

# Agenda Report

July 17, 2006

**To:** CITY COUNCIL

**From:** CITY MANAGER

**Subject:** Resolution on Compliance with Government Code §65589.7 and Water Code §10631.1 Regarding Priority for Water and Sewer Services for Proposed Housing Developments that Include Units for Low Income Households

## **RECOMMENDATION**

It is recommended that the City Council approve and adopt the attached resolution describing the City's compliance with Government Code §65589.7 and Water Code §10631.1 regarding priority for water and sewer services for proposed housing developments that include units for low income households.

## **BACKGROUND**

Government Code §65589.7 requires that each public agency or private entity providing water and sewer services grant a priority for the provision of these services to proposed housing developments that include units affordable to lower income households. Public agencies or private entities providing water and sewer services must adopt written policies and procedures no later than July 1, 2006, and at least every five years thereafter. "Lower income households" is defined in Health and Safety Code 50079.5 as households that earn below 80 percent of the areas (i.e. Los Angeles County) median income, adjusted for family size annually.

Water Code §10631.1 requires adopted Urban Water Management Plans (UWMP) to include "projected water use" data by lower income housing projects, including both single-family and multi-family housing units. This provision has the intent of assisting water suppliers in complying with the requirements by projecting water use by proposed low-income housing units.

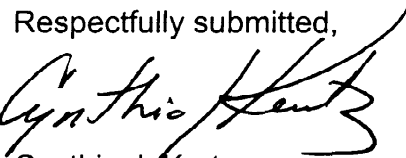
The City of Pasadena does not deny or condition the approval of water or sewer service to any individuals or developments, whether low-income or otherwise, unless specific written findings determine that the project does not meet city, regional, state or federal laws and regulations. The City of Pasadena has sufficient capacity for both water supply and sewer collection and treatment services to serve both the existing and projected

populations of the City. Therefore, the adoption of this resolution has little impact to Pasadena services.

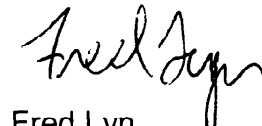
The adoption of the attached resolution at this time will bring the City into compliance with Government Code §65589.7 and Water Code §10631.1.

**FISCAL IMPACT**

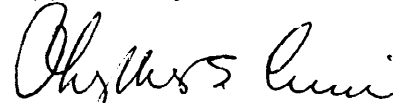
There is no fiscal impact as a result of this resolution.

Respectfully submitted,  
  
Cynthia J. Kurtz  
City Manager


Prepared by:

  
Fred Lyn  
Management Analyst III  
Water and Power Department

Approved by:

  
Phyllis E. Currie  
General Manager  
Water and Power Department

Concurrence:

  
Martin Pastucha  
Director  
Public Works Department

Resolution Number: \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA ADOPTING  
POLICIES AND PROCEDURES FOR PROVIDING PRIORITY WATER AND SEWER  
SERVICE FOR PROPOSED AFFORDABLE HOUSING DEVELOPMENTS

WHEREAS, the California legislature has declared that the lack of affordable housing is a matter of vital statewide importance; and

WHEREAS, Government Code Section 65589.7 requires that each public agency or providing water and sewer services grant a priority for the provision of these services to proposed housing developments that include lower income housing units; and

WHEREAS, Water Code Section 10631.1 requires adopted Urban Water Management Plans (UWMP) to include "projected water use" data by lower income housing projects.

NOW, THEREFORE, BE IT RESOLVED THAT THE PASADENA CITY COUNCIL:

1. The City shall devote its best efforts to plan for and, to a reasonable degree (as determined on a case by case basis), prioritize provision of water and sewer services to proposed lower income housing developments pursuant to Government Code Section 65589.7.
2. Development projects that include lower income housing units shall not be denied approval of an application for service, nor shall conditions be imposed thereon or services reduced which are applied for, unless the City makes specific written findings that the denial, condition, or reduction is necessary due to the existence of one or more of the following:
  - a. Insufficient water supply or insufficient water treatment or distribution capacity;
  - b. A State Department of Health Services order prohibiting new water connections;
  - c. Insufficient sewer treatment or sewer collection capacity;
  - d. A Regional Water Quality Control Board order prohibiting new sewer connections; or
  - e. The proposed development applicant has failed to agree to reasonable terms and conditions.
3. The City shall not discriminate in any manner when processing and considering requests for services by proposed developments that include lower income housing units

Passed and adopted at a regular meeting of the Pasadena City Council on \_\_\_\_\_ day  
of \_\_\_\_\_, 2006.

AYES:

NOES:


ABSENT:

ABSTAIN:

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Jane L. Rodriguez, CMC  
City Clerk

Approved as to form:

  
\_\_\_\_\_  
Scott D. Rasmussen  
Assistant City Attorney