federal and state laws, including the federal 1996 Telecommunications Act, and therefore is intended to regulate personal wireless telecommunications facilities to the limit of, but not beyond, the City's power.

At the direction of the City Manager, with the concurrence of the City Council, the Communications Department conducted a citywide survey to assess community opinions on the nature and quality of wireless services provided in Calabasas. The survey initially ran during the period of June 28, 2019 through December 15, 2019. The total number of survey responses received during that period was 1,058. Of the 1,058 surveys received during both periods, 68 survey responses were from persons who identified themselves as not living in Calabasas, or did not disclose their locations, or indicated that they lived in Calabasas but indicated that their home was in a community other than Calabasas (most commonly Hidden Hills, Agoura, and Los Angeles County). As a result, out-of-City responses were excluded from the final analysis.

The results of the survey demonstrate that the majority of respondents are dissatisfied with the quality of wireless service throughout the City, and very dissatisfied with the reliability of wireless service during the Woolsey Fire. Additionally, there is also willingness to accept new cell sites throughout the City, including in neighborhoods, to improve wireless service to Calabasas residents.

On March 11, 2020, the survey results were discussed by the City Council at a regular meeting. The City Council directed staff and the City Attorney to review the survey results with the Communications and Technology Commission in order to analyze the City's wireless ordinance and provide the Council with feedback on how to increase wireless service coverage and reliability within the City.

At the direction of the City Council, on April 21, 2020, the Communications and Technology Commission discussed the survey results. At the conclusion of the discussion, the Communications and Technology Commission directed the wireless subcommittee to work with staff, the City Attorney and Kramer Firm to analyze the current wireless ordinance to determine 1) the cause of poor wireless service within the City and 2) recommendations to amend the wireless ordinance in order to improve wireless service within the City.

On July 21, 2020, the Communications and Technology Commission discussed revision to the wireless ordinance based on recommendations made by the subcommittee, staff, the City Attorney and Kramer Firm. The Commission took

public testimony and unanimously approved a memo from the Commission to City Council, recommending specific modifications to the City's wireless ordinance.

On August 12, 2020, the City Council held a public meeting to discuss the recommendations from the Commission to modify the City's wireless ordinance. At this meeting, the City Council directed staff to draft an ordinance and design guidelines as recommended by the Commission. Further, the City Council directed staff to conduct outreach efforts with the wireless industry and Calabasas Home Owner's Associations.

After the August 12, 2020, City Council meeting, staff worked with the Commission's wireless subcommittee, the City Attorney and Kramer Firm to prepare a draft wireless ordinance and wireless telecommunication facility design guidelines. Staff also met with wireless industry representatives and HOA representatives via zoom, as well as follow up correspondence. These meetings proved useful in fine tuning provisions to make the draft ordinance more effective.

The Communications and Technology Commission (CTC) reviewed the draft ordinance at a public hearing on February 25, 2021, and unanimously adopted CTC Resolution No. 2021-044 (Attachment B), recommending adoption of the ordinance by the City Council.

### **DISCUSSION/ANALYSIS:**

A detailed discussion of the goals and objectives of an updated wireless ordinance is provided in the July 21, 2020, CTC staff report, which is included as Attachment C to this report. In summary, the lack of reliable wireless service in the City is the result of a restrictive ordinance that discourages deployment of new wireless facilities. After a thorough review of the current wireless ordinance, it was determined that the best approach is to modify rather than revise the entire ordinance. As a result, the following is a summary of recommendations made by the CTC:

- 1) Develop a two-tier permit process for the construction of new wireless facilities. A Tier 1 permit would allow for the construction of new stealth facilities, located in areas predetermined by the City to be appropriate. A Tier 1 permit would require an administrative review and would eliminate the need for a public hearing for new facilities that meet these requirements. A Tier 2 permit would be required for any new facility that does not meet these specific requirements, and the process would remain the same as the City's current Wireless Telecommunication Facilities Permit.

- 2) Allow for stealth facilities in Residential Zoning Districts and Open Space Zoning Districts, specifically on properties that are developed and under HOA ownership. Property owner consent would still be required.
- 3) Allow Tier 1 eligible facilities to be constructed within 1,000 feet from residential zones, schools and parks. The 1,000-foot setback would remain applicable to Tier 2 facilities.
- 4) Reorganize the existing wireless ordinance into its own Chapter in the Municipal Code.
- 5) Develop design and stealth guidelines for Tier 1 Facilities. The design guidelines would be a supplementary document, meant to act as a visual aid that complements the standards set forth in the ordinance.
- 6) Implement a time limit for the updates to the ordinance. The ordinance's amendments creating the Tier 1 permit process would initially remain in effect for only 12-18 months after being adopted, for the purpose of encouraging sooner deployment of new facilities to more swiftly address the issues described in this memorandum. Provisions could be added that would allow the ordinance to be reevaluated at a later date, and extended for an additional period of time if necessary and as determined by the Council. The reorganization element would remain in effect.

As directed by the City Council, staff worked with the City Attorney, Kramer Firm and the subcommittee to develop a draft ordinance consistent with the above recommendations from the Commission. The following is a summary of the key components of the draft ordinance:

- 1) Relocate wireless telecommunication facility regulations to its own Chapter 17.31, maintaining only satellite antennas and amateur radio antennas in Section 17.12.050.
- 2) Add a new Tier 1 Permit process that would allow for the construction and modification of stealth wireless facilities through a streamlined administrative review process based on objective design standards, eliminating the need for a public hearing.
- 3) Rename the Wireless Telecommunication Facility Permit to a Tier 2 Permit, maintaining current standards and public hearing process.
- 4) Allow stealth wireless facilities, subject to a Tier 1 Permit, in residential and open space zones, as long as the property is currently developed and under common ownership, such as an HOA. This includes the right-of-way within gated communities.
- 5) Allow stealth wireless facilities, subject to a Tier 1 Permit, to be located within 1,000 feet of residential uses, schools and parks.
- 6) Reorganize the ordinance to include general standards and conditions that apply to all permits, and specific standards and conditions for each permit type.

- 7) Existing standards, conditions and process for a Minor Modification Permit and Small Wireless Facility Permit remain the same.
- 8) A fee reduction for the first 18 months after the effective date of the draft ordinance in order to encourage the deployment of new facilities sooner rather than later. A fee reduction is recommended by staff in lieu of the time limit previously discussed. The purpose of a fee reduction is to incentivize carriers to act quickly but not penalize those that wait longer.

In addition to development of the draft ordinance, staff has prepared a Wireless Facility Design Guidelines (Attachment D) as a companion document to the draft ordinance. The purpose of the Guidelines is to provide a visual aide in order to establish acceptable stealth designs. As a result, the Guidelines would be used to determine eligibility for Tier 1 Permits, and provide guidance for carriers and applicants to design facilities that will qualify for a Tier 1 Permit. Furthermore, the Guidelines would be adopted by the City Council by resolution, and is intended to be updated from time to time in order to reflect changes in technology.

Based on feedback received from the meetings with wireless industry representatives and with HOA representatives, staff believes that the draft ordinance will encourage deployment of new wireless facilities by removing existing regulatory hurdles. Both groups expressed interest to take advantage of the new provisions added by the draft ordinance, which would allow for a streamlined process for stealth wireless telecommunication facilities and open up hard to reach residential areas of the City. As a result, the draft ordinance and Guidelines provide the tools and flexibility necessary for carriers to deploy a more reliable wireless network within the City.

**REQUIRED FINDINGS:**

The findings required in Section 17.76.030 of the Calabasas Municipal Code for development code amendments are contained in Communications and Technology Commission Resolution No. 2021-044 and City Council Ordinance No. 2021-391.

**ENVIRONMENTAL REVIEW:**

The proposed amendment is exempt from CEQA review because there is no possibility that this amendment, which does not directly authorize any new construction or development, may have a significant effect upon the environment. Under CEQA Guidelines Section 15061(b)(3), a project is exempt when there is no possibility that it may have a significant effect on the environment. The proposed amendment does not authorize any new construction or development; rather it modifies the City's existing standards for reviewing and approving wireless telecommunication facilities. Further, every proposed wireless facility governed by the proposed amendment will receive individualized CEQA review unless otherwise

exempt under CEQA. Accordingly, the Council finds that the proposed amendment is exempt from CEQA under Guidelines Section 15061(b)(3) because there is no possibility that that it will have a significant effect on the environment.

Additionally, the proposed amendment does not qualify as a "project" under CEQA Guidelines Section 15378(b)(5). Under CEQA Guidelines Section 15378(b)(5), a "project" does not include "administrative activities of governments that will not result in direct or indirect physical changes in the environment." The proposed amendment is an administrative activity because it creates an administrative process to determine review and approve new stealth wireless telecommunication facilities. The proposed amendment will not "result in direct or indirect physical changes in the environment" because the stealth design of new facilities will have minimal visual impact on the surrounding community. Accordingly, the City finds that the regulations related to Tier 1 Permits in the proposed amendment do not qualify as a "project" under CEQA Guidelines Section 15378(b)(5) because it constitutes administrative activities of government that do not directly or indirectly result in any physical changes in the environment. A Notice of Exemption has been prepared.

**FISCAL IMPACT/SOURCE OF FUNDING:**

Staff recommends that the City Council establish a fee to recover staff costs for processing Tier 1 Wireless Facility Permits in accordance with the proposed ordinance. A separate agenda item with the proposed fee will be prepared for the City Council's consideration at a future meeting.

**REQUESTED ACTION:**

That the City Council waive further reading and introduce Ordinance No. 2021-391, amending the Calabasas Land Use and Development Code.

**ATTACHMENTS:**

- A. City Council Ordinance No. 2021-391
- B. Communications and Technology Commission Resolution 2021-044
- C. July 21, 2020, CTC Staff Report
- D. Wireless Facility Design Guidelines
- E. PowerPoint Presentation

**ITEM 12 ATTACHMENT A  
ORDINANCE NO. 2021-391**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA AMENDING CALABASAS MUNICIPAL CODE, SECTIONS 17.11.010 AND 17.12.050 AND ADDING A NEW CHAPTER 17.31 REGULATING WIRELESS TELECOMMUNICATIONS FACILITIES.**

**WHEREAS**, the City Council of the City of Calabasas, California (the "City Council") has considered all of the evidence including, but not limited to, the Communications and Technology Commission Resolution, Planning Division staff reports and attachments, and public testimony before making a final decision; and

**WHEREAS**, on August 12, 2020, the City Council directed staff to update Section 17.12.050 of the CMC and create a new Section 17.31 to regulate wireless telecommunication facilities; and

**WHEREAS**, the City Council finds that this Land Use and Development Code Amendment is consistent with the goals, policies, and actions of the General Plan and will not conflict with the General Plan; and

**WHEREAS**, this Land Use and Development Code Amendment implements the General Plan's visions and desire for the community, is adopted in the public's interest, and is otherwise consistent with federal and state law; and

**WHEREAS**, the City Council finds that this Land Use and Development Code Amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and

**WHEREAS**, the proposed actions are in compliance with the provisions of the California Environmental Quality Act (CEQA) because this project is categorically exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines and because the proposed action is not a project under Section 15378(b)(5) of the CEQA Guidelines. A Notice of Exemption is prepared and will be filed in accordance with the CEQA guidelines; and

**WHEREAS**, the City Council has considered the entirety of the record, which includes without limitation, The Calabasas General Plan; all reports, testimony, and transcripts from the Communications and Technology Commission's February 25, 2021 meeting; and reports, and testimony at the City Council's March 24, 2021 meeting.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Based upon the foregoing the City Council finds:

1. Notice of the March 24, 2021, City Council public hearing was posted at Juan de Anza Bautista Park, the Calabasas Tennis and Swim Center, Agoura Hills/Calabasas Community Center, Gelson's Market and at Calabasas City Hall.
2. Notice of the March 24, 2021, City Council public hearing was posted in the *Enterprise* ten (10) days prior to the hearings.
3. Notice of the March 24, 2021, City Council public hearing included the information set forth in Government Code Section 65009, subdivision (b)(2).
5. Following a public hearing held on February 25, 2021, the Communications and Technology Commission adopted Resolution No. 2021-044 recommending to the City Council approval of Ordinance No. 2021-391.

**SECTION 2.** In view of all the evidence and based on the foregoing findings, the City Council concludes as follows:

Section 17.76.050(B) and Section 17.12.050(I) of the Calabasas Municipal Code allows the Communications and Technology Commission to recommend and the City Council to approve a Development Code change relating to wireless communication facilities provided that the following findings are made:

1. *The proposed amendment is consistent with the goals, policies, and actions of the General Plan;*

The proposed amendment meets this finding because it maintains and strengthens the policies of the General Plan, including those in the Services, Infrastructure & Technology Element that are intended to encourage the development and maintenance of fast and secure communications networks in order to allow residents to take advantage of the benefits of personal wireless services. Specifically, the proposed amendment will encourage access to fast and secure broadband networks, as called for by Policy XII-35, by ensuring that the City's wireless facility ordinance complies with applicable federal law. The proposed amendment complies with federal law, which encourages a streamlined review process for the deployment of wireless facilities.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the city;*

The proposed amendment is not detrimental to the public interest, health, safety, convenience, or welfare of the City as the proposed amendment does not modify either the radio frequency emissions standards applicable to personal wireless telecommunications facilities, which are set and enforced solely by the Federal Communications Commission, or the health and safety requirements of Title 15 or any other provision of the Calabasas Municipal Code. The proposed amendment does not change any health or safety standard and does not permit approval of any modifications to existing wireless telecommunications facilities that violate the health and safety requirements of Title 15 of the Calabasas Municipal Code or any other applicable law. Given these circumstances, the proposed amendment meets this finding.

3. *The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).*

The Council finds that the proposed amendment is exempt from CEQA review because there is no possibility that this amendment, which does not directly authorize any new construction or development, may have a significant effect upon the environment. Under CEQA Guidelines Section 15061(b)(3), a project is exempt when there is no possibility that it may have a significant effect on the environment. The proposed amendment does not authorize any new construction or development; rather it modifies the City's existing standards for reviewing and approving wireless telecommunication facilities. Further, every proposed wireless facility governed by the proposed amendment will receive individualized CEQA review unless otherwise exempt under CEQA. Accordingly, the Council finds that the proposed amendment is exempt from CEQA under Guidelines Section 15061(b)(3) because there is no possibility that that it will have a significant effect on the environment.

Additionally, the Council finds that the proposed amendment does not qualify as a "project" under CEQA Guidelines Section 15378(b)(5). Under CEQA Guidelines Section 15378(b)(5), a "project" does not include "administrative activities of governments that will not result in direct or indirect physical changes in the environment." The proposed amendment is an administrative activity because it creates an administrative process to determine review and approve new stealth wireless telecommunication facilities. The proposed amendment will not "result in direct or indirect physical changes in the environment" because the stealth design of new facilities will have minimal visual impact on the surrounding community. Accordingly, the Council finds that the regulations related to Section 6409(a) in the proposed amendment do not qualify as a "project" under CEQA Guidelines Section 15378(b)(5) because it constitutes administrative activities of government that do not directly or

indirectly result in any physical changes in the environment. A Notice of Exemption has been prepared.

4. *The proposed amendment is internally consistent with other applicable provisions of this development code.*

The proposed amendment creates a new Chapter, 17.31 in order to better organize wireless telecommunication facility regulations and create a streamlined process for stealth facilities in allowed locations. The new Chapter does not conflict with any other provision of the Development Code, therefore, the proposed amendment meets this finding.

**SECTION 3.** Code Amendment. The Wireless Communications Facilities row of Table 2-2 of Section 17.11.010 of the Calabasas Municipal Code is hereby amended to read as follows. Additions are denoted by underlined text and deletions are denoted by strike through text.

Land Use	RS	RM	RMH	RR	RC	PD	HM	OS	OS-DR	See standards in section
Wireless Communications Facilities	<u>P/C</u>				<u>P/C</u>	<u>P/C</u>		<u>P/C</u>		<u>Chapter 17.31</u> <del>17.12.050</del>

Land Use	PF	REC	CL	CR	CO	CMU	CB	CT	See standards in section
Wireless Communications Facilities	<u>P/C</u>	<u>P/C</u> (1)	<u>Chapter 17.31</u> <del>17.12.050</del>						

**SECTION 4.** Code Amendment. Section 17.12.050 of Title 17 of the Calabasas Municipal Code is hereby amended to read as set forth in Exhibit A hereto.

**SECTION 5.** Code Amendment. Chapter 17.31 of Title 17 of the Calabasas Municipal Code is hereby added to read as set forth in Exhibit B hereto.

**SECTION 6.** Wireless Facility Design Guidelines. The City Council hereby approves and further delegates authority to the Communications and Technology Commission to amend, from time to time as deemed appropriate, the City's Wireless Facility Design Guidelines.

**SECTION 7.** Severability Clause:

Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

**SECTION 8.** Effective Date:

This Ordinance shall take effect thirty days from passage and adoption under California Government Code Section 36937.

**SECTION 9.** Certification:

The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
James R. Bozajian, Mayor

ATTEST:

\_\_\_\_\_  
Maricela Hernandez, City Clerk  
*Master Municipal Clerk*  
*California Professional Municipal Clerk*

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott H. Howard  
Colantuono, Highsmith & Whatley, PC  
City Attorney

**ORDINANCE ATTACHMENTS:**

- Exhibit A: Section 17.12.050 of the Calabasas Municipal Code
- Exhibit B: Chapter 17.31 of the Calabasas Municipal Code

**Ordinance No. 2021-391**  
**Exhibit A**

**Calabasas Municipal Code**

**Section 17.12.050 – Amateur Radio Antennas/Satellite Antennas.**

- A. **Purpose and Intent.** The purpose of this section is to regulate the installation, operation and maintenance of amateur radio antennas and satellite antennas in the city.
- B. **Applicability.** This section applies to all existing and proposed amateur radio antennas and satellite antennas.
- C. **Standards for Satellite/Communications Antennas.** Satellite/Communications antennas, including portable units and dish antennas, shall be designed, installed and maintained in compliance with the regulations of the Federal Communications Commission. Satellite antennas with diameters larger than one meter in residential zones and two meters in non-residential zones shall also comply with the following requirements provided these provisions do not conflict with applicable state and federal regulations.
1. Permit Requirement. Zoning clearance shall be required for satellite antennas with diameters of one meter or less; administrative plan review approval shall be required for satellite antennas larger than one meter. A Scenic Corridor Permit shall be required for satellite antennas larger than one meter located within a designated scenic corridor.
  2. Application - Plans. Plans for satellite antennas shall be submitted with applications for a building permit, and shall include a site plan and elevation drawings indicating the height, diameter, color, setbacks, foundation details, landscaping, and method of screening. The plans shall be subject to approval of the director.
  3. Location. No satellite antenna shall be located within any required front-yard or street-side- yard setbacks in any zone. In addition, no portion of a satellite antenna shall extend beyond a property line.
  4. Color. A satellite antenna and its supporting structure shall be painted a single, neutral, non-glossy color; such as an earth tone, gray, or black; and, to the extent possible, be compatible with the appearance and character of the surrounding neighborhood.

5. Wiring. All wiring shall be placed underground whenever possible.
6. Residential Zones. In any residential zone, satellite antennas shall be subject to the following standards:
  - a. Only ground-mounted satellite antennas shall be permitted. Ground-mounted antennas shall be located in the rear yard of any property to the extent technically possible;
  - b. Satellite antennas shall not exceed fifteen (15) feet in height;
  - c. Only one satellite antenna may be permitted on any single-family residential site;
  - d. Only one antenna shall be permitted per dwelling unit on any multiple family residential site;
  - e. A satellite antenna shall be separated from adjacent properties by at least a six-foot-high solid wall or fence or by trees or other plants of equal minimum height;
  - f. Any satellite antenna that is taller than an adjacent property-line fence shall be located away from the side or rear property line a distance equal to or greater than the height of the antenna;
  - g. The diameter of a satellite antenna shall not exceed two meters. This provision may be modified by the director if the applicant provides a sufficient technical study prepared by a qualified engineer demonstrating to the director's satisfaction that strict compliance would result in no satellite reception; and
  - h. A satellite antenna shall be used for private, noncommercial purposes only.
7. Nonresidential Zones. In any nonresidential zone, satellite antennas may be roof- or ground-mounted and shall be subject to the following standards:
  - a. If roof-mounted, satellite antennas shall be screened from ground view by a parapet or other screening approved by the city. The minimum height and design of a parapet, wall, or other screening shall be subject to the approval of the director;
  - b. If ground-mounted, satellite antennas shall not be located between a structure and an adjacent street and shall be screened from public view and neighboring properties;

- c. The location and height of satellite antennas shall comply with all requirements of the underlying zone; and
- d. If the subject site abuts a residential zone, all antennas shall be set back a minimum distance from the property line equal to the height of the antenna, unless screened from view.

**D. Standards for Amateur Radio Antennas.** All amateur radio antennas shall be designed, constructed and maintained as follows:

- 1. The maximum height shall not exceed forty (40) feet, measured from finished grade;
- 2. Any boom or other active element or accessory structure shall not exceed twenty-five (25) feet in length;
- 3. Antennas may be roof- or ground-mounted; and
- 4. Antennas may not be located in any front-yard or side-yard setbacks.
- 5. These standards in this subsection F are subject to modification or waiver by the director on a case-by-case basis where required for the city to comply with FCC PRB-1, California Government Code 65850.3, and other applicable law, and where such modification or waiver is based on sufficient technical information provided in writing by the applicant at the request of the city.

**E. Effects of Development on Antenna Reception.** The city shall not be liable if development within the city after installation of an antenna impairs antenna reception, transmission, utility, or function to any degree.

Ordinance No. 2021-391  
Exhibit B

Chapter 17.31 – Wireless Telecommunication Facilities

17.31.010 – Purpose

- A. Purpose and Intent. The purpose of this Chapter is to regulate the installation, operation and maintenance of wireless telecommunication facilities in the city. The city recognizes that the unrestricted installation of redundant personal wireless telecommunication facilities is contrary to the city's efforts to stabilize economic and social aspects of neighborhood environments, and to promote safety and aesthetic considerations, family environments and a basic residential character within the city.

In enacting this Chapter, the city intends to:

1. Promote and protect the health, safety, comfort, convenience and general welfare of residents and business in accord with Section 17.01.020 of this title;
2. Protect the benefits derived by the city, its residents and the general public from access to personal wireless services while minimizing, to the greatest extent feasible, the redundancy of personal wireless telecommunication facilities in the city;
3. Balance these goals, by permitting the installation and operation of wireless telecommunication facilities where they are needed, while reducing, to the greatest extent feasible, adverse economic, safety and/or aesthetic impacts on nearby properties and the community as a whole; and
4. Comply with applicable law, including the 1996 Telecommunications Act.
5. This section is intended to regulate all uses of wireless communications in the city, including uses by public utilities, to the extent of the city's power to regulate the use of land under federal and state law, but not to exceed the scope of the city's authority.

17.31.020 - Applicability

- A. Applicability. This Chapter applies to all proposed antennas and modifications and related wireless telecommunication facilities, as follows:
1. All applications for approval of the installation of new wireless telecommunication facilities in the city.

2. All facilities for which applications were received by the department but not approved prior to the effective date of the ordinance codifying this Chapter, shall comply with the regulations and guidelines of this Chapter.
  3. All facilities for which applications were approved by the city on or prior to the effective date of the ordinance codifying this Chapter shall be exempt from this section, except for the requirements of subsections 17.31.030(B)(1)(e) and 17.31.030(B)(2)(b).
  4. All facilities for which applications have been previously approved, but are now or hereafter modified.
- B. Permit Requirements. No wireless telecommunication facility shall be installed or modified until the applicant or operator has obtained:
1. A Tier 1 Wireless Telecommunication Facility Permit as specified in Section 17.31.040, or
  2. A Tier 2 Wireless Telecommunication Facility Permit as specified in Section 17.31.050, or
  3. A Minor Modification Permit as specified in Section 17.31.060, or
  4. A Small Wireless Facility Permit as specified in Section 17.31.070; and
  5. Any other permit required by applicable provisions of this Code including a building permit, an electrical permit, or an oak tree permit.

All new wireless telecommunication facilities and modifications to an existing wireless facility shall be subject to a Tier 2 Wireless Telecommunication Facility Permit if the proposed facility does not meet the criteria for a Tier 1 Wireless Telecommunication Facility Permit, Minor Modification Permit, or Small Wireless Facility Permit.

#### 17.31.030 – General Standards and Conditions of Approval

The following standards and conditions of approval shall apply to all new wireless telecommunication facilities or modifications to existing wireless facilities.

##### A. Standards

1. Standards for wireless telecommunication facilities located within the public right-of-way.
  - a. Facilities shall have subdued colors and non-reflective materials which blend with the materials and colors of the surrounding area and structures.
  - b. Unless otherwise prohibited by state or federal law, all equipment not located on a pole shall be underground; any equipment that is not

undergrounded shall be screened from adjacent uses to the maximum extent feasible.

- c. Facilities shall not bear any signs or advertising devices other than certification, warning or other signage required by law or expressly permitted by the city.
- d. At no time shall equipment noise (including air conditioning units) from any facility exceed the applicable noise limit established in Section 17.20.160 of this title at the facility's property line; provided, however, that for any such facility located within five hundred (500) feet of any property zoned open space or residential, or improved with a residential use, such equipment noise shall at no time be audible at the property line of any open space or residentially zoned, or residentially improved property.
- e. Pole-mounted equipment shall not exceed six (6) cubic feet.
- f. All installations shall be engineered to withstand high wind loads. An evaluation of high wind load capacity shall include the impact of an additional antenna installation on a pole with existing antennae.
- g. The maximum height of any antenna shall not exceed twenty-four (24) inches above the height of a pole or tower other than a streetlight pole, nor seven (7) feet above the height of a streetlight pole, nor shall any portion of the antenna or equipment mounted on a pole be less than sixteen (16) feet above any drivable road surface. All installations on utility poles shall fully comply with California Public Utilities Commission General Order 95 as it now exists or may hereafter be amended.
- h. A freestanding telecommunications tower or monopole shall be set back a distance of at least one hundred fifty (150) percent of the height of the tower to the nearest structure designed for occupancy.
- i. Facilities located within a designated scenic corridor or historic districts shall be stealth facilities, with all equipment, excluding required electrical meter cabinets, located underground or pole-mounted. Required electrical meter cabinets shall be screened as approved by the commission or director
- j. Personal wireless telecommunication facilities not located within a scenic corridor or historic district designated by the city shall be designed to place all equipment underground, excluding required electrical meters. However, if such facilities cannot be placed underground, ground-mounted equipment may be installed up to a height of five (5) feet and to a footprint of fifteen (15) square feet.

Ground-mounted equipment shall be screened, to the fullest extent possible, through the use of landscaping, walls, or other decorative feature, as approved by the commission or director.

- k. Equipment shall be located so as not to cause: (i) any physical or visual obstruction to pedestrian or vehicular traffic, (ii) inconvenience to the public's use of a public right-of-way, or (iii) safety hazards to pedestrians and motorists. In no case shall ground-mounted equipment, walls, or landscaping be less than eighteen (18) inches from the front of the curb.
  - l. No facility shall be built so as to cause the right-of-way in which the facility is located to fail to comply with the Americans with Disabilities Act.
  - m. Ground-mounted equipment shall be screened, to the fullest extent possible, through the use of landscaping, walls, or other decorative feature, as approved by the commission.
  - n. Pole-mounted antennas shall adhere to the following guidelines. If an antenna cannot be mounted as set forth in subsection (i), it may be mounted in accordance with subsection (ii). If an antenna cannot be mounted as set forth in either subsection (i) or (ii), it may be mounted in accordance with subsection (iii):
    - (i) A stealth facility mounted on an existing, collocated monopole or tower;
    - (ii) A stealth facility mounted on an existing steel or concrete pole, including a light standard; or
    - (iii) A stealth facility mounted on a new steel, wood or concrete pole but only if an operator shows that it cannot otherwise close a significant gap in its service coverage, and that the proposal is the least intrusive means of doing so.
2. Standard for wireless telecommunication facilities not located within the public right-of-way.
- a. Facilities shall have subdued colors and non-reflective materials which blend with the materials and colors of the surrounding area and structures.
  - b. Unless otherwise prohibited by state or federal law, all equipment not located on a pole shall be underground; any equipment that is not undergrounded shall be screened from adjacent uses to the maximum extent feasible.

- c. The facilities shall not bear any signs or advertising devices other than certification, warning or other signage required by law or expressly permitted by the city.
- d. At no time shall equipment noise (including air conditioning units) from any facility exceed the applicable noise limit established in Section 17.20.160 of this title at the facility's property line; provided, however, that for any such facility located within five hundred (500) feet of any property zoned open space or residential, or improved with a residential use, such equipment noise shall at no time be audible at the property line of any open space or residentially zoned, or residentially improved property.
- e. A freestanding telecommunications tower or monopole shall be set back a distance of at least one hundred fifty (150) percent of the height of the tower from the nearest property line of any residentially zoned or occupied lot.
- f. Facilities shall be a stealth design, to the maximum extent feasible.
- g. Building-mounted facilities shall be designed and constructed to be fully screened in a manner that is compatible in color, texture and type of material with the architecture of the building on which the facility is mounted.
- h. All accessory equipment associated with the operation of a wireless telecommunication facility shall be located within a building enclosure or underground vault that complies with the development standards of the zoning district in which the accessory equipment is located.
- i. No wireless telecommunication facility shall be placed within 50 feet horizontally and vertically of a Significant Ridgeline, as mapped in the General Plan.
- j. Facilities shall comply with the development standards of the underlying zoning district the subject site is located within.
- k. Guidelines for Placement on Structures. Antennas shall be mounted on structures utilizing the methods described below. If an antenna cannot be mounted as set forth in subsection (1), it may be mounted in accordance with subsection (2). If an antenna cannot be mounted as set forth in either subsection (1) or (2), it may be mounted in accordance with subsection (3):
  - 1. A stealth facility mounted on an existing structure or collocated on an existing tower;
  - 2. A stealth facility mounted on an existing steel or concrete pole, including a light standard;

3. A stealth facility mounted on a new structure architecturally compatible with the surrounding area; or
4. A stealth facility mounted on a new steel, wood or concrete pole.

B. Conditions of Approval for all new or modified wireless facilities.

1. Conditions of approval for new or modified wireless telecommunication facilities located within the public right-of-way.
  - a. Any approved wireless telecommunication communication facility within a public right-of-way shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the public works director to: (i) protect the public health, safety, and welfare; (ii) prevent interference with pedestrian and vehicular traffic; or (iii) prevent damage to a public right-of-way or any property adjacent to it. Before the director of public works imposes conditions, changes, or limitations pursuant to this paragraph, he or she shall notify the applicant or operator, in writing, by mail to the address set forth in the application or such other address as may be on file with the city. Such change, new limitation or condition shall be effective twenty-four (24) hours after deposit of the notice in the United States mail.
  - b. The applicant or operator of the wireless telecommunication facility shall not move, alter, temporarily relocate, change, or interfere with any existing public facility, structure or improvement without the prior written consent of the city, and the owner in the circumstance where the owner is not the city. No structure, improvement or facility owned by the city shall be moved to accommodate a personal wireless telecommunication facility unless: (i) the city determines, in its sole and absolute discretion, that such movement will not adversely affect the city or surrounding residents or businesses, and (ii) the applicant or operator pays all costs and expenses related to the relocation of the city's facilities. Every applicant or operator of any personal wireless telecommunication facility shall assume full liability for damage or injury caused to any property or person by his, her, or its facility. Before commencement of any work pursuant to an encroachment permit issued for any personal wireless telecommunication facility within a public right-of-way, an applicant shall provide the city with documentation establishing to the city's satisfaction that the applicant has the legal right to use or interfere with any other facilities within the public right-of-way to be affected by applicant's facilities.

- c. Should any utility company offer electrical service to a wireless facility which service does not require the use of a meter cabinet, the applicant or operator of the facility shall at its cost remove the meter cabinet and any foundation thereof and restore the area to its prior condition.
- d. Facilities shall not bear any signs or advertising devices other than legally required certification, warning, or other required seals or signage, or as expressly authorized by the city.
- e. The applicant, operator of a facility and property owner (when applicable) shall defend, indemnify and hold the city and its elective and appointed boards, commissions, officers, agents, consultants and employees harmless from and against all demands, liabilities, costs (including attorneys' fees), or damages arising from the city's review and/or approval of the design, construction, operation, location, inspection or maintenance of the facility.
- f. Removal of Unsafe Facilities. If, at any time after the issuance of a building permit or encroachment permit, any wireless telecommunication facility becomes incompatible with public health or safety, the applicant or operator of the facility shall, upon notice from the city and at the applicant's or operator's own expense, remove that facility. Written notice of a determination pursuant to this paragraph shall be sent to the owner and operator of the personal wireless telecommunication facility, who shall be entitled to a hearing on that determination before the city manager or a hearing officer appointed by the city manager, provided that written request for such a hearing is received by the city clerk within ten (10) days of the date of the notice. Any such hearing shall be conducted pursuant to Chapter 17.74 of this title, although no further appeal from the decision of the city manager may be had other than pursuant to Code of Civil Procedure Section 1094.5. Upon a final decision of the city manager or the running of the time for a request for a hearing without such a request, the operator shall have ninety (90) days to remove the facility.
- g. The owner or operator of any wireless telecommunication facility approved by a Tier 1 or Tier 2 Wireless Telecommunication Facility Permit under this subsection (A) of this Section 17.31.030 shall cooperate with the director to: (1) verify that the facility design conforms with relevant building and safety requirements; and (2) verify that the facility complies with the requirements of Section 17.31 of the Calabasas Municipal Code.

- h. Prior to the issuance of a building permit or encroachment permit for a new facility, the applicant or owner/operator of the facility shall pay for and provide a performance bond, which shall be in effect until all facilities are fully and completely removed and the site reasonably returned to its original condition. The purpose of this bond is to cover the applicant's or owner/operator of the facility's obligation under the conditions of approval and the City of Calabasas Municipal Code. The bond coverage shall include, but not be limited to, removal of the facility, maintenance obligations and landscaping obligations. (The amount of the performance bond shall be set by the director on a case-specific basis and in an amount reasonably related to the obligations required under this Code and all conditions of approval, and shall be specified in the conditions of approval.)
- i. An applicant shall not transfer a permit to any person or entity prior to completion of construction of a wireless telecommunication facility.
- j. The applicant shall submit as-built photographs of the facility within ninety (90) days of installation of the facility, detailing the installed equipment.
- k. A wireless telecommunication facility approved by a Tier 2 Wireless Facility Permit may operate only until the tenth anniversary of the date it is first placed into service, unless that sunset date is extended by additional term(s) not to exceed ten (10) years pursuant to a wireless facility permit issued under this Section 17.12.050. There is no limit to the number of times the sunset date for a facility may be extended.
- l. Abandonment:
  - 1) Personal wireless telecommunication facilities that are no longer operating shall be removed at the expense of the applicant, operator, or owner no later than ninety (90) days after the discontinuation of use. Disuse for ninety (90) days or more shall also constitute a voluntary termination by the applicant of any land use entitlement under this Code or any predecessor to this Code.
  - 2) The director shall send a written notice of the determination of non-operation to the owner and operator of the personal wireless telecommunication facility, who shall be entitled to a hearing on that determination before the city manager or a hearing officer appointed by the city manager, provided that written request for such a hearing is received by the city clerk within ten (10) days of the date of the notice. Any such hearing shall be conducted pursuant to Chapter 17.74 of this title, although no further appeal

from the decision of the city manager may be had other than pursuant to Code of Civil Procedure Section 1094.5. Upon a final decision of the city manager or the running of the time for a request for a hearing without such a request, the operator shall have ninety (90) days to remove the facility.

- 3) The operator of a facility shall notify the city in writing of its intent to abandon a permitted site. Removal shall comply with applicable health and safety regulations. Upon completion of abandonment, the site shall be restored to its original condition at the expense of the applicant, operator, or owner.
  - 4) All facilities not removed within the required ninety-day period shall be in violation of this Code. In the event the city removes a disused facility upon the failure of the applicant, operator, or owner to timely do so, the applicant, operator, and owner shall be jointly and severally liable for the payment of all costs and expenses the city incurs for the removal of the facilities, including legal fees and costs
2. Conditions of approval for all new or modified wireless telecommunication facilities not located within the public right-of-way.
- a. Facilities shall not bear any signs or advertising devices other than legally required certification, warning, or other required seals or signage, or as expressly authorized by the city.
  - b. The applicant, operator of a facility and property owner (when applicable) shall defend, indemnify and hold the city and its elective and appointed boards, commissions, officers, agents, consultants and employees harmless from and against all demands, liabilities, costs (including attorneys' fees), or damages arising from the city's review and/or approval of the design, construction, operation, location, inspection or maintenance of the facility.
  - c. The owner or operator of any wireless telecommunication facility approved by a Tier 1 or Tier 2 Wireless Telecommunication Facility Permit under this subsection (A) of this Section 17.31.030 shall cooperate with the director to: (1) verify that the facility design conforms with relevant building and safety requirements; and (2) verify that the facility complies with the requirements of Section 17.31 of the Calabasas Municipal Code.
  - d. An applicant shall not transfer a permit to any person or entity prior to completion of construction of a personal wireless telecommunication facility.

- e. The applicant shall submit as-built photographs of the facility within ninety (90) days of installation of the facility, detailing the installed equipment.
- f. Abandonment:
  - 1. Wireless telecommunication facilities that are no longer operating shall be removed at the expense of the applicant, operator, or owner no later than ninety (90) days after the discontinuation of use. Disuse for ninety (90) days or more shall also constitute a voluntary termination by the applicant of any land use entitlement under this Code or any predecessor to this Code.
  - 2. The director shall send a written notice of the determination of non-operation to the owner and operator of the personal wireless telecommunication facility, who shall be entitled to a hearing on that determination before the city manager or a hearing officer appointed by the city manager, provided that written request for such a hearing is received by the city clerk within ten (10) days of the date of the notice. Any such hearing shall be conducted pursuant to Chapter 17.74 of this title, although no further appeal from the decision of the city manager may be had other than pursuant to Code of Civil Procedure Section 1094.5. Upon a final decision of the city manager or the running of the time for a request for a hearing without such a request, the operator shall have ninety (90) days to remove the facility.
  - 3. The operator of a facility shall notify the city in writing of its intent to abandon a permitted site. Removal shall comply with applicable health and safety regulations. Upon completion of abandonment, the site shall be restored to its original condition at the expense of the applicant, operator, or owner.
  - 4. All facilities not removed within the required ninety-day period shall be in violation of this Code. In the event the city removes a disused facility upon the failure of the applicant, operator, or owner to timely do so, the applicant, operator, and owner shall be jointly and severally liable for the payment of all costs and expenses the city incurs for the removal of the facilities, including legal fees and costs.
- C. Independent Expert Review. The city may retain one (1) or more independent, qualified consultants to review any application for a Tier 1 and Tier 2 Wireless Facility Permit, a Wireless Facility Minor Modification Permit, or for a Small Wireless Facility Permit. The review is intended to be a review of technical aspects of the proposed wireless telecommunication facility or modification of

an existing wireless telecommunication facility and may address any or all of the following, as applicable:

1. For Tier 2 Wireless Facility Permits, whether the proposed wireless telecommunication facility is necessary to close a significant gap in coverage and is the least intrusive means of doing so;
2. The accuracy and completeness of submissions;
3. For Tier 2 Wireless Facility Permits, technical demonstration of the unavailability of alternative sites or configurations and/or coverage analysis;
4. The applicability of analysis techniques and methodologies;
5. For Tier 2 Wireless Facility Permits, the viability of alternative sites and alternative designs; and
6. For all wireless facility permits, an analysis of the potential expansion that would be considered an eligible facility request under Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012; and
7. Any other specific technical issues designated by the city.

The cost of the review shall be paid by the applicant through a deposit estimated to cover the cost of the independent review, as established by the director or city council.

- D. Construction. These standards are intended to exert the maximum authority available to the city in the regulation of wireless telecommunication facilities under applicable state and federal law but not to exceed that authority. Accordingly, this section shall be construed and applied in light of any such limits on the city's authority. The purpose of this Chapter (17.31) is to regulate wireless telecommunications facilities proposed for sites within public rights-of-way consistently with the rights conferred on telephone corporations by Public Utilities Code §§ 7901 and 7901.1 and to address the aesthetic and safety concerns unique to such proposals due to their highly visible location in rights-of-way that must be safely shared with pedestrians, motorists and other utility infrastructure.
- E. Standards for all wireless facilities
- All facilities shall be stealth to the maximum extent feasible.
- F. Violations. The city may revoke a permit for any wireless telecommunication facility in violation of this section in accordance with Section 17.80.070 of this Code. The remedies specified in this section shall be cumulative and the city may resort to any other remedy available at law or in equity and resort to any one (1) remedy shall not cause an election precluding the use of any other remedy with respect to a violation.

G. Allowed locations

The following table identifies the allowed zoning districts and locations for wireless telecommunication facilities based on permit type, subject to the limitations and requirements of this Chapter 17.31 and other applicable law:

Table 17.31.1														
	RS	RC	CR	CMU	CB	CO	CL	CT	OS	PF	REC	PD	Arterial Roads	Collector Streets
Tier 1	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Tier 2			x	x	x	x	x	x		x		x	x	
Small Wireless Facility Permit				x	x	x	x	x		x			x	

Wireless facilities are not permitted in any other zone not listed in Table 17.31.1.

17.31.040 – Tier 1 Wireless Telecommunication Facility Permit

- A. Purpose. The purpose of this section is to encourage the deployment of stealth wireless facilities in appropriate areas of the City, in order to provide safe and reliable wireless service to the community.
- B. Applicability. An applicant seeking approval of a collocation or modification to an existing structure or wireless facility, or deployment of a new wireless facility, which complies with the standards in Section 17.31.030 and Section 17.31.040(C), shall apply for a Tier 1 Wireless Facility Permit and any other permit required by applicable provisions of this Code including a building permit, an electrical permit, or an oak tree permit. An applicant seeking approval of a subsequent proposed modification of an existing wireless facility, which complies with the standards in Section 17.31.030 and Section 17.31.040(C), shall also apply for a Tier 1 Wireless Facility Permit and any other permit required by applicable provisions of this Code including a building permit, an electrical permit, or an oak tree permit.
- C. Standards. Wireless telecommunication facilities subject to a Tier 1 Wireless Telecommunication Facility Permit shall be subject to the following standards:
  - 1. Wireless telecommunication facilities located within the public right-of-way or privately owned “right-of-ways” located within a common interest development.

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Exhibit B

- a. Tier 1 wireless telecommunication facilities shall comply with standards set forth in Section 17.31.030.
  - b. Tier 1 wireless telecommunication facilities are allowed on arterial and collector roads identified in the Circulation Element of the General Plan, including privately owned "right-of-ways" located within a common interest development as defined by Civil Code section 4100.
  - c. Ground mounted equipment, antennas and structures shall comply with the height and size limits established in Section 17.31.030.
  - d. New wireless telecommunication facilities shall be co-located on an existing structure or replacement structure of similar size and location, or if no existing or replacement structure is feasible, may be located on a new light standard, utility pole, or similar structure.
  - e. All equipment (except any required utility meter cabinet) shall be located underground or pole mounted.
  - f. All facilities shall meet the stealth design criteria established by the City's Wireless Telecommunication Facility Design Guidelines.
2. Wireless telecommunication facilities not located within the public right-of-way.
- a. Wireless telecommunication facilities shall comply with standards set forth in Section 17.31.030.
  - b. Tier 1 wireless telecommunication facilities are allowed in all Commercial Zones, and the PF, REC, OS, PD, RC, and RS zones. A wireless facility is only allowed in the REC, OS, RC, and RS zones if it is located on a parcel that is developed with a street or structure, under government ownership or common ownership by a common interest development as defined by Civil Code section 4100, and not dedicated for open space or development restricted.
  - c. The height of a wireless telecommunication facility shall comply with the height limit established by the underlying zoning district. Height exceptions may be allowed for antennas completely screened and located within an architectural feature consistent with Section 17.20.140.
  - d. Wireless telecommunication facilities shall comply with the setbacks established by the underlying zoning district and Section 17.31.030.
  - e. New wireless telecommunication facilities shall be co-located on an existing structure or replacement structure of similar size and location, or if no existing or replacement structure is feasible, may be located on a new light standard, utility pole, or other structure.

- f. All facilities shall meet the stealth design criteria established by the City's Wireless Telecommunication Facility Design Guidelines.
- D. Application content. Applications for the approval of a Tier 1 Wireless Telecommunication Facility Permit shall include, but are not necessarily limited to, an application fee and the following information, in addition to all other information required by the city pursuant to Chapter 17.60 of this title:
1. Application Forms. The city's standard application form, available on the city's website or from the community development department, as may be amended by the community development director;
  2. Application Fee. An application fee as established by the council by resolution under the authority of Section 17.60.040;
  3. Independent Consultant Deposit. An independent consultant fee deposit, if required by the council by resolution under the authority of Section 17.60.040, to reimburse the city for its costs to retain an independent consultant to review the technical aspects of the application;
  4. Site and Construction Plans. Complete and accurate plans, drawn to scale, signed, and sealed by a California-licensed engineer, land surveyor, and/or architect;
  5. Structural Analysis. A structural analysis, prepared, signed, and sealed by a California-licensed engineer that assesses whether the proposed wireless facility complies with all applicable building codes;
  6. Noise Study. A noise study or written statement, prepared by a qualified engineer, for the proposed wireless telecommunication facility including, but not limited to, equipment, such as air conditioning units and back-up generators. The noise study shall assess compliance with Section 17.12.050(C)(4)(e);
  7. Site Survey. For any new wireless telecommunication facilities proposed to be located within the public right-of-way, the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered engineer or surveyor. The survey shall identify and depict all existing boundaries, encroachments and other structures within two hundred fifty (250) feet from the proposed project site, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks, and other street furniture; and (viii) existing trees, oak trees, planters and other landscaping features;

8. Scaled visual simulations showing the proposed facility superimposed on photographs of the site and surroundings, to assist the commission in assessing the visual impacts of the proposed facility and its compliance with the provisions of this section;
  9. For new facilities, the plans shall include (in plan view and elevations) a scaled depiction of the maximum permitted increase as authorized by Section 6409(a) of the 2012 Middle Class Tax Relief Act, using the proposed project as a baseline;
  10. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, in that it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination Of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power";
  11. Other Information. Such other information as the city may require, as specified in publically available materials, including information required as stated on the city's website.
- E. Application review. Each application for a Tier 1 Wireless Telecommunication Facility Permit shall be reviewed by the Director. Any application that is determined to be incomplete, and is not subsequently modified to be complete in the judgment of the Director under applicable law within 30 days after the City's notification to the applicant that the application is incomplete, shall be deemed withdrawn.
- F. Findings. The Director may approve a Tier 1 Wireless Telecommunication Facility Permit only if each of the following findings can be made:
1. The proposed wireless telecommunication facility meets the standards set forth in Sections 17.31.030 and 17.31.040.
  2. The proposed wireless telecommunication facility is designed as a stealth facility consistent with the City's Design Guidelines for Tier 1 wireless telecommunication facilities.
- G. Conditions of Approval. In addition to any other conditions of approval permitted under federal and state law and this Code that the director deems

appropriate or required under this Code, all Tier 1 Wireless Telecommunication Facility Permits under this subsection, shall include the following conditions of approval:

1. Compliance with Previous Approvals. The grant or approval of a small wireless facility permit shall be subject to the conditions of approval of the underlying permit.
2. As-Built Plans. The applicant shall submit to the director an as-built set of plans and photographs depicting the entire small wireless facility as modified, including all transmission equipment and all utilities, within ninety (90) days after the completion of construction.
3. Indemnification. To the fullest extent permitted by law, the applicant and any successors and assigns, shall defend, indemnify and hold harmless [the] city, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, related to the small wireless facility permit and the issuance of any permit or entitlement in connection therewith. The applicant shall pay such obligations as they are incurred by [the] city, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the city reasonably determines necessary to protect the city from exposure to fees, costs or liability with respect to such claim or lawsuit.
4. Compliance with applicable laws. The applicant shall comply with all applicable provisions of this Code, any permit issued under this Code, and all other applicable federal, state, and local laws. Any failure by the city to enforce compliance with any applicable laws shall not relieve any applicant of its obligations under this Code, any permit issued under this Code, or all other applicable laws and regulations.
5. Compliance with approved plans. The proposed project shall be built in compliance with the approved plans on file with the planning division.
6. Violations. The wireless facility shall be developed, maintained, and operated in full compliance with the conditions of the small wireless facility permit, any other applicable permit, and any law, statute, ordinance or other regulation applicable to any development or activity on the site. Failure of the applicant to cease any development or activity not in full compliance shall be a violation of these conditions. Any violation of this Code, the conditions of approval for the small wireless facility permit,

or any other law, statute, ordinance or other regulation applicable to any development or activity on the site may result in the revocation of this permit. The remedies specified in this section shall be cumulative and the city may resort to any other remedy available at law or in equity and resort to any one (1) remedy shall not cause an election precluding the use of any other remedy with respect to a violation.

H. Denial without prejudice

1. Grounds for denial without prejudice. The director may deny without prejudice an application for a Tier 1 Wireless Telecommunication Facility Permit in any of the following circumstances:
  - a. The director cannot make all findings required for approval of a Tier 1 wireless telecommunication facility permit; or
  - b. The proposed permit would cause the violation of an objective, generally applicable law protecting public health or safety.
2. Procedures For Denial Without Prejudice. All Tier 1 Wireless Telecommunication Facility Permit application denials shall be in writing and shall include (i) the decision date; (ii) a statement that the city denies the permit without prejudice; (iii) a short and plain statement of the basis for the denial; and (iv) that the applicant may submit the same or substantially the same permit application in the future.
3. Submittal After Denial Without Prejudice. After the director denies a Tier 1 Wireless Telecommunication Facility Permit application, and subject to the generally applicable permit application submittal provisions in this chapter, an applicant shall be allowed to:
  - a. Submit a new wireless facility permit application for the same or substantially the same proposed facility; or
  - c. Submit an appeal of the director's decision.
4. Costs to Review a Denied Permit. The city shall be entitled to recover the reasonable costs for its review of any wireless facility permit application. In the event that the director denies a wireless facility permit application, the city shall return any unused deposit fees within sixty (60) days after a written request from the applicant. An applicant shall not be allowed to submit a wireless facility permit application or submit a wireless facility permit application for the same or substantially the same proposed facility unless all costs for the previously denied permit application are paid in full.

17.31.050 – Tier 2 Wireless Telecommunication Facility Permit

- A. Purpose. This section is intended to comply with the city's obligations under federal law to ensure that wireless providers are not prohibited from providing wireless service within the City of Calabasas.
- B. Applicability. All new wireless telecommunication facilities or modifications to an existing wireless telecommunications facility, however originally approved, that do not meet the findings of approval required for a Tier 1 Wireless Telecommunication Facility Permit as specified in Section 17.31.040(F), Wireless Facility Minor Modification Permit as specified in Section 17.31.060(E), or a small wireless facility permit as specified in Section 17.31.070(G), shall be subject to the approval of (i) a Tier 2 Wireless Telecommunication Facility Permit, in addition to (ii) an encroachment permit from the public works department (if applicable), and (iii) any other permit required by applicable provisions of this Code including a building permit, an electrical permit, or an oak tree permit.
- C. Standards. Wireless telecommunication facilities subject to a Tier 2 Wireless Telecommunication Facility Permit shall be subject to the following standards:
  - 1. Facilities shall comply with the standards set forth in section 17.31.030.
  - 2. New Wireless Facility Preferred Zones and Locations - When doing so would not conflict with one (1) of the standards set forth in Section 17.31.030 or with federal law, wireless telecommunication facilities subject to the approval of a Tier 2 Wireless Telecommunication Facility Permit shall be located in the most appropriate location as described in this subsection (2), which range from the most appropriate to the least appropriate. Nothing in this section shall detract from the requirements of Section 17.31.050(C)3 below.
    - a. Collocation on an existing facility in a commercial zone;
    - b. Collocation on an existing structure or utility pole in a commercial zone;
    - c. Location on a new structure in a commercial zone;
    - d. Collocation on an existing facility in a public facility or recreation zone;
    - e. Location on an existing structure or utility pole in a public facility or recreation zone; or
    - f. Location on a new structure in a public facility or recreation zone

No new facility may be placed in a less appropriate area unless the applicant demonstrates to the satisfaction of the commission or director that no more appropriate location can feasibly serve the area the facility is intended to serve provided, however, that the commission or director may authorize a facility to be established in a less appropriate location if doing so is necessary to prevent substantial aesthetic impacts.

3. All new wireless telecommunication facilities subject to a Tier 2 Wireless Telecommunication Facility Permit, shall be set back at least one thousand (1,000) feet from schools, dwelling units, and parks, as measured from the closest point of the personal wireless telecommunication facility (including accessory equipment) to the applicable property line, unless an applicant establishes that a lesser setback is necessary to close a significant gap in the applicant's personal communication service, and the proposed wireless telecommunication facility is the least intrusive means to do so. An applicant who seeks to increase the height of an existing personal wireless telecommunication facility, or of its antennas, located less than one thousand (1,000) feet from a school, dwelling unit or park and who is subject to the approval of a wireless facility permit for the proposed height increase must establish that such increase is necessary to close a significant gap in the applicant's personal communication service, and the proposed increase is the least intrusive means to do so.
4. Prohibited Locations - No Tier 2 wireless telecommunication facility shall be established on any ridgeline or within any residential or open space zoning district described in subparagraphs (i), (ii) and (iii) herein:
  - a. Ridgelines. No personal wireless telecommunication facility shall be placed on or near a ridgeline.
  - b. Residential Zones. No facility shall be located within a residential zone, including areas set aside for open space, parks or playgrounds.
  - c. Open Space. No facility shall be located within an open space zone or park.

Notwithstanding this subsection, wireless telecommunication facilities subject to the approval of a Tier 2 Wireless Telecommunication Facility Permit may be permitted in a prohibited location only if the applicant obtains a Tier 2 Wireless Telecommunication Facility Permit from the city council following a public hearing and recommendation from the communication and technology commission, and provides technically sufficient and conclusive proof that the proposed location is necessary for provision of wireless services to substantial areas of the city, that it is necessary to close a significant gap in the operator's coverage and that there are no less intrusive alternative means to close that significant gap

- D. Application content. Applications for the approval of a Tier 2 Wireless Telecommunication Facility Permit shall include, but are not necessarily limited to, an application fee and the following information, in addition to all other information required by the city pursuant to Chapter 17.60 of this title:
  1. Application Forms. The city's standard application form, available on the city's website or from the community development department, as may be amended by the community development director;

2. Application Fee. An application fee as established by the council by resolution under the authority of Section 17.60.040;
3. Independent Consultant Deposit. An independent consultant fee deposit, if required by the council by resolution under the authority of Section 17.60.040, to reimburse the city for its costs to retain an independent consultant to review the technical aspects of the application;
4. Site and Construction Plans. Complete and accurate plans, drawn to scale, signed, and sealed by a California-licensed engineer, land surveyor, and/or architect;
5. Structural Analysis. A structural analysis, prepared, signed, and sealed by a California-licensed engineer that assesses whether the proposed wireless facility complies with all applicable building codes;
6. Site Survey. For any new wireless facilities proposed to be located within the public right-of-way, the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered engineer or surveyor. The survey shall identify and depict all existing boundaries, encroachments and other structures within two hundred fifty (250) feet from the proposed project site, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks, and other street furniture; and (viii) existing trees, oak trees, planters and other landscaping features;
7. Scaled visual simulations showing the proposed facility superimposed on photographs of the site and surroundings, to assist the commission in assessing the visual impacts of the proposed facility and its compliance with the provisions of this section;
8. For new facilities, the plans shall include (in plan view and elevations) a scaled depiction of the maximum permitted increase as authorized by Section 6409(a) of the 2012 Middle Class Tax Relief Act, using the proposed project as a baseline;
9. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, in that it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination Of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed

facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power";

10. Written documentation demonstrating a good faith effort to locate the proposed facility in the least intrusive location in accordance with the location requirements of this Section 17.31.050;
11. For new facilities, the plans shall include (in plan view and elevations) a scaled depiction of the maximum permitted increase as authorized by Section 6409(a) of the 2012 Middle Class Tax Relief Act, using the proposed project as a baseline;
12. A master plan which identifies the location of the proposed facility in relation to all existing and potential facilities maintained by the operator intended to serve the city. The master plan shall reflect all potential locations that are reasonably anticipated for construction within two (2) years of submittal of the application. Applicants may not file, and the city shall not accept, applications that are not consistent with the master plan for a period of two (2) years from approval of a wireless facility permit unless: (i) the applicant demonstrates materially changed conditions which could not have been reasonably anticipated to justify the need for a personal wireless telecommunication facility site not shown on a master plan submitted to the city within the prior two (2) years or (ii) the applicant establishes before the commission that a new personal wireless telecommunication facility is necessary to close a significant gap in the applicant's personal communication service, and the proposed new installation is the least intrusive means to do so;
13. A siting analysis which identifies a minimum of five (5) other feasible locations within or without the city which could serve the area intended to be served by the facility, unless the applicant provides compelling technical reasons for providing fewer than the minimum. The alternative site analysis shall include at least one (1) collocation site;
14. A noise study, prepared by a qualified engineer, for the proposed personal wireless telecommunication facility including, but not limited to, equipment, such as air conditioning units and back-up generators;
15. A written statement of the applicant's willingness to allow other carriers to collocate on the proposed personal wireless telecommunication facility wherever technically and economically feasible and aesthetically desirable; and

16. Such other information as the director shall establish from time to time pursuant to the Permit Streamlining Act, Government Code Section 65940, or to respond to changes in law or technology.
  17. An application for a personal wireless telecommunication facility in a public right-of-way for which the applicant claims entitlement under California Public Utilities Code Section 7901 shall be accompanied by evidence satisfactory to the director that the applicant is a telephone corporation or has written authorization to act as an agent for a telephone corporation.
- E. Application review. Applications for Tier 2 Wireless Telecommunication Facility Permits shall be first reviewed by the development review committee. All applications for Tier 2 Wireless Telecommunication Facility Permits will be scheduled for a public hearing before the commission in accordance with Section 17.31.050(I) and Chapter 17.78 of this Code. The commission shall determine if a proposed project for which a wireless facility permit is required is the least intrusive means to close a significant gap in the applicant's service coverage. Any application that is determined to be incomplete, and is not subsequently modified to be complete in the judgment of the Director under applicable law within 30 days after the City's notification to the applicant that the application is incomplete, shall be deemed withdrawn.
- F. Tier 2 Wireless telecommunication Facility Permit Findings. In addition to the findings required in Section 17.62.060 of this Code, no Tier 2 Wireless telecommunication Facility Permit may be approved unless the commission or council finds as follows:
1. The applicant has demonstrated by clear and convincing evidence that the facility is necessary to close a significant gap in the operator's service coverage. Such evidence shall include in-kind call testing of existing facilities within the area the applicant contends is a significant gap in coverage to be served by the facility.
  2. The applicant has demonstrated by clear and convincing evidence that no feasible alternate site exists that would close a significant gap in the operator's service coverage which alternative site is a more appropriate location for the facility under the standards of Chapter 17.31 of the Calabasas Municipal Code.
  3. The facility satisfies the location requirements of Section 17.31.050(C)(2) of the Calabasas Municipal Code.
- G. Conditions of Approval. In addition to the conditions of approval in Section 17.31.020, all new wireless facilities subject to a Tier 2 Wireless Facility Permit shall be subject to the following condition(s):
1. A new wireless telecommunication facility approved by a Tier 2 Wireless Facility Permit may operate only until the tenth anniversary of the date it is

first placed into service, unless that sunset date is extended by additional term(s) not to exceed ten (10) years pursuant to a wireless facility permit issued under this Section 17.12.050. There is no limit to the number of times the sunset date for a facility may be extended.

H. Denial without prejudice

1. Grounds for denial without prejudice. The director may deny without prejudice an application for a wireless facility minor modification permit in any of the following circumstances:
  - a. The director cannot make all findings required for approval of a wireless facility minor modification permit;
  - b. The proposed collocation or modification would cause the violation of an objective, generally applicable law protecting public health or safety; or
  - c. The proposed collocation or modification involves the removal and replacement of the facility's entire supporting structure.
2. Procedures For Denial Without Prejudice. All wireless facility minor modification permit application denials shall be in writing and shall include (i) the decision date; (ii) a statement that the city denies the permit without prejudice; (iii) a short and plain statement of the basis for the denial; and (iv) that the applicant may submit the same or substantially the same permit application in the future.
3. Submittal After Denial Without Prejudice. After the director denies a wireless facility minor modification permit application, and subject to the generally applicable permit application submittal provisions in this chapter, an applicant shall be allowed to:
  - a. Submit a new wireless facility minor modification permit application for the same or substantially the same proposed collocation or modification;
  - b. Submit a new wireless facility permit application for the same or substantially the same proposed collocation or modification; or
  - c. Submit an appeal of the director's decision.
4. Costs to Review a Denied Permit. The city shall be entitled to recover the reasonable costs for its review of any wireless facility minor modification permit application. In the event that the director denies a wireless facility minor modification permit application, the city shall return any unused deposit fees within sixty (60) days after a written request from the applicant. An applicant shall not be allowed to submit a wireless facility permit application or submit a wireless facility minor modification permit application for the same or substantially the same proposed modification

unless all costs for the previously denied permit application are paid in full.

- I. Additional Notice to Neighbors. After an application for a Tier 2 Wireless Telecommunication Facility Permit is complete, the city shall endeavor to provide property owners at least thirty (30) days' prior notice of the initial public hearing on the matter as follows:

1. Written notice shall be mailed to the record owner of each property within one thousand five hundred (1,500) feet of the proposed site.

A public hearing may be set on less than thirty (30) days' notice if necessary to comply with applicable law, including but not limited the Federal Communications Commission Declaratory Ruling 09-99, WT docket number 08-165, released November 18, 2009, (the "Shot Clock" ruling) and Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations implementing this section, adopted on December 17, 2014, and codified at 47 C.F.R. §§ 1.40001, et seq., as they now exist or may hereafter be amended.

Failure of the city to provide notice pursuant to this subsection (I) shall not be grounds to challenge a determination provided that the notice otherwise required by law has been provided.

#### 17.31.060 – Wireless Telecommunication Facility Minor Modification Permit

Requirements for Personal Wireless Telecommunications Facilities Subject to a Wireless Facility Minor Modification Permit. This subsection governs applications for certain modifications to existing personal wireless telecommunications facilities, as specified.

- A. Purpose. This Section is intended to comply with the city's obligations under federal law, which provides that the city "may not deny, and shall approve any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." (47 U.S.C. § 1455, subd. (a)(1), adopted as Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, Pub.L No. 112-96, 126 Stat. 156.) This Section creates a process for the city to review an application for a Wireless Facility Minor Modification Permit submitted by an applicant who asserts that a proposed collocation or modification to an existing wireless telecommunications facility is covered by this federal law and to determine whether the city must approve the proposed collocation or modification. The city's review of these applications is structured to comply with the requirements of Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations implementing this federal law, adopted on December 17, 2014 and codified at

47 C.F.R. §§ 1.40001, et seq. Consistent with section 17.31.010(A)(5), this subsection is intended to promote the public's health, safety, and welfare, and shall be interpreted consistent with the federal Telecommunications Act of 1996 (Pub.L. No. 104-104, 110 Stat. 56), Title 47, United States Code, section 1455, and applicable Federal Communications Commission regulations and court decisions considering these laws and regulations.

- B. **Applicability.** An applicant seeking approval of a collocation or modification to an existing wireless telecommunication facility which the applicant contends is within the protection of Title 47, United States Code, section 1455 shall apply for the following at the same time: (i) a Wireless Facility Minor Modification Permit, in addition to (ii) an encroachment permit from the public works department (if the required by applicable provisions of this Code), and (iii) any other permit required by applicable provisions of this Code including a building permit, an electrical permit, or an oak tree permit.
- C. **Application content.** All applications for a wireless facility minor modification permit must include the following items.
1. **Application Form.** The city's standard application form, available on the city's website or from the community development department, as may be amended.
  2. **Application Fee.** An application fee as established by the council by resolution under the authority of Section 17.60.040.
  3. **Independent Consultant Deposit.** An independent consultant fee deposit, if required by the council by resolution under the authority of Section 17.60.040, to reimburse the city for its costs to retain an independent consultant to review the technical aspects of the application.
  4. **Site and Construction Plans.** Complete and accurate plans, drawn to scale, signed, and sealed by a California-licensed engineer, land surveyor, and/or architect, which include the following items.
    - a. A site plan and elevation drawings for the facility as existing and as proposed with all height and width measurements explicitly stated.
    - b. A depiction, with height and width measurements explicitly stated, of all existing and proposed transmission equipment.
    - c. A depiction of all existing and proposed utility runs and points of contact.
    - d. A depiction of the leased or licensed area of the site with all rights-of-way and easements for access and utilities labeled in plan view.
    - e. For proposed collocations or modifications to wireless towers, the plans must include scaled plan views and all four (4) elevations that depict the physical dimensions of the wireless tower as it existed

on February 22, 2012, or as approved if constructed after February 22, 2012. For proposed collocations or modifications to base stations, the plans must include scaled plan views and all four (4) elevations that depict the physical dimensions of the base station as it existed on February 22, 2012, or as approved if constructed after February 22, 2012.

5. Visual Simulations. A visual analysis that includes (i) scaled visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four (4) angles, together with a map that shows the location of each view angle; (ii) a color and finished material palate for proposed screening materials; and (iii) a photograph of a completed facility of the same design and in roughly the same setting as the proposed wireless communication facility.
6. Statement Asserting that Section 6409 Applies. A written statement asserting that the proposed collocation or modification is an "eligible facilities request" and does not result in a substantial change in the physical dimensions of the facility's wireless tower or base station, as defined by Section 6409, Title 47, United States Code, section 1455, and justifying that assertion. The written statement shall identify and discuss each required finding for approval of a wireless facility minor modification permit under Section 17.31.060(E) and explain the facts that justify the request for the director to make each finding.
7. Prior Permits. True and correct copies of all previously issued permits, including all required conditions of approval and a certification by the applicant that the proposal will not violate any previous permit or conditions of approval or why any violated permit or conditions does not prevent approval under Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations implementing this federal law.
8. Affirmation of Radio Frequency Standards Compliance. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, because it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination Of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All

planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power".

9. Structural Analysis. A structural analysis, prepared, signed, and sealed by a California-licensed engineer that assesses whether the proposed wireless telecommunications facility complies with all applicable building codes.
  10. Noise Study. A noise study, prepared, signed, and sealed by a California-licensed engineer, for the proposed personal wireless telecommunication facility including, but not limited to, equipment, such as air conditioning units and back-up generators; or a written statement signed and sealed by a California-licensed engineer indicating that the proposed modification(s) will not alter the existing noise levels or operational equipment which creates noise.
  11. Other Permits. An application for a wireless facility minor modification permit shall include all permit applications with all required application materials for each and every separate permit required by the city for the proposed collocation or modification to an existing personal wireless telecommunications facility, including a building permit, an encroachment permit (if applicable), and an electrical permit (if applicable).
  12. Other Information. Such other information as the city may require, as specified in publically available materials, including information required as stated on the city's website.
- D. Application Review, Notice, and Hearing. Each application for a wireless facility minor modification permit shall be reviewed by the director at a public hearing. Notice of the public hearing shall be provided in accord with Chapter 17.78, except that written notice shall be mailed to the record owner of each property within three hundred (300) feet of the site of the proposed modification. Under federal law, the city must approve or deny an application for a wireless facility minor modification permit, together with any other city permits required for a proposed wireless facility modification, within sixty (60) days after the applicant submits the application for a wireless facility minor modification permit, unless tolled due to issuance of any notice of incomplete filing or by mutual agreement between the city and the applicant. Under federal law, failure to act on a wireless facility minor modification permit application within the sixty-day review period, excluding tolling period, will result in the permit being deemed granted by operation of law. Any application that is determined to be incomplete, and is not subsequently modified to be complete in the judgment of the Director under applicable law within 30 days after the City's notification to the applicant that the application is incomplete, shall be deemed withdrawn.
- E. Findings Required for Approval by Director at Public Hearing

1. Facilities not located within the public right-of-way. The director must approve an application for a wireless facility minor modification permit for a collocation or modification to an existing wireless tower on private property only if each of the following findings can be made:
  - a. The applicant proposes a collocation or modification to a structure constructed and maintained with all necessary permits in good standing for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities;
  - b. The proposed collocation or modification does not increase the height of the existing personal wireless telecommunication facility above its lowest height on February 22, 2012, or as approved if constructed after February 22, 2012, by more than ten (10) percent or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater;
  - c. The proposed collocation or modification does not increase the width of the facility by more than twenty (20) feet or the width of the tower at the level of the appurtenance, whichever is greater;
  - d. The proposed collocation or modification does not involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4);
  - e. The proposed collocation or modification does not involve any excavation outside the lease or license area of the facility, including any access or utility easements;
  - f. The proposed collocation or modification does not defeat any existing concealment elements of the support structure; and
  - g. The proposed collocation or modification does not violate any prior conditions of approval, except as may be preempted by Section 6409, Title 47, United States Code, section 1455, subdivision (a).
2. Facilities located within the public right-of-way. The director must approve an application for a wireless facility minor modification permit for a collocation or modification to an existing base station on private property only if each of the following findings can be made:
  - a. The applicant proposes a collocation or modification to a structure constructed and maintained with all necessary permits in good standing, whether built for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities or not, that currently supports existing wireless transmission equipment;

- b. The proposed collocation or modification does not increase the height of the existing personal wireless telecommunication facility above its lowest height on February 22, 2012, or as approved if constructed after February 22, 2012, by more than ten (10) percent or ten (10) feet, whichever is greater;
  - c. The proposed collocation or modification does not increase the width of the facility by more than six (6) feet;
  - d. The proposed collocation or modification does not involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4);
  - e. The proposed collocation or modification does not involve any excavation outside the lease or license area of the facility, including any access and utility easements;
  - f. The proposed collocation or modification does not defeat any existing concealment elements of the support structure; and
  - g. The proposed collocation or modification does not violate any prior conditions of approval, except as may be preempted by Section 6409, Title 47, United States Code, section 1455, subdivision (a).
3. Base station located within the public right-of-way. The director must approve an application for a wireless facility minor modification permit for a collocation or modification to an existing wireless tower or base station in the public right-of-way only if each of the following findings can be made:
- a. The applicant proposes a collocation or modification to either (i) a structure constructed and maintained with all necessary permits in good standing for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities or (ii) a structure constructed and maintained with all necessary permits in good standing, whether built for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities or not, that currently supports existing wireless transmission equipment;
  - b. The proposed collocation or modification does not increase the height of the existing personal wireless telecommunication facility above its lowest height on February 22, 2012, or as approved if constructed after February 22, 2012, by more than ten (10) percent or ten (10) feet, whichever is greater;
  - c. The proposed collocation or modification does not increase the width of the facility by more than six (6) feet;

- d. The proposed collocation or modification does not involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4);
  - e. The proposed collocation or modification does not involve either (i) the installation of any new equipment cabinets on the ground, if none already exist, or (ii) the installation of ground equipment cabinets that are more than ten (10) percent larger in height or overall volume than any existing ground cabinets;
  - f. The proposed collocation or modification does not involve any excavation outside the area in proximity to the existing ground-mounted equipment in the public right-of-way;
  - g. The proposed collocation or modification does not defeat any existing concealment elements of the existing structure; and
  - h. The proposed collocation or modification does not violate any prior conditions of approval, except as may be preempted by Section 6409, Title 47, United States Code, section 1455, subdivision (a).
- F. Conditions of Approval for Wireless Facility Minor Modification Permits. In addition to any other conditions of approval permitted under federal and state law and this Code that the director deems appropriate or required under this Code, all wireless facility minor modification permits under this subsection, whether approved by the director or deemed granted by the operation of law, shall include the following conditions of approval:
- 1. No Automatic Renewal. The grant or approval of a wireless facility minor modification permit shall not renew or extend the underlying permit term.
  - 2. Compliance with Previous Approvals. The grant or approval of a wireless facility minor modification permit shall be subject to the conditions of approval of the underlying permit, except as may be preempted by Section 6409, subdivision (a).
  - 3. As-Built Plans. The applicant shall submit to the director an as-built set of plans and photographs depicting the entire personal wireless telecommunications facility as modified, including all transmission equipment and all utilities, within ninety (90) days after the completion of construction.
  - 4. Indemnification. To the fullest extent permitted by law, the applicant and any successors and assigns, shall defend, indemnify and hold harmless city, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or

- threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, related to the wireless facility minor modification permit and the issuance of any permit or entitlement in connection therewith. The applicant shall pay such obligations as they are incurred by city, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the city reasonably determines necessary to protect the city from exposure to fees, costs or liability with respect to such claim or lawsuit.
5. Compliance with Applicable Laws. The applicant shall comply with all applicable provisions of this Code, any permit issued under this Code, and all other applicable federal, state, and local laws. Any failure by the city to enforce compliance with any applicable laws shall not relieve any applicant of its obligations under this Code, any permit issued under this Code, or all other applicable laws and regulations.
  6. Compliance with Approved Plans. The proposed project shall be built in compliance with the approved plans on file with the planning division.
  7. Violations. The facility shall be developed, maintained, and operated in full compliance with the conditions of the wireless facility minor modification permit, any other applicable permit, and any law, statute, ordinance or other regulation applicable to any development or activity on the site. Failure of the applicant to cease any development or activity not in full compliance shall be a violation of these conditions. Any violation of this Code, the conditions of approval for the wireless facility minor modification permit, or any other law, statute, ordinance or other regulation applicable to any development or activity on the site may result in the revocation of this permit. The remedies specified in this section shall be cumulative and the city may resort to any other remedy available at law or in equity and resort to any one (1) remedy shall not cause an election precluding the use of any other remedy with respect to a violation.
  8. In the event that a court of competent jurisdiction invalidates or limits, in part or in whole, Title 47, United States Code, section 1455, such that such statute would not mandate approval for the collocation or modification granted or deemed granted under a wireless facility minor modification permit, such permit shall automatically expire twelve (12) months from the date of that opinion.
  9. The grant, deemed-grant or acceptance of wireless facility minor modification permit shall not waive and shall not be construed or deemed

to waive the city's standing in a court of competent jurisdiction to challenge Title 47, United States Code, section 1455 or any wireless facility minor modification permit issued pursuant to Title 47, United States Code, section 1455 or this Code.

G. Wireless Facility Minor Modification Permit Denial Without Prejudice.

1. Grounds for denial without prejudice. The director may deny without prejudice an application for a wireless facility minor modification permit in any of the following circumstances;
  - a. The director cannot make all findings required for approval of a wireless facility minor modification permit;
  - b. The proposed collocation or modification would cause the violation of an objective, generally applicable law protecting public health or safety;
  - c. The proposed collocation or modification involves the removal and replacement of the facility's entire supporting structure; or
  - d. The proposed collocation modification does not qualify for mandatory approval under Title 47, United States Code, section 1455, as may be amended or superseded, and as may be interpreted by any order of the Federal Communications Commission or any court of competent jurisdiction.
2. Procedures For Denial Without Prejudice. All wireless facility minor modification permit application denials shall be in writing and shall include (i) the decision date; (ii) a statement that the city denies the permit without prejudice; (iii) a short and plain statement of the basis for the denial; and (iv) that the applicant may submit the same or substantially the same permit application in the future.
3. Submittal After Denial Without Prejudice. After the director denies a wireless facility minor modification permit application, and subject to the generally applicable permit application submittal provisions in this chapter, an applicant shall be allowed to:
  - a. Submit a new wireless facility minor modification permit application for the same or substantially the same proposed collocation or modification;
  - b. Submit a new wireless facility permit application for the same or substantially the same proposed collocation or modification; or
  - c. Submit an appeal of the director's decision.
4. Costs to Review a Denied Permit. The city shall be entitled to recover the reasonable costs for its review of any wireless facility minor modification permit application. In the event that the director denies a

wireless facility minor modification permit application, the city shall return any unused deposit fees within sixty (60) days after a written request from the applicant. An applicant shall not be allowed to submit a wireless facility permit application or submit a wireless facility minor modification permit application for the same or substantially the same proposed modification unless all costs for the previously denied permit application are paid in full.

#### 17.31.070 – Small Wireless Telecommunication Facility Permit

This subsection governs applications for small wireless facilities permits.

- A. Purpose. This Section is intended to comply with the city's obligations under 47 C.F.R. section 1.6001 et seq., which implements 47 U.S.C. sections 332(c)(7) and 1455. This subsection creates a process for the city to review an application for a small wireless facility permit submitted by an applicant who asserts that a proposed collocation of a small wireless facility using an existing structure or the deployment of a small wireless facility using a new structure, and the modifications of such small wireless facilities, is covered by federal law and to determine whether the city must approve the proposed collocation or deployment.
- B. Applicability. An applicant seeking approval of a collocation to an existing structure or a deployment to a new structure which the applicant contends is within the protection of Title 47, United States Code, section 1455 shall apply for the following at the same time: (i) a small wireless facility permit, (ii) an encroachment permit from the public works department (if required by applicable provisions of this Code), and (iii) any other permit required by applicable provisions of this Code including a building permit, an electrical permit, or an oak tree permit.
- C. Application content. All applications for a small wireless facility permit must include the following items:
  - 1. Application Forms. The city's standard application form, available on the city's website or from the community development department, as may be amended by the community development director.
  - 2. An application fee as established by the council by resolution under the authority of Section 17.60.040.
  - 3. Independent Consultant Deposit. An independent consultant fee deposit, if required by the council by resolution under the authority of Section 17.60.040, to reimburse the city for its costs to retain an independent consultant to review the technical aspects of the application.

4. Site and Construction Plans. Complete and accurate plans, drawn to scale, signed, and sealed by a California-licensed engineer, land surveyor, and/or architect, which include the following items.
  - a. A site plan and elevation drawings for the facility as existing and as proposed with all height, depth, and width measurements explicitly stated.
  - b. A depiction, with height, depth, and width measurements explicitly stated, of all existing and proposed transmission equipment.
  - c. A depiction of all existing and proposed utility runs and points of contact.
  - d. A depiction of the leased or licensed area of the site with all rights-of-way and easements for access and utilities labeled in plan view.
  - e. All four (4) elevations that depict the physical dimensions of the wireless tower or support structure and all transmission equipment, antennas and attachments.
  - f. A demolition plan.
5. Visual Simulations. A visual analysis that includes (i) scaled visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four (4) angles, together with a map that shows the location of each view angle; (ii) a color and finished material palate for proposed screening materials; and (iii) a photograph of a completed facility of the same design and in roughly the same setting as the proposed wireless communication facility.
6. Statement Asserting That 47 C.F.R. Section 1.6001 Et Seq. Applies. A written statement asserting that the proposed collocation or deployment qualifies as a "small wireless facility" as defined by the FCC in 47 C.F.R. section 1.6002.
7. Prior Permits. True and correct copies of all previously issued permits, including all required conditions of approval and a certification by the applicant that the proposal will not violate any previous permit or conditions of approval or why any violated permit or conditions does not prevent approval under Title 47, United States Code, section 1455 and the Federal Communications Commission's regulation implementing this federal law.
8. Affirmation of Radio Frequency Standards Compliance. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, because it will not cause members of the general public to be

exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power".

9. Structural Analysis. A structural analysis, prepared, signed, and sealed by a California-licensed engineer that assesses whether the proposed small wireless facility complies with all applicable building codes.
  10. Noise Study. A noise study or written statement, prepared by a qualified engineer, for the proposed personal wireless telecommunication facility including, but not limited to, equipment, such as air conditioning units and back-up generators. The noise study shall assess compliance with Section 17.31.030.
  11. Site Survey. For any new small wireless facility proposed to be located within the public right-of-way, the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered engineer or surveyor. The survey shall identify and depict all existing boundaries, encroachments and other structures with two hundred fifty (250) feet from the proposed project site, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks, and other street furniture; and (viii) existing trees, oak trees, planters and other landscaping features.
  12. Other Permits. An application for a small wireless facility permit shall include all permit applications with all required application materials for each and every separate permit required by the city for the proposed collocation or deployment, including a building permit, an encroachment permit (if applicable) and an electrical permit (if applicable).
- D. Application review. Each application for a new or modified small wireless facility permit shall be reviewed by the director. The city must approve or deny an application for a small wireless facility permit, together with any other city

permits required for a proposed small wireless facility, within sixty (60) days after the applicant submits an application to collocate a small wireless facility using an existing structure, and within ninety (90) days after the applicant submits an application to deploy a small wireless facility using a new structure. At the time an application is deemed complete, the director shall provide written notice to all property owners within three hundred (300) feet of the site of a proposed small wireless facility.

Applicants may submit up to five (5) individual applications for a small wireless facility permit in a batch; provided, however, that small wireless facilities in a batch must be proposed with substantially the same equipment in the same configuration on the same support structure type. Each application in a batch must meet all the requirements for a complete application, which includes without limitation the application fee for each application in the batch. If any application in a batch is incomplete, the entire batch shall be deemed incomplete. If any application is withdrawn or deemed withdrawn from a batch, the entire batch shall be deemed withdrawn. If any application in a batch fails to meet the required findings for approval, the entire batch shall be denied. Any application that is determined to be incomplete, and is not subsequently modified to be complete in the judgment of the Director under applicable law within 30 days after the City's notification to the applicant that the application is incomplete, shall be deemed withdrawn.

- E. Tolling period. Unless a written agreement between the applicant and the city provides otherwise, the application is tolled when the city notifies the applicant within ten (10) days of the applicant's submission of the application that the application is materially incomplete and identifies the missing documents or information. The shot clock may again be tolled if the city provides notice within ten (10) days of the application's resubmittal that it is materially incomplete and identifies the missing documents or information. For an application to deploy small wireless facilities, if the city notifies the applicant on or before the tenth day after submission that the application is materially incomplete, and identifies the missing documents or information and the rule or regulation creating the obligation to submit such documents or information, the shot clock date calculation will restart at zero on the date the applicant submits a completed application.
- F. Standards Governing Approval by the Director. The director shall approve or deny an application to collocate a small wireless facility using an existing structure by evaluating the following standards in addition to the standards set forth in section 17.31.030:
  - 1. The existing structure was constructed and maintained with all necessary permits in good standing.

2. The existing structure is fifty (50) feet or less in height, including any antennas, or the existing structure is no more than ten (10) percent taller than other adjacent structures.
3. Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three (3) cubic feet in volume.
4. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment serving the facility, is no more than twenty-eight (28) cubic feet in volume.
5. The small wireless facilities do not extend the existing structure on which they are located to a height of more than fifty (50) feet or by more than ten (10) percent, whichever is greater.
6. The small wireless facility does not require an antenna structure registration under part 47 C.F.R. section 17.1 et seq.
7. The small wireless facility is not located on Tribal lands, as defined under 36 C.F.R. section 800.16(x).
8. The proposed collocation is consistent with the allowed locations in Table 17.31.1 of Section 17.31.030.
9. The proposed collocation is consistent with the design and development standards of subsection 17.31.030.
10. The proposed collocation is consistent with the independent expert review provisions of subsection 17.31.030(C).
11. The proposed collocation is consistent with the conditions of approval provisions of subsection 17.31.030.
12. For collocations not located within the public right-of-way, the proposed collocation shall be consistent with the standards of subsection 17.31.030(A)(2).
13. For collocation located within the public right-of-way, the proposed collocation shall be consistent with subsection 17.31.030(A)(1).
14. The proposed collocation would be in the most preferred location and configuration within two hundred fifty (250) feet from the proposed site in any direction or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred location or configuration within two hundred fifty (250) feet would be technically infeasible, applying the preference standards of this section.
15. The proposed collocation is designed as a stealth facility, to the maximum feasible extent.

G. Findings. The director may approve an application for a small wireless facility permit only if each of the following findings can be made:

1. The proposed project meets the definition for a "small wireless facility" as defined by the FCC;
2. The proposed project would be in the most preferred location as identified in Section 17.31.050(C)(2) within two hundred fifty (250) feet from the proposed site in any direction, or the applicant has demonstrated with clear and convincing evidence that any more preferred location(s) within two hundred fifty (250) feet would be technically infeasible;
3. The proposed project complies with the standards for a small wireless facility as specified in Section 17.31.070(F)
4. For proposed project not located within the public right-of-way, the proposed project complies with subsection 17.31.030(A)(2).
5. For proposed projects located within the public right-of-way, the proposed project complies with subsection 17.31.030(A)(1).
6. The proposed collocation is designed as a stealth facility, to the maximum feasible extent.

H. Conditions of Approval for Small Wireless Facility Permits. In addition to any other conditions of approval permitted under federal and state law and this Code that the director deems appropriate or required under this Code, all small wireless facility permits under this subsection shall include the following conditions of approval:

1. No Automatic Renewal. The grant or approval of a small wireless facility permit shall not renew or extend the underlying permit term.
2. Compliance with Previous Approvals. The grant or approval of a small wireless facility permit shall be subject to the conditions of approval of the underlying permit.
3. As-Built Plans. The applicant shall submit to the director an as-built set of plans and photographs depicting the entire small wireless facility as modified, including all transmission equipment and all utilities, within ninety (90) days after the completion of construction.
4. Indemnification. To the fullest extent permitted by law, the applicant and any successors and assigns, shall defend, indemnify and hold harmless [the] city, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way

attributable to, actually, allegedly or impliedly, in whole or in part, related to the small wireless facility permit and the issuance of any permit or entitlement in connection therewith. The applicant shall pay such obligations as they are incurred by [the] city, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the city reasonably determines necessary to protect the city from exposure to fees, costs or liability with respect to such claim or lawsuit.

5. Compliance with applicable laws. The applicant shall comply with all applicable provisions of this Code, any permit issued under this Code, and all other applicable federal, state, and local laws. Any failure by the city to enforce compliance with any applicable laws shall not relieve any applicant of its obligations under this Code, any permit issued under this Code, or all other applicable laws and regulations.
6. Compliance with approved plans. The proposed project shall be built in compliance with the approved plans on file with the planning division.
7. Violations. The small wireless facility shall be developed, maintained, and operated in full compliance with the conditions of the small wireless facility permit, any other applicable permit, and any law, statute, ordinance or other regulation applicable to any development or activity on the site. Failure of the applicant to cease any development or activity not in full compliance shall be a violation of these conditions. Any violation of this Code, the conditions of approval for the small wireless facility permit, or any other law, statute, ordinance or other regulation applicable to any development or activity on the site may result in the revocation of this permit. The remedies specified in this section shall be cumulative and the city may resort to any other remedy available at law or in equity and resort to any one (1) remedy shall not cause an election precluding the use of any other remedy with respect to a violation.
8. In the event that a court of competent jurisdiction invalidates or limits, in part or in whole, Title 47, United States Code, section 1455, such that such statute would not mandate approval for the collocation or deployment granted or deemed granted under a small wireless facility permit, such permit shall automatically expire twelve (12) months from the date of that opinion.
9. The grant, deemed-grant or acceptance of a small wireless facility permit shall not waive and shall not be construed or deemed to waive the city's standing in a court of competent jurisdiction to challenge Title 47, United States Code, section 1455 or any small wireless facility permit issued pursuant to Title 47, United States Code, section 1455 or this Code.

I. Small Wireless Facility Permit Denial Without Prejudice

1. Grounds for denial without prejudice. The director may deny without prejudice an application for a small wireless facility permit in any of the following circumstances:
  - a. The director cannot make all findings required for approval of a small wireless facility permit;
  - b. The proposed collocation or deployment would cause the violation of an objective, generally applicable law protecting public health or safety;
  - c. The proposed collocation or deployment involves the removal and replacement of an existing facility's entire supporting structure; or
  - d. The proposed collocation or deployment does not qualify for mandatory approval under Title 47, United States Code, section 1455, as may be amended or superseded, and as may be interpreted by any order of the Federal Communications Commission or any court of competent jurisdiction.
2. Procedures for denial without prejudice. All small wireless facility permit application denials shall be in writing and shall include (i) the decision date; (ii) a statement that the city denies the permit without prejudice; (iii) a short and plain statement of the basis for the denial; and (iv) that the applicant may submit the same or substantially the same permit application in the future.
3. Submittal after denial without prejudice. After the director denies a small wireless facility permit application, and subject to the generally applicable permit application submittal provisions in this chapter, an applicant shall be allowed to:
  - a. Submit a new small wireless facility permit application for the same or substantially the same proposed collocation or deployment;
  - b. Submit a new wireless facility permit application for the same or substantially the same proposed collocation or deployment; or
  - c. Submit an appeal of the director's decision.
4. Costs to review a denied permit. The city shall be entitled to recover the reasonable costs for its review of any small wireless facility permit application. In the event that the director denies a small wireless facility permit application, the city shall return any unused deposit fees within sixty (60) days after a written request from the applicant. An applicant shall not be allowed to submit a small wireless facility permit application

for the same or substantially the same proposed modification unless all costs for the previously denied permit application are paid in full.

17.31.080 - Communications and Technology Commission as Planning Commission for Specified Purposes.

For purposes of approvals required by this Chapter 17.31 and any other entitlement under this Code required only because the application seeks to construct or operate a personal wireless telecommunication facility (including, but not limited to, a scenic corridor permit, a variance, or an oak tree permit), "commission" means the Communications and Technology Commission created pursuant to Chapter 2.38 of this Code, which is hereby constituted as a Planning Commission of the City for that purpose pursuant to Government Code Section 65100. As to any application that seeks approvals for both (i) new structures, or uses of existing structures or of land other than construction and operation of a personal wireless telecommunication facility and (ii) for the construction and operation of a personal wireless telecommunication facility, the Communications and Technology Commission shall be the "commission" for purposes of approvals required only because the application seeks to construct and operate a personal wireless telecommunication facility. The Planning Commission created pursuant to Chapter 2.28 of this Code shall be the "commission" for all other entitlements sought by the application. In addition, the Communications and Technology commission shall be the "commission" for purposes of review of proposed amendments to this Chapter 17.31. Any appeal of a decision by the Director related to a permit application under this Chapter 17.31 shall be heard by the Communications and Technology Commission, subject to further appeal to the City Council, under the requirements of Chapter 17.74.

17.31.090 - Private Enforcement.

In addition to any other remedy available to the city under this Code, at law or in equity, violations of this Chapter 17.31 may be remedied as follows:

- A. The city attorney or city prosecutor may bring a civil action to enforce this section and to obtain the remedies specified below or otherwise available in equity or at law.
- B. Private Enforcement. In addition to any other remedy available to the city under this Code, at law or in equity, violations of this Chapter 17.31 may be remedied as follows:
  - 1. The action is commenced more than sixty (60) days after the private enforcer gives written notice of an alleged violation of this section to the city attorney and to the alleged violator.

2. No person acting on behalf of the city has commenced or is prosecuting an action regarding the violation(s) which was or were the subject of the notice on the date the private action is filed.
- C. A private enforcer shall provide a copy of his, her, or its action to the city attorney within seven days of filing it.
  - D. Upon settlement of or entry of judgment in an action brought pursuant to paragraph (7) of this subsection (I), the private enforcer shall give the city attorney a notice of that settlement or judgment. No private enforcer may settle such an action unless the city attorney or the court determines the settlement to be reasonable in light of the purposes of this section. Any settlement in violation of this requirement shall be set aside upon motion of the city attorney or city prosecutor to a court of competent jurisdiction.
  - E. Upon proof of a violation of this section, the court shall award the following:
    1. Appropriate injunctive relief and damages in the amount of either:
      - a. Upon proof, actual damages;
      - b. With insufficient or no proof of damages, a minimum of five hundred dollars (\$500.00) for each violation of this section (hereinafter "statutory damages"). Unless otherwise specified in this section, each day of a continuing violation shall constitute a separate violation. Notwithstanding any other provision of this section, no private enforcer suing on behalf of the general public shall recover statutory damages based upon a violation of this section if a previous claim brought on behalf of the general public for statutory damages and based upon the same violation has been adjudicated, whether or not the private enforcer was a party to that earlier adjudication.
    2. Restitution to the appropriate party or parties of gains obtained due to a violation of this section.
    3. Exemplary damages, where it is proven by clear and convincing evidence that the defendant is guilty of oppression, fraud, malice, or a conscious disregard for public health and safety.
    4. Attorney's fees and costs reasonably incurred by a successful party in prosecuting or defending an action.

Any damages awarded in an action brought by the city attorney or city prosecutor shall be paid into the city's general fund, unless the court determines that they should be paid to a damaged third party.
  - F. Upon proof of at least one violation of this section, a private enforcer, the city prosecutor, city attorney, any peace officer or code enforcement official may obtain an injunction against further violations of this section or, as to small

claims court actions, a judgment payable on condition that a further violation of this section occur within a time specified by the court.

- G. Notwithstanding any legal or equitable bar, a private enforcer may bring an action to enforce this section solely on behalf of the general public. When a private enforcer does so, nothing about such an action shall act to preclude or bar the private enforcer from bringing a subsequent action on his, her, or its own behalf based upon the same facts
- H. Nothing in this section shall prohibit a private enforcer from bringing an action to enforce this section in small claims court, provided the relief sought is within the jurisdiction of that court.

#### 17.31.100 - Definitions.

In addition to the definitions provided in Chapter 17.90 of this title and in Chapter 1.08 of Title 1 of this Code, this Chapter 17.31 shall be construed in light of the following definitions:

"Accessory equipment" means any equipment installed, mounted, operated or maintained in close proximity to a personal wireless telecommunication facility to provide power to the personal wireless telecommunication facility or to receive, transmit or store signals or information received by or sent from a personal wireless telecommunication facility.

"Antenna structure" means any antenna, any structure designed specifically to support an antenna and/or any appurtenances mounted on such a structure or antenna.

"Applicable law" means all applicable federal, state and local law, ordinances, codes, rules, regulations and orders, as the same may be amended from time to time.

"Applicant" includes any person or entity submitting an application to install a personal wireless telecommunication facility under this section and the persons within the scope of the term "applicant" as defined by Section 17.90.020 of this Code.

"Base station" means the equipment and non-tower supporting structure at a fixed location that enables Federal Communications Commission licensed or authorized wireless telecommunications between user equipment and a communications network.

"City" means the City of Calabasas and is further defined in Section 1.08.020 of this Code.

"Collocation" means the mounting or installation of additional wireless transmission equipment at an existing wireless facility.

"Commission" has the meaning set forth in paragraph (l) of this section.

"dBA" is defined in Chapter 17.90 of this title.

"Director" means the City of Calabasas Community Development Director or his or her designee.

"FCC" means the Federal Communications Commission or any successor to that agency.

"In-kind call testing" means testing designed to measure the gap in coverage asserted by an applicant. If a claimed gap is for in-building coverage, then in-building call testing must be performed to establish the existence or absence of such a gap unless the applicant provides a sworn affidavit demonstrating good faith but unsuccessful attempts to secure access to buildings to conduct such testing and the circumstances that prevented the applicant from conducting such testing. Claimed gaps in service for "in-vehicle" or "open-air" service may be demonstrated by call testing performed in vehicles or in the open.

"Least intrusive means" means that the location or design of a personal wireless telecommunication facility addresses a significant gap in an applicant's personal communication service while doing the least disservice to the policy objectives of this chapter as stated in Section 17.12.050(A). Analysis of whether a proposal constitutes the least intrusive means shall include consideration of means to close an asserted significant gap by co-locating a new personal wireless telecommunication facility on the site, pole, tower, or other structure of an existing personal wireless telecommunication facility.

"Monopole" means a structure composed of a single spire, pole, or tower used to support antennas or related equipment. A monopole also includes a monopine, monopalm, and similar monopoles camouflaged to resemble faux objects attached on a monopole.

"MPE" means maximum permissible exposure.

"Non-tower supporting structure" means any structure, whether built for wireless communications purposes or not, that supports wireless transmission equipment under a valid permit at the time an applicant submits an application for a permit under this Code and which is not a wireless tower.

"OET" or "FCC OET" means the Office of Engineering and Technology of the Federal Communications Commission.

"Open space" includes (1) land which is zoned OS, OS-DR, or REC, (2) land in residential zones upon which structures may not be developed by virtue of a restriction on title, (3) all common areas, private parks, slope easements, and (4) any other area owned by a homeowners association or similar entity.

"Park" and "playground" shall have their ordinary, dictionary meanings.

"Personal communication service" means commercial mobile services provided under a license issued by the FCC.

"Personal wireless telecommunication facility," "wireless telecommunication facility," or "wireless facility" means a structure, antenna, pole, tower, equipment, accessory equipment and related improvements used, or designed to be used, to provide wireless transmission of voice, data, images or other information, including but not limited to cellular phone service, personal communication service and paging service.

"Private enforcer" has the meaning provided in 17.31.090.

"Residential zone" means a zone created by Chapter 17.13 of this title.

"RF" means radio frequency.

"Significant gap" as applied to an applicant's personal communication service or the coverage of its personal wireless telecommunication facilities is intended to be defined in this chapter consistently with the use of that term in the Telecommunications Act of 1996 and case law construing that statute. Provided that neither the Act nor case law construing it requires otherwise, the following guidelines shall be used to identify such a significant gap:

1. A significant gap may be demonstrated by in-kind call testing.
2. The commission shall accept evidence of call testing by the applicant and any other interested person and shall not give greater weight to such evidence based on the identity of the person who provides it but shall consider (i) the number of calls conducted in the call test, (ii) whether the calls were taken on multiple days, at various times, and under differing weather and vehicular traffic conditions, and (iii) whether calls could be successfully initiated, received and maintained in the area within which a significant gap is claimed.
3. A significant gap may be measured by:
  - a. The number of people affected by the asserted gap in service;
  - b. Whether a wireless communication facility is needed to merely improve weak signals or to fill a complete void in coverage;
  - c. Whether the asserted gap affects Highway 101, a state highway, or an arterial street which carries significant amounts of traffic.

"Small wireless facility" means a personal wireless telecommunication facility that also meets the definition of a small wireless facility by the FCC in 47 C.F.R. Section 1.6002, as may be amended or superseded.

"Stealth facility" means any personal wireless telecommunication facility which is designed to blend into the surrounding environment by, among other things, architecturally integrating into a structure or otherwise using design elements to

conceal antennas, antenna supports, poles, equipment, cabinets, equipment housing and enclosure; and related above-ground accessory equipment. All equipment shall be placed underground to the maximum extent feasible. All wires, cables, and any other connections shall be completely concealed from public view to the maximum extent feasible. Only non-functional, screening material equivalent in appearance to the existing, underlying building, light standard, or other structure may be visible.

"Tier 1 Wireless Telecommunication Facility Permit" means a permit issued under this chapter authorizing the installation, operation and maintenance of a personal wireless telecommunications facility. Except as otherwise provided by this chapter, the procedures for the application for, approval of, and revocation of such a permit shall be those required by this Chapter.

"Tier 2 Wireless Telecommunication Facility Permit " means a permit issued under this chapter authorizing the installation, operation and maintenance of a personal wireless telecommunications facility. Except as otherwise provided by this chapter, the procedures for the application for, approval of, and revocation of such a permit shall be those required by this Chapter (including, but not limited to, those of Section 17.62.060 for a conditional use permit).

"Transmission equipment" or "wireless transmission equipment" means any equipment that facilitates transmission for any Federal Communications Commission licensed or authorized wireless communication service, including but not limited to, radio transceivers, antennas and other equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supplies.

"Wireless" means any Federal Communications Commission licensed or authorized wireless telecommunications service.

"Wireless facility minor modification permit" means a permit issued under this chapter authorizing the modification of an existing personal wireless telecommunications facility. The procedures for the application for, approval of, and revocation of such a permit shall be those required by this title, including but not limited to Section 17.31.060.

"Wireless tower" or "telecommunications tower" mean any structure, including a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure, designed and constructed for the primary purpose of supporting any Federal Communications Commission licensed or authorized wireless telecommunications facility antennas and their associated facilities.

rec

**C.T.C. RESOLUTION NO. 2021-044**

**A RESOLUTION OF THE COMMUNICATIONS AND TECHNOLOGY COMMISSION OF THE CITY OF CALABASAS TO RECOMMEND TO THE CITY COUNCIL TO AMEND SECTION 17.12.050 OF THE CITY OF CALABASAS MUNICIPAL CODE SECTION 17.12.050 AND TO ADD A NEW CHAPTER 17.31 TO REGULATE WIRELESS TELECOMMUNICATION FACILITIES**

**Section 1. The Communications and Technology Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:**

1. Agenda reports prepared by the Community Development Department, including the draft of Ordinance No. 2021-391.
2. Staff presentation at the public hearing held on February 25, 2021, before the Communications and Technology Commission.
3. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. All related documents received and/or submitted at or prior to the public hearing.

**Section 2. Based on the foregoing evidence, the Communications and Technology Commission finds that:**

1. Notice of the February 25, 2021, Communications and Technology Commission public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Agoura Hills/Calabasas Community Center, Gelson's market and at Calabasas City Hall.
2. Notice of the Communications and Technology Commission public hearing was published in The Acorn and Enterprise newspapers.

3. Notice of the Communications and Technology Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).
4. Sections 2 of the Draft of Ordinance No. 2021-391, entitled findings, are accurate.
5. Section 17.76.050(B) and Section 17.12.050(I) of the Calabasas Municipal Code stipulates that the Communications and Technology Commission shall be the recommending body to the City Council for all amendments to Section 17.12.050 of the CMC.

**Section 3. In view of all of the evidence and based on the foregoing findings, the Communications and Technology Commission concludes as follows:**

### **FINDINGS**

Section 17.76.050(B) and Section 17.12.050(I) of the Calabasas Municipal Code allows the Communications and Technology Commission to recommend and the City Council to approve a Development Code change relating to wireless communication facilities provided that the following findings are made:

1. *The proposed amendment is consistent with the goals, policies, and actions of the General Plan;*

The proposed amendment meets this finding because it maintains and strengthens the policies of the General Plan, including those in the Services, Infrastructure & Technology Element that are intended to encourage the development and maintenance of fast and secure communications networks in order to allow residents to take advantage of the benefits of personal wireless services. Specifically, the proposed amendment will encourage access to fast and secure broadband networks, as called for by Policy XII-35, by ensuring that the City's wireless facility ordinance complies with applicable federal law. The proposed amendment complies with federal law, which encourages a streamlined review process for the deployment of wireless facilities.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;*

The proposed amendment is not detrimental to the public interest, health, safety, convenience, or welfare of the City as the proposed

amendment does not modify either the radio frequency emissions standards applicable to personal wireless telecommunications facilities, which are set and enforced solely by the Federal Communications Commission, or the health and safety requirements of Title 15 or any other provision of the Calabasas Municipal Code. The proposed amendment does not change any health or safety standard and does not permit approval of any modifications to existing wireless telecommunications facilities that violate the health and safety requirements of Title 15 of the Calabasas Municipal Code or any other applicable law. Given these circumstances, the proposed amendment meets this finding.

3. *The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).*

3.The Council finds that the proposed amendment is exempt from CEQA review because there is no possibility that this amendment, which does not directly authorize any new construction or development, may have a significant effect upon the environment. Under CEQA Guidelines Section 15061(b)(3), a project is exempt when there is no possibility that it may have a significant effect on the environment. The proposed amendment does not authorize any new construction or development; rather it modifies the City's existing standards for reviewing and approving wireless telecommunication facilities. Further, every proposed wireless facility governed by the proposed amendment will receive individualized CEQA review unless otherwise exempt under CEQA. Accordingly, the Council finds that the proposed amendment is exempt from CEQA under Guidelines Section 15061(b)(3) because there is no possibility that that it will have a significant effect on the environment.

4.

Additionally, the Council finds that the proposed amendment does not qualify as a "project" under CEQA Guidelines Section 15378(b)(5). Under CEQA Guidelines Section 15378(b)(5), a "project" does not include "administrative activities of governments that will not result in direct or indirect physical changes in the environment." The proposed amendment is an administrative activity because it creates an administrative process to determine review and approve new stealth wireless telecommunication facilities. The proposed amendment will not "result in direct or indirect physical changes in the environment" because the stealth design of new facilities will have minimal visual impact on the surrounding community. Accordingly, the Council finds that the regulations related to Section 6409(a) in the proposed amendment do not qualify as a "project" under CEQA Guidelines

Section 15378(b)(5) because it constitutes administrative activities of government that do not directly or indirectly result in any physical changes in the environment. A Notice of Exemption has been prepared.

*4. The proposed amendment is internally consistent with other applicable provisions of the Development Code.*

The proposed amendment creates a new Chapter, 17.31 in order to better organize wireless telecommunication facility regulations and create a streamlined process for stealth facilities in allowed locations. The new Chapter does not conflict with any other provision of the Development Code, therefore, the proposed amendment meets this finding.

**Section 4.** In view of all of the evidence and based on the foregoing findings and conclusions, the Communications and Technology Commission hereby adopts Communications and Technology Commission Resolution No. 2021-044, recommending City Council approval of Ordinance No. 2021-391, to amend Section 17.12.050 of the City of Calabasas Municipal Code and add a new Chapter 17.31 to regulate wireless telecommunications facilities.

**Section 5.** All documents described in Section 1 of CTC Resolution No. 2021-044 are deemed incorporated by reference as set forth at length.

COMMUNICATIONS AND TECHNOLOGY COMMISSION RESOLUTION NO. 2021-044 PASSED, APPROVED AND ADOPTED this 25th day of February 2021.

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Candice Weber  
Chairperson

ATTEST:

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Michael Russo  
Communications Director

APPROVED AS TO FORM:

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Matthew T. Summers  
Assistant City Attorney

Communications and Technology Commission Resolution No. 2021-044, was adopted by the Communications and Technology Commission at a special meeting held February 25, 2021, and that it was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED

“The Secretary of the Communications and Technology Commission shall certify the adoption of this Resolution, and transmit copies of this Resolution to the applicant along with proof of mailing in the form required by law and enter a copy of this Resolution in the book of Resolutions of the Communications and Technology Commission.”



CITY of CALABASAS

## COMMUNICATIONS AND TECHNOLOGY COMMISSION AGENDA REPORT

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**DATE:** JULY 14, 2020

**TO:** CTC COMMISSIONERS

**FROM:** MICHAEL RUSSO, COMMUNICATIONS DIRECTOR  
MICHAEL KLEIN, SENIOR PLANNER, AICP  
JACLYN RACKERBY, ASSISTANT PLANNER

**SUBJECT:** COMMUNICATIONS AND TECHNOLOGY COMMISSION DISCUSSION OF  
OPTIONS TO AMEND SECTION 17.12.050 (ANTENNAS / WIRELESS  
COMMUNICATION FACILITIES) OF THE CALABASAS MUNICIPAL  
CODE.

### **MEETING**

**DATE:** JULY 21, 2020

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### **STAFF RECOMMENDATION:**

That the Communications and Technology Commission (CTC) provide direction to the City Council for revisions to the current wireless telecommunication facility ordinance.

Staff recommends that the Commission approve Exhibit A, a draft Memo from the CTC to the City Council with recommendations to update the ordinance.

### **REVIEW AUTHORITY:**

Pursuant to Chapter 17.76 and Section 17.12.050(I) of the Calabasas Land Use and Development Code, the Communications and Technology Commission acts as a Planning Commission and is the reviewing body for considerations of amendments to Section 17.12.050 of the City of Calabasas Land Use and Development Code. The Communications and Technology Commission makes a recommendation to the City Council, which is the final approval body.

**BACKGROUND:**

At the direction of the City Manager, the Communications Department conducted a citywide survey to assess community opinions on the nature and quality of wireless services provided in Calabasas. The survey initially ran during the period of June 28, 2019 through August 8, 2019. The City received a total of 835 responses during the initial survey period. Due to the fact that the initial survey omitted residents in the 91301 and 90290 zip codes, the survey was re-opened and post cards were sent to City residents within these two zip codes to ensure that residents who may have inadvertently been omitted from the initial outreach were afforded additional time to respond. As a result, the survey was extended to December 15, 2019.

The total number of survey responses received during that period was 1,058. Of the 1,058 surveys received during both periods, 68 survey responses were from persons who identified themselves as not living in Calabasas, or did not disclose their locations, or indicated that they lived in Calabasas but indicated that their home was in a community other than Calabasas (most commonly Hidden Hills, Agoura, and Los Angeles County). As during the original analysis, out-of-City responses were excluded from this updated analysis.

The results of the survey demonstrate that the majority of respondents are dissatisfied with the quality of wireless service throughout the City, and very dissatisfied with the reliability of wireless service during the Woolsey Fire. Additionally, there is also willingness to accept new cell sites throughout the City, including in neighborhoods, to improve wireless service to Calabasas residents.

On March 11, 2020, the survey results were discussed by the City Council at a regular meeting. The City Council directed staff and the City Attorney to review the survey results with the Communications and Technology Commission in order to analyze the City's wireless ordinance and provide the Council with feedback on how to increase wireless service coverage and reliability within the City.

At the direction of the City Council, on April 21, 2020, the Communications and Technology Commission discussed the survey results. At the conclusion of the discussion, the Communications and Technology Commission directed the wireless subcommittee to work with staff, the City Attorney and Kramer Firm to analyze the current wireless ordinance to determine 1) the cause of poor wireless service within the City and 2) recommendations to amend the wireless ordinance in order to improve wireless service within the City.

The remainder of this report is intended to provide the Commission with an analysis of the existing wireless ordinance, and recommendations to address the hurdles for

deployment of a reliable wireless infrastructure within the City. The purpose of this report is for the Communications and Technology Commission to develop recommendations to update the ordinance. These recommendations would then be forward to the City Council for feedback and formal direction to staff to prepare an amendment to the City's wireless ordinance for consideration by the Commission and Council in noticed public hearings. These are "high level" recommendations, and not specific amendments to the ordinance. If so directed by City Council, staff will work with the subcommittee to develop and bring back an amended ordinance for the Commission's review. Public and industry outreach will also be included in the development of a new or amended ordinance.

### **DISCUSSION:**

**A. Current Wireless Ordinance:** The City regulates installation, operation, and maintenance of personal wireless telecommunications facilities in the City under the provisions of the Wireless Facility Ordinance, Section 17.12.050 of the Calabasas Municipal Code. The ordinance was last comprehensively updated in 2012, and has since been modified as required by new federal law and FCC regulations. As stated in Section 17.12.050(A), the ordinance is intended to protect the health and safety of residents and business, protect the benefits provided to residents and business by wireless telecommunications facilities, balance these goals by permitting the installation and operation of personal wireless telecommunication facilities where needed, while reducing adverse economic, safety and/or aesthetic impacts. The ordinance is intended to accomplish these goals while also complying with all applicable federal and state laws, including the federal 1996 Telecommunications Act. However, as was the desire in 2012, the ordinance also states that Section 17.12.050 is intended to regulate personal wireless telecommunications facilities to the limit of, but not beyond, the City's power. In other words, it was the desire of the City Council to adopt an ordinance that prioritized maximum control over the installation of wireless facilities, rather than a balanced approach to encourage desired facilities and discourage undesirable facilities.

The current wireless ordinance is made up of three main components: 1) general requirements/standards and requirements for the issuance of a Wireless Telecommunication Facility Permit, 2) requirements for the issuance of a Minor Modification Permit, and 3) requirements for the issuance of a Small Wireless Facility Permit. The following is a brief overview of each section:

- 1) General requirements and standards: This section establishes that all wireless facilities located on private/public property and in the public right-of-way are subject to the provisions of Section 17.12.050 of the CMC. This section

includes submittal requirements for a Wireless Telecommunication Facility Permit, such as documentation that a proposed facility is the least intrusive means to close a significant gap in the carrier's service coverage, affirmation that a proposed facility meets all FCC standards, a masterplan of all existing and proposed facilities in the carrier's network and a siting analysis. Additionally, this section establishes preferred zones for the installation of new wireless facilities, and a minimum setback of 1,000 for new facilities (not including Small Wireless Facilities) from residential zones, schools or parks. Furthermore, the public hearing is required to be noticed to all property owners within a 1,500 –foot radius of the site, which in some cases has resulted in mailed notices to more than 2,000 property owners. As a result, the Wireless Telecommunication Facility Permit is a discretionary permit subject to review and approval by the CTC or the City Council.

- 2) **Minor Modification Permit:** This section was added after adoption of the ordinance in 2012. As required by Section 6409(a) of the 2012 Tax Reform Act, the City must approve and shall not deny a request to modify an existing wireless telecommunication facility such that the modification does not substantially alter the existing facility or defeat the concealment methods approved by the jurisdiction. Subsequent to the passage of this regulation, the FCC adopted rules to implement the federal statute. The CMC was updated accordingly. Although the Minor Modification Permit requires a public hearing with the Community Development Director, it is not discretionary and is subject to objective standards related to size, height and aesthetics. This is the most common permit pursued by carriers to date.
- 3) **Small Wireless Facility Permit:** In 2018, the FCC issued a new rulemaking intended to speed up the deployment of 5G technology, by requiring cities to administratively review applications for new "small cell sites". As a result, the City updated the wireless ordinance to add a new permit process for new facilities that meet the FCC's definition of a small cell site. This update did not change existing regulations or standards, it simply created an administrative process with no public hearing or need to demonstrate that the facility is the least intrusive means to close a significant gap in the carrier's coverage. No new facility has been submitted to the City under this permit, in part we expect because the above mentioned zoning restrictions remain in effect.

**B. Issues with Current Ordinance:** As discussed above, it was the intent of the City Council in 2012 to adopt a wireless ordinance that exerted the City's maximum control under state and federal law. The current wireless ordinance is designed to be restrictive in both its regulations (i.e. allowed locations, setbacks, height limit etc.) and its process (i.e. requiring a discretionary review for all new

facilities), within the bounds set by applicable law. The above mentioned regulations may have been a deterrent for the deployment of new wireless facilities, with no option to encourage new stealth wireless facilities in areas where the City deems acceptable. As a result, only one new wireless facility has been constructed in the City since the current ordinance was adopted in 2012. In contrast, more than 30 new wireless facilities were approved and built in the ten years prior.

Based on the results of a citywide survey, which was presented to the CTC in April 2020, the lack of construction of new wireless facilities, and related cell service complaints and reliability levels, has resulted in a notable level of dissatisfaction with wireless service in the City of Calabasas. It is also worth noting that while the national trend is to eliminate traditional telephone landlines in favor of wireless devices, 65% of the respondents stated that they still have a telephone landline, likely due to the lack of reliable wireless service in residential areas of Calabasas. Furthermore, safety is a critical issue in the deployment of a reliable wireless infrastructure. Not only does a robust wireless infrastructure provide access to E911 services for daily emergency situations, but could also provide (if built properly) reliable communications during a state of emergency when residents may no longer have access to telephone landlines or internet-based VOIP phone lines. As a result, the majority of respondents indicated that they would be willing to have additional wireless facilities in their neighborhood in order to receive better wireless coverage and more reliable service.

The CTC's wireless subcommittee met with staff, the City Attorney and Jonathan Kramer in order to discuss issues with the current wireless ordinance that have resulted in the lack of deployment of new wireless facilities. As a result of these meetings, the following elements of the ordinance were identified as among the primary causes for the lack of construction of new wireless facilities:

- 1) The Wireless Telecommunication Facility Permit process is too prohibitive. With the exception of the Small Wireless Facility Permit, which is mandated by the FCC, a Wireless Telecommunication Facility Permit is required to construct a new wireless facility, regardless of where it is located or how it is designed. This is a one size fits all discretionary permit process that requires carriers to demonstrate that the new facility is necessary to close a significant gap in their network and that the proposed facility location and design is the least intrusive means to close the purported gap. The Wireless Telecommunication Facility Permit requires the CTC to make such findings at a public hearing, noticed to all property owners within 1,500 feet of the subject site. This is a lengthy public hearing process that has no certainty for project approval, which is a

deterrent for a carrier to decide to pursue a project and commit funds to acquire site access, design/engineer a facility and pursue entitlements. Furthermore, there are no other options in the CMC, other than the Small Wireless Facility Permit, that provide a less restrictive process for desirable types of new wireless facilities, such as a full stealth facility in a commercial or public facility zone.

The recommended solution to this issue is to develop a two tier permit process. Tier 1 permits would be an administrative permit that does not require a public hearing, and would allow stealth facilities in specific areas (i.e. on arterial roads and collector streets) and specific zones (i.e. commercial zones, public facility zones and residential zones under HOA ownership [e.g. HOA-owned common areas and private streets, but only with HOA consent]). Staff suggests development of Design Guidelines that would identify a closed list of specific stealth designs that would be allowed for Tier 1 permits. Any deviation from the approved set of stealth designs would require a full wireless facility permit, termed a Tier 2 permit. A Tier 2 Permit would remain the same as the current Wireless Facility Permit, with the same documentation and comprehensive public hearing process. The intent of providing a two tier permit process, is to encourage deployment of full stealth facilities in preferred areas by allowing a streamlined permit process, and to discourage designs that are not acceptable in undesirable areas by requiring the more restrictive process currently in place.

- 2) All residential zones and open space zones are prohibited. The current wireless ordinance prohibits the installation of wireless facilities in all residential zones, including streets and developed common areas within gated HOAs. Due to the City's challenging topography and large residential neighborhoods, providing wireless coverage in residential communities is difficult without access to those areas. Because the CA Public Utility Code grants telephone providers access to the public right-of-way, subject to reasonable regulations by the City, a carrier may propose to install a micro facility in the public right-of-way (i.e. on a utility pole or light standard) in order to provide wireless coverage in areas that prohibit wireless facilities in surrounding zones. However, the streets in gated HOAs are not a public right-of-way, and are therefore not available for the installation of new facilities under the current ordinance, even if an HOA wanted to provide such access. Similarly, HOA owned parks and clubhouses are typically zoned either residential or open space. Even though these may be ideal locations to install a stealth facility (at the desire of the HOA), these zones are currently prohibited.

The recommended solution to this issue is to allow stealth facilities in residential and open space zones, but only if located on property that is already

developed and owned by an HOA. This approach would open up privately owned streets in gated communities and developed areas like HOA owned parks, while continuing to preserve undeveloped open space. This change would give HOAs the ability to decide whether or not they want to allow wireless facilities in their neighborhood. Any installation on HOA owned land, including common areas and private streets, would still require HOA approval.

- 3) With the exception of Small Wireless Facilities, the current ordinance requires all new wireless facilities to be located at least 1,000 feet from residential zones, schools and parks. Nearly the entire city is located within 1,000 feet of a residential zone, school or park, making this setback difficult to comply with, absent applicable of narrow exceptions possible under federal law.

The recommended solution is to not require a 1,000-foot setback for Tier 1 facilities, and maintain the 1,000-foot setback for Tier 2 facilities. This would encourage deployment of Tier 1 facilities, and discourage Tier 2 facilities subject to a stricter standard.

- 4) The current wireless ordinance is a subsection of 17.12 of the CMC. The purpose of Section 17.12 of the CMC is to provide development standards for specific land uses, such as residential accessory structures, alcohol sales, recycling facilities and antennas and wireless facilities. Although most subsections within 17.12 are between several sentences and a few pages, the wireless ordinance is 26 pages long. As a result, the section is difficult to navigate in the web based CMC. Satellites and amateur radio antennas are also embedded in the same subsection, which have their own set of constraints from federal regulations.

The recommended solution is to reorganize the wireless ordinance and make it a new chapter in Title 17 of the CMC. This will make the document more user friendly for staff and the public to read and navigate in the web based CMC. Its is also recommended to keep the satellites and amateur radio antennas in section 17.12.050 in order to provide proper separation between two different land uses.

- C. Summary of Recommendations:** After a thorough review of the current wireless ordinance, it was determined that the best approach is to modify rather than revise the entire ordinance. As a result, the following is a summary of the above recommendations:

- 1) Develop a two-tier permit process for the construction of new wireless facilities. A Tier 1 permit would allow for the construction of new stealth

facilities, located in areas predetermined by the City to be appropriate. A Tier 1 permit would require an administrative review and would eliminate the need for a public hearing for new facilities that meet these requirements. A Tier 2 permit would be required for any new facility that does not meet these specific requirements, and the process would remain the same as the City's current Wireless Telecommunication Facilities Permit.

- 2) Allow for stealth facilities in Residential Zoning Districts and Open Space Zoning Districts, specifically on properties that are developed and under HOA ownership. Property owner consent would still be required.
- 3) Allow Tier 1 eligible facilities to be constructed within 1,000 feet from residential zones, schools and parks. The 1,000-foot setback would remain applicable to Tier 2 facilities.
- 4) Reorganize the existing wireless ordinance into its own Chapter in the Municipal Code.
- 5) Develop design and stealth guidelines for Tier 1 Facilities. The design guidelines would be a supplementary document, meant to act as a visual aid that complements the standards set forth in the ordinance.
- 6) Implement a time limit for the updates to the ordinance. The ordinance's amendments creating the Tier 1 permit process would initially remain in effect for only 12-18 months after being adopted, for the purpose of encouraging sooner deployment of new facilities to more swiftly address the issues described in this memorandum. Provisions could be added that would allow the ordinance to be reevaluated at a later date, and extended for an additional period of time if necessary and as determined by the Council. The reorganization element would remain in effect.

**REQUESTED ACTION:**

Staff recommends that the CTC approve the Draft Memo from the CTC to the City Council (Exhibit A), which includes recommendations to update the current wireless ordinance.

**ATTACHMENTS:**

- Exhibit A: Draft CTC Memo to City Council  
Exhibit B: Current Wireless Ordinance



CITY of CALABASAS

# WIRELESS FACILITY DESIGN GUIDELINES

# ACKNOWLEDGEMENTS

## City Council

James R. Bozajian, Mayor

Mary Sue Maurer, Mayor Pro Tem

Alicia Weintraub

David J. Shapiro

Peter Kraut

## Communications and Technology Commission

Candice Weber, Chair

Michael Brockman, Vice Chair

David Goldwater

Carey Melcher

Richard Sherman

## City Staff

Michael Klein, Senior Planner, AICP

Michael Russo, Communications Director

Matthew Summers, Assistant City Attorney

Jaclyn Rackerby, Assistant Planner

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# INTRODUCTION

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The City's current Wireless Ordinance was adopted on March XX, 2021. The current ordinance establishes a tiered permit process for wireless facilities, categorizing facilities (both existing and proposed) that meet the definition of a 'Stealth Facility' as a Tier 1 Facility, subject to a streamlined permit process, and categorizing existing and proposed facilities that do not meet this definition as a Tier 2 facility. Additional information on the criteria that determines if a facility is Tier 1 can be found within these design guidelines, as well as examples from both within Calabasas and outside Calabasas of designs that would be considered a Tier 1 Facility.

# INTENT

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This document serves as a visual aide to supplement the requirements outlined in Chapter 17.31 of the Calabasas Municipal Code. As specified in Section 17.31.040, all Tier 1 Wireless Facilities located in the City of Calabasas must adhere to these guidelines to ensure the facility is designed as a Stealth Facility to the maximum extent feasible. These guidelines are designed to preserve the aesthetic quality of the City of Calabasas, and to protect the character of the community by minimizing adverse visual impacts of wireless telecommunication facilities, in accordance with the goals of the General Plan, while also addressing the clear need for upgrades to the City's existing wireless network to improve communications within the City. Each specific project is subject to review by staff, and acceptability is dependent upon siting, surrounding context, and compliance with the requirements of the ordinance. The requirements of the municipal code will ensure a degree of uniformity and consistency within the Tier 1 wireless telecommunications facility review process, and will provide direction to applicants and carriers in regard to the type of facilities that the City encourages, as well as to provide examples of the types of facilities that are not supported by the City.

# REVIEW CRITERIA

---

The goals of the municipal code are to ensure aesthetically acceptable wireless telecommunications facility designs for Tier 1 facilities, to encourage the collocation of facilities, to minimize the visual impact on the surrounding area, and to create a guide outlining acceptable and preferred facility designs.

Criteria:

- 1) The proposal minimizes visual impact to the maximum extent feasible through considerate design, screening, and siting.
- 2) The proposal integrates with and/or is camouflaged by the existing color, design, massing, and/or architectural style of the surrounding context, whether a natural backdrop, building, utility/light pole, or existing facility, to the maximum extent feasible.
- 3) For sites located on private property, the proposal minimizes the removal or modification of any site landscaping or parking and provides appropriate replacement landscaping or parking if necessary.
- 4) The proposal complies with all requirements of the Calabasas Municipal Code.

# STEALTH FACILITIES

---

Per Section 17.31.100 of the Calabasas Municipal Code, a ‘Stealth Facility’ is defined as any personal wireless telecommunication facility which is designed to blend into the surrounding environment by, among other things, architecturally integrating into a structure or otherwise using design elements to conceal antennas, antenna supports, poles, equipment, cabinets, equipment housing and enclosure; and related above-ground accessory equipment. All equipment shall be placed underground to the maximum extent feasible. All wires, cables, and any other connections shall be completely concealed from public view to the maximum extent feasible. Only non-functional, screening material equivalent in appearance to the existing, underlying building, light standard, or other structure may be visible.

Additional information on both private property & Public Right-Of-Way facilities’ requirements to be considered a Tier 1 facility are expanded upon in greater detail in the below sections. Tier 1 wireless facilities, whether located on private property or within the Public Right-of-Way, must be designed as stealth facilities and must meet the review criteria identified above as well as all the requirements of the Calabasas Municipal Code. If the review criteria above cannot be met, the facility will then be considered a ‘Tier 2’ facility and must follow the requirements set forth in Section 17.31.050 of the Municipal Code. In all cases, facilities are subject to review by the appropriate City review authority.



Figure 1: Example of stealth facility in Calabasas, mounted to light pole in Public Right-of-Way.

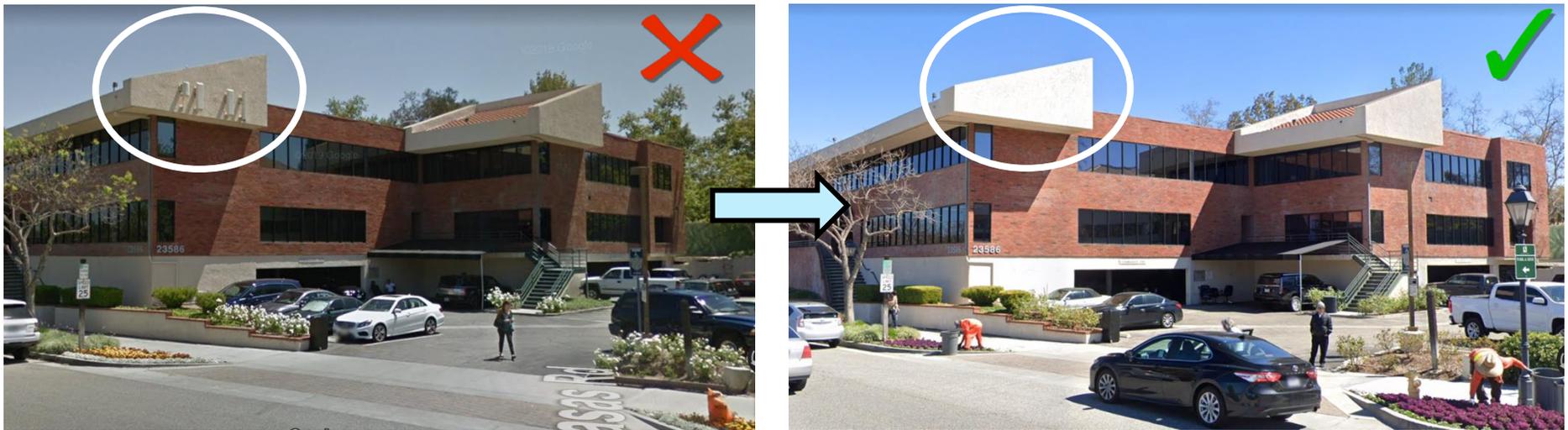
(Image Source: City staff)

# NON RIGHT-OF-WAY FACILITIES

Tier 1 facilities not located within the Public Right-of-Way shall be designed and constructed in a scale substantially in conformity with and/or architecturally integrated with surrounding building designs or natural settings, in order to minimize the adverse visual impact and to ensure the facility is compatible with the surrounding context in which it is located. Tier 1 facilities not within the right-of-way must have all equipment fully screened from public view. Examples of facilities located on private property include façade-mounted facilities, architectural elements/towers, and faux trees.

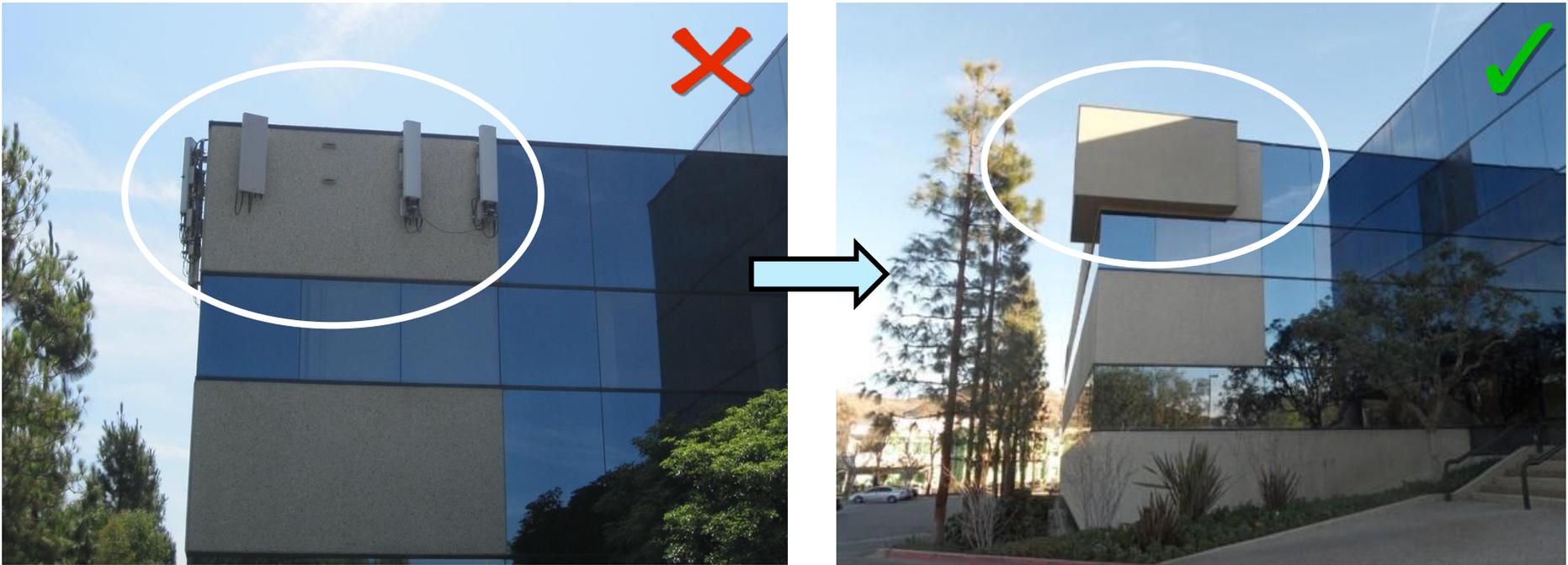
## FAÇADE-MOUNTED FACILITIES

Façade mounted facilities are facilities which include antennas mounted, attached, or affixed to any façade of a building. Successful stealth façade-mounted facilities shall have all antennas and equipment screened from public view, through the use of fiberglass panels or other elements that blend in with the existing façade. The examples below illustrate successful and unsuccessful façade-mounted facility designs.



Figures 2 & 3: Before-and-after images showing successful faux façade element constructed out of fiberglass to screen existing antennas.

(Image Sources: Google Streetview)



Figures 4 & 5: Before-and-after image showing successful faux façade element constructed out of fiberglass to screen existing antennas.

(Image Sources: City Staff)



Figure 6: Unsuccessful example outside Calabasas; antennas are painted to match building elements but are not fully screened/camouflaged. Would not be considered a stealth facility.

(Image Source: TLF)



Figure 7: Successful example in Calabasas; faux roof tile element screening facility located on top of the building. Design closely matches surrounding tiles.

(Image Source: Google Streetview)

## ARCHITECTURAL ELEMENTS AND TOWERS

Architectural elements/Tower facilities are stealth facilities enclosed entirely within a feature that is proposed to be fully integrated and architecturally compatible with the surrounding context at the site. These facilities include clock towers, bell towers, steeples, art in public places, or similar features. Successful facilities shall locate all antennas and equipment entirely within these features (not mounted to the outside), and the feature shall be compatible in size, scale, and architectural style with the structure it is mounted to as well as its surroundings.



Figure 8: Unsuccessful example outside Calabasas; antennas mounted on the facade of the tower feature rather than inside the feature, and the tower feature itself is not compatible in scale or design with surrounding context.

(Image Source: TLF)



Figure 9: Successful example outside Calabasas; all equipment concealed within feature and is architecturally compatible with existing roof.

(Image Source: TLF)

## FAUX TREES

Faux trees are effectively a tower facility designed to closely and naturally resemble a tree. Design of these facilities should include an assessment of the appropriate tree species based on the surrounding area, shape, and size, as well as the quality and longevity of materials (branches & bark), color, and finish in consideration of the facilities' surroundings. Detailed specifications must be provided during plan review. Both tree design and placement (e.g., surrounding context) will be taken into consideration when reviewing faux tree facilities.



Figure 10: Unsuccessful example outside Calabasas; does not blend in with surroundings and poor tree design.

(Image Source: TLF)



Figure 11: Unsuccessful example outside Calabasas; tree design adequately screens antennas, but the facility does not blend in with surrounding environment.

(Image Source: City staff)



Figure 12: Unsuccessful example outside Calabasas; faux tree species is not compatible with surrounding trees, and equipment is not properly camouflaged—antennas still visible.

(Image Source: City staff)



Figure 13: Successful example in Calabasas; faux tree species is compatible with surroundings and antennas are properly camouflaged.

(Image Source: City staff)

## POLE-MOUNTED FACILITIES

Pole-mounted facilities not located in the Right-of-Way can take many forms, but the most commonly observed are facilities mounted to light standards and flag poles. Design of these facilities should take into consideration the surrounding context to determine what type of pole-mounted facility design would be best suited for a particular location. All pole-mounted facilities shall be compatible in size, scale, and style with the surrounding area—especially for facilities located among other poles (multiple flag poles, light standards in a parking lot) the wireless facility shall be designed to be relatively consistent with other poles in the vicinity in order to be properly camouflaged. Facilities and associated pole shall be kept in good condition.



Figure 14: Unsuccessful example outside Calabasas; although facility is camouflaged, pole is not compatible in size (both height and diameter) or scale with surroundings.

(Image Source: TLF)



Figure 15: Successful example outside Calabasas; pole is compatible with surroundings in scale and design, and facility is properly camouflaged.

(Image Source: TLF)



Figure 16: Unsuccessful example outside Calabasas; facility not camouflaged, pole not compatible in size or scale with surroundings.

(Image Source: TLF)



Figure 17: Successful example outside Calabasas; all antennas contained within radome and ground mounted equipment is screened (see red arrow), compatible in scale with surroundings.

(Image Source: TLF)

## PUBLIC AGENCY FACILITIES

Facilities located on public agency's properties include but aren't limited to: water tanks facilities, park facilities, and fire station facilities. Public agency facilities might also fall under previously mentioned categories (such as a flag pole in front of a fire station), but these facilities can also include collocated facilities around a water tank or a standalone structure at a park. As with previously mentioned Non Public Right-of-Way facilities, all antennas and equipment must be screened from public view in order to be considered a Tier 1 facility, and must also be compatible with design and scale of surrounding area.



Figure 18: Unsuccessful example outside Calabasas; equipment not screened. For non Right-of-Way sites, all equipment shall be screened from view in order to be considered a Tier 1 facility.

(Image Source: TLF)



Figure 19: Successful rendering from project outside Calabasas; all equipment screened within faux water tank.

(Image Source: Inside Towers)



Figure 20: Unsuccessful example at a park outside Calabasas; equipment not fully screened, antennas still visible. Does not meet the classification of a stealth facility not located in the Right-of-Way.

(Image Source: TLF)



Figure 21: Successful example from facility at Calabasas High School; all equipment screened, and radome camouflaged to match pole.

(Image Source: City staff)

# RIGHT-OF-WAY FACILITIES

Stealth facilities located within the Public Right-of-Way must be designed to minimize visual impact to the right-of-way to the maximum extent feasible. Tier 1 facilities located in the public right-of-way shall contain the minimum amount of pole-mounted equipment possible; a maximum of 6 cubic feet, a maximum of 1 piece of equipment mounted to the pole, and all antennas screened when feasible. When screening is not feasible, antennas must be a minimal size, unobtrusive, with concealed wiring, utilizing camouflage techniques such as paint for any visible equipment.

## LIGHT STANDARDS



Figure 22: Unsuccessful example outside Calabasas; not concealed, wiring and antennas still visible.

(Image Source: TLF)



Figure 23: Successful example in Calabasas; equipment concealed within radome ground mounted equipment screened behind rock wall enclosure.

(Image Source: City staff)



Figure 24: Successful example outside Calabasas; equipment and antennas concealed.

(Image Source: City staff)



Figure 25: Successful example outside Calabasas; equipment and antennas concealed, no ground mounted equipment.

(Image Source: TLF)



Figure 26 Successful example outside Calabasas; minimal pole mounted equipment, no ground mounted equipment.

(Image Source: TLF)



Figure 27: Successful example outside Calabasas; equipment and antennas concealed, no ground mounted equipment.

(Image Source: City staff)

## UTILITY POLES



Figure 28: Unsuccessful example from outside Calabasas; equipment/antennas not screened to the maximum extent feasible, visible wiring.

(Image Source: TLF)



Figure 29: Successful example from outside Calabasas; all equipment and antennas concealed and painted to match pole.

(Image Source: City staff)



Figure 30: Unsuccessful example outside Calabasas; equipment and visible antennas too large, and not painted to match pole.

(Image Source: City staff)



Figure 31: Unsuccessful example outside Calabasas; antennas and ground mounted equipment are not camouflaged through use of paint to match pole.

(Image Source: TLF)



Figure 32: Successful example outside Calabasas; equipment is minimal, and painted to match pole.

(Image Source: City staff)

# Wireless Ordinance Public Hearing



CITY *of* CALABASAS

City Council March 24, 2021

# Background

- June 2019: Dec 2019 Citywide Survey
  - Over 1,058 survey responses collected
- March 2020: City Council Discussion
- April 2020: CTC Discussion
- July 2020: CTC Discussion
  - CTC Memo to City Council
- August 2020: City Council Discussion
  - City Council directed staff to prepare a draft ordinance
- November 2020: Industry Meeting
- December 2020: HOA Meeting
- February 2021: CTC Public Hearing



# Current Ordinance

- Section 17.12.050 of the CMC:
  - Regulates all wireless facilities, including those within the public right-of-way
    - Wireless Telecommunication Facility Permit
    - Minor Modification Permit
    - Small Wireless Facility Permit
  - Regulates Satellite Dishes and Radio Antennas



# Draft Ordinance

- Relocate WTF Ordinance to its own Chapter 17.31, maintaining satellites and radio antennas in Section 17.12.050
- Add a new Tier 1 Permit for stealth facilities to be reviewed with a streamlined process, based on objective design standards and no public hearing
- Allow Tier 1 facilities in residential and open space zones that are already developed and under common ownership
- Allow Tier 1 facilities on Arterial and Collector Roads, including within gated communities
- Allow Tier 1 facilities to be located within 1,000 feet of a school, park or residential land uses.

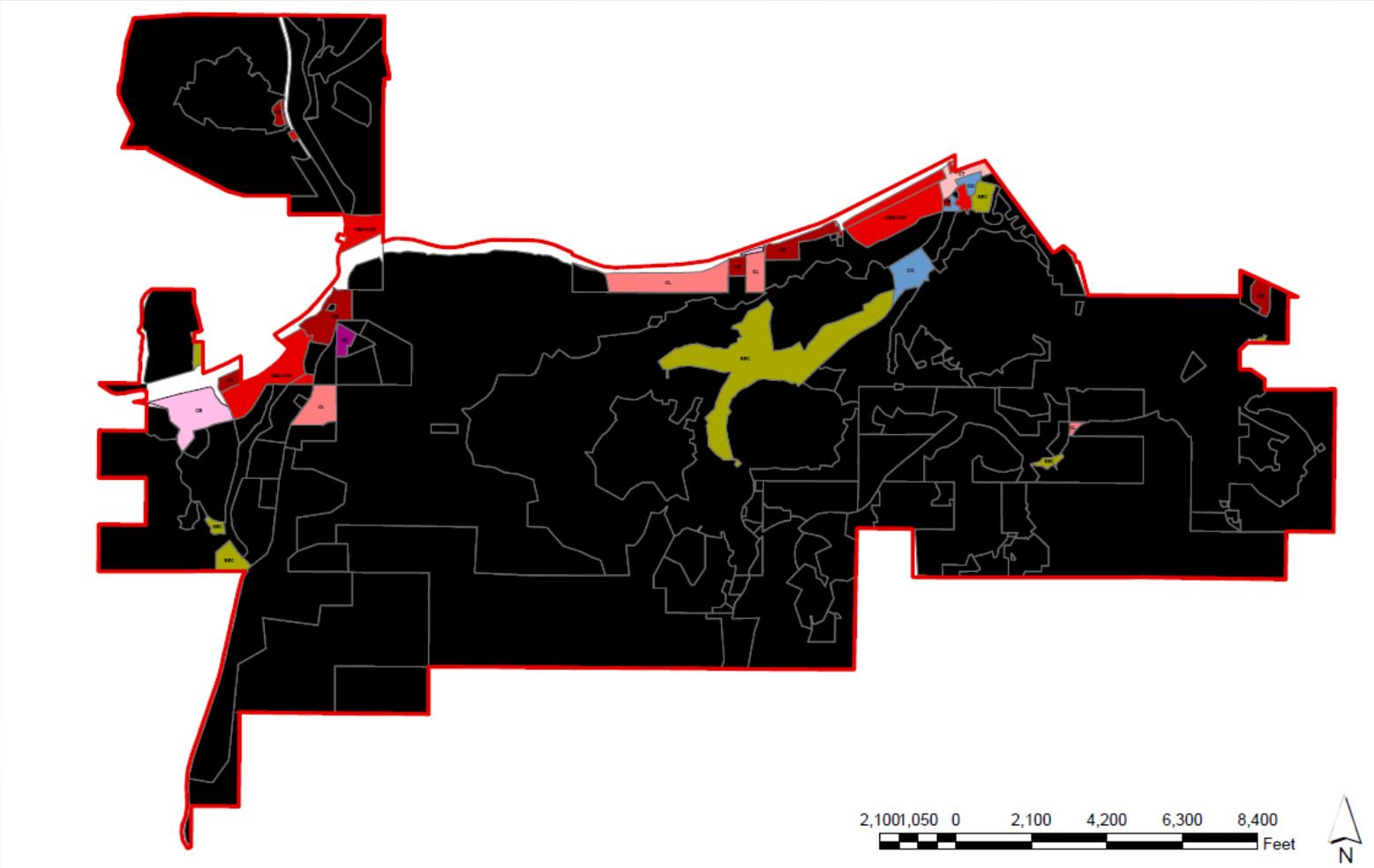


# Permit Types

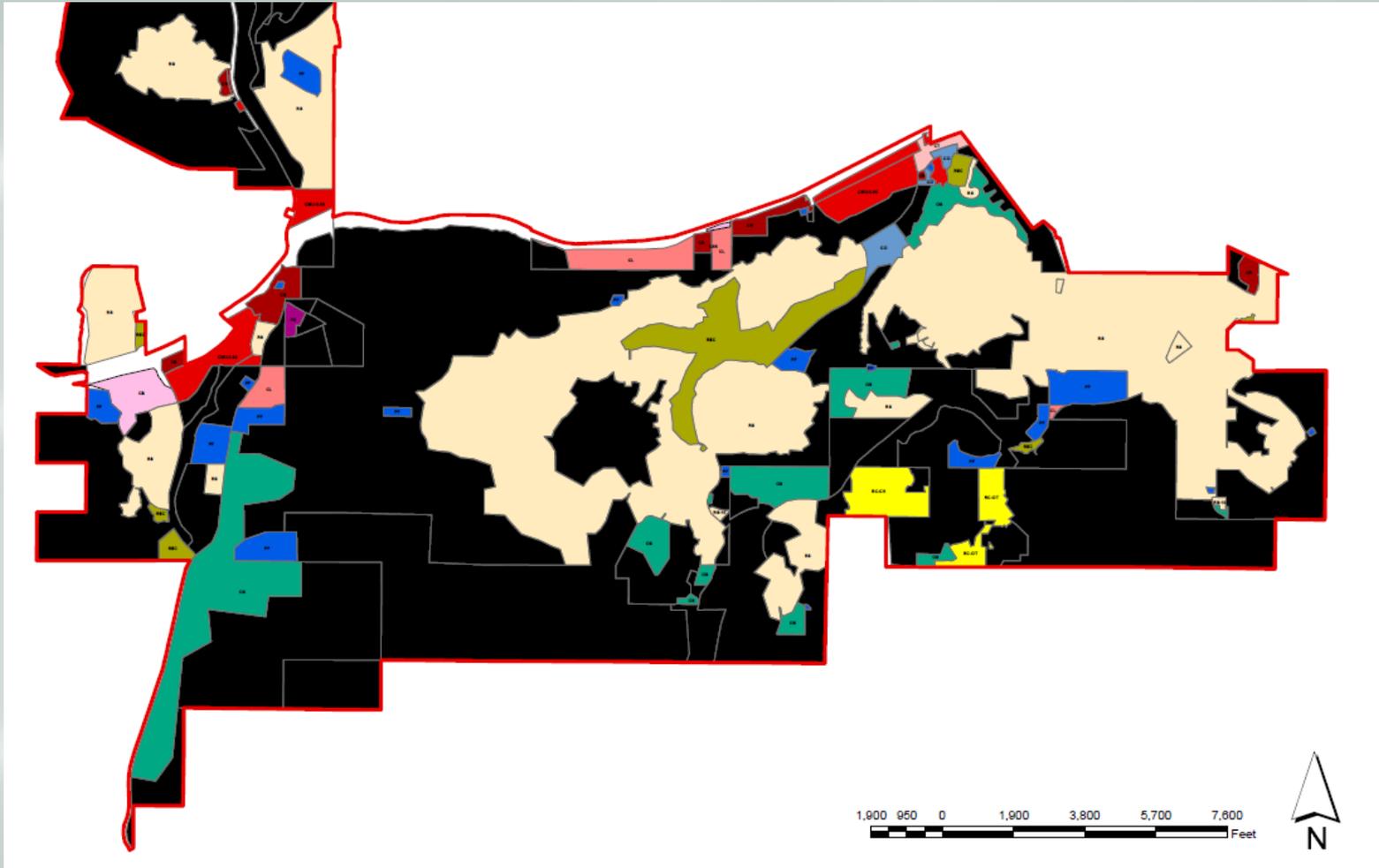
Permit Type	Public Hearing	Notification Radius	Review Authority
Tier 1 Permit	No	N/A	Staff
Tier 2 Permit	Yes, 30 day hearing notice	1,500 ft	CTC
Small Wireless Facility Permit	No; however, notice of complete app	300 ft	Staff
Minor Modification Permit	Yes, 10 day hearing notice	300 ft	CDD



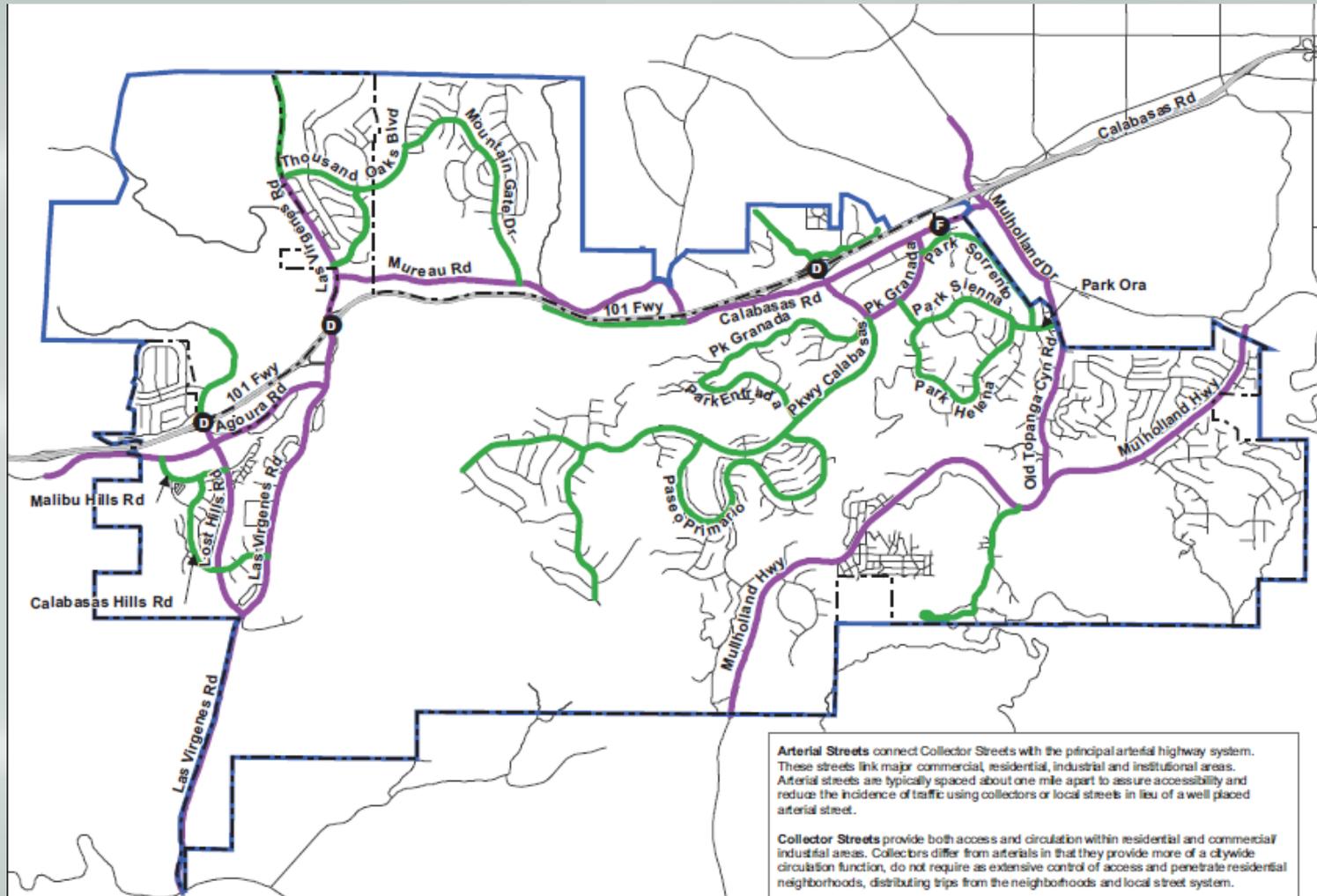
# Prohibited Locations



# Allowed Tier 1



# Allowed Tier 1



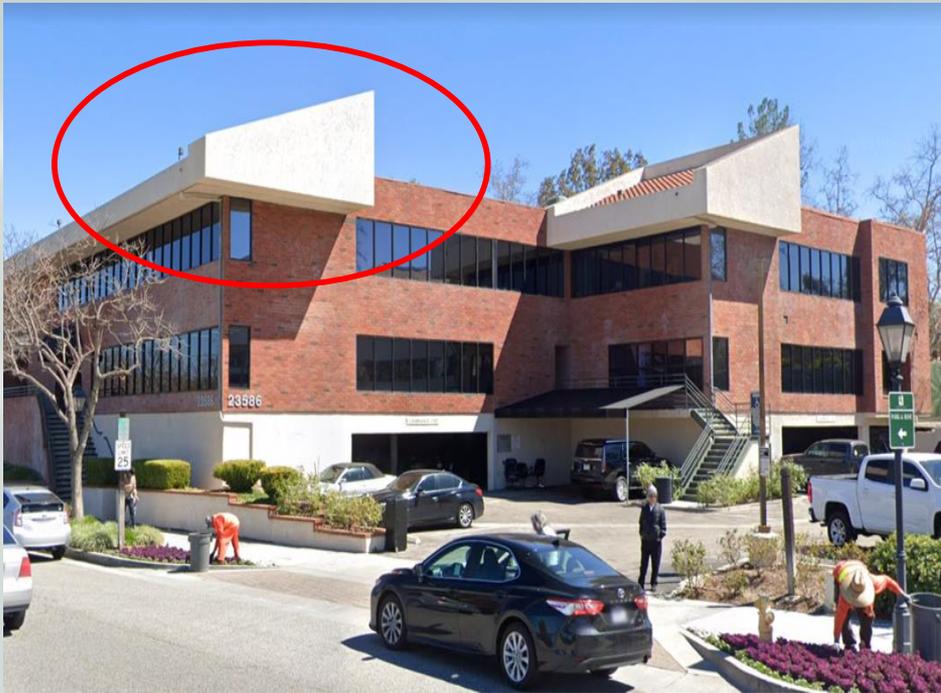
## WIRELESS FACILITY ORDINANCE

City Council  
March 24, 2021



# Tier 1 Examples





Tier 1 Example



Tier 2 Example



# Design Guidelines

- Intended to supplement the requirements outlined in the draft ordinance
- Provides design review criteria for stealth facilities
- Includes pictures of acceptable stealth facilities for the right-of-way and non right-of-way facilities



Figure 8: Unsuccessful example outside Calabasas; antennas mounted on the facade of the tower feature rather than inside the feature, and the tower feature itself is not compatible in scale or design with surrounding context.

(Image Source: TLF)



Figure 9: Successful example outside Calabasas; all equipment concealed within feature and is architecturally compatible with existing roof.

(Image Source: TLF)



# Staff Conclusions

- The draft ordinance meets the required findings in Section 17.76.050(B) of the CMC, for approval of amendments to the Development Code.
- Staff recommends a fee reduction for 18 months after the ordinance goes into effect, rather than an expiration of the ordinance.
- The Design Guidelines would supplement the ordinance, and should be adopted by reference, and allowed to be modified from time to time by the CTC.
- The proposed amendments to the CMC are exempt from additional CEQA review per Section 15061(b)(3).



# CTC Review and Recommendation for Approval

- On February 25, 2021 the Communications and Technology Commission (CTC) reviewed the draft ordinance at a public hearing
- The CTC unanimously adopted CTC Resolution No. 2021-044 recommending adoption of the ordinance by the City Council with minor typographical revisions.



# Recommended Action

Staff recommends that the City Council introduce and waive further reading of Ordinance No. 2021-391, amending CMC Sections 17.11.010 and 17.12.050, and adding a new Chapter 17.31 related to Wireless Telecommunications Facilities.





# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF  
(818) 878-1808



March 9, 2021

Don Penman, City Manager  
City of Calabasas  
100 Civic Center Way  
Calabasas, CA 91302

Dear Mr. Penman:

Listed below are the year-to-date crime statistic comparisons for the City of Calabasas for the month of February 2021.

**I. CRIME STATISTICS**

CRIME	CURRENT MTH	YTD 2021	YTD 2020	CHANGE
Homicide	0	0	0	0
Rape	1	2	2	0
<b>Robbery</b>				
Armed	0	0	1	-1
Strong-Arm	2	2	3	-1
Assault	0	1	2	-1
<b>Burglary</b>				
Residential	0	3	6	-3
Business	2	2	0	2
Garage/Out-Building	0	0	2	-2
Vehicle (locked)	2	6	7	-1
<b>Theft</b>				
Grand (\$950 +)	3	5	2	3
Petty	6	15	7	8
Vehicle (unlocked)	5	8	6	2
Grand Theft Vehicle	2	5	2	3
Arson	0	0	0	0
Domestic Violence Felony	0	0	4	-4
<b>Total Part I Crimes</b>	<b>23</b>	<b>49</b>	<b>44</b>	<b>+5</b>
<b>Percent Change</b>				<b>+11.4%</b>
Domestic Violence Misdemeanor	1	3	8	-5
Swatting	0	0	1	-1

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

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— Since 1850 —

## II. NOTEWORTHY INCIDENTS

Two residents of Los Angeles were arrested for robbery in the 26500 block of Agoura Road. The suspects entered the location, selected store items and attempted to exit without paying for the items. They were approached by an employee who recognized them from prior thefts they had committed at the location. The employee attempted to stop them from exiting without paying and they began to assault the employee.

Three subjects, residents of Encino and Simi Valley, were arrested for burglary in the 4700 block of Commons Way. The suspects had stolen over \$4,000 worth of alcoholic beverages from the location. One suspect was also charged with possession of narcotics and possession of a passport, driver's license and credit cards that were not in his name.

Two residents of Los Angeles were arrested in the area of Calabasas Road and Valley Circle Blvd. Deputies contacted the subjects for traffic violations. One of the subject's was determined to be on felony probation for assault and had outstanding arrest warrants for theft of a vehicle and battery. The subject admitted to being in the area to steal catalytic converters. A sawzall, crowbar, bolt cutters, torch style lighters and narcotics were found inside the vehicle (black 2004 Nissan Maxima).

## III. TRAFFIC

See attached.

## IV. AGENDIZED CAR

See attached

## V. CRIME PREVENTION

See attached

## VI. JUVENILE INTERVENTION TEAM

See attached.

**VII. ARREST STATISTICS**

The numbers of arrests listed below are the most current available.

	YEAR TO DATE 2021		CURRENT MONTH FEBRUARY	
	ADULT	JUVENILE	ADULT	JUVENILE
Criminal Homicide	0	0	0	0
Forcible Rape	0	0	0	0
Robbery	2	0	2	0
Aggravated Assault	0	1	0	0
Burglary	3	0	3	0
Larceny Theft	1	0	1	0
Grand Theft Auto	2	0	0	0
Arson	0	0	0	0
Forgery	0	0	0	0
Fraud and NSF checks	3	0	2	0
Sex Offenses, Felonies	0	0	0	0
Sex Offenses, Misdemeanors	0	0	0	0
Non-Aggravated Assaults	1	0	1	0
Domestic Violence, Felony	0	0	0	0
Domestic Violence, Misd.	2	0	0	0
Weapon Laws	1	0	0	0
Offenses Against Family	0	0	0	0
Narcotics	13	2	12	0
Liquor Laws	0	0	0	0
Drunk/Alcohol/Drugs	4	0	3	0
Disorderly Conduct	0	0	0	0
Vagrancy	0	0	0	0
Gambling	0	0	0	0
Drunk Driving Vehicle/Boat	6	0	4	0
Vehicle/Boating Laws	21	0	11	0
Vandalism	0	0	0	0
Warrants	21	0	10	0
Receiving Stolen Property	0	0	0	0
Federal Offenses W/O Money	0	0	0	0
Federal Offenses With Money	0	0	0	0
Felonies, Miscellaneous	0	0	0	0
Misdemeanors, Miscellaneous	4	1	1	0
<b>ARREST TOTALS</b>	<b>84</b>	<b>4</b>	<b>50</b>	<b>0</b>

Sincerely,

ALEX VILLANUEVA, SHERIFF

Salvador Becerra, Captain  
Malibu/Lost Hills Station

**LOST HILLS JUVENILE INTERVENTION UNIT  
ACTIVITY REPORT FOR FEBRUARY 2021  
CALABASAS**

**A. SCHOOL ISSUES**

SCHOOL CLOSED RE COVID-19. CLASSES HELD ONLINE.

Assisted District re: SARB hearing, ZOOM quarterly meeting

House checks re: online attendance issues.

Assisted AC Stelle re: information for ZOOM meeting

Assisted AE Wright re: back to school protests

**B. INTERVENTIONS**

Intervention in Calabasas re: SARB meeting concerns

Assisted concerned parent re: defiance issues

**C. COMMUNITY / CRIMINAL ISSUES**

~~1. We conducted a monthly parental resource class at Lost Hills Sheriff's Station. This program was developed by our unit and is designed to educate parents about: 1) The current trends in juvenile behavior and delinquency, 2) Alcohol/narcotic awareness and recognition, 3) School policy and campus issues, 4) Gang awareness and negative peer relations, 5) Parental rights and responsibilities and, 6) Parental responses to incorrigible and/or delinquent behavior. We also address the specific concerns relating to the minor's behavior. We educate the minor and their parents of possible criminal behavior and the legal consequences. We offer suggestions and make recommendations to improve the minor's quality of life.~~

2. Spoke with numerous citizens and parents who called to question various juvenile concerns and issues in the community. We also provide the parents with various juvenile resource programs within our community.

3. We met with the Sylmar Juvenile Court District Attorney regarding the investigation and filing of criminal charges against juvenile offenders.

4. Met with Captain Salvador Becerra throughout the month in order to keep him up to date regarding our unit's investigations and current juvenile issues within our city.

5. Entered juveniles into the Juvenile Automated Index system for various violations.

6. ~~Made court appearances to testify as witnesses on the part of the People of the State of California and attended court proceedings in cases generated from the City of Calabasas.~~ We also investigated, prepared, and filed cases with the District Attorney's office. We additionally assisted other investigators in the preparation of cases for court.

7. Met with station narcotic detectives on a regular basis to exchange information regarding juvenile and drug related issues. We have worked with the narcotic detectives on several narcotic cases directly and indirectly involving juveniles.

8. Handled the processing and follow-up of various juvenile referrals brought to the attention of this unit (i.e., Juvenile Information Forms, Field Interview Cards, Juvenile Automated Index, and citations for various

juvenile contacts with uniform personnel).

9. Conducted our normal checks of juvenile problem areas in the city during weekend evenings and responded to juvenile related calls for service.
10. Updated the Gang Book and briefed the captain on criminal activity trends.
11. Registered 4 sexual predators and updated information in database.
12. eSCARS system updated.
13. Month End Reports completed.
14. Assisted Records Sealing Unit with several cases.
15. Uniform store re: station needs, tactical vests.
16. Assisted Narco re: search warrant.
17. Assisted DB re: search warrant, Sting operation
18. Assisted station units re: 290 pre inspection audits, trainee audits
19. Assisted Patrol, Dispatch re: CARP, backfill behind patrol/shortage, COVID-19, safe canyons, inauguration.
20. Conducted multiple yearly 290 house checks
21. Biscailuz Training Center range re: ammo pick-up/exchange.
22. Assisted Station re: shooting qualifications.
23. Assisted Training unit re: Active Shooter Training at Covered 6.
24. Tobacco task force zoom training.
25. Vaccination event at AE Wright
26. Assisted Narcotics arrest in Calabasas.
27. Contacted Suspect parent re: Curfew violation/possession of narcotics in Calabasas.
28. Assist concerned Calabasas parent re: photos of back to school protest/slander.



<b>COLLISION SUMMARY*</b>	<b>This Month</b>	<b>Month Year Prior</b>	<b>Total YTD</b>	<b>Total Prior YTD</b>	<b>Change +/-</b>
<b>Total Collisions - Excluding Private Property</b>	7	22	13	31	-18
Fatal Collisions	0	0	0	0	0
Injury Collisions	3	4	5	8	-3
Property Collisions	4	18	8	32	-24
Private Property Collisions	2	5	4	11	-7
DUI Collisions with Injuries	0	0	0	0	0
DUI Collisions with Property Damage	0	2	0	3	-3
<b>Total Pedestrian Collisions</b>	0	0	0	0	0
Pedestrians Killed	0	0	0	0	0
Pedestrians Injured	0	0	0	0	0
<b>Total Hit &amp; Run Collisions</b>	0	4	0	7	-7
Hit & Run Fatalities	0	0	0	0	0
Hit & Run Injuries	0	0	0	0	0
Hit & Run Property Only	0	4	0	7	-7
<b>CITATION SUMMARY*</b>	<b>This Month</b>	<b>Month Year Prior</b>	<b>Total YTD</b>	<b>Total Prior YTD</b>	<b>Change +/-</b>
<b>Traffic Total</b>	280	240	470	629	-159
Hazardous Violations	93	160	213	272	-61
Non-Hazardous Violations	44	76	93	159	-68
Parking Violations	138	98	157	177	-20
DUI Arrests	5	6	7	17	-10

\*Collision Summary and Citation Summary does not reflect all collisions and citations which were not entered into the database.

COUNTY OF LOS ANGELES  
**SHERIFF'S DEPARTMENT**  
"A Tradition of Service"  
OFFICE CORRESPONDENCE

DATE: 3-11-2021

FROM: Scott Shean, Traffic Investigator TO: Salvador Becerra, Captain  
Malibu/Lost Hills Station Malibu/Lost Hills Station

SUBJECT: February Motor Activity Report City of Calabasas

During the month of February the motorcycle officers wrote 52 citations.  
The citations break down into the following categories:

Unsafe Speed	16
Other Hazard	2
Other Non-Hazard	5
Signs and Signals	2
Unknown	27

SWS:

**L.A. County Sheriff's Department  
Lost Hills & Malibu Station  
Monthly Traffic Safety Management Report**

*City of CALABASAS  
Date Range Reported: 2/1/2021 to 2/28/2021*

**Total No. of Collisions: 7 Injury: 3 Non-Injury: 4 Fatal: 0 Private Property: 2**

**Total No. of Citations: 137 Hazardous Cites: 93 Non-Hazardous Cites: 44**

**Collisions by Reporting Districts**

<u>Reporting District</u>	<u>No.</u>	<u>Location</u>
2242	3	at Separate Locations
2245	1	at 4754 Commons Way and Private Property
2246	1	at Camino Portal and Parkway Calabasas
2247	1	at Mountain Park Dr and Mulholland Hwy
2248	1	at Park Ora and Valmar Rd

**Collision Occurred Most Frequently On:**

<u>Street Name</u>	<u>Number of Collisions</u>
Calabasas Hills Rd	1
1 at Cold Springs St	
Las Virgenes Rd	1
1 at Rt 101 Nboff/R	
Mulholland Hwy	1
1 at Mountain Park Dr	
Parkway Calabasas	1
1 at Camino Portal	
Valmar Rd	1
1 at Park Ora	

**Primary Collision Factors:**

<u>Violations</u>	<u>Description</u>	<u>Number of Collisions</u>
22350	Unsafe Speed	2
21801(a)	Left Turns Or U-Turns Yield To Other Vehicles	2
22107	Unsafe Turning Movement	1

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**Violations Most Frequently Cited:**

<u>Violations</u>	<u>Description</u>	<u>Number of Citations</u>
22450(a)	Failure To Stop For Posted Stop Sign	51
12500(a)	Unlicensed Driver	19
4000(a)(1)	Vehicle Registration Required	18
16028(a)	Proof Of Financial Liability-Traffic Accident	15
22350	Unsafe Speed	13
14601.1(a)	Driving With Suspended License	9
38300	Off-Highway Vehicle, Disobey Signs	7
22450A		6
23152(a)	Dui; Alcohol	4
14601.2(a)	Driving With Suspended License, Dui	3
23123.5(a)	Texting While Driving	3
23123A		3
4000A1		3
12500A		2
21655.5B		2
22101(d)	Req'd Or Prohibited Turn; Fail To Obey Sign	2
24252(a)	Maintain Required Lighting	2
26708(a)(		2
5200(a)	License Plates, Two On A Vehicle Front/Rear	2
11350(a)	Possession Of A Controlled Substance	1
11375		1
11550(a)	Under The Influence Of A Controlled Substance	1
12951(a)	Drivers License, Not In Possession	1
16028A		1
20002(a)	Hit-Run Property Damage	1
21453C		1
21655.5(b)	Failure To Obey Sign Posted	1
23152(b)	Dui, .08 Bac Or Greater	1
23152(g)	Dui-Combined Alcohol And Drugs	1
23222(a)	Possess Open Container While Driving	1
24601	License Plate Lamp White Only, Vis 50'	1
24603(b)	Stoplamps 2 Required (Mfr Post 1957)	1
27315D1		1
27602(a)	Operate Vehicle With Tv Monitor Within View	1
5200A		1
5204(a)	Current Month And Year Tabs Attached	1

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**Collisions Involving Pedestrians: 0**

**Most Frequent Violations**

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***Collisions Involving Bicyclists: 0***

**Most Frequent Violations**

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**L.A. County Sheriff's Department  
Lost Hills & Malibu Station**

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**Monthly Traffic Collision Report**

**3/12/2021 City of CALABASAS**

**Date Range Reported: 2/1/2021 to 2/28/2021**

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**Collisions**

Total Non-Injury Collisions	4
Total Injury and Fatal Collisions	3
Total Collisions (Injury + Non-Injury)	7

**DUI Collisions**

Number of DUI Collisions with Fatalities	0
Number of DUI Collisions with Injuries	0
Number of DUI Collisions Involving Property Damage	0
Total Number of DUI Collision Deaths	0
Total Number of DUI Collision injuries	0
Total Number of DUI Collisions	0
Total Actual Number of DUI Arrests	5

**Non-DUI Collisions**

Number of Non-DUI Collisions with Fatalities	0
Number of Non-DUI Collisions with Injuries	3
Number of Non-DUI Collisions Involving Property Damage	4
Total Number of Non-DUI Collision Deaths	0
Total Number of Non-DUI Collision injuries	4

**Vehicle/Pedestrian Collisions**

Number of Vehicle/Pedestrian Collisions with Fatalities	0
Number of Vehicle/Pedestrian Collisions with Injuries	0
Total Number of Pedestrian Fatalities	0
Total Number of Pedestrian Injuries	0

**Vehicle/Bicycle Collisions**

Number of Vehicle/Bicycle Collisions with Fatalities	0
Number of Vehicle/Bicycle Collisions with Injuries	0
Total Number of Vehicle/Bicycle Collision Fatalities	0
Total Number of Vehicle/Bicycle Collision Injuries	0

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**Hit & Run Collisions**

Total Number of Hit & Run Fatalities	0
Total Number of Hit & Run Injuries	0
Total Number of PDO Hit & Run Collisions	0

**Traffic Citations**

Total Number of Radar Citations Issued	13
Total Number of Bicycle Citations Issued	0
Total Number of Pedestrian Citations Issued	0
Total Number of Safety Belt Citations Issued	2
Total Number of Child Restraint Citations Issued	0
Total Number of Financial Responsibility Citations Issued	17
Total Number of Hazardous Citations Issued	117
Total Number of Non-Hazardous Citations Issued	31
Total Number of Citations Issued	148

**Parking Citations**

Total Number of Parking Citations Issued	0
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**Miscellaneous**

Child in Passenger Seat or Belts, Number of Fatalities	
Child in Passenger Seat or Belts, Number of Injuries	
Child Not in Passenger Seat or Belts, Number of Fatalities	
Child Not in Passenger Seat or Belts, Number of Injuries	
Number of Code 3 or Pursuit Collision Fatalities	
Number of Code 3 or Pursuit Collision Injuries	
Number of Patrol Vehicle Rear-End Collisions with Amber On	

**Enforcement Index**

Enforcement Index	39.0
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**L.A. County Sheriff's Department  
Lost Hills & Malibu Station**

**From 2/1/2021 to 2/28/2021**

**Total Collisions: 7  
Injury Collisions: 3  
Fatal Collisions: 0**

**Collision Summary Report**

**3/12/21**

**Page 1 of 2**

<b>921-00590-2246-471</b>	<b>2/1/2021</b>	<b>18:27</b>	Monday	PARKWAY CALABASAS - CAMINO PORTAL	0'	Direction: Not Stated	Dark - Street Ligh	Clear	Pty at Fault:1
	Head-On		Other Object	Unsafe Speed	22350	Hit & Run: No	Complaint of Pain	# Inj: 1	# Killed: 0
<b>Party 1</b>	Driver	South	Proceeding Straight	Male	Age: 64	2007 TOYOTA	PRIUS	Passenger Car, Station Wagon, Jeep	No Injury
	Veh Type: Passenger Car		Sobriety: HNBD		Assoc Factor: Vision Obscureme	Lap/Shoulder	Harness Used	Cell Phone Not In Use	
<b>921-00609-2242-243</b>	<b>2/3/2021</b>	<b>00:04</b>	Wednesday	CALABASAS HILLS RD - COLD SPRINGS ST	200'	Direction: South	Dark - Street Ligh	Clear	Pty at Fault:1
	Hit Object		Fixed Object	Improper Turning	22107	Hit & Run: No	Property Damage Only	# Inj: 0	# Killed: 0
<b>Party 1</b>	Driver	North	Proceeding Straight	Male	Age: 24	2018 TOYOTA	COROLLA	Passenger Car, Station Wagon, Jeep	No Injury
	Veh Type: Passenger Car		Sobriety: HBD Under Influenc		Assoc Factor: None Apparent	Lap/Shoulder	Harness Used	Cell Phone Not In Use	
<b>921-00637-2245-472</b>	<b>2/4/2021</b>	<b>16:30</b>	Thursday	4754 COMMONS WAY - PRIVATE PROPERTY	'	Direction:	Daylight	Clear	Pty at Fault:1
	Broadside		Other Motor Vehicle	Other Improper Driving		Hit & Run: No	Complaint of Pain	# Inj: 1	# Killed: 0
<b>Party 1</b>	Driver	East	Proceeding Straight	Female	Age: 32	2020 MERCEDES-BENZ	G63	Passenger Car, Station Wagon, Jeep	No Injury
	Veh Type: Passenger Car		Sobriety: HNBD		Assoc Factor: None Apparent	Lap/Shoulder	Harness Used	Cell Phone Not In Use	
<b>Party 2</b>	Driver	South	Proceeding Straight	Male	Age: 49	2012 HONDA	CIVIC	Passenger Car, Station Wagon, Jeep	No Injury
	Veh Type: Passenger Car		Sobriety: HNBD		Assoc Factor: None Apparent	Lap/Shoulder	Harness Used	Cell Phone Not In Use	
<b>921-00669-2247-472</b>	<b>2/6/2021</b>	<b>02:10</b>	Saturday	MULHOLLAND HWY - MOUNTAIN PARK DR	6'	Direction: North	Daylight	Clear	Pty at Fault:1
	Other		Other Object	Unsafe Speed	22350	Hit & Run: No	Property Damage Only	# Inj: 0	# Killed: 0
<b>Party 1</b>	Driver	North	Proceeding Straight	Male	Age: 36	2020 PORSCHE	CARRERA	Passenger Car, Station Wagon, Jeep	No Injury
	Veh Type: Passenger Car		Sobriety: HNBD		Assoc Factor: None Apparent	Lap/Shoulder	Harness Used	Cell Phone Not In Use	
<b>921-00712-2242-472</b>	<b>2/7/2021</b>	<b>08:49</b>	Sunday	26531 AGOURA RD - PRIVATE PROPERTY	'	Direction:			Pty at Fault:
			Unknown			Hit & Run: No	Property Damage Only	# Inj: 0	# Killed: 0
<b>Party 1</b>	Driver			Female	Age: 22	2018 TOYOTA	RAV4	Sport Utility Vehicle	No Injury
	Veh Type: Passenger Car		Sobriety:		Assoc Factor:	Lap/Shoulder	Harness Used		
<b>Party 2</b>	Driver			Male	Age: 26	2014 SUBARU	CROSSTREK	Passenger Car, Station Wagon, Jeep	No Injury
	Veh Type: Passenger Car		Sobriety:		Assoc Factor:	Lap/Shoulder	Harness Used		
<b>921-01005-2248-471</b>	<b>2/22/2021</b>	<b>15:31</b>	Monday	VALMAR RD - PARK ORA	0'	Direction: Not Stated	Daylight	Clear	Pty at Fault:1
	Broadside		Other Motor Vehicle	Auto R/W Violation	21801(a)	Hit & Run: No	Complaint of Pain	# Inj: 2	# Killed: 0
<b>Party 1</b>	Driver	North	Making Left Turn	Female	Age: 19	2009 VOLKSWAGEN	BEETLE	Passenger Car, Station Wagon, Jeep	No Injury
	Veh Type: Passenger Car		Sobriety: HNBD		Assoc Factor: None Apparent	Lap/Shoulder	Harness Used	Cell Phone Not In Use	
<b>Party 2</b>	Driver	South	Proceeding Straight	Female	Age: 50	2008 AUDI	Q7	Passenger Car, Station Wagon, Jeep	No Injury
	Veh Type: Passenger Car		Sobriety: HNBD		Assoc Factor: None Apparent	Lap/Shoulder	Harness Used	Cell Phone Not In Use	
<b>Party 3</b>	Driver	East	Stopped in Road	Female	Age: 56	2019 SUBARU	UNK	Passenger Car, Station Wagon, Jeep	No Injury
	Veh Type: Passenger Car		Sobriety: HNBD		Assoc Factor: None Apparent	Lap/Shoulder	Harness Used	Cell Phone Not In Use	

<b>921-01086-2242-471</b>	<b>2/26/2021</b>	<b>18:37</b>	Friday	LAS VIRGENES RD - RT 101 NBOFF/R	0'	Direction: Not Stated	Dark - Street Ligh	Clear	Pty at Fault:1
	Other		Other Motor Vehicle	Auto R/W Violation	21801(a)	Hit & Run: No	Property Damage Only	# Inj: 0	# Killed: 0
<b>Party 1</b>	Driver	South	Stopped In Road	Female	Age: 32	2016 FORD	EXPLORER	Sport Utility Vehicle	No Injury
	Veh Type: Passenger Car		Sobriety: HNBD		Assoc Factor: None	Apparent	Lap/Shoulder Harness Used	Cell Phone Not In Use	
<b>Party 2</b>	Driver	North	Proceeding Straight	Female	Age: 42	2019 TOYOTA	CAMRY	Passenger Car, Station Wagon, Jeep	No Injury
	Veh Type: Passenger Car		Sobriety: HNBD		Assoc Factor: None	Apparent	Lap/Shoulder Harness Used	Cell Phone Not In Use	

**Settings for Query:**

**City: CALABASAS**  
**Sorted By: Date and Time**



**CITY of CALABASAS**  
**CITY COUNCIL AGENDA REPORT**

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**DATE: MARCH 15, 2021**

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: MARTY HALL, ACTING DIRECTOR OF COMMUNITY SERVICES**

**SUBJECT: DISCUSSION ON 2021 SOCIALLY DISTANT CITY EVENTS**

**MEETING DATE: MARCH 24, 2021**

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**SUMMARY RECOMMENDATION:**

It is recommended that the City Council discuss and provide direction to staff on socially distant City events.

**BACKGROUND:**

Throughout the COVID-19 pandemic, the City of Calabasas has followed California State and Los Angeles County protocols and guidelines in relation to public recreation and events. Early on, the Governor's Stay-at-Home Order prohibited in-person activities prompting staff to create online programming for residents in need. On August 30, 2020, California implemented the Blueprint for a Safer Economy establishing criteria for loosening and tightening restrictions on activities, and thereby assigning Los Angeles County to the Purple (Widespread) tier. Under Purple guidelines, in-person events were permitted, but were limited to programs in which the public remained within an enclosed vehicle.

With the aforementioned restrictions, the Community Services Department hosted the following events between March, 2020 and March, 2021:

- Independence Day Trolley Tour, House Decorating Contest & Fly-over
- Senior Drive-in Bingo Event
- Park Nature Scavenger Hunt

- Silly Walk at De Anza Park
- Spooky Kooky Halloween Photo Bingo, Decorating Contest & Treat Street
- Love Rocks Pop Up Rock Garden
- Cruise Into Spring Senior Parking Lot Trivia Night

On March 12, 2021, Los Angeles County met the metric to begin lifting restrictions on activities, moving from the Purple (Widespread) tier to the Red (Substantial) tier. Looking ahead, LA County will need to meet the following criteria in order to lift additional restrictions:

Orange (Moderate) tier case rate range will shift to 2-5.9 cases per 100,000.

Yellow (Minimal) tier case rate range will shift to less than 2 cases per 100,000 and when 4 million doses have been administered statewide.

**DISCUSSION/ANALYSIS:**

News that Los Angeles County has advanced from Purple (Widespread) tier to the Red (Substantial) tier has yielded little change to public events. According to the California Department of Public Health, outdoor festivals and events with live audiences are prohibited statewide until the county has reached the Orange (Moderate) tier. Even then, capacity is extremely limited with a maximum capacity of 25% in the final tier.

RED TIER	ORANGE TIER	YELLOW TIER
No Live Audiences	Outdoor Only Capacity Limited to 20% Reservations Required	Outdoor Only Capacity Limited to 25% Reservations Required

Community Services staff are now operating under the assumption that the City’s traditional Fourth of July Fireworks and Pumpkin Festival will not be permitted in 2021. Instead, attention has been redirected to produce smaller events that evoke a sense of community and tradition, while keeping the health and safety of the residents as the top priority.

Spring events will follow Red Tier guidelines. Staff has swapped the traditional egg hunt for a “Hop n Go Bunny Trail” where single household families can take photos along the decorated De Anza trail and receive their own take home egg hunt kit. On Mother’s Day Weekend, staff will host a Wonderland themed Drive-in Family Bingo event with live characters, games and take-home treats.

Once the County advances to the Orange tier, in-person events with reserved seating areas are allowed so long as social distancing efforts are implemented. Staff intends to host live concerts, animal and magic, and other family friendly performances where the ground is marked to delineate required spacing. Community Development has confirmed that De Anza Park has the capacity to safely host more than 500 residents and still meet the State's 20% limitation.

An Independence Day concert at De Anza Park might be possible if LA County reaches the Orange Tier by May. If not, Staff will safely implement an alternative drive-through program with spirit prizes and citywide contests.

In lieu of the Pumpkin Festival, the City and Chamber of Commerce could look to host a "Taste of Pumpkin" at the Calabasas restaurants along Calabasas Road. Patrons can purchase specialty food items and drinks while helping boost business sales. Banner contests, pumpkin carving contests, street entertainers, and art displays are all ways to incorporate the spirit of the festival without the risks and support the local economy during recovery.

**FISCAL IMPACT/SOURCE OF FUNDING:**

Hop and Go Bunny Trail	10-516-5252-13
Community Events through June 30	10-516-5252-25

**REQUESTED ACTION:**

It is recommended that the City Council discuss and provide direction to staff on socially distant City events.

**ATTACHMENTS:** None.



**CITY of CALABASAS**  
**CITY COUNCIL AGENDA REPORT**

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**DATE:** MARCH 11, 2021

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** MAUREEN TAMURI, COMMUNITY DEVELOPMENT DIRECTOR, AICP   
MICHAEL KLEIN, SENIOR PLANNER, AICP *MAK*

**SUBJECT:** ANNUAL PROGRESS REPORT FOR 2020 REGARDING THE CITY OF CALABASAS 2030 GENERAL PLAN 2014-2021 HOUSING ELEMENT

**MEETING DATE:** MARCH 24, 2021

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**SUMMARY RECOMMENDATION:**

Receive and file the attached annual progress report for 2020 regarding the City of Calabasas 2030 General Plan 2014-2021 Housing Element.

**BACKGROUND:**

California Government Code § 65400 (b) requires filing of an annual progress report regarding the Housing Element of the General Plan for all cities and counties. The annual report must be delivered to the City Council, the State Office of Planning and Research, and the California Department of Housing and Community Development ("HCD"). This agenda item meets the statutory requirements.

The 2008-2014 Housing Element was adopted by City Council on December 10, 2008 as part of the City's 2030 General Plan update, and the Element was approved and certified as being compliant with State housing law by HCD on April 23, 2009. That Housing Element was updated and replaced by the 2014-2021 Housing Element on September 11, 2013, and the Element was approved and certified as being compliant with State housing law by HCD on July 19, 2013. The attached 2019 Annual Progress Report (Attachment A) was prepared based on the

2014-2021 Housing Element and the 5<sup>th</sup> Regional Housing Needs Allocation (RHNA) cycle.

**DISCUSSION/ANALYSIS:**

**Summary of Production:** The attached progress report summarizes residential building activity, 5<sup>th</sup> cycle RHNA progress, and progress of housing program implementation for the calendar year of 2020. The report was prepared on forms provided by HCD, using definitions adopted by HCD. In addition to tracking progress towards RHNA through the issuance of building permits, HCD is collecting data on what kind of housing projects are submitted to local jurisdictions and which projects are either approved, approved with less units than permitted, or denied.

Table A of the progress report (replicated below) documents all proposed new residential housing development activity, based on projects that received entitlements from January 1 to December 31, 2020. Note that entitled projects do not count towards progress of meeting RHNA.

<b>2020 Entitlement Activity (Table A)</b>	
<b>Income Category</b>	<b>New Units Entitled in 2020</b>
Very Low	0
Low	0
Moderate	7
Above Moderate	6
<b>TOTALS:</b>	<b>13</b>

Table A2 of the progress report (which is replicated below) documents all residential building activity, based on building permits issued from January 1 to December 31 of 2020.

<b>2020 Building Activity (Table A2)</b>	
<b>Income Category</b>	<b>New Units Constructed in 2020</b>
Very Low	0
Low	0
Moderate	5
Above Moderate	2
<b>TOTALS:</b>	<b>7</b>

Table B of the progress report (which is replicated below) documents the total number of residential units that have received building permits during the City’s 5<sup>th</sup> cycle RHNA, since the reporting period began in 2014.

<b>2014-2020 Building Summary (Table B)</b>			
<b>Income Category</b>	<b>Assigned RHNA</b>	<b>New Units Constructed 2014-2020</b>	<b>Remaining RHNA</b>
Very Low	88	12	76
Low	54	0	54
Moderate	57	13	44
Above Moderate	131	181	0
<b>TOTALS:</b>	<b>330</b>	<b>206</b>	<b>174</b>

As stated in the table above, there have been 206 new residential units constructed in the City between 2014 and 2020. Because 181 of those units were above moderate income, the surplus of those units cannot serve as a substitute for the affordable category units. Therefore, there are 174 units remaining to be built in the 5<sup>th</sup> RHNA cycle.

The twelve (12) units identified above in the “Very Low” income category are in the Avanti and Paxton developments, while the units identified in the “Above Moderate” income category are a combination of new market-rate condo/townhouse units, single-family dwellings and Accessory Dwelling Units (ADUs). Per HCD criteria, an ADU may only be counted as affordable if there is a long term covenant or the property owner has provided evidence that the ADU will be rented at an affordable rate or occupied without rent.

**Housing Element Programs Implementation:** Under CA Housing law, each jurisdiction is required to identify specific programs in its housing element that will allow it to implement the stated policies and achieve the stated goals and objectives. Programs shall include specific action steps that the jurisdiction will take to implement its policies and achieve its goals and objectives. Programs shall also include a specific timeframe for implementation, identify agencies responsible for implementation, and (whenever possible) identify measurable outcomes. The City is required to include its progress towards achieving these programs in the annual Housing Element progress report to HCD.

Consistent with the above requirements, the City’s 2014-2021 Housing Element identifies strategies and programs that focus on: 1) conserving and improving existing housing; 2) providing adequate housing sites; 3) assisting in the provision of affordable housing; 4) removing governmental constraints to housing

development; and 5) promoting fair and equal housing opportunities. The following table from the progress report identifies the City’s programs for these categories, and our progress towards implementation of each program.

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
<b>Housing Conservation and Maintenance</b>			
Single-family Rehabilitation Program	Assist 5 households annually, for 40 units over the planning period.	2014-2021	The City continues to provide Residential Rehabilitation assistance utilizing Community Development Block Grant, (CDBG) funds. The City provided assistance to ten (10) households during fiscal year 2019-2020, for a total of \$87,691.
Home Repair Program	Coordinate with code enforcement to identify low/mod homeowners and provide loans on as needed basis.	2014-2021	No qualifying homes have yet been identified. However, the City Council has allocated up to \$500,000 from the City's Affordable Housing Trust Fund to provide loans (up to \$100,000) for homeowners to make repairs necessary to bring substandard properties into conformance with the Calabasas Building Code.
Rental Assistance Program	Provide ongoing assistance to 50 households, contingent on funding.	2014-2021	The City continued to provide monthly subsidies to 50 residents through 2020. The subsidies increased from \$241/month to \$250/month in October 2020.
Rental Registration Program	Continue to maintain the rental database.	Update the database on an annual basis.	Annual rent information provided by apartment owners is entered into the City's rental database in July of every year, and reported to the City Council.
Mobile Home Park Preservation	Provide tenants information on MPROP funding as appropriate.	2014-2021	Staff continues to work with Park management to keep tenants informed about the CDBG Residential Rehabilitation program.
Preservation of Assisted Housing	Preserve affordable units that are at-risk of going to market rate, due to expiration or termination of bond obligations, and will undertake the following steps: 1) conduct economic analysis; 2) meet with property owner; 3) explore outside funding/ program options; and 4) provide technical assistance to tenants.	2014-2021	The City had identified 140 affordable units at Malibu Canyon at risk of going to market rate because the associated bonds were set to expire in 2016. Subsequently, the City was informed in 2017 of Avalon Bay’s intent to pay off their bond early, putting an additional 120 affordable units at risk of going to market rate. While the City was unsuccessful at preserving the affordable units at both properties, the City followed the steps outlined in the program in order to attempt to preserve the units. In both cases, staff conducted an economic analysis to determine the cost of buying down the rents, and determined that was not a viable option because the City’s Affordable Housing Trust Fund would be exhausted in less than two years. The City contacted both property owners prior to the expiration of the bonds to discuss options for preserving the affordable

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
			units. Malibu Canyon was not interested in preserving the units. After meeting with staff to discuss options for preserving units, Avalon Bay submitted an initiative to construct 161 new market rate units and preserve 80 affordable units. The initiative was not approved by the voters at the March 3, 2020 election. Staff researched funding opportunities, including assistance from LA County, for both properties, but could not find enough funding that would provide long term preservation. Finally, staff has been available to provide assistance to each tenant for their rights, and has proactively updated the City's website to include resources for tenant rights and other affordable housing options within the City and the region.
Condominium Conversion Ordinance	Implement the City's current ordinance. Evaluate strengthening to require inclusionary units in projects approved for conversion.	Complete review/ revision of ordinance by 2015.	The City continues to implement the current Ordinance. No progress has been made regarding revisions to the Ordinance.
<b>Variety of Housing Sites</b>			
Residential Sites Inventory	Provide information on available sites and incentives to developers. Monitor impact of max 20 du/acre densities on feasibility, and modify as appropriate.	Maintain sites inventory ongoing. Report impacts of max. densities in Annual Housing Element Report to HCD.	Staff continues to maintain the sites inventory. Annual Housing Element progress reports are underway.
Second Units	Re-evaluate second unit standards and educate public on availability. Prepare design guidelines and sample site plans. Seek to achieve 12 new second units.	2015	Complete. The City has updated its second unit ordinance in response to state legislation regarding Accessory Dwelling Units. As a result, the Planning Department approved 12 new ADUs in 2020.
Annexation of Unincorporated Areas	Pursue phased annexation of adjacent unincorporated areas.	2014-2021	In December 2013, the City Council approved a Resolution to initiate proceedings related to the annexation of Craftsman Corner. In May 2014, Council directed staff to initiate LAFCO proceedings related to the annexation of West Agoura Road and pre-zoned the territory

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
			accordingly. In January 2019, LAFCO denied the City request to annex West Agoura Road, which would have helped the City provide a more sustainable workforce/job balance.
<b>Development of Affordable Housing</b>			
Inclusionary Housing Ordinance	Provide developers with information on available options and incentives to fulfill inclusionary requirements. Identify specific projects and programs for expenditure of in-lieu fee revenues.	Identify programs in Housing Element (2013) for Housing Fund. Develop & disseminate Affordable Housing brochure (2014).	The Inclusionary Housing ordinance is available to the public on the City's website via the link to our updated Municipal Code. On July 25, 2013 the Planning Commission approved a mixed-use project, which includes 80 condominium units, 8 of which are one-and two-bedroom affordable units. Qualified tenants moved into these units in 2017. A townhouse project on Las Virgenes Road completed construction in 2020, 4 of the 78 units are deed restricted for very low income qualified tenants. The City held a lottery to establish a priority wait list for these units, which were occupied by the end of 2020.
Commercial/Industrial Impact Fee Program	Provide developers with information on available options and incentives to fulfill inclusionary requirements. Identify specific projects and programs for expenditure of in-lieu fee revenues.	Identify programs in Housing Element (2013) for Housing Fund.	Staff continues to provide developers with information regarding the inclusionary requirements. Programs for expenditure of funds were identified in the 2014-2021 Housing Element.
Affordable Housing Development Assistance	Provide financial, regulatory and site identification assistance in support of affordable housing, with the goal to achieve one project in planning period.	Develop project concept and issue RFQ in 2018	Scheduled for future reporting period.
Green Building	Implement Green Initiative and promote the City's Green Building Program.	2014-2021	The City continues to implement the Green Building Ordinance.
<b>Removal of Constraints to Housing</b>			
Density Bonus Program	Promote density bonus incentives via dissemination of the Affordable Housing brochure.	Develop and disseminate Housing brochure in 2014.	Density Bonus information is provided by staff to all project applicants with qualifying projects.
Development Code Amendment	Amend the Code to reduce separation requirement between shelters to 300 feet.	2014	Amendment not yet initiated.

Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
<b>Equal Housing Opportunities and Special Needs</b>			
Fair Housing Program	Contract with the Housing Rights Center (HRC) to promote open and fair housing practices, and to facilitate communication between tenants and landlords. Assist in program outreach through referrals and distribution of educational info.	2014-2021; Include fair housing information in Affordable Housing brochure in 2014.	The City has contracted with HRC to promote open and fair housing practices. Information has been made available on the City's website.
Universal Design/Visit ability	Provide housing that is physically accessible to people of all abilities.	2014-2021	All new multi-family projects are designed to meet current ADA requirements. Planning continues to approve modifications of private residences to provide physical access, i.e. ramps and elevators.
Senior Housing Opportunities	Actively pursue senior housing opportunities and housing support services. Consult with senior housing and gerontology experts to assist in adequately planning for the community's senior citizens.	2014-2021; Begin consultations in 2014.	On November 28, 2012, the City Council approved moving forward with preliminary design and cost estimate for a senior center on the Civic Center property. Construction of the new senior center commenced in 2015. The new Senior Center opened in June 2016.
Housing Opportunities for Persons Living with Disabilities	Work in cooperation with the NLACRC to publicize information on available resources for housing and services. Pursue State and Federal funds available for supportive housing and services in future affordable housing projects.	Publicize NLACRC resources in 2014; Evaluate funding resources at least annually; Pursue funding at least once during planning period in conjunction with affordable projects.	Evaluation initiated.

**Affordable Housing Update:** The City Council received a report regarding the status of rental rates and affordable housing units in the City of Calabasas on January 13, 2021. While the City offers funds for residential rehab, and Rental Assistance, these programs do not satisfy the City’s obligation for producing new affordable housing units under RHNA. The following tables identify currently available affordable housing in the City. Note that only long-term government restricted units qualify as affordable housing under RHNA.

**Current Affordable Housing:**

<b>Name</b>	<b>Address</b>	<b>No. of Units</b>	<b>Income Level</b>	<b>Expiration Date</b>
Avanti	23500 Park Sorrento	8	Very Low Income	2046
Canyon Creek	4803 El Canon	75	Very Low Income	2066
Paxton	4240 Las Virgenes Rd	4	Very Low Income	2048
<b>Total: 87 units</b>				

**FISCAL IMPACT/SOURCE OF FUNDING:**

None

**REQUESTED ACTION:**

That the City Council receive and file the attached 2020 annual progress report regarding the 2014-2021 Housing Element of the 2030 General Plan.

**ATTACHMENTS:**

Attachment A: 2020 Annual Housing Element Progress Report

**Please Start Here**

General Information	
Jurisdiction Name	Calabasas
Reporting Calendar Year	2020
Contact Information	
First Name	Michael
Last Name	Klein
Title	Senior Planner
Email	mklein@cityofcalabasas.com
Phone	8182241710
Mailing Address	
Street Address	100 Civic Center Way
City	Calabasas
Zipcode	91302

**Optional:** Click here to import last year's data. This is best used when the workbook is new and empty. You will be prompted to pick an old workbook to import from. Project and program data will be copied exactly how it was entered in last year's form and must be updated.

v 12\_28\_20

<b>Jurisdiction</b>	Calabasas	
<b>Reporting Year</b>	2020	(Jan. 1 - Dec. 31)

## ANNUAL ELEMENT PROGRESS Housing Element

Table A

							<b>Date Application Submitted</b>
					<b>2</b>	<b>3</b>	<b>4</b>
<b>Prior APN<sup>+</sup></b>	<b>Current APN</b>	<b>Street Address</b>	<b>Project Name<sup>+</sup></b>	<b>Local Jurisdiction Tracking ID<sup>+</sup></b>	<b>Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)</b>	<b>Tenure R=Renter O=Owner</b>	<b>Date Application Submitted (see instructions)</b>
<b>Summary Row: Start Data Entry Below</b>							
	2072025012	23306 Hill Road	N/A	190000026	SFD	O	3/6/2020
	4455047014	24226 Dry Canyon Cold Creek Road	N/A	180000265	SFD	O	11/3/2020
	2079004035	22848 Sparrowdell	N/A	ZCL-2020-098	ADU	R	7/21/2020
	2052019012	26124 Roymar	N/A	ZCL-2020-163	ADU	R	11/5/2020
	4455054020	24011 Alder Place	N/A	ZCL-2020-189	ADU	R	12/16/2020
	2052019048	3682 Avenida Callada	N/A	ZCL-2020-218	ADU	R	12/17/2020
	2052015018	5405 Ruthwood	N/A	ZCL-2020-161	ADU	R	11/23/2020
	2069034020	24803 Via Pradera	N/A	ZCL-2020-133	ADU	R	10/30/2020
	2052032009	5059 Ludgate Dr	N/A	ZCL-2020-002	ADU	R	2/12/2020
	2068020013	23207 Park Esperanza	N/A	ZCL-2020-004	ADU	R	1/30/2020
	2052019050	26118 Kenrose Circle	N/A	ZCL-2020-045	ADU	R	4/20/2020
	2079019042	22715 Sparrowdell Dr	N/A	ZCL-2020-049	ADU	R	7/2/2020

**Project Identifier**

**Unit Types**



<b>Jurisdiction</b>	Calabasas	
<b>Reporting Year</b>	2020	(Jan. 1 - Dec. 31)

Table A2					Annual Building Activity		
Project Identifier					Unit Types		
1					2	3	
Prior APN <sup>+</sup>	Current APN	Street Address	Project Name <sup>+</sup>	Local Jurisdiction Tracking ID <sup>+</sup>	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Very Low-Income Deed Restricted
Summary Row: Start Data Entry Below					0		
	2079003054	22968 Hummingbird Way B		ZCL-2019-057	ADU	R	
	2068020013	23207 Park Esperanza		ZCL-2020-004	ADU	R	
	2069085009	3895 Prado de la Mariposa		PL1900987	ADU	R	
	2052019057	26151 Kenrose CR		ZCL-2020-039	ADU	R	
	2079004035	22848 Sparrowdell		ZCL-2020-098	ADU	R	



Jurisdiction	Calabasas	
Reporting Year	2020	(Jan. 1 - Dec. 31)

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**  
 (CCR Title 25 §6202)

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.  
 Please contact HCD if your data is different than the material supplied here

Table B													
Regional Housing Needs Allocation Progress													
Permitted Units Issued by Affordability													
		1	2								3	4	
Income Level		RHNA Allocation by Income Level	2013	2014	2015	2016	2017	2018	2019	2020	2021	Total Units to Date (all years)	Total Remaining RHNA by Income Level
					8			4					
Very Low	Deed Restricted	88										12	76
	Non-Deed Restricted												
Low	Deed Restricted	54											54
	Non-Deed Restricted												
Moderate	Deed Restricted	57											
	Non-Deed Restricted				1	2	4	1		5		13	44
Above Moderate		131		15	15	43	18	78	10	2		181	
Total RHNA		330											
Total Units				15	24	45	22	83	10	7		206	174

Note: units serving extremely low-income households are included in the very low-income permitted units totals  
 Cells in grey contain auto-calculation formulas



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<b>Administrative Services</b>					
110422	3/15/2021	MUNICIPAL CODE CORPORATION	MUNICIPAL CODE SUPPLEMENT	1,013.98	Administrative Services
110433	3/15/2021	VALLEY NEWS GROUP	LEGAL ADVERTISING	60.00	Administrative Services
110350	3/1/2021	VALLEY NEWS GROUP	LEGAL ADVERTISING	45.00	Administrative Services
110350	3/1/2021	VALLEY NEWS GROUP	LEGAL ADVERTISING	45.00	Administrative Services
<b>Total Amount for 4 Line Item(s) from Administrative Services</b>				<b>\$1,163.98</b>	
<b>City Attorney</b>					
110409	3/15/2021	COLANTUONO, HIGHSMITH &	GENERAL SERVICES	19,337.26	City Attorney
110409	3/15/2021	COLANTUONO, HIGHSMITH &	WESTIN	12,070.00	City Attorney
110404	3/15/2021	BURKE, WILLIAMS, SORENSEN, LLP	LEGAL SERVICES	1,270.00	City Attorney
110409	3/15/2021	COLANTUONO, HIGHSMITH &	RUBIN	1,250.00	City Attorney
110409	3/15/2021	COLANTUONO, HIGHSMITH &	LABOR & EMPLOYMENT	1,200.00	City Attorney
110409	3/15/2021	COLANTUONO, HIGHSMITH &	ZEESMAN	950.00	City Attorney
110409	3/15/2021	COLANTUONO, HIGHSMITH &	UNIVERSAL INDUSTRIAL SALES	100.00	City Attorney
<b>Total Amount for 7 Line Item(s) from City Attorney</b>				<b>\$36,177.26</b>	
<b>City Council</b>					
110337	3/1/2021	LEAGUE OF CALIFORNIA CITIES	MEMBERSHIP DUES 2021	8,896.00	City Council
110347	3/1/2021	SHAPIRO/DAVID//	REIMB OFFICE SUPPLIES	109.02	City Council
110324	3/1/2021	CONEJO AWARDS	TILE PLAQUE	107.25	City Council
<b>Total Amount for 3 Line Item(s) from City Council</b>				<b>\$9,112.27</b>	
<b>City Management</b>					
110410	3/15/2021	CONEJO AWARDS	NAME BADGES	69.71	City Management
<b>Total Amount for 1 Line Item(s) from City Management</b>				<b>\$69.71</b>	
<b>Civic Center O&amp;M</b>					
110389	3/8/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	4,384.63	Civic Center O&M
110389	3/8/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	3,545.02	Civic Center O&M
110408	3/15/2021	CLIMATEC BUILDING	HVAC SERVICES	1,482.56	Civic Center O&M
110408	3/15/2021	CLIMATEC BUILDING	HVAC SERVICES	1,482.55	Civic Center O&M
110439	3/15/2021	WOOD OIL COMPANY OF CA LLC	DIESEL FUEL- GENERATOR	1,438.63	Civic Center O&M



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110378	3/8/2021	LIFTECH ELEVATOR SERVICES INC	ELEVATOR SERVICES	697.00	Civic Center O&M
110335	3/1/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	592.22	Civic Center O&M
110363	3/8/2021	CIRCULATING AIR, INC.	HVAC MAINTENANCE	580.50	Civic Center O&M
110363	3/8/2021	CIRCULATING AIR, INC.	HVAC MAINTENANCE	580.50	Civic Center O&M
110407	3/15/2021	CIRCULATING AIR, INC.	HVAC MAINTENANCE	580.50	Civic Center O&M
110407	3/15/2021	CIRCULATING AIR, INC.	HVAC MAINTENANCE	580.50	Civic Center O&M
110368	3/8/2021	EMERALD COAST PLANTSCAPES, INC	PLANT MAINTENANCE- CITY HALL	500.00	Civic Center O&M
110335	3/1/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	478.82	Civic Center O&M
110408	3/15/2021	CLIMATEC BUILDING	HVAC SERVICES	391.32	Civic Center O&M
110408	3/15/2021	CLIMATEC BUILDING	HVAC SERVICES	391.31	Civic Center O&M
110368	3/8/2021	EMERALD COAST PLANTSCAPES, INC	PLANT MAINTENANCE- LIBRARY	250.00	Civic Center O&M
110362	3/8/2021	CHEM PRO LABORATORY, INC.	HVAC SERVICE	134.50	Civic Center O&M
110362	3/8/2021	CHEM PRO LABORATORY, INC.	HVAC SERVICE	134.50	Civic Center O&M
<b>Total Amount for 18 Line Item(s) from Civic Center O&amp;M</b>				<b>\$18,225.06</b>	

## Community Development

110413	3/15/2021	DUDE SOLUTIONS INC.	SOFTWARE MAINTENANCE	46,600.92	Community Development
110387	3/8/2021	RINCON CONSULTANTS INC	ENVIRONMENTAL CONSULTING	5,708.75	Community Development
110365	3/8/2021	DAPEER, ROSENBLIT & LITVAK	LEGAL SERVICES	1,384.85	Community Development
110379	3/8/2021	M6 CONSULTING, INC.	PROFESSIONAL SERVICES	1,040.00	Community Development
110365	3/8/2021	DAPEER, ROSENBLIT & LITVAK	LEGAL SERVICES	720.00	Community Development
110365	3/8/2021	DAPEER, ROSENBLIT & LITVAK	LEGAL SERVICES	460.00	Community Development
110365	3/8/2021	DAPEER, ROSENBLIT & LITVAK	LEGAL SERVICES	451.20	Community Development
110365	3/8/2021	DAPEER, ROSENBLIT & LITVAK	LEGAL SERVICES	165.73	Community Development
110393	3/8/2021	VALLEY NEWS GROUP	LEGAL ADVERTISING	135.00	Community Development
110433	3/15/2021	VALLEY NEWS GROUP	LEGAL ADVERTISING	60.00	Community Development
110367	3/8/2021	DUDEK & ASSOCIATES INC	EIR CONSULTING	60.00	Community Development
<b>Total Amount for 11 Line Item(s) from Community Development</b>				<b>\$56,786.45</b>	

## Community Services

110428	3/15/2021	S & T CONTRACTORS SVS, INC.	ROOF REPAIRS	5,700.00	Community Services
110370	3/8/2021	HAYNES BUILDING SERVICES, LLC	JANITORIAL SERVICES	2,159.23	Community Services
110394	3/8/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- SCHL	1,918.09	Community Services
110349	3/1/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	1,610.80	Community Services
110415	3/15/2021	GOTTLIEB/SUSAN//	GOTTLIEB BOOKS- SENIOR PROGRAM	1,475.00	Community Services
110389	3/8/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	1,399.36	Community Services



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110395	3/8/2021	WAXIE SANITARY SUPPLY	JANITORIAL SERVICES	807.50	Community Services
110396	3/8/2021	WEINER/MARILYN//	RECREATION INSTRUCTOR	700.70	Community Services
110389	3/8/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	695.21	Community Services
110386	3/8/2021	R P BARRICADE INC	EQUIPMENT RENTAL- DE ANZA	650.00	Community Services
110386	3/8/2021	R P BARRICADE INC	EQUIPMENT RENTAL- DE ANZA	650.00	Community Services
110390	3/8/2021	STEINMETZ/LISA//	RECREATION INSTRUCTOR	633.50	Community Services
110353	3/1/2021	WAXIE SANITARY SUPPLY	JANITORIAL SERVICES	601.92	Community Services
110419	3/15/2021	KATZ/TRACY//	RECREATION INSTRUCTOR	546.00	Community Services
110339	3/1/2021	MILSTEIN/MARC//	RECREATION INSTRUCTOR	336.00	Community Services
110399	3/15/2021	AT&T	TELEPHONE SERVICE	333.73	Community Services
110346	3/1/2021	SECURAL SECURITY CORP	PATROL CAR SERVICES- AHCCC	281.75	Community Services
110436	3/15/2021	WEINSTOCK/ARLENE//	RECREATION INSTRUCTOR	210.00	Community Services
110335	3/1/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	189.02	Community Services
110414	3/15/2021	EMERALD COAST PLANTSCAPES, INC	PLANT MAINTENANCE- SR CTR	185.00	Community Services
110323	3/1/2021	CLARK PEST CONTROL	PEST CONTROL SERVICES	150.00	Community Services
110417	3/15/2021	INNER-I ...SECURITY IN FOCUS	SERVICE RESPONSE CALL	145.00	Community Services
110373	3/8/2021	INNER-I ...SECURITY IN FOCUS	JAN-MAR 2021 MONITORING- DEANZ	135.00	Community Services
110437	3/15/2021	WEISBACH/SHELDON JEROME//	RECREATION INSTRUCTOR	119.00	Community Services
110373	3/8/2021	INNER-I ...SECURITY IN FOCUS	JAN-MAR 2021 MONITORING- SRCTR	90.00	Community Services
110373	3/8/2021	INNER-I ...SECURITY IN FOCUS	JAN-MAR 2021 MONITORING- CRKSD	75.00	Community Services
110430	3/15/2021	SENDOWSKI/SHULAMIT//	RECREATION INSTRUCTOR	63.00	Community Services
110376	3/8/2021	JOHNSTON/KURT//	REIMBURSE MILEAGE	38.19	Community Services
110336	3/1/2021	LAUGHTER FOR THE HEALTH OF IT	RECREATION INSTRUCTOR	37.80	Community Services
110331	3/1/2021	JACKSON/GLENDA JEAN//	RECREATION INSTRUCTOR	35.70	Community Services

**Total Amount for 30 Line Item(s) from Community Services**

**\$21,971.50**

**Finance**

110355	3/8/2021	ADP, INC	PAYROLL PROCESSING	1,987.60	Finance
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**Total Amount for 1 Line Item(s) from Finance**

**\$1,987.60**

**Library**

110402	3/15/2021	BIBLIOTHECA, LLC	E-BOOKS	5,903.02	Library
110405	3/15/2021	CALIFA GROUP	BROADBAND SUBSCRIPTION	4,194.02	Library
110383	3/8/2021	PROQUEST LLC	ANCESTRY DATABASE	2,654.39	Library
110411	3/15/2021	DEMCO, INC.	LIBRARY CART	1,631.77	Library
110382	3/8/2021	OCLC, INC.	MEMBERSHIP DUES- MAR 2021	760.48	Library



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110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	553.92	Library
110372	3/8/2021	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	488.97	Library
110416	3/15/2021	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	427.93	Library
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	174.39	Library
110416	3/15/2021	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	166.65	Library
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	128.41	Library
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	115.10	Library
110403	3/15/2021	BLACKSTONE PUBLISHING	DVD'S-LIBRARY	107.09	Library
110372	3/8/2021	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	100.44	Library
110319	3/1/2021	BLACKSTONE PUBLISHING	DVD'S-LIBRARY	94.12	Library
110373	3/8/2021	INNER-I ...SECURITY IN FOCUS	JAN-MAR 2021 MONITORING- LBRY	90.00	Library
110372	3/8/2021	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	89.91	Library
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	84.10	Library
110359	3/8/2021	BAKER & TAYLOR, LLC	BOOKS-LIBRARY	66.06	Library
110401	3/15/2021	BAKER & TAYLOR, LLC	BOOKS-LIBRARY	52.20	Library
110319	3/1/2021	BLACKSTONE PUBLISHING	DVD'S-LIBRARY	44.60	Library
110401	3/15/2021	BAKER & TAYLOR, LLC	BOOKS-LIBRARY	37.24	Library
110401	3/15/2021	BAKER & TAYLOR, LLC	BOOKS-LIBRARY	33.78	Library
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	30.89	Library
110359	3/8/2021	BAKER & TAYLOR, LLC	BOOKS-LIBRARY	29.78	Library
110401	3/15/2021	BAKER & TAYLOR, LLC	BOOKS-LIBRARY	23.51	Library
110372	3/8/2021	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	20.35	Library
110416	3/15/2021	INGRAM LIBRARY SERVICES	BOOKS-LIBRARY	19.67	Library
110359	3/8/2021	BAKER & TAYLOR, LLC	BOOKS-LIBRARY	12.30	Library
110401	3/15/2021	BAKER & TAYLOR, LLC	BOOKS-LIBRARY	9.27	Library
<b>Total Amount for 30 Line Item(s) from Library</b>				<b>\$18,144.36</b>	

**LMD #22**

110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	13,130.18	LMD #22
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	12,457.25	LMD #22
110377	3/8/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	7,723.72	LMD #22
110397	3/8/2021	WESTRIDGE CALABASAS HOA	LANDSCAPE SERVICES	6,480.00	LMD #22
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	6,180.98	LMD #22
110381	3/8/2021	NEWBURY PARK TREE SERVICE INC	TREE TRIMMING/REMOVAL SVCS	5,785.00	LMD #22
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	5,727.85	LMD #22
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	5,082.39	LMD #22
110426	3/15/2021	PACIFIC COAST FALCONRY INC.	BIRD CONTROL SERVICES	5,000.00	LMD #22



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110377	3/8/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	4,981.17	LMD #22
110420	3/15/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	4,523.75	LMD #22
110420	3/15/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	4,500.94	LMD #22
110322	3/1/2021	CLAIRIDGE HOA	LANDSCAPE SERVICES	4,370.00	LMD #22
110394	3/8/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	4,343.00	LMD #22
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	4,152.45	LMD #22
110377	3/8/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	4,117.95	LMD #22
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,989.91	LMD #22
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,084.03	LMD #22
110394	3/8/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,919.12	LMD #22
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,386.00	LMD #22
110394	3/8/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,376.00	LMD #22
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,365.10	LMD #22
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,265.00	LMD #22
110420	3/15/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	2,178.64	LMD #22
110335	3/1/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	1,863.96	LMD #22
110335	3/1/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	1,746.22	LMD #22
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,639.00	LMD #22
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,571.00	LMD #22
110394	3/8/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,548.00	LMD #22
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,371.53	LMD #22
110335	3/1/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	1,299.61	LMD #22
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,292.52	LMD #22
110424	3/15/2021	NEWBURY PARK TREE SERVICE INC	TREE TRIMMING/REMOVAL SVCS	1,162.50	LMD #22
110335	3/1/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	1,075.86	LMD #22
110335	3/1/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	988.54	LMD #22
110420	3/15/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	930.47	LMD #22
110420	3/15/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	915.87	LMD #22
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	838.15	LMD #22
110420	3/15/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	715.66	LMD #22
110424	3/15/2021	NEWBURY PARK TREE SERVICE INC	TREE TRIMMING/REMOVAL SVCS	697.50	LMD #22
110394	3/8/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	594.00	LMD #22
110335	3/1/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	505.34	LMD #22
110394	3/8/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	432.00	LMD #22
110389	3/8/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	403.84	LMD #22
110434	3/15/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	366.27	LMD #22
110394	3/8/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	364.88	LMD #22
110335	3/1/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	334.35	LMD #22



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110377	3/8/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	321.10	LMD #22
110389	3/8/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	293.60	LMD #22
110335	3/1/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	248.58	LMD #22
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	190.17	LMD #22
110335	3/1/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	173.75	LMD #22
110349	3/1/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	131.82	LMD #22
110389	3/8/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	131.06	LMD #22
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	108.19	LMD #22
110434	3/15/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	96.59	LMD #22
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	78.57	LMD #22
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	64.89	LMD #22
110315	3/1/2021	ACCURATE BACKFLOW TESTING	BACKFLOW DEVICE TEST	61.00	LMD #22
110389	3/8/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	47.48	LMD #22
110389	3/8/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	40.20	LMD #22
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	39.27	LMD #22
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	31.56	LMD #22
110389	3/8/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	27.19	LMD #22
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	21.92	LMD #22
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	15.22	LMD #22
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	12.56	LMD #22
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	5.27	LMD #22
<b>Total Amount for 68 Line Item(s) from LMD #22</b>				<b>\$144,917.49</b>	

**LMD #24**

110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	2,563.91	LMD #24
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	2,563.91	LMD #24
110317	3/1/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	2,563.91	LMD #24
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	1,145.38	LMD #24
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	1,145.38	LMD #24
110317	3/1/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	1,145.38	LMD #24
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	1,022.64	LMD #24
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	1,022.64	LMD #24
110317	3/1/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	1,022.64	LMD #24
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	970.05	LMD #24
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	970.05	LMD #24
110317	3/1/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	970.05	LMD #24
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	818.25	LMD #24



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110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	818.25	LMD #24
110317	3/1/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	818.25	LMD #24
110377	3/8/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	450.17	LMD #24
110377	3/8/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	427.08	LMD #24
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	219.14	LMD #24
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	219.14	LMD #24
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	219.14	LMD #24
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	219.14	LMD #24
110317	3/1/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	219.14	LMD #24
110317	3/1/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	219.14	LMD #24
110389	3/8/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	218.66	LMD #24
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	200.00	LMD #24
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	200.00	LMD #24
110377	3/8/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	172.87	LMD #24
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	146.09	LMD #24
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	146.09	LMD #24
110317	3/1/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	146.09	LMD #24
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	133.00	LMD #24
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	133.00	LMD #24
110377	3/8/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	132.37	LMD #24
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	125.00	LMD #24
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	125.00	LMD #24
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	117.00	LMD #24
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	117.00	LMD #24
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	20.30	LMD #24
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	9.87	LMD #24
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	6.77	LMD #24
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	4.76	LMD #24
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	3.95	LMD #24
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	1.63	LMD #24
<b>Total Amount for 43 Line Item(s) from LMD #24</b>				<b>\$23,912.23</b>	

**LMD #27**

110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	1,457.63	LMD #27
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	1,457.63	LMD #27
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	6.37	LMD #27
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	3.10	LMD #27



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110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	2.16	LMD #27
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	1.49	LMD #27
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	1.23	LMD #27
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	0.52	LMD #27
<b>Total Amount for 8 Line Item(s) from LMD #27</b>				<b>\$2,930.13</b>	

**LMD #32**

110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	3,377.14	LMD #32
110377	3/8/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	1,459.98	LMD #32
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	200.00	LMD #32
110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	200.00	LMD #32
110389	3/8/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	14.09	LMD #32
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	1.19	LMD #32
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	0.57	LMD #32
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	0.28	LMD #32
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	0.28	LMD #32
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	0.26	LMD #32
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	0.07	LMD #32
<b>Total Amount for 11 Line Item(s) from LMD #32</b>				<b>\$5,253.86</b>	

**LMD 22 - Common Benefit Area**

110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	10,046.05	LMD 22 - Common Benefit Area
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	5,958.33	LMD 22 - Common Benefit Area
110377	3/8/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	5,797.03	LMD 22 - Common Benefit Area
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,220.01	LMD 22 - Common Benefit Area
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,738.46	LMD 22 - Common Benefit Area
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,357.28	LMD 22 - Common Benefit Area
110389	3/8/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	2,305.04	LMD 22 - Common Benefit Area
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,955.28	LMD 22 - Common Benefit Area
110377	3/8/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	1,696.08	LMD 22 - Common Benefit Area
110420	3/15/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	1,308.11	LMD 22 - Common Benefit Area
110377	3/8/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	950.37	LMD 22 - Common Benefit Area
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	727.02	LMD 22 - Common Benefit Area
110389	3/8/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	572.55	LMD 22 - Common Benefit Area
110394	3/8/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	430.00	LMD 22 - Common Benefit Area
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	404.71	LMD 22 - Common Benefit Area



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110335	3/1/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	364.86	LMD 22 - Common Benefit Area
110349	3/1/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	252.97	LMD 22 - Common Benefit Area
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	213.63	LMD 22 - Common Benefit Area
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	53.87	LMD 22 - Common Benefit Area
110420	3/15/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	41.14	LMD 22 - Common Benefit Area
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	36.35	LMD 22 - Common Benefit Area
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	26.10	LMD 22 - Common Benefit Area
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	17.35	LMD 22 - Common Benefit Area
110389	3/8/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	14.30	LMD 22 - Common Benefit Area
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	12.59	LMD 22 - Common Benefit Area
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	10.88	LMD 22 - Common Benefit Area
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	4.17	LMD 22 - Common Benefit Area
<b>Total Amount for 27 Line Item(s) from LMD 22 - Common Benefit Area</b>				<b>\$41,514.53</b>	

## Media Operations

110391	3/8/2021	TELECOM LAW FIRM, P.C.	TELECOMM CONSULT SVCS	2,350.00	Media Operations
110392	3/8/2021	TIME WARNER CABLE	CABLE MODEM- CITY HALL	1,615.00	Media Operations
110357	3/8/2021	AT&T	TELEPHONE SERVICE	1,137.96	Media Operations
110391	3/8/2021	TELECOM LAW FIRM, P.C.	TELECOMM CONSULT SVCS	684.00	Media Operations
110369	3/8/2021	FUSION CLOUD COMPANY	DSL SERVICE	598.28	Media Operations
110392	3/8/2021	TIME WARNER CABLE	CABLE MODEM- CITY HALL	511.21	Media Operations
110391	3/8/2021	TELECOM LAW FIRM, P.C.	TELECOMM CONSULT SVCS	454.50	Media Operations
110392	3/8/2021	TIME WARNER CABLE	CABLE MODEM- CITY HALL	289.98	Media Operations
110357	3/8/2021	AT&T	TELEPHONE SERVICE	166.16	Media Operations
110361	3/8/2021	CHARTER COMMUNICATIONS	CABLE MODEM- CITY HALL	99.45	Media Operations
110358	3/8/2021	AT&T MOBILITY	TELEPHONE SERVICE	48.24	Media Operations
<b>Total Amount for 11 Line Item(s) from Media Operations</b>				<b>\$7,954.78</b>	

## Non-Departmental - Finance

110384	3/8/2021	QUADIENT LEASING USA, INC.	POSTAGE METER LEASE	500.00	Non-Departmental - Finance
<b>Total Amount for 1 Line Item(s) from Non-Departmental - Finance</b>				<b>\$500.00</b>	

## Payroll

110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	5,050.74	Payroll
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	1,511.30	Payroll



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110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	1,085.58	Payroll
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	1,066.37	Payroll
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	729.17	Payroll
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	256.46	Payroll
110343	3/1/2021	P&A ADMINISTRATIVE SVCS INC	FSA MONTHLY ADMIN FEE- MAR 21	54.00	Payroll
<b>Total Amount for 7 Line Item(s) from Payroll</b>				<b>\$9,753.62</b>	

## Police / Fire / Safety

110333	3/1/2021	L.A. CO. SHERIFF'S DEPT.	SHERIFF SVCS- JAN 2021	404,953.06	Police / Fire / Safety
110333	3/1/2021	L.A. CO. SHERIFF'S DEPT.	SHERIFF SVCS- JAN 2021	10,423.19	Police / Fire / Safety
110421	3/15/2021	LASER TECHNOLOGY INC	TRUVISION KIT	5,469.53	Police / Fire / Safety
110332	3/1/2021	L.A. CO. DEPT. OF ANIMAL CARE	ANIMAL HOUSING SVCS- JAN 2021	2,541.81	Police / Fire / Safety
110330	3/1/2021	GLOBAL ENFORCEMENT MOTORS, INC	LIDAR ACCESSORIES	438.85	Police / Fire / Safety
110333	3/1/2021	L.A. CO. SHERIFF'S DEPT.	SHERIFF SVCS- JAN 2021	387.50	Police / Fire / Safety
<b>Total Amount for 6 Line Item(s) from Police / Fire / Safety</b>				<b>\$424,213.94</b>	

## Public Works

110412	3/15/2021	DOWNSTREAM SVCS, INC.	CDS UNIT MAINTENANCE	9,303.00	Public Works
110317	3/1/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	8,244.00	Public Works
110325	3/1/2021	COUNTY OF LOS ANGELES	CONTRACT SERVICES	8,200.02	Public Works
110418	3/15/2021	INTERWEST CONSULTING GROUP	TRAFFIC ENGINEERING SVCS	6,400.00	Public Works
110377	3/8/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	5,050.84	Public Works
110388	3/8/2021	RON'S MAINTENANCE, INC.	CATCH BASIN CLEANING SVCS	3,900.00	Public Works
110315	3/1/2021	ACCURATE BACKFLOW TESTING	BACKFLOW DEVICE TEST	3,551.00	Public Works
110341	3/1/2021	NEWBURY PARK TREE SERVICE INC	TREE TRIMMING/REMOVAL SVCS	2,552.00	Public Works
110374	3/8/2021	ISSAKHANI/MARINA//	CONSULTING SERVICES	1,980.00	Public Works
110377	3/8/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	1,869.70	Public Works
110335	3/1/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	1,836.92	Public Works
110420	3/15/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	1,456.15	Public Works
110420	3/15/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	1,344.51	Public Works
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	1,300.00	Public Works
110381	3/8/2021	NEWBURY PARK TREE SERVICE INC	TREE TRIMMING/REMOVAL SVCS	1,275.00	Public Works
110420	3/15/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	1,206.63	Public Works
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- P.W.	988.31	Public Works
110354	3/1/2021	WILLDAN ASSOCIATES INC.	LOT LINE ADJUSTMENT	984.00	Public Works
110398	3/8/2021	WILLDAN ASSOCIATES INC.	PARCEL MAP REVIEW	780.00	Public Works



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110400	3/15/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	750.00	Public Works
110317	3/1/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	750.00	Public Works
110317	3/1/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	750.00	Public Works
110317	3/1/2021	AZTECA LANDSCAPE	LANDSCAPE MAINTENANCE	750.00	Public Works
110420	3/15/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	647.84	Public Works
110377	3/8/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	520.94	Public Works
110351	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	493.47	Public Works
110394	3/8/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	469.00	Public Works
110424	3/15/2021	NEWBURY PARK TREE SERVICE INC	TREE TRIMMING/REMOVAL SVCS	467.50	Public Works
110385	3/8/2021	QUIZON/MA ARIANE//	CONSULTING SERVICES	300.00	Public Works
110385	3/8/2021	QUIZON/MA ARIANE//	CONSULTING SERVICES	300.00	Public Works
110344	3/1/2021	QUIZON/MA ARIANE//	CONSULTING SERVICES	300.00	Public Works
110398	3/8/2021	WILLDAN ASSOCIATES INC.	PARCEL MAP REVIEW	292.50	Public Works
110434	3/15/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- P.W.	260.00	Public Works
110394	3/8/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	245.00	Public Works
110344	3/1/2021	QUIZON/MA ARIANE//	CONSULTING SERVICES	200.00	Public Works
110393	3/8/2021	VALLEY NEWS GROUP	LEGAL ADVERTISING	150.00	Public Works
110394	3/8/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	146.00	Public Works
110434	3/15/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- P.W.	74.50	Public Works
110389	3/8/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	71.62	Public Works
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	61.98	Public Works
110432	3/15/2021	UNDERGROUND SERVICE ALERT	MONTHLY MEMBERSHIP FEE	61.15	Public Works
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	27.99	Public Works
110327	3/1/2021	DIG SAFE BOARD	STATE REGULATORY FEE	26.52	Public Works
110349	3/1/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	25.17	Public Works
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	24.76	Public Works
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	19.01	Public Works
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	18.42	Public Works
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	13.90	Public Works
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	13.26	Public Works
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	10.66	Public Works
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	10.19	Public Works
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	9.17	Public Works
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	8.75	Public Works
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	7.38	Public Works
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	7.37	Public Works
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	6.28	Public Works
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	6.03	Public Works



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110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	5.95	Public Works
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	5.44	Public Works
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	5.14	Public Works
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	5.10	Public Works
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	4.38	Public Works
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	4.22	Public Works
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	3.70	Public Works
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	3.55	Public Works
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	3.34	Public Works
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	2.88	Public Works
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	2.51	Public Works
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	1.78	Public Works
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	1.45	Public Works
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	1.23	Public Works
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	0.89	Public Works
<b>Total Amount for 72 Line Item(s) from Public Works</b>				<b>\$70,570.00</b>	

**Recoverable / Refund / Liability**

110343	3/1/2021	P&A ADMINISTRATIVE SVCS INC	FSA-MED CARE REIMBURSEMENT	675.00	Recoverable / Refund / Liability
110425	3/15/2021	P&A ADMINISTRATIVE SVCS INC	FSA-DEP CARE REIMBURSEMENT	625.02	Recoverable / Refund / Liability
110425	3/15/2021	P&A ADMINISTRATIVE SVCS INC	FSA-MED CARE REIMBURSEMENT	564.23	Recoverable / Refund / Liability
110345	3/1/2021	REVELL/ANGIE//	REFUND FILM PERMIT	560.00	Recoverable / Refund / Liability
110329	3/1/2021	GARIBAY/SERGIO//	REFUND PLANNING PERMIT	168.00	Recoverable / Refund / Liability
<b>Total Amount for 5 Line Item(s) from Recoverable / Refund / Liability</b>				<b>\$2,592.25</b>	

**Tennis & Swim Center**

110431	3/15/2021	SOUTHERN CALIFORNIA GAS CO	GAS SERVICE	4,282.10	Tennis & Swim Center
110389	3/8/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	1,720.37	Tennis & Swim Center
110364	3/8/2021	COMMERCIAL AQUATIC SVCS	POOL SERVICE/REPAIR	825.98	Tennis & Swim Center
110406	3/15/2021	CASAS/JORGE//	FITNESS EQUIPMENT REPAIRS	812.65	Tennis & Swim Center
110438	3/15/2021	WELTER/FRANCES//	RECREATION INSTRUCTOR	588.00	Tennis & Swim Center
110352	3/1/2021	WATERLINE TECHNOLOGIES INC	POOL CHEMICALS	432.79	Tennis & Swim Center
110352	3/1/2021	WATERLINE TECHNOLOGIES INC	POOL CHEMICALS	407.04	Tennis & Swim Center
110420	3/15/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	372.23	Tennis & Swim Center
110321	3/1/2021	CASAS/JORGE//	FITNESS EQUIPMENT REPAIRS	362.25	Tennis & Swim Center
110435	3/15/2021	WATERLINE TECHNOLOGIES INC	POOL CHEMICALS	244.25	Tennis & Swim Center



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110321	3/1/2021	CASAS/JORGE//	FITNESS EQUIPMENT REPAIRS	200.00	Tennis & Swim Center
110435	3/15/2021	WATERLINE TECHNOLOGIES INC	POOL CHEMICALS	172.14	Tennis & Swim Center
110352	3/1/2021	WATERLINE TECHNOLOGIES INC	POOL CHEMICALS	130.67	Tennis & Swim Center
110315	3/1/2021	ACCURATE BACKFLOW TESTING	BACKFLOW DEVICE TEST	111.00	Tennis & Swim Center
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	109.02	Tennis & Swim Center
110373	3/8/2021	INNER-I ...SECURITY IN FOCUS	JAN-MAR 2021 MONITORING- T&SC	75.00	Tennis & Swim Center
110352	3/1/2021	WATERLINE TECHNOLOGIES INC	POOL CHEMICALS	73.58	Tennis & Swim Center
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	67.93	Tennis & Swim Center
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	44.77	Tennis & Swim Center
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	32.79	Tennis & Swim Center
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	24.85	Tennis & Swim Center
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	19.04	Tennis & Swim Center
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	15.54	Tennis & Swim Center
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	11.59	Tennis & Swim Center
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	10.77	Tennis & Swim Center
110377	3/8/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	7.50	Tennis & Swim Center
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	7.49	Tennis & Swim Center
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	4.55	Tennis & Swim Center
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	2.79	Tennis & Swim Center
<b>Total Amount for 29 Line Item(s) from Tennis &amp; Swim Center</b>				<b>\$11,168.68</b>	

## Transportation

110320	3/1/2021	C.A. RASMUSSEN, INC.	CONSTRUCTION SERVICES- SMRT PK	122,789.87	Transportation
110371	3/8/2021	IDEAL GENERAL SERVICES, INC.	DIAL-A-RIDE FEB 2021	14,237.00	Transportation
110328	3/1/2021	FUSCOE ENGINEERING, INC.	ENGINEERING SERVICES	9,798.00	Transportation
110318	3/1/2021	BANNER BANK	RONDELL SMRT PK- RETENTION	6,462.63	Transportation
110349	3/1/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	4,490.55	Transportation
110348	3/1/2021	SIEMENS MOBILITY, INC	TRAFFIC SIGN MAINTENANCE	3,888.00	Transportation
110375	3/8/2021	JOHN KULAR CONSULTING	ENGINEERING SERVICES	3,518.82	Transportation
110326	3/1/2021	DEPARTMENT OF TRANSPORTATION	TRAFFIC SIGNALS/LIGHTING	2,492.33	Transportation
110380	3/8/2021	MICHAEL BAKER INTERNATIONAL	PROFESSIONAL SERVICES	2,370.00	Transportation
110316	3/1/2021	ALL CITY MANAGEMENT SVCS, INC.	SCHOOL CROSSING GUARD SVCS	2,124.90	Transportation
110356	3/8/2021	ALL CITY MANAGEMENT SVCS, INC.	SCHOOL CROSSING GUARD SVCS	1,912.41	Transportation
110389	3/8/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	1,810.59	Transportation
110348	3/1/2021	SIEMENS MOBILITY, INC	TRAFFIC SIGN MAINTENANCE	1,743.46	Transportation
110423	3/15/2021	MV TRANSPORTATION, INC.	SHUTTLE SERVICES- FEB 21	1,375.38	Transportation
110418	3/15/2021	INTERWEST CONSULTING GROUP	PROFESSIONAL SERVICES	1,120.00	Transportation



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110366	3/8/2021	DEPALMA DESIGN GROUP	INSPECTION SERVICES	720.00	Transportation
110342	3/1/2021	NV5 WEST, INC.	PROFESSIONAL SERVICES	633.90	Transportation
110429	3/15/2021	SAFEWAY SIGN COMPANY	TRAFFIC SIGNS	310.49	Transportation
110334	3/1/2021	LA DWP	TRAFFIC METER SERVICE	183.47	Transportation
110338	3/1/2021	M6 CONSULTING, INC.	PROFESSIONAL SERVICES	130.00	Transportation
110340	3/1/2021	MYERS & SONS HI-WAY SAFETY INC	TRAFFIC SIGNS	26.99	Transportation
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	23.53	Transportation
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	21.15	Transportation
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	12.97	Transportation
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	11.83	Transportation
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	9.40	Transportation
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	8.85	Transportation
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	6.26	Transportation
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	5.71	Transportation
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	5.56	Transportation
110427	3/15/2021	PREFERRED BENEFIT	VISION/DENTAL PREMIUM- MAR 21	5.05	Transportation
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	2.26	Transportation
110360	3/8/2021	BCC	LIFE & DISABILITY INS- MAR 21	2.13	Transportation
<b>Total Amount for 33 Line Item(s) from Transportation</b>				<b>\$182,253.49</b>	
<b>GRAND TOTAL for 426 Line Items</b>				<b>\$1,091,173.19</b>	



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<b>Tennis &amp; Swim Center</b>					
13990	3/1/2021	BLUE SHIELD OF CA	INSURANCE EXPENSE	7,315.83	Tennis & Swim Center
13998	3/8/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	3,924.26	Tennis & Swim Center
13994	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- T&SC	3,862.71	Tennis & Swim Center
13993	3/1/2021	UNIFIRST CORPORATION	JANITORIAL SUPPLIES	1,333.62	Tennis & Swim Center
13999	3/8/2021	UNIFIRST CORPORATION	JANITORIAL SUPPLIES	896.50	Tennis & Swim Center
13996	3/8/2021	PITNEY BOWES	ADMINISTRATIVE EXPENSES	765.30	Tennis & Swim Center
13993	3/1/2021	UNIFIRST CORPORATION	JANITORIAL SUPPLIES	692.81	Tennis & Swim Center
13991	3/1/2021	DESIGNSCAPE	PLANT MAINTENANCE- T&SC	480.00	Tennis & Swim Center
14000	3/8/2021	WILSON SPORTING GOODS	FACILITY EXPENSE	399.84	Tennis & Swim Center
13989	3/1/2021	BLUE SHIELD OF CA	INSURANCE EXPENSE	330.30	Tennis & Swim Center
14000	3/8/2021	WILSON SPORTING GOODS	FACILITY EXPENSE	286.98	Tennis & Swim Center
13995	3/1/2021	XEROX FINANCIAL SERVICES	ADMINISTRATIVE EXPENSES	266.81	Tennis & Swim Center
14000	3/8/2021	WILSON SPORTING GOODS	FACILITY EXPENSE	222.45	Tennis & Swim Center
13997	3/8/2021	QUENCH USA, INC.	WATER SERVICE	197.10	Tennis & Swim Center
13994	3/1/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- T&SC	160.00	Tennis & Swim Center
13988	3/1/2021	ADP, INC	ADMINISTRATIVE EXPENSES	99.37	Tennis & Swim Center
13992	3/1/2021	RICHARDS/JEFF//	REIMBURSE EXPENSE	20.00	Tennis & Swim Center
<b>Total Amount for 17 Line Item(s) from Tennis &amp; Swim Center</b>				<b>\$21,253.88</b>	
<b>GRAND TOTAL for 17 Line Items</b>				<b>\$21,253.88</b>	

Department

Agenda Headings

Agenda Title/Future Agenda

**31-Mar**

1	CD	New Business	Council Study Session regarding Housing Element
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**Future Items**

2	CC	New Business	Introduction of Ordinance for \$5 hazard pay (Hero Pay)
3	PS	New Business	Use of technology (satellite phones) during emergencies
4	CC	New Business	Climate Action Plan
5	CC	New Business	Council discussion on how to use Woolsey Fire settlement funds
6	CC	New Business	Discussion of comments to California Redistricting Commission
7	CD	Consent	Calabasas Village Mobile Home Park Memorandum of Understanding
8	CD	New Business	Recommendation by staff regarding senior affordable housing
9	CD	New Business	Code amendment regarding amendments to the City's Story Pole Procedures
10	CD	Public Hearing	West Village Project
11	HR	New Business	HR Guidelines update
12	FIN	New Business	Cost Plan Allocation
13	PW	New Business	Environmental Commission recommendation regarding gas leaf blowers
14	CM	New Business	Discussion on how to be best engage/use Commissions
15	PW	New Business	PS and TTC recommendation regarding Automatic Plate Readers Report
16	PW	New Business	Update regarding anticoagulants
17	CD/Finance	New Business	Annexation update
18	PW	New Business	MTA's review of fare-free transit services
19	CA	New Business	Closed session regarding State's mandate for affordable housing
20	CC	Presentation	Chuck Becerra and Sheriff's discussion on use of force
21	CC	New Business	Council Protocols regarding email policy and State of the City

**2021 Meeting Dates**

Apr 14	Aug 25
Apr 28	Sep 8 - Canceled-Rosh Hashanah
May 12	Sep 22 - Canceled-League of California Cities Annual Conference/Expo
May 26	Oct 13
Jun 9	Oct 27
Jun 23	Nov 10
Jul 14 - Canceled	Nov 24 - Canceled-Thanksgiving Eve
Jul 28 - Canceled	De 8 - Council Reorganization
Aug 11	Dec 22 - Canceled