



City of Woodland

Meeting Agenda

City Council

City Hall
Council Chambers
300 First Street
Woodland, CA 95695

May 21, 2019
6:00 PM

JOINT REGULAR CITY COUNCIL/WOODLAND FINANCE AUTHORITY MEETING

6:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. COMMUNICATIONS - PUBLIC COMMENT

This is an opportunity for the public to speak to the Council on any item other than those listed for public hearing on this agenda. Speakers are requested to use the microphone in front of the Council and to begin by stating their name, whether they reside in Woodland and the name of the organization they represent if any. The Mayor may impose a time limit on any speaker depending on the number of people wanting to speak and time available for the rest of the agenda. In the event comments are related to an item scheduled on the agenda, speakers may be required to wait to make their comments until that item is considered.

E. COMMUNICATIONS - COUNCIL/STAFF STATEMENTS AND REQUESTS

This is an opportunity for the Council Members and Staff to make comments and announcements, to express concerns, or to request Council's consideration of any items a Council Member would like to have discussed at a future Council meeting.

1. SUBJECT: Long Range Calendar

RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive the Long Range Calendar for informational purposes only.

F. PRESENTATIONS

2. SUBJECT: Armed Forces Day Proclamation

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt a Proclamation regarding Armed Forces Day

3. SUBJECT: Mental Health Awareness Month Proclamation

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt a Proclamation proclaiming May as Mental Health Awareness Month

4. SUBJECT: Proclamation in Recognition of National Police Week

RECOMMENDATION FOR ACTION: Staff recommends that the City Council proclaim May 13 through May 19, 2018 as National Police Week.

5. SUBJECT: Proclaim May 19-25, 2019 as Public Works Week

RECOMMENDATION FOR ACTION: Staff recommends that the City Council proclaim May 19-25, 2019 as Public Works Week.

6. SUBJECT: Proclamation Honoring May 2019 As Older Americans Month

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt a Proclamation declaring May 2019 as Older Americans Month.

7. SUBJECT: Proclamation Honoring Don Campbell

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt a Proclamation honoring Don Campbell for his dedicated service to the Commission on Aging.

8. SUBJECT: Sacramento Area Council of Governments Presentation

RECOMMENDATION FOR ACTION: Staff recommends that the City receive a presentation from James Corless, Executive Director of SACOG on regional initiatives and statewide legislative efforts to address housing and transportation related issues.

G. CONSENT CALENDAR

9. SUBJECT: Police Department Quarterly Status Report for the period of January 2019 through March 2019

RECOMMENDATION FOR ACTION: Staff recommends that the City Council accept the Police Department Quarterly Status Report for January 2019 through March 2019

10. SUBJECT: Fire Department Quarterly Status Report for the period of January 2019 - March 2019

RECOMMENDATION FOR ACTION: Staff recommends that the City Council accept the Fire Department Quarterly Status Report for January 2019 through March 2019.

11. SUBJECT: Woodland Fire Department Annual Inspection Compliance Report

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, approving the annual inspection compliance report to fulfill the new requirements of the California Health and Safety Code Sections 13146.2 and 13146.3.

12. SUBJECT: California Asset Management Program Participation

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, authorizing the City of Woodland to join with other public agencies as a participant of the California Asset Management Trust, to invest in shares of the Trust and an individual portfolio.

13. SUBJECT: Buchignani Field - Amendments to Lease Agreements

RECOMMENDATION FOR ACTION: Staff recommends that the City Council 1) Adopt Resolution No. _____, Authorizing the City Manager to Execute Amendment #1 to a Field Lease Agreement with the 40th District Agricultural Association of Yolo County, and 2) Authorize Resolution No. _____, Authorizing the City Manager to Execute Amendment #1 to a Sublease Agreement with Woodland Little League

14. SUBJECT: Intent to Levy Assessment: Gibson Ranch Lighting & Landscaping; North Park Lighting & Landscaping; West Wood Lighting & Landscaping; and Streng Pond Maintenance Districts

RECOMMENDATION FOR ACTION: Staff recommends that the City Council approve eight Resolutions No. _____ through No. _____ to Initiate Proceedings for the Annual Levy and Collection of Assessments; Preliminarily Approve the Engineer's Annual Levy Report and Declare its Intention to Levy and Collect Annual Assessments for the Gibson Ranch, West Wood, North Park Lighting and Landscaping Districts, and Streng Pond Maintenance District; and Call for a public hearing on June 18, 2019.

15. SUBJECT: Authorize Award of Professional Services Contracts for Citywide Landscape Maintenance to Dominguez Landscape, Inc. and Figueroa Landscaping

RECOMMENDATION FOR ACTION: Staff recommends that the City Council approve Resolution No. _____ and Resolution No. _____, authorizing the City Manager to award professional services contracts for citywide landscape maintenance to Dominguez Landscape, Inc. and Figueroa Landscaping.

16. SUBJECT: Authorize an amendment to contract #000803 for the purchase of coagulants from Rosa Water Technology Associates for the Water Pollution Control Facility

RECOMMENDATION FOR ACTION: Staff recommends that the City Council approve Resolution No. _____, authorizing the City Manager to amend the contract for the purchase of coagulants from Rosa Water Technology Associates in the amount of \$53,000 for FY19 and \$188,000.00 per year for FY20 and FY21.

17. SUBJECT: Authorize an amendment to contract #000804 for the purchase of Magnesium Hydroxide (MgOH) with Hill Brothers Chemical Company for the Water Pollution Control Facility.

RECOMMENDATION FOR ACTION: Staff recommends that the City Council approve Resolution No. _____, authorizing the City Manager to amend the contract for purchase of MgOH from Hill Brothers Chemical Company for \$38,000.00 for FY19, and \$146,000 for FY20 and \$151,000 for FY21

18. SUBJECT: Approval of Finding of Satisfaction with the Provisions of the Affordable Housing Ordinance for Proposed Multifamily Rental Project

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, approving a finding of satisfaction of the provisions of the City's affordable housing ordinance, Chapter 15.16 of the Woodland Municipal Code, for a multifamily rental development proposed at 310 West Main Street (northwest corner of West Main Street and Ashley Avenue) that will provide 17.5 percent of its units for low income households.

19. SUBJECT: Authorize Submittal of a Planning Grant Application to the State Department of Housing and Community Development

RECOMMENDATION FOR ACTION: Staff recommends that the City Council approve Resolution No. _____, authorizing the City Manager to submit a grant application for SB 2 Planning Grants Program Funds from the State of California Department of Housing and Urban Development.

H. REPORTS OF THE CITY MANAGER

20. SUBJECT: General Plan Annual Progress Report for the Period of January 1, 2018 to December 31, 2018

RECOMMENDATION: Staff recommends that the City Council (1) Receive the report concerning the General Plan Annual Progress Report, required by the state of California; (2) Accept the General Plan Annual Progress Report and direct staff to transmit the report to the Governor's Office of Planning and Research (OPR), and Department of Housing and Community Development (HUD) for filing.

21. SUBJECT: Receive a Report on the Status of the City's Affordable Housing Initiatives, Programs and Related Actions for Calendar Year 2018

RECOMMENDATION FOR ACTION: Staff recommends that the City Council received a report on the status of the City's affordable housing initiatives, programs and related actions for calendar year 2018.

22. SUBJECT: Consideration of Position on Selected State Legislation

RECOMMENDATION FOR ACTION: Staff recommends that the City Council consider a formal position on selected state legislation related primarily to housing policy.

23. SUBJECT: Urgency Ordinance Establishing a Moratorium on Mini-Storage/Warehouse Facilities in the Industrial Zone

RECOMMENDATION FOR ACTION: Staff recommends that the City Council: 1) Receive information about the proposed Urgency Ordinance; and 2) Adopt an urgency ordinance prohibiting the processing and/or approval of any and all mini-storage/warehouse facilities in the Industrial Zone in the City of Woodland; and 3) Direct staff to prepare necessary zoning amendments to address mini-storage uses in the Industrial district.

24. SUBJECT: Presentation of FY2019/20 Budget

RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive a presentation related to the FY2019/20 Proposed Budget funding recommendations.

I. ADJOURN

I declare under penalty of perjury that the foregoing Agenda for the Joint Regular City Council/Woodland Finance Authority Meeting of the City of Woodland scheduled for May 21, 2019 was posted on May 17, 2019 in the outside display case at City Hall, 300 First Street, Woodland, CA, and was available to the public during normal business hours.



Ana B. Gonzalez
City Clerk

Upon request, agendas and documents in the agenda packet will be made available in appropriate alternative formats to persons with a disability, as required by law. Any such requests must be made in writing to the Office of the City Clerk of the City of Woodland. Requests will be valid for the calendar year in which the request is received, and must be renewed prior to January 1st.

Persons needing disability-related modifications or accommodations in order to participate in public meetings, including persons requiring auxiliary aids or services, may request such modifications or accommodations by calling the Office of the City Clerk (530-661-5806) at least 48 hours prior to the meeting.



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: E.1.
SUBJECT: Long Range Calendar

Recommendation for Action: Staff recommends that the City Council receive the Long Range Calendar for informational purposes only.

Staff Contact:

Ana B. Gonzalez, City Clerk, (530) 661-5806, ana.gonzalez@cityofwoodland.org

Background:

This calendar is being provided for planning purposes only and is intended to keep the Council apprised of upcoming agenda items and plan for upcoming Council items.



Paul Navazio
City Manager

Attachments:

1. Council Long Range Calendar (1)

UPDATED COUNCIL LONG RANGE CALENDAR

JUNE 4TH	REGULAR MEETING
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FY2019/20 Proposed Budget Presentation
 Development Impact Fee Administrative Guidelines
 Board and Commission and Appointments effective July 1, 2019
 2nd Reading – Board and Commission Ordinance Amendments
 Merrit Sub-Division Tentative Map and Development Agreement
 Traffic Calming

JUNE 18TH	REGULAR MEETING
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Call for Public Hearing for WM Liens on July 16, 2019
 Woodland Research & Technology Park – Specific Plan Update
 Public Hearing – Landscape and s
 FY 2019/20 Budget Adoption

JULY 2ND	REGULAR MEETING
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Chamber Annual Report

JULY 16TH	REGULAR MEETING
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Public Hearing – Waste Manaement Liens

Future Topics / Study Sessions:

July Tree Preservation Ordinance	August <i>Summer Recess – July 17 – August 19</i>
TBD Mobile Food Vendor Permits Non-Conforming Use Zoning Update Sewer Rates (Prop 218)	



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: F.2.
SUBJECT: Armed Forces Day Proclamation

Recommendation for Action: Staff recommends that the City Council adopt a Proclamation regarding Armed Forces Day. Members of the American Legion will be present to receive the proclamation.


Paul Navazio
City Manager

Attachments:

1. Armed Forces Day Proclamation

**CITY OF WOODLAND
PROCLAMATION
ARMED FORCES DAY, 2016**

WHEREAS, on Armed Forces Day, we pay tribute to the extraordinary men and women who serve our Nation with valor and distinction in all branches of the military. This annual observance honors their steadfast service in preserving our Nation's peace, preserving our freedom, and defending our founding principles; and

WHEREAS, with courage and honor, our men and women in uniform embody the everlasting responsibility we have to each other and to future generations by giving of themselves to ensure the preservation of our Republic and secure peace throughout the world; and

WHEREAS, it is because of them and the values they represent that people across the globe look to the United States of America in moments of desperation and despair. For the relief they offer, the stability they provide, and the hope they inspire, we owe our service members an extraordinary debt -- one we will never stop working to repay; and

WHEREAS, our country's strength is measured by how we support and take care of our troops. Humbled by the sacrifices they make -- and by the strength of their families -- we stand in support of those who don our uniform and strive to ensure they have every opportunity to pursue the American dream they defend

WHEREAS, they give their best for America, and they deserve the best from us. On this day, let us salute these brave Americans and all those who laid down their lives for our safety, and each day, let us remember that we live knowing liberty because of our Armed Forces.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Woodland does hereby proclaim the third Saturday of each May as Armed Forces Day and we salute these brave Americans and all those who laid down their lives for our safety, and each day, let us remember that we live knowing liberty because of our Armed Forces.

DATED: May 21, 2019

Xóchitl Rodriguez, Mayor

Rich Lansburgh, Mayor Pro Tem

Enrique Fernandez, Council Member

Angel Barajas, Council Member

Tom Stallard, Council Member



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: F.3.
SUBJECT: Mental Health Awareness Month Proclamation

Recommendation for Action: Staff recommends that the City Council adopt a proclamation declaring May as Mental Health Awareness Month. James Glica Hernandez and Karen Larsen will be receiving the proclamation.



Paul Navazio
City Manager

Attachments:

1. Mental Health Awareness Proclamation

CITY OF WOODLAND

PROCLAMATION

MENTAL HEALTH AWARENESS MONTH

WHEREAS, Mental health conditions are a leading cause of disability in the United States and affect millions of children, adolescents and adults in California; and

WHEREAS, Mental illness includes such conditions as schizophrenia, depression, anxiety and post-traumatic stress disorders; and

WHEREAS, Nearly 20 percent of the adults in California have experienced some degree of mental illness in the past year, and about 4 percent have experienced a serious mental illness; and

WHEREAS, every citizen and community can make a difference in helping to improve the lives of individuals and families affected by mental illness.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Woodland hereby proclaims Mental Health Awareness Month in Woodland and joins the nation in raising awareness of mental health issues and services and to increase public awareness of mental illness and to promote treatment and recovery.

DATED: May 21, 2019

Xóchitl Rodriguez, Mayor

Rich Lansburgh, Mayor Pro Tem

Enrique Fernandez, Council Member

Angel Barajas, Council Member

Tom Stallard, Council Member



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: F.4.
SUBJECT: Proclamation in Recognition of National Police Week

Recommendation for Action: Staff recommends that the City Council proclaim May 13 through May 19, 2018 as National Police Week.

Staff Contact:

Ana B. Gonzalez, City Clerk, (530) 661-5806, ana.gonzalez@cityofwoodland.org

Background:

In 1962, President John F. Kennedy signed Public Law 87-726 designating May 15 each year as Peace Officers' Memorial Day, in honor of the Federal, State, and Municipal officers who have been killed or disabled in the line of duty; and the week in which May 15 falls as National Police Week, in recognition of the service given by the men and women who, night and day, stand guard in our midst to protect us through enforcement of our laws. The law was amended by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, signed by President Bill Clinton, directing that the flag of the United States be displayed at half-staff on all government buildings on May 15 each year. While the actual dates change from year to year, National Police Week is always the calendar week, beginning on Sunday, which includes May 15.

Though enacted in 1962, it was not until May 15, 1982, that the first National Peace Officers' Memorial Day service was held. The Joint Resolution was enacted in recognition of the police officers of our country who work devotedly and selflessly on behalf of the people of the United States, regardless of the peril to themselves. These officers safeguard the lives and property of their fellow Americans by the enforcement of our laws. These men and women, by their patriotic service and dedicated efforts, deserve, and have earned, the gratitude of the Nation.

Prepared by: Ana B. Gonzalez


Paul Navazio
City Manager

Attachments:

1. Police Week Proclamation

**PROCLAMATION
IN
RECOGNITION OF NATIONAL POLICE WEEK**

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day and the week in which May 15 falls as National Police Week; and

WHEREAS, the members of the Woodland Police Department play an essential role in safeguarding the rights and freedoms of the community of Woodland; and

WHEREAS, it is important that the all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, protecting them against violence and disorder; and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the Woodland Police Department unceasingly provide a vital public service; and

NOW THEREFORE, the City Council of the City of Woodland hereby recognize May 13-19, 2019 as National Police Week and asks all our citizens to join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities have provided a dedicated service to their community. In so doing, they have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

DATED: May 21, 2019

Xóchitl Rodriguez, Mayor

Rich Lansbur, Mayor Pro Tempore

Angel Barajas, Council Member

Enrique Fernandez, Council Member Tom Stallard, Council Member



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: F.5.
SUBJECT: Proclaim May 19-25, 2019 as Public Works Week

Recommendation for Action: Staff recommends that the City Council proclaim May 19-25, 2019 as Public Works Week.

Staff Contact: Johanna Currie, Senior Management Analyst, (530) 661-5902,
johanna.currie@cityofwoodland.org

Background: Woodland's Public Works Department plays a key role in planning, building and maintaining infrastructure and facilities that allow current and future generations to enjoy a higher quality of life. Since 1960, the American Public Works Association (APWA) has sponsored National Public Works Week. Across the country, more that 28,000 member agencies use this week to educate the public on the critical contributions of public works to their daily lives.

The 2019 theme, "It Starts Here," recognizes the role Public Works plays in a variety of public service and the impact that work has on the community.

Discussion: The mission of Woodland's Public Works Department is *"To provide and maintain public works infrastructure, facilities and services in a cost-effective manner in order to meet the current projected needs of the City."*

Public Works Week presents an opportunity to convey to both the community and to our own staff a greater understanding of how our services benefit the City of Woodland. Woodland Public Works employees enhance public health and safety, and create a resilient community by providing a wide variety of services, including:

1. Potable water production and distribution;
2. Storm water and drainage management;
3. Wastewater collection and treatment;
4. State-certified water quality testing and industrial pretreatment programs;
5. Operation and maintenance of streets and roads;
6. Street lighting, traffic signals, street signs, and road markings;
7. Environmental resource management;
8. Management of solid waste collection and recycling;
9. Operation and maintenance of Woodland's fleet and facilities.

In recent years, the City's growth, reductions in resources, aging infrastructure, and an increasingly restrictive regulatory environment have challenged our ability to provide these services in the most efficient and cost-effective manner possible. However, one of the great satisfactions of working in the public works profession is that, regardless of the resource environment, Public Works staff has consistently provided quality services that directly impact the quality of life in our community and create a sustainable future for Woodland.

Conclusion: Staff recommends that the City Council proclaim May 19-25, 2019 as "Public Works Week."

Prepared By: Johanna Currie, Senior Management Analyst

Reviewed By: Craig Locke, Public Works Director



Paul Navazio
City Manager

Attachments:

1. 2019 Proclamation

**CITY OF WOODLAND
PROCLAMATION
PUBLIC WORKS WEEK 2019**

WHEREAS, Public Works services are an integral part of our community and the everyday lives of our citizens; and

WHEREAS, public infrastructure and facilities such as water systems, sewers, streets, traffic signals, street lights, and the wastewater treatment facility are operated and maintained by the Public Works Department, providing services enjoyed and demanded by our community on a 24/7 basis; and

WHEREAS, programs such as fleet & facilities maintenance, water conservation, and waste reduction/recycling are administered by Public Works' professionals; and

WHEREAS, the services provided by our Public Works Department contribute to the health, safety, and comfort of our community members, and to the beauty and cleanliness of our City; and

WHEREAS, the quality and sustainability of our infrastructure, facilities, programs, and services are vitally dependent upon the expertise and dedicated efforts of Public Works employees; and

WHEREAS, the efficiency of these Public Works employees is influenced by the community's attitude, support, and understanding of the work they perform;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Woodland does hereby proclaim the week of May 19-25, 2019 as **PUBLIC WORKS WEEK** in Woodland, and calls upon all citizens and civic organizations to acquaint themselves with the issues involved in providing public works services and to recognize the contributions that Woodland's Public Works employees make every day to our health, safety, and comfort, and how Public Works makes all of these connections possible.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Woodland to be affixed.

DATED: May 21, 2019

Xochitl Rodriguez, Mayor

Rich Lansburgh, Mayor Pro Tempore

Enrique Fernandez, Council Member

Angel Barajas, Council Member

Tom Stallard, Council Member



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: F.6.
SUBJECT: Proclamation Honoring May 2019 As Older Americans Month

Recommendation for Action: Staff recommends that the City Council adopt a Proclamation declaring May 2019 as Older Americans Month.

Staff Contact:

Dallas Tringali, Community Services Program Manager – 661-2005, dallas.tringali@cityofwoodland.org

Background:

Each year, more and more older adults are making a positive impact in and around Woodland. As volunteers, employees, employers, educators, mentors, advocates, and more, they offer insight and experience that benefit the entire community. For the last 56 years, Older Americans Month has been recognizing the contributions of this growing population.

Led by the Administration for Community Living each May, Older Americans Month provides resources to help older Americans stay healthy and independent, and resources to help communities support and celebrate their diversity.

This year's Older Americans Month theme, *Connect, Create, Contribute*, encourages older adults and their communities to:

- **Connect** with friends, family, and local services and resources.
- **Create** through activities that promote learning, health, and personal enrichment.
- **Contribute** time, talent, and life experience to benefit others.

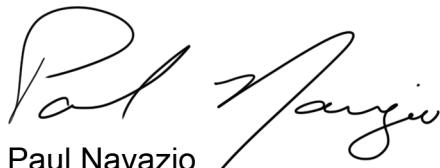
The City of Woodland will celebrate Older Americans Month by promoting ways that community members of *all* ages can take part in helping Woodland thrive. In support of Older Americans Month, on May 23rd from 9 am - 12 pm, the City of Woodland Commission on Aging and the Senior Center will be hosting a Senior Resource Fair at the Community & Senior Center. More than 60 organizations that provide services and educational resources for seniors will be available to answer questions and provide materials on a wide range of topics.

Conclusion:

Staff recommends that the City Council adopt a Proclamation declaring May 2018 as Older Americans Month.

Prepared by: Dallas Tringali, Community Services Program Manager

Reviewed by: Christine Engel, Community Services Director



Paul Navazio
City Manager

Attachments:

1. Older Americans Month Proclamation 2019

City of Woodland Proclamation Declaring MAY 2019 as Older Americans Month

- WHEREAS,** the City of Woodland includes a growing number of older Americans who enrich our community through their diverse life experiences; and
- WHEREAS,** the City of Woodland is committed to strengthening our community by connecting with and supporting older adults, their families, and caregivers and acknowledging their many valuable contributions to society; and
- WHEREAS,** the City of Woodland recognizes the importance of bringing together all generations and engaging in activities that promote physical, mental, and emotional well-being for the benefit of all; and
- WHEREAS,** the City of Woodland can enhance the lives of older Americans in our community by:
- promoting home- and community-based services that support independent living;
 - involving older adults in community events and other activities; and
 - providing opportunities for older adults to work, volunteer, learn, lead, and mentor.

NOW THEREFORE, be it resolved that the City Council of the City of Woodland do hereby proclaim May 2019 to be Older Americans Month. We urge every resident to take time during this month to recognize older adults and the people who serve them as essential and valuable members of our community.

PASSED AND ADOPTED this 14th Day of May, 2019

Xóchitl Rodriguez, Mayor

Rich Lansburgh, Mayor Pro Tem

Enrique Fernandez, Council Member

Angel Barajas, Council Member

Tom Stallard, Council Member



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: F.7.
SUBJECT: Proclamation Honoring Don Campbell

Recommendation for Action: Staff recommends that the City Council adopt a Proclamation honoring Don Campbell for his dedicated service to the Commission on Aging.

Staff Contact:

Dallas Tringali, Community Services Program Manager – 661-2005, dallas.tringali@cityofwoodland.org

Background:

Don Campbell has actively served the City of Woodland Commission on Aging since 2008. He has served as the Chair for a majority of those years, taking up causes such as Senior Center facility access and handicap parking. Don has given an incredible amount of his own time volunteering for several organizations, including: Meals on Wheels, American Legion, Elks Lodge, Woodland Senior Center, Woodland Food Closet, Community Care Car, and Yolo County Retired Police Officers Association.

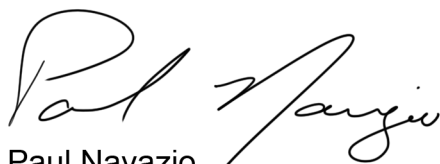
Don's final Commission meeting will be June 20, 2019.

Conclusion:

Staff recommends that the City Council adopt a Proclamation honoring Don Campbell for his dedicated service to the Commission on Aging.

Prepared by: Dallas Tringali, Community Services Program Manager

Reviewed by: Christine Engel, Community Services Director


Paul Navazio
City Manager

Attachments:

1. Proclamation Don Campbell

PROCLAMATION HONORING DON CAMPBELL

- WHEREAS,** the City of Woodland Commission on Aging is a body of community members tasked with advising the City Council of senior-related issues; and
- WHEREAS,** Don Campbell has served on the Commission on Aging since 2008, taking the position of Chair for several of those years; and
- WHEREAS,** Don is an Air Force veteran and a retired California Highway Patrol officer of 34 years; and
- WHEREAS,** Don has been part of numerous service organizations post-retirement, including: Woodland Elks Lodge, Woodland Food Closet, Community Care Car, American Legion, Yolo County Retired Police Officers Association, Meals on Wheels, among several others; and
- WHEREAS,** Don has received many awards for his service, including: Senior Center Volunteer of the Year, City of Woodland Community Service Award, American Legion Officer of the Year, VFW J. Edgar Hoover Gold Medal Award, CHP Valley Division Officer of the Year, and the Community Care Car's Jim Lawson Volunteer of the Year Award.

NOW THEREFORE, be it resolved that the City Council of the City of Woodland does hereby recognize, and is grateful to, Don Campbell for his distinguished service to the City of Woodland community and Commission on Aging. Sincere commendations to him and wishes for continued success in all future endeavors.

PASSED AND ADOPTED this 21st day of May, 2019

Xóchitl Rodriguez, Mayor

Rich Lansburgh, Mayor Pro Tempore

Angel Barajas, Council Member

Enrique Fernandez, Council Member

Tom Stallard, Council Member



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: F.8.
SUBJECT: Sacramento Area Council of Governments Presentation

Recommendation for Action: Staff recommends that the City receive a presentation from James Corless, Executive Director of SACOG on regional initiatives and statewide legislative efforts to address housing and transportation related issues.


Paul Navazio
City Manager

Attachments:

None



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: G.9.
SUBJECT: Police Department Quarterly Status Report for the period of January 2019 through March 2019

Recommendation for Action: Staff recommends that the City Council accept the Police Department quarterly status report for January 2019 through March 2019.

Staff Contact:

Luis Soler, Chief of Police, 530-661-7834, Luis.Soler@cityofwoodland.org

Background:

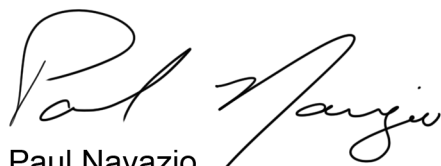
The Police Department Quarterly Status Report includes a summary of all activity within the Department. In lieu of providing comprehensive monthly status reports to the City Council and department heads via e-mail communication, the City Council will now be receiving Status Reports on a quarterly basis via agenda packet.

Conclusion:

Staff recommends that the City Council accept the Police Department quarterly status report for January 2019 through March 2019.

Prepared By: Trista Kennedy, Executive Assistant

Reviewed By: Luis Soler, Chief of Police


Paul Navazio
City Manager

Attachments:

1. Qtrly report - Jan. - Mar. 2019





WOODLAND POLICE DEPARTMENT

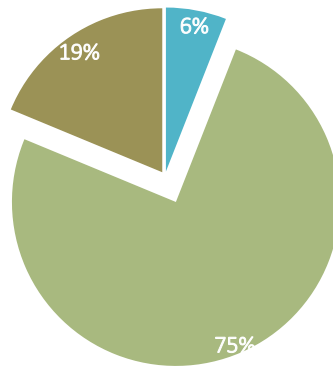
QUARTERLY REPORT

January – March 2019



CALLS FOR SERVICE

■ Priority 1 ■ Priority 2 ■ Priority 3



WORKLOAD

Calls for Service	January	February	March	TOTAL	Previous Qtr. Total
Priority 1	68	89	87	244	331
Priority 2	1,059	912	1,109	3,080	5,655
Priority 3	231	237	299	767	359
All other calls for service	3,821	3,162	4,066	11,049	9,721
TOTAL	5,179	4,400	5,561	15,140	16,066



WOODLAND POLICE DEPARTMENT

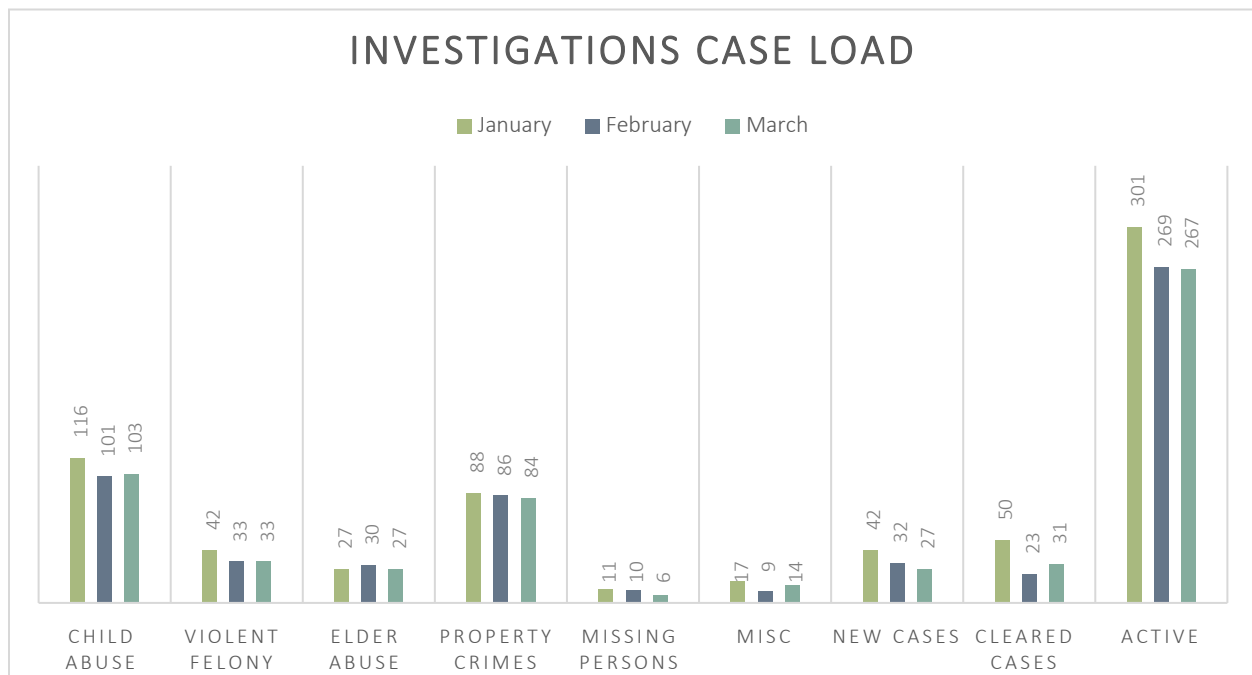
QUARTERLY REPORT

January – March 2019



INVESTIGATIONS BUREAU:

The Investigations Bureau conducts follow-up criminal investigations on all felony and select misdemeanor crimes reported to the Police Department. Typically, a uniformed police officer responds to a call for service and prepares a police report which may require follow-up investigation. A Police Investigator is then assigned to conduct the follow-up, often requiring many hours of investigation before an arrest is made or a case is closed.



290 Registrant Activity

	January	February	March
Total registrants	141	144	144
Total transient registrants	19	22	22
290 PC violation warrants issued	1	0	0
Not in compliance with annual update	0	0	0



WOODLAND POLICE DEPARTMENT QUARTERLY REPORT

January – March 2019



COMMUNITY RELATIONS BUREAU:

The Community Relations Bureau is also responsible for all community outreach events, training, and media relations.

School Resource Officers (SRO):

There are three School Resource Officers (SROs) assigned to schools within the Woodland Joint Unified School District. They are responsible for all calls and incidents involving students while on school grounds. While responsible for typical calls for service at the campus, the SROs provide a much greater service.

The SROs had the following activity for the 1st quarter of 2019:

Activity	January	February	March
Consensual contacts	1,150	1,261	1,579
Fighting	5	9	13
Alcohol violations	0	0	0
Gang activity	0	0	6
Narcotics	2	3	2
Truancy	2	1	1
Tobacco use	0	0	0
Vandalism	0	0	0
Theft	2	0	0
Weapons	0	0	0
Other misdemeanor crimes	3	3	3
Other felony crimes	0	0	0
Administrative/Home visits	60	60	81
Overall Total:	1,224	1,337	1,685

During the month of January, **SRO Gray** taught ALICE (Alert, Lockdown, Inform, Counter, Evacuate- active shooter training) at Gibson Elementary School, Springlake Elementary School, Maxwell Elementary School, Sci-Tech Elementary School and also to WJUSD Lunch Services personnel. He also taught four forensic classes at Pioneer High School and patrolled numerous school campuses. **SRO McManus** attended School Attendance Review Board (SARB) hearings and a YTAC (Yolo Truancy Abatement Committee) meeting, taught G.R.E.A.T. at Lee Middle School, patrolled numerous school campuses and participated in SWAT training and a SWAT operation. **SRO Flores** assisted Patrol, attended SARB hearings, attended meetings for YTAC (Yolo Truancy Abatement Committee), UNIDOS and Fill-the-Trunk. He taught Defensive Tactics to new-hire, Officer Henderson, participated in the Explorer Program and patrolled numerous school campuses. SRO Flores attended TUPE (Tobacco-Use Prevention Education) training, attended CNT training, assisted with the funeral procession for Officer Natalie Corona and participated in a Parole/Gang sweep.



WOODLAND POLICE DEPARTMENT QUARTERLY REPORT

January – March 2019



In February, **SRO Gray** taught ALICE at Tafoya Elementary School and Prairie Elementary School and conducted ALICE drills at Lee Middle School. He worked PHS vs. WHS basketball games, conducted home visits, assisted SRT with the arrest of an attempted murder suspect (19-0659). **SRO McManus** worked a PHS vs. WHS basketball game, attended a WJUSD Board Meeting, conducted ALICE drills at Lee Middle School and patrolled and handled calls for service for numerous school campuses. **SRO Flores** worked PHS vs. WHS basketball and soccer games, attended annual Range Training, assisted SRT with the arrest of an attempted murder suspect (19-0659), held a Woman's Self Defense class, assisted Patrol and Investigations, attended DA Mediation, conducted home visits and patrolled and handled calls for service for numerous school campuses.

In March, **SRO Gray** taught G.R.E.A.T. at Tafoya Elementary School and Zamora Elementary School, attended Teen Pack after school program at Douglass Middle School, participated in Read Across America at Spring Lake Elementary School and Dingle Elementary School, participated in Sexual Harassment Training and SWAT training, held parent meetings, conducted home visits and patrolled numerous school campuses. **SRO McManus** taught G.R.E.A.T. at Prairie Elementary School and Sci-Tech Elementary School, participated in Read Across America at Sci-Tech Elementary School, participated in Sexual Harassment Training and SWAT training. **SRO Flores** taught G.R.E.A.T. at Tafoya Elementary School, participated in Explorers, assisted Patrol, including assistance with the arrest of 2 WHS students for a robbery of a local liquor store, participated in Sexual Harassment Training and CNT training, held parent meetings, conducted home visits and patrolled numerous school campuses.

Youth Gang Reduction, Intervention & Prevention (YGRIP)

Woodland's YGRIP Initiative will support safer communities through an expanded collaborative consisting of professionals and community members committed to reducing youth violence, gang membership, and gang activities through the three pillars of evidence-based strategies: suppression, intervention and prevention.

The operational team focused on streamlining the referral process and increasing our public outreach at events which should be more evident in the coming months.

Two officers participated in Bigs with Badges (Evan Black and Gina Bell) with great success!

Woodland Police Activities League (WPAL)

Woodland PAL's is gearing up for its biggest program: Junior Giants. This program will start in June and run through Summer.

WPAL continues to work on fundraising ideas. We had a very successful Tri-tip Dinner on February 20th and have a dinner planned in May.

We are also starting to plan for our annual Summer Program.



WOODLAND POLICE DEPARTMENT QUARTERLY REPORT

January – March 2019



Gang Resistance Education and Training (G.R.E.A.T.) Program

The second half of GREAT instruction is well on its way this semester. We will complete instruction to all 4th graders during this period.

We are still looking to expand the 7th grade program to Douglas Middle School next year although this will require additional instructors. Probation is interested in helping and is currently evaluation this option. The 7th grade program received high praise from school administrators.

The department hopes to recruit and additional 3 instructors for next year.

Homeless Outreach Street Team (HOST) Information and Statistics

HOST continues to strive to reach the goal of helping people get off the streets, arresting those “problem” transients, reducing blight, reducing calls for service, and reducing impacts on the business community.

Over this quarter, HOST assisted Yolo County Agencies with the extended shelter across from the main shelter and continued to assist with the winter shelter. They worked closely with service agencies to get homeless off the street and succeeded, at least temporarily, in placing some of our long time homeless in shelter.

HOST continued regular clean-ups around town with Junk King and Probation. They also worked closely with the shelter, DA’s office, and patrol officers to coordinate an updated shelter occupancy notification system to accurately and appropriately enforce the camping laws.

The following are some approximate general statistics related to HOST activity for the last quarter:

Contacts:	481
Camps:	99
Camps cleaned:	55
Services Offered/Accepted:	34/13
Business Contacts:	33
Arrests:	39
Phone Calls / Emails:	26/19



SUPPORT SERVICES BUREAU:

The Support Services Bureau is comprised of non-sworn staff. The bureau encompasses the Records Division and Property and Evidence. The Records Division serves as one of the most important functions in the Department. The Division is responsible for entering and processing all crime, traffic, warrant, citation, towed vehicles and property information into computerized databases.

Records:

	Jan.-Mar. 2019	Previous Qtr. Total
Reports Processed	1743	2125
Citations Entered	897	821
Traffic Collisions	160	158
Warrants	627	537

Property and Evidence:

	Jan.-Mar. 2019	Previous Qtr. Total
Evidence Processed	1358	1597
Items Purged	588	1219
Property for Safekeeping	99	190
Found Property	175	91
Property Returned to Owner	94	165



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: G.10.
SUBJECT: Fire Department Quarterly Status Report for the period of January 2019 - March 2019

Recommendation for Action: Staff recommends that the City Council accept the Fire Department Quarterly Status Report for January 2019 through March 2019.

Staff Contact:

Rebecca Ramirez, Fire Chief, (530) 661-5861, becky.ramirez@cityofwoodland.org

Background:

The Fire Department Quarterly Status Report includes a summary of all activity within the Department. In lieu of providing comprehensive monthly status reports to the City Council and department heads via e-mail communication, the City Council now receives status reports on a quarterly basis via agenda packet.

Conclusion:

Staff recommends that the City Council accept the Fire Department Quarterly Status Report for January 2019 through March 2019.

Prepared By: Jeran Ulrich, Management Analyst

Reviewed By: Rebecca Ramirez, Fire Chief


Paul Navazio
City Manager

Attachments:

1. Fire Department Quarterly Report Jan-Mar 19



WOODLAND FIRE DEPARTMENT

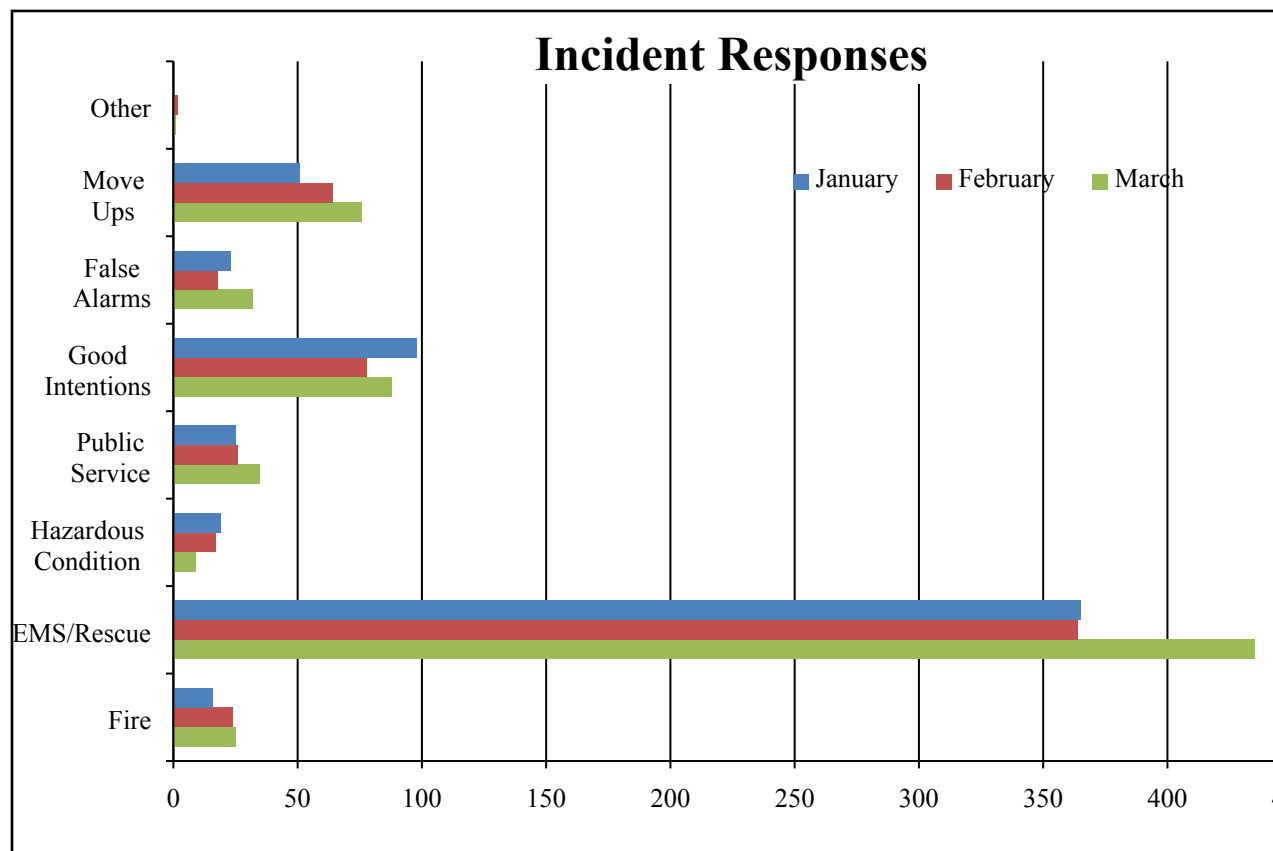
Quarterly Report

DATE: May 21, 2019

SUBJECT: QUARTERLY REPORT FOR JANUARY-MARCH 2019

The Quarterly Status Report includes a wide variety of information in an effort to better inform the public and the City Council.

Total Incident Responses	January	February	March
Fire	16	24	25
EMS/Rescue	365	364	435
Hazardous Condition	19	17	9
Public Service	25	26	35
Good Intentions	98	78	88
False Alarms	23	18	32
Move Up*	51	64	76
Other	0	2	1
TOTAL	597	593	701



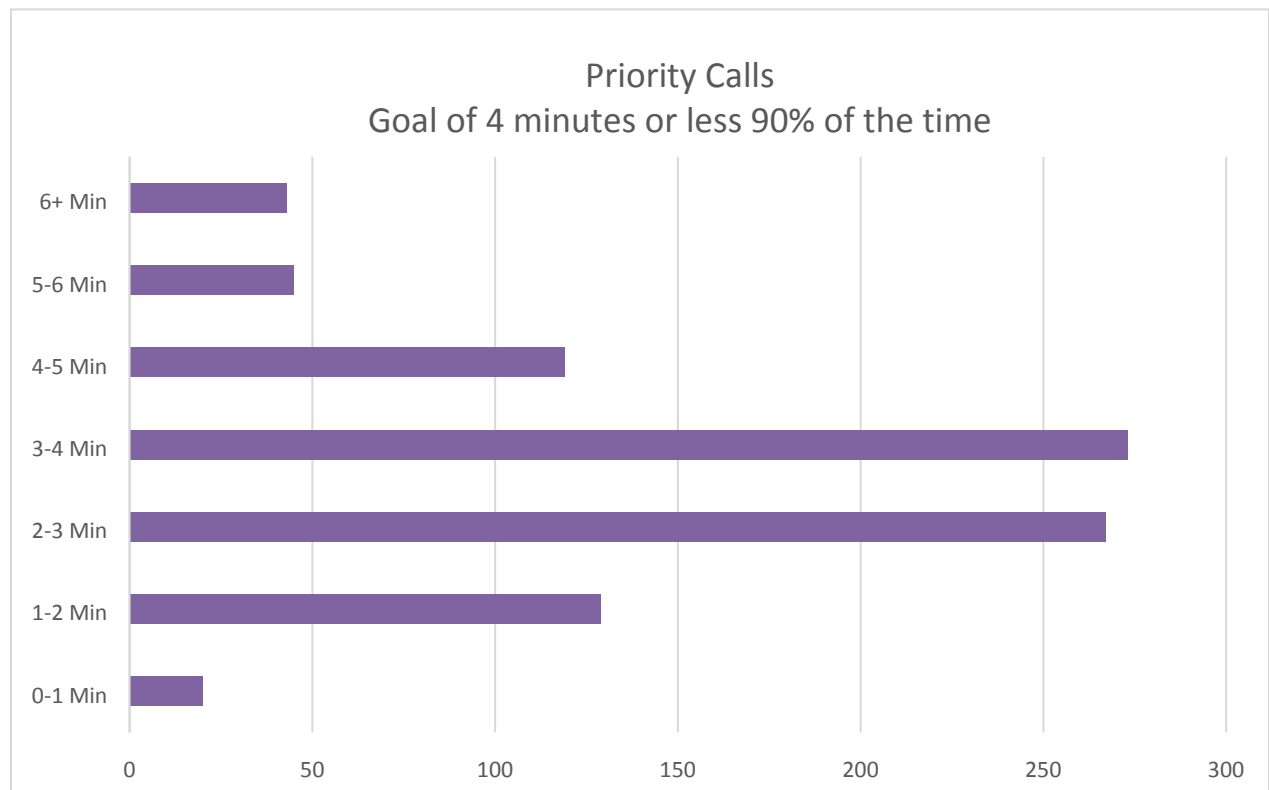
*When two or three (dependent on area) engine/truck companies are committed to calls simultaneously, the remaining engine/truck companies move strategically into the vacated area(s) to ensure adequate coverage based upon the number of available apparatus. This practice is called an "move up".

Fire Prevention	January	February	March
Engine Company Inspections	11	9	9
Inspections	149	139	171
Plan Reviews	37	12	7
Code Enforcement Hours	1	3	1
Fire Investigation Hours	3	15	7

Quarterly Travel Times:

Based on the City's general plan, the Woodland Fire Department has adopted the national travel time standards set forth in NFPA 1710. These times are calculated using en route time (the time the company leaves the station) and arrival time (the time the company arrives on scene). Below is a breakdown of travel time goals and response time at the 90% benchmark (in minutes) by type of call:

Quarterly Response Times	January-March 2019		
	Response Goal	Actual Performance Percentage	Response Time At the 90% Benchmark
Structure Fire (1 st Unit)	4 minutes 90% of the time	100%	3:32
Fire- Other	4 minutes 90% of the time	80.4%	4:43
Full First Alarm Assignment (3 Engines, 1 Truck, 1BC)	8 minutes 90% of the time	100%	5:45
Emergency Medical	4 minutes 90% of the time	77.3%	4:44



Automatic or Mutual Aid:

Automatic aid is provided to another agency through formal agreement and occurs automatically on significant events without any special request. Mutual aid occurs when fire departments provide help to one another upon special request when a significant event(s) (large incident or multiple small incidents) take place. Every fire agency in Yolo County is a signatory to this agreement.

	January	February	March
Aid Received	5	13	22
Aid Given	18	12	9
TOTAL	23	25	31



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: G.11.
SUBJECT: Woodland Fire Department Annual Inspection Compliance Report

Recommendation for Action: Staff recommends that the City Council adopt Resolution No. _____, approving the annual inspection compliance report to fulfill the new requirements of the California Health and Safety Code Sections 13146.2 and 13146.3.

Staff Contact:

Emily Richter, Fire Marshal, (530) 661-5855, emily.richter@cityofwoodland.org

Background:

On September 27, 2018, SB 1205 became effective, and added a new section to the California Health and Safety Code, which affects every fire department or fire district in the State of California. A copy of this bill is included in this package, as reference. Existing state law requires every fire department or district providing fire protection services to inspect every building used as a public or private school, hotels, motels, lodging houses, and apartment houses on an annual basis. Woodland Fire Department has, and continues to strive to complete all of these mandated inspection facilities annually.

Upon the passing of SB 1205 last year, the Fire Department is now required to report compliance numbers for these inspections to City Council annually and acknowledge receipt of the compliance report through a resolution.

As this is the first report to City Council since the passing of this bill, Woodland Fire will be reporting on the 2017/2018 fiscal year in order to provide a complete picture of required annual inspections. Current fiscal year inspections are currently underway and on track to be completed by June 30, 2019.

In addition to these inspections mandated by state law, Woodland Fire Department is proud to maintain a robust inspection program, to work to ensure that all occupancies within the City are inspected for fire and life safety on an annual or biennial basis, depending upon the risks within the occupancy. This allows staff to provide interactive, risk-based inspections per relevant codes and fire safety education to every business within the City, enhancing fire safety behaviors throughout the community.

While the bill requires only the reporting of public or private school, hotels, motels, lodging houses, and apartment houses, Woodland Fire has elected to report inspection data on additional occupancies within the City that pose a higher risk, such as places of assembly and hospitals. The attached report includes inspection numbers for healthcare facilities, theaters, restaurants, places of worship, and indoor sporting event buildings. The highlighted portion represents the numbers required by the new bill.

Discussion:

The purpose of SB 1205 was to require fire departments to review and report on occupancies inspected within

the jurisdiction that are mandated to be inspected annually by the State. Analysis of this data allows the opportunity to address any missing inspections, or improve the inspection program as needed. While Fire Department staff continually strive to achieve 100% completion of all occupancy inspections, it is recognized that fluctuations in workload, construction volume, and limited staffing provide a challenge to this goal. However, after the review of FY17/18 data, changes were made that should reflect a positive improvement to completion data for future annual reports.

Conclusion:

Staff recommends that the City Council adopt Resolution No. _____, approving the annual inspection compliance report to fulfill the new requirements of the California Health and Safety Code Sections 13146.2 and 13146.3.

Prepared By: Emily Richter, Fire Marshal

Reviewed By: Rebecca Ramirez, Fire Chief



Paul Navazio
City Manager

Attachments:

1. Woodland SB 1205 Resolution 2019
2. Fire Department SB 1205 Annual Report
3. Senate Bill 1205

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND
APPROVING THE CITY OF WOODLAND FIRE DEPARTMENT'S COMPLIANCE
WITH SECTIONS 13146.2 AND 13146.3 OF THE CALIFORNIA HEALTH AND
SAFETY CODE**

WHEREAS, California Health and Safety Code Section 13146.4 requires all fire departments that provide fire protection services to report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3; and

WHEREAS, California Health and Safety Code Sections 13146.2 and 13146.3 require all fire departments that provide fire protection services to perform annual inspections in every building used as a public or private school, hotel, motel, lodging house, and apartment house for compliance with building standards; and

WHEREAS, the City of Woodland Fire Department conducted 17 of 19 Group E (school), 11 of 11 Group R-1 (hotel and motel) and 125 of 133 Group R-2 (apartment, lodging house, etc.) occupancy inspections for the fiscal reporting period of 2017/2018; and

WHEREAS, the City Council of Woodland intends this Resolution to fulfill the requirements of the California Health and Safety Code regarding acknowledgment of the Woodland Fire Department's compliance with California Health and Safety Code Sections 13146.2 and 13146.3.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Woodland expressly approves the measure of compliance of the City of Woodland Fire Department with the California Health and Safety Code Sections 13146.2 and 13146.3 in the area encompassed by the City of Woodland as follows:

PASSED AND ADOPTED by the City Council this 21st day of May, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Xóchitl Rodriguez, Mayor

ATTEST:

APPROVED AS TO FORM:

Ana B. Gonzalez, City Clerk

Kara K. Ueda, City Attorney



WOODLAND FIRE DEPARTMENT

Inspection Compliance Report

DATE: May 21, 2019

SUBJECT: Annual Inspection Compliance Report to Fulfill California HSC Sec. 13146.2 and 13146.3.

Woodland Fire Department Annual Inspection Compliance Report			
Total Occupancy Inspections Conducted: 823			
Occupancy Type	Total # of Occupancies	Completed in FY 17/18	% Complete
E (Schools)	19	17	89%
R-1 (Hotels, Motels)	11	11	100%
R-2 (Apartment, Lodging houses)	133	125	94%
Total E & R Occ. (Reportable)	163	153	94%
I-2 (Hospital, Nursing Homes)	6	6	100%
I-2.1 (Outpatient Facilities)	2	2	100%
I-4 (Adult Day Care)	1	1	100%
Total I Occ.	9	9	100%
A-1 (Theaters)	3	3	100%
A-2 (Restaurants)	57	56	98%
A-3 (Places of Worship)	59	52	88%
A-4 (Indoor Sport Facilities)	3	3	100%
Total A Occ.	122	114	93%

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SHARE THIS:



Date Published: 09/27/2018 09:00 PM

Senate Bill No. 1205**CHAPTER 854**

An act to add Section 13146.4 to the Health and Safety Code, relating to fire protection.

[Approved by Governor September 27, 2018. Filed with Secretary of State September 27, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1205, Hill. Fire protection services: inspections: compliance reporting.

Existing law requires the chief of any city or county fire department or district providing fire protection services and his or her authorized representatives to inspect every building used as a public or private school within his or her jurisdiction, for the purpose of enforcing specified building standards, not less than once each year, as provided. Existing law requires every city or county fire department or district providing fire protection services that is required to enforce specified building standards to annually inspect certain structures, including hotels, motels, lodging houses, and apartment houses, for compliance with building standards, as provided.

This bill would require every city or county fire department, city and county fire department, or district required to perform the above-described inspections to report annually to its administering authority, as defined, on the department's or district's compliance with the above-described inspection requirements, as provided. The bill would require the administering authority to acknowledge receipt of the report in a resolution or a similar formal document. To the extent this bill would expand the responsibility of a local agency, the bill would create 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Section 13146.4 is added to the Health and Safety Code, to read:

13146.4. (a) Every city or county fire department, city and county fire department, or district required to perform an annual inspection pursuant to Sections 13146.2 and 13146.3 shall report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3.

(b) The report made pursuant to subdivision (a) shall occur when the administering authority discusses its annual budget, or at another time determined by the administering authority.

(c) The administering authority shall acknowledge receipt of the report made pursuant to subdivision (a) in a resolution or a similar formal document.

(d) For purposes of this section, "administering authority" means a city council, county board of supervisors, or district board, as the case may be.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: G.12.
SUBJECT: California Asset Management Program Participation

Recommendation for Action: Staff recommends that the City Council adopt Resolution No. _____, authorizing the City of Woodland to join with other public agencies as a participant of the California Asset Management Trust, to invest in shares of the Trust and an individual portfolio.

Staff Contact

Adam Devlin, Senior Accountant - (530)661-5835, adam.devlin@cityofwoodland.org

Fiscal Impact

Becoming a participant of the California Asset Management Program (CAMP) would provide the City of Woodland another investment tool that could potentially provide higher earnings for short-term investments.

Background

The California Asset Management Program (CAMP) was created in 1989 when two public agencies formed the California Asset Management Trust (Trust) to meet local government investment needs in a manner and at a cost determined by the local governments that use the program. The Trust's activities are directed by a Board of Trustees, all of whom are employees of California public agencies. As a result, the Trust is accountable solely to its public agency participants.

The Trust's Cash Reserve Portfolio (Pool) is a short-term money market portfolio, which seeks to preserve principal, provide daily liquidity and earn a high level of income, consistent with its objectives of preserving principal. In conjunction with the Pool, the Trust offers a variety of cash management tools to assist public agencies in effectively managing their cash.

The City maintains an investment portfolio of more than \$100 million. A portion of the City's portfolio is invested in short term, highly liquid investments to provide adequate cash to cover daily operations. Currently, these investments are placed in the Local Agency Investment Fund (LAIF) operated by the State of California. LAIF has maximum allowable limits, which, at certain times of the year, the City's liquid cash exceeds.

Discussion

CAMP is governed by a seven-member board of highly respected California treasurers and finance directors. PFM Asset Management LLC (PFM) provides day-to-day-portfolio management and program administrative services. PFM specializes in providing investment management services to public agencies. PFM currently manages over \$21 billion in public assets, including over \$7 billion for California public agencies.

Some of the key benefits of participation in the program are as follows:

Safety: Standard and Poor's (S&P), one of the nationally recognized rating agencies, reviews the assets of the Pool each week. For the Pool to maintain the "AAAm" rating, the Pool must meet certain credit rating standards and not exceed the average maturity allowed by S&P. In addition, a third-party custodian holds all cash and

securities.

- Daily liquidity: The City may make withdrawals any time (same day if CAMP is notified by 11:00 a.m.) and there is no limit on the number of transactions.
- Competitive money market yields
- Unlimited deposits and withdrawals
- Interest earned daily and credited monthly
- Individually managed portfolios which can be invested solely in securities permitted by the City of Woodland's investment policy or trust indenture.
- Services to ensure compliance with Treasury Department's arbitrage regulations for bond proceeds including arbitrage tracking, expenditure tests, annual estimates of rebate liability and rebate calculations on Installment Computation Dates.
- Monthly portfolio reports

The CAMP Pool is a long-established, very safe short-term investment alternative.

The CAMP program is similar in many ways to LAIF, and would provide alternative options for placement of short term investments. Participation in CAMP is permitted under the City's Investment Policy and the interest rates are very similar to those earned through LAIF.

Conclusion

Staff recommends that the City Council adopt Resolution No. _____, authorizing the City of Woodland to join with other public agencies as a participant of the California Asset Management Trust, to invest in shares of the Trust and an individual portfolio.

Prepared by: Adam Devlin, Senior Accountant

Reviewed by: Kimberly McKinney, Finance Officer/Treasurer



Paul Navazio
City Manager

Attachments:

1. CAMP Resolution

RESOLUTION NO. ____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND, AUTHORIZING
THE CITY OF WOODLAND TO JOIN WITH OTHER PUBLIC AGENCIES AS A
PARTICIPANT OF THE CALIFORNIA ASSET MANAGEMENT TRUST AND TO INVEST
IN SHARES OF THE TRUST AND IN INDIVIDUAL PORTFOLIOS

WHEREAS, Section 6509.7 of Title 1, Division 7, Chapter 5 of the Government Code of the State of California (the "Joint Exercise of Powers Act") provides that, if authorized by their legislative or other governing bodies, two or more public agencies that have the authority to invest funds in their treasuries may, by agreement, jointly exercise that common power;

WHEREAS, under Sections 6500 and 6509.7(b) of the Joint Exercise of Powers Act, a "public agency" includes, but is not limited to, any California county, county board of education, county superintendent of schools, city, public corporation, public district, regional transportation commission, state department or agency, any joint powers authority formed pursuant to the Joint Exercise of Powers Act by public agencies or any nonprofit corporation whose membership is confined to public agencies or public officials;

WHEREAS, public agencies that constitute local agencies, as that term is defined in Sections 53600 of Title 5, Division 2, Part 1, Chapter 4, Article 2 of the Government Code of the State of California (the "California Government Code"), are authorized pursuant to Section 53601(p), to invest all money belonging to, or in the custody of, a local agency not required for its immediate need in shares of beneficial interest issued by a joint powers authority organized pursuant to Section 6509.7 of the California Government Code that invests in the securities and obligations authorized in subdivisions (a) to (q), inclusive, of Government Code Section 53601;

WHEREAS, the California Asset Management Trust (the "Trust") was established, pursuant to and in accordance with the Joint Exercise of Powers Act, by a Declaration of Trust, made as of December 15, 1989, as subsequently amended from time to time (the "Declaration of Trust"), as a vehicle for public agencies to jointly exercise their common power to invest the proceeds of debt issues and Public Agency surplus funds;

WHEREAS, pursuant to and in accordance with the Joint Exercise of Powers Act, the Public Agency desires to join the other public agencies which are or will be Participants of the Trust by adopting and executing the Declaration of Trust, a form which is on file in the office of the Treasurer;

WHEREAS, the Public Agency is a "public agency" as that term is defined in Sections 6500 and 6509.7(b) of the Joint Exercise of Powers Act and a "local agency" as that term is defined in Section 53600 of the California Government Code;

WHEREAS, the Public Agency is otherwise permitted to be a Participant of the Trust and to invest funds in the Trust and in the individual portfolios to be managed by the Investment Adviser to the Trust ("Individual Portfolios"); and

WHEREAS, a program guide describing the Trust and the Individual Portfolios (the "Program Guide") is on file in the office of the Treasurer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Woodland as follows:

Section 1. The City of Woodland shall join with other public agencies pursuant to and in accordance with the Joint Exercise of Powers Act by executing the Declaration of Trust and thereby becoming a Participant in the Trust, which Declaration of Trust is hereby approved and adopted. A copy of the Declaration of Trust, which is available in the office of the Treasurer shall be filed with the minutes of the meeting at which this Resolution was adopted. The Mayor of the City of Woodland is hereby authorized to execute, and the City Clerk of the City of Woodland is hereby authorized to attest and deliver, the Declaration of Trust.

Section 2. The Public Agency is hereby authorized to purchase shares in the Trust from time to time with available funds of the Public Agency, and to redeem some or all of those shares from time to time as such funds are needed.

Section 3. The Public Agency is hereby authorized to invest available funds of the Public Agency from time to time in one or more Individual Portfolios managed by the Investment Adviser to the Trust and described in the Program Guide.

Section 4. The appropriate officers, agents and employees of the Public Agency are hereby authorized and directed in the name and on behalf of the Public Agency to take all actions and to make and execute any and all certificates, requisitions, agreements, notices, consents, warrants and other documents, and any changes, amendments, modifications, or waivers thereto which they, or any of them, might deem necessary or appropriate in order to accomplish the purposes of this Resolution.

Section 5. This Resolution shall take effect at the earliest date permitted by law.

By: _____
Xochitl Rodriguez, Mayor

ATTEST:

By: _____
Ana B. Gonzalez, City Clerk

APPROVED AS TO FORM:

By: _____
Kara K. Ueda, City Attorney



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: G.13.
SUBJECT: Buchignani Field: Amendments to Lease Agreements

Recommendation for Action: Staff recommends that the City Council 1) Adopt Resolution No. _____, Authorizing the City Manager to Execute Amendment #1 to a Field Lease Agreement with the 40th District Agricultural Association of Yolo County, and 2) Authorize Resolution No. _____, Authorizing the City Manager to Execute Amendment #1 to a Sublease Agreement with Woodland Little League.

Staff Contact

Christine Engel, Community Services Director, christine.engel@cityofwoodland.org (530) 661-2000

Fiscal Impact

The lease agreement between the City and the 40th District Agricultural Association of Yolo County (Fairgrounds) includes an annual lease payment of \$5,500. Woodland Little League (WLL) will annually reimburse the City for this lease payment. Under both lease agreements, the City is responsible for paying for water use (for consumption and irrigation). In FY17/18 the cost was \$6,418.03. In FY18/19 the cost was \$11,545.39. It is anticipated that the cost will be \$15,000 for FY19/20. The proposed FY19/20 budget includes this funding request.

Background

The Community Services Department works with many youth recreation organizations to provide them with fields for practices and games for soccer, baseball, and softball. The City does not have enough fields to accommodate the needs of all of the user groups. For the Spring 2019 season, there are over 800 youth participating in baseball and softball, utilizing City and Woodland Joint Unified School District fields (in addition to Buchignani Field owned by the Fairgrounds). Staff is continuing to evaluate current and future recreation field needs as reported to the City Council over the last two years related to proposed new facilities at the Woodland Sports Park.

For over twenty years, WLL has used Buchignani Field, located at the Yolo County Fairgrounds (1300 East Gum Avenue), for some of their games and practices. WLL also utilizes three fields at Camerena (two full-size fields and one t-ball field) and the one full-size field at Buchignani. WLL relies on the use of Buchignani Field, as a third full-size field is needed to accommodate the number of players in their league.

On May 4, 2017, the City Council authorized a two year lease agreement between the City and the Fairgrounds, and a consequent sublease agreement between the City and WLL. These agreements expire on July 6, 2019. Terms of the lease agreement included an annual lease payment to the Fairgrounds (\$5000 paid by WLL), water utility bill payments by the City, grounds maintenance by WLL, and procedures for reporting problems and making improvements to the facilities.

Discussion

While WLL is in the planning phases of requesting to build a new field at Camarena Fields, they are requesting the use of Buchignani Field to assist in accommodating the 404 players they have signed up for the Spring 2019 season. The Fairgrounds is in support of continuing to lease the facility to the City with a sublease to WLL; however, they have requested that the term of the lease be one year (July 1, 2019 through June 30, 2020), and the lease amount increase by \$500 to \$5,500. Changes to the previous lease agreement/sublease agreement are related to the term (one year), lease amount (\$5,500), and changing the process for payment of the water utility (previously, the Fairgrounds billed the City to reimburse their water bill payment; under the new agreement, the City will directly pay the water bill). As few changes are proposed to the agreement, amendments to the agreements (in lieu of new agreements) have been prepared.



Paul Navazio
City Manager

Attachments:

1. WLL BUCHIGNANI resolution
2. Fairgrounds BUCHIGNANI resolution
3. Fairgrounds Amendment 1.docx
4. WLL Amendment 1.docx

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND
AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT #1 TO FIELD
SUBLEASE AGREEMENT WITH WOODLAND LITTLE LEAGUE**

WHEREAS, the City of Woodland offers fields to recreation leagues for youth soccer, baseball, and girls fast pitch practices and games; and

WHEREAS, additional non-City owned fields are needed to accommodate the number of youth participating in youth recreation; and

WHEREAS, the City historically leased Buchignani Field from the 40th District Agricultural Association of Yolo County (Fairgrounds) and subleased the field to Woodland Little League (WLL); and

WHEREAS, the City's agreement with the Fairgrounds to lease Buchignani Field and the sublease agreement between the City and WLL for field use will expire on July 6, 2019; and

WHEREAS, the Fairgrounds and WLL would like to continue the partnership between their organizations and the City, for the City to be the leaseholder with the Fairgrounds and to then sublease the field to WLL; and

WHEREAS, the City Council wishes to approve the amendment and authorize its execution through the adoption of this Resolution.

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

Section 1. The City Council hereby authorizes the City Manager to execute Amendment #1 to the field sublease agreement with Woodland Little League for use of Buchignani Field. The City Attorney is hereby authorized to make clarifying and confirming changes so long as the dollar amount authorized in the amendment does not change.

Section 2. A copy of Amendment #1 is available and on file in the City Clerk's office, and is incorporated herein by reference and made a part of this Resolution.

PASSED AND ADOPTED this _____ day of _____ 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Xochitl Rodriguez, Mayor

ATTEST:

Ana B. Gonzalez, City Clerk

APPROVED AS TO FORM:

Kara K. Ueda, City Attorney

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND
AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT #1 TO FIELD
LEASE AGREEMENT WITH THE 40TH DISTRICT AGRICULTURAL ASSOCIATION
OF YOLO COUNTY**

WHEREAS, the City of Woodland offers fields to recreation leagues for youth soccer, baseball, and girls fast pitch practices and games; and

WHEREAS, additional non-City owned fields are needed to accommodate the number of youth participating in youth recreation; and

WHEREAS, the City historically leased Buchignani Field from the 40th District Agricultural Association of Yolo County (Fairgrounds) and subleased the field to Woodland Little League (WLL); and

WHEREAS, the City's agreement with the Fairgrounds to lease Buchignani Field and the sublease agreement between the City and WLL for field use will expire on July 6, 2019; and

WHEREAS, the Fairgrounds and WLL would like to continue the partnership between their organizations and the City, for the City to be the leaseholder with the Fairgrounds and to then sublease the field to WLL; and

WHEREAS, the City Council wishes to approve the amendment and authorize its execution through the adoption of this Resolution.

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

Section 1. The City Council hereby authorizes the City Manager to execute Amendment #1 to the field lease agreement with the 40th District Agricultural Association of Yolo County for use of Buchignani Field. The City Attorney is hereby authorized to make clarifying and confirming changes so long as the dollar amount authorized in the amendment does not change.

Section 2. A copy of Amendment #1 is available and on file in the City Clerk's office, and is incorporated herein by reference and made a part of this Resolution.

PASSED AND ADOPTED this _____ day of _____ 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Xochitl Rodriguez, Mayor

ATTEST:

Ana B. Gonzalez, City Clerk

APPROVED AS TO FORM:

Kara K. Ueda, City Attorney

FIRST AMENDMENT TO LEASE AGREEMENT FOR USE OF BUCHIGNANI FIELD

THIS FIRST AMENDMENT TO LEASE AGREEMENT FOR BUCHIGNANI FIELD USE AGREEMENT (“First Amendment”) is entered into this 21st day of May, 2019, by and between the CITY OF WOODLAND, a California municipal corporation (“City”), and the 40th District Agricultural Association of Yolo County (Fairgrounds), a , on the terms and conditions set forth below.

WHEREAS, the City has been leasing Buchignani Field from Fairgrounds and subleasing it to Woodland Little League since May 26, 2017 pursuant to agreements entered into between the City, Fairgrounds, and Woodland Little League (“Agreements”); and

WHEREAS, the agreements will be expiring on July 6, 2019 and the City, Fairgrounds, and Woodland Little League desire to extend the Agreement for another one-year term; and

WHEREAS, the lease amount will be increased to cover increases in expenses for the operation of the field; and

WHEREAS, the City has been reimbursing the Fairgrounds for expenses related to water use, the City will now pay the expenses directly.

NOW, THEREFORE, in consideration of the promises and the mutual benefits from the covenants hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound, FAIRGROUNDS and City, hereby agree as follows:

Section 1. Incorporation of Recitals. The recitals set forth above, and all defined terms set forth in such recitals and in the introductory paragraph preceding the recitals, are hereby incorporated into this First Amendment as if set forth in full.

Section 2. Amendment to Section 4 of the Agreement. Section 4 entitled “Term” is hereby amended to read as follows:

The term of this Agreement shall commence on the date of its execution by the last party to execute it and shall expire on June 30, 2020.

Section 3. Amendment to Section 5 of the Agreement. Section 5 entitled “Rent” is hereby amended to read as follows:

City shall pay an annual rent of Five Thousand Five Hundred Dollars (\$5,500) for the one-year term of the Agreement. City shall also pay the actual cost of water used by City or its sublessee at the Premises. City shall pay for water service directly to Finance Department.

Section 4. No Other Changes. Except as amended by this First Amendment, all other terms and

First Amendment to Buchignani Field Use Agreement

conditions in the Agreement, including all Amendments to it, shall remain unchanged and shall continue on in full force and effect.

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[Signatures on next page]

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IN WITNESS WHEREOF, the Parties have executed this First Amendment to the Buchignani Field Use Agreement effective on the day and year first written above.

CITY OF WOODLAND

40th DISTRICT AGRICULTURAL
ASSOCIATION

By: _____
Paul Navazio
City Manager

By: _____
Executive Director

Date Signed: _____

Date Signed: _____

Attest:

Ana Gonzalez
City Clerk

Approved as to Form:

Kara K. Ueda
Best Best & Krieger LLP
City Attorney

FIRST AMENDMENT TO SUBLEASE AGREEMENT FOR USE OF BUCHIGNANI FIELD

THIS FIRST AMENDMENT TO SUBLEASE AGREEMENT FOR BUCHIGNANI FIELD USE AGREEMENT ("First Amendment") is entered into this 21st day of May 2019, by and between the CITY OF WOODLAND, a California municipal corporation ("City"), and WOODLAND LITTLE LEAGUE, a municipal corporation of the State of California (Sub-Lessor), on the terms and conditions set forth below.

WHEREAS, the City has been leasing Buchignani Field from Fairgrounds and subleasing it to Sub-Lessor since May 26, 2017 pursuant to agreements entered into between the City, Fairgrounds, and Sub-Lessor ("Agreements"); and

WHEREAS, the agreements will be expiring on July 6, 2019 and the City, Fairgrounds, and Sub-Lessor desire to extend the Agreement for another one-year term; and

WHEREAS, the lease amount will be increased to cover increases in expenses for the operation of the field; and

WHEREAS, the City has been reimbursing the Fairgrounds for expenses related to water use, the City will now pay the expenses directly.

NOW, THEREFORE, in consideration of the promises and the mutual benefits from the covenants hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound, Sub-Lessor and City, hereby agree as follows:

Section 1. Incorporation of Recitals. The recitals set forth above, and all defined terms set forth in such recitals and in the introductory paragraph preceding the recitals, are hereby incorporated into this First Amendment as if set forth in full.

Section 2. Amendment to Section 4 of the Agreement. Section 4 entitled "Term" is hereby amended to read as follows:

The term of this Agreement shall commence on the date of its execution by the last party to execute it and shall expire on June 30, 2020.

Section 3. Amendment to Section 5 of the Agreement. Section 5 entitled "Rent" is hereby amended to read as follows:

Sub-Lessor shall pay a rent of Five Thousand Five Hundred Dollars (\$5,500) for the term of the lease, which shall be due and payable to the City on July 1. City shall pay the actual cost of water used by Sub-Lessor at the Premises.

Section 4. No Other Changes. Except as amended by this First Amendment, all other terms and conditions in the Agreement, including all Amendments to it, shall remain unchanged and shall continue on in full force and effect.

First Amendment to Buchignani Field Use Agreement

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[Signatures on next page]

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IN WITNESS WHEREOF, the Parties have executed this First Amendment to the Buchignani Field Use Agreement effective on the day and year first written above.

CITY OF WOODLAND

WOODLAND LITTLE LEAGUE

By: _____
Paul Navazio
City Manager

By: _____
President

Date Signed: _____

Date Signed: _____

Attest:

Ana Gonzalez
City Clerk

Approved as to Form:

Kara K. Ueda
Best Best & Krieger LLP
City Attorney



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: G.14.
SUBJECT: SUBJECT: Intent to Levy Assessment: Gibson Ranch Lighting & Landscaping; North Park Lighting & Landscaping; West Wood Lighting & Landscaping; and Streng Pond Maintenance Districts

Recommendation for Action: Staff recommends that the City Council approve eight (8) Resolutions No. _____ through No. _____ to Initiate Proceedings for the Annual Levy and Collection of Assessments; Preliminarily Approve the Engineer's Annual Levy Report and Declare its Intention to Levy and Collect Annual Assessments for the Gibson Ranch, West Wood, North Park Lighting and Landscaping Districts, and Streng Pond Maintenance District; and Call for a public hearing on June 18, 2019.

Staff Person

Adam Devlin, Senior Accountant, 530-661-5835, adam.devlin@cityofwoodland.org

Fiscal Impact

If approved, the Lighting & Landscaping (L&L) Districts would have the following annual assessments and generate the following amounts of revenue:

District	FY18/19 Assessment	FY19/20 Assessment	Difference	Total Revenues FY19/20
Streng Pond	\$ 79.10	\$ 79.10	\$ -	\$ 14,436
North Park	\$ 215.40	\$ 215.40	\$ -	\$ 26,710
Gibson Ranch	\$ 340.20	\$ 348.16	\$ 7.96	\$ 775,673
West Wood	\$ 642.66	\$ 665.14	\$ 22.48	\$ 25,275

With the exception of the Streng Pond L&L, the revenues generated with these assessments cover the total budgeted expenditures for FY2019/20. Streng Pond L&L assessment does not generate enough revenue to meet the minimum operational expenditures required to maintain the District. To ensure the ongoing operation and maintenance of the Streng Pond L&L, the City will advance \$20,505 from the General Fund to cover the shortfall; this advance has been planned for an included in the proposed FY2019/20 budget for the General Fund.

Background

The City of Woodland has Lighting and Landscaping Districts ("L&L" or "Districts") within various areas of the City that were formed to provide a funding source for maintenance of certain improvements located within or adjacent to the Districts. State regulations require City Council action on an annual basis to allow assessment of the annual levy for each District.

The Landscaping and Lighting Act of 1972 ("the Act") authorizes cities to impose assessments on benefitted properties to finance construction of street landscaping, street lighting, traffic signals, parks, street trees, sidewalk repair, recreational improvements; as well as maintenance and servicing of any of these

improvements. In accordance with Act, the City formed the Streng Pond, North Park, Gibson Ranch and West Wood L&L Districts. A brief description of each District is as follows:

- Streng Pond L&L: Located in the southwest portion of the City, generally north of Gibson Road, west of Cottonwood Street and east of County Road 98. The District was formed in 1985 and reached the maximum allowable assessment of \$79.10 per single family home in 1995; there are no provisions for future CPI increases. The City attempted a property owner ballot proceeding in 1998 to increase the assessment to cover rising costs within the District, however the effort was unsuccessful. Because the rates do not increase to cover the rising costs of maintenance, a general fund contribution of \$20,505 is budgeted to cover the operating shortfall, and a lower level of service is provided to this District.

- North Park L&L: Located in the northeast portion of the City, generally north of Kentucky Avenue, west of North West Street and east of County Road 98. The District was formed in 1993 and reached the maximum allowable assessment of \$215.40 per single family home in 1997; there are no provisions for future CPI adjustments and any rate increases would require a property owner ballot proceeding. Because the rates do not increase to cover increasing costs of maintenance, the level of service is adjusted according to revenues available.

- Gibson Ranch L&L: Located in the southeast portion of the City, generally south of I5, west of County Road 102 and east of County Road 101. The District was formed in 1995 and reached the maximum allowable assessment in 2005. After review by the City Attorney and the District Administrator, it was determined that the language in the L&L District formation documents permits annual increases by a CPI factor. This escalation was included in the FY11 proposed assessment and will continue to be applied each year, as applicable. The inclusion of the annual CPI allows the annual revenues to cover the budgeted costs of maintenance each year. Due to budgetary savings in the last few years resulting primarily from use of recycled water, personnel vacancy and savings of general supply costs, a reserve balance has accumulated in this District. Staff has proposed to use \$235,000 in FY2019/20 to replace the playground equipment at Pioneer Park, as well as perform additional maintenance of mature trees within the District.

- West Wood L&L: Located in the northeast portion of the City, generally to the north of Kentucky Avenue, south of Quail Drive, east of Dove Drive and west of Mallard Drive. The District was formed in 2004 and is currently being assessed at the maximum allowable rate. Due to budgetary savings in water and electricity costs, this District has accumulated a reserve balance. Staff is proposing to use \$16,000 of reserve funds in FY2019/20 to replace the fence along the south side of Jeff Roddy Park.

Due to the City's restricted ability to increase Districts' assessment rates in a manner that is consistent with rising costs, it becomes increasingly difficult to maintain the public improvements to the best extent possible with a limited fund source.

Discussion

Each year, the City prepares an Annual Report for each District, along with the District estimates for an operating budget, to calculate the assessment annually levied for each parcel. This budget determines what maintenance operations are performed for the fiscal year and directs the County Assessor what to levy each parcel. The District Engineer's Reports are attached for Council's review.

State regulations require a two-part process to complete the annual levy. The first part of the process requires Council to take action to initiate proceedings for the levy, preliminarily approve the Engineer's Reports and call for a public hearing. A public hearing is required to complete the levy process. This public hearing is scheduled for June 18, 2019. Following the public hearing, Council may direct changes to the Engineer's Reports or to the levy, but may not increase the levy beyond the maximum approved amount.

Recommendation for Action

Staff recommends that the City Council approve eight (8) Resolutions No. _____ through No. _____ to Initiate Proceedings for the Annual Levy and Collection of Assessments; Preliminarily Approve the Engineer's Annual Levy Report and Declare its Intention to Levy and Collect Annual Assessments for the Gibson Ranch, West Wood, North Park Lighting and Landscaping Districts, and Streng Pond Maintenance District; and Call for a public hearing on June 18, 2019.

Prepared by: Adam Devlin
Senior Accountant

Reviewed by: Kim McKinney
Finance Officer


Paul Navazio
City Manager

Attachments:

1. FY 1920-Woodland-Gibson-Resolution (Intent)-V1 doc
2. FY 1920-Woodland-NorthPark-Resolution (Intent) V1
3. FY 1920-Woodland-StrengPond-Resolution (Intent)-V1
4. FY 1920-Woodland-West Wood Unit No. 1-Resolution (Intent). V1doc

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA, INITIATING PROCEEDINGS FOR THE ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR THE GIBSON RANCH LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2019/2020.

The City Council of the City of Woodland, California (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, The City Council has, by previous Resolutions, formed the Gibson Ranch Landscaping and Lighting District (hereafter referred to as the "District"), pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (hereinafter referred to as the "Act"), that provides for levy and collection of assessments by the County of Yolo for the City of Woodland to pay the maintenance and services of landscaping, lighting and all appurtenant facilities and operations related thereto; and,

WHEREAS, the City Council has retained Willdan Financial Services as the Engineer of Work (hereinafter referred to as the "Engineer"), for the purpose of assisting with the annual levy of the District, and to prepare and file an Engineer's Report with the City Clerk in accordance with *Chapter 3, Section 22623* of the Act.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE GIBSON RANCH LANDSCAPING AND LIGHTING DISTRICT, AS FOLLOWS:

Section 1: The City Council hereby orders the Engineer to prepare the Engineer's Annual Levy Report (hereinafter referred to as the "Report") concerning the levy of assessments for the District in accordance with *Chapter 1, Article 4 (commencing with Section 22565), pursuant to Chapter 3, Section 22622* of the Act.

Section 2: The improvements within the District include: ground cover, turf, shrubs, trees; arterial & collector street lighting and landscaping; soundwalls; parks and recreation facilities; neighborhood street lighting; neighborhood street trees; irrigation and drainage systems; and all necessary appurtenances. The Report so ordered, shall describe the existing improvements and any new improvements or substantial changes in the existing improvements.

PASSED, APPROVED, AND ADOPTED THIS _____ DAY OF _____, 2019.

RESOLUTION NO. _____

STATE OF CALIFORNIA)
COUNTY OF YOLO) ss.
CITY OF WOODLAND)

I, _____, City Clerk of the City of Woodland, County of Yolo,
State of California do hereby certify that the foregoing Resolution No. _____
was regularly adopted by the City Council of said City of Woodland at a regular meeting
of said council held on the _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Xochitl Rodriguez, Mayor
City of Woodland

Ana Gonzalez, City Clerk
City of Woodland

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA, PRELIMINARILY APPROVING THE ENGINEER'S ANNUAL LEVY REPORT, AND DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS FOR THE GIBSON RANCH LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2019/2020.

The City Council of the City of Woodland, California (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, the City Council pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (hereafter referred to as the "Act") and by previous Resolution, initiated proceedings for the "Gibson Ranch Landscaping and Lighting District" (hereafter referred to as the "District") for the annual levy and collection of assessments to pay for the operation, maintenance and servicing of landscaping, lighting and all appurtenant facilities related thereto; and,

WHEREAS, the City Council has, by previous Resolution ordered the preparation of an Engineer's Annual Levy Report (hereafter referred to as the "Report") regarding the District and assessment for Fiscal Year 2019/2020 pursuant to *Chapter 3, Section 22622* of the Act; and,

WHEREAS, the Engineer selected by the City Council has prepared and filed with the City Clerk said Report in connection with the District and the levy of assessments for Fiscal Year 2019/2020 (Beginning July 1, 2019 and ending June 30, 2020) in accordance with *Chapter 1, Article 4* of the Act; and,

WHEREAS, this City Council has carefully examined and reviewed the Report as presented and pursuant to the provisions of *Chapter 2, Article 1, Section 22586* of said Act, the City Council may approve the report, as filed, or may it may modify the report in any particular manner and approve it as modified.

RESOLUTION NO. _____

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE GIBSON RANCH LANDSCAPING AND LIGHTING DISTRICT, AS FOLLOWS:

Section 1: The above recitals are all true and correct.

Section 2: The Report as presented, consists of the following:

- a. A Description of Improvements.
- b. A Description of the District.
- c. The proposed Annual Budget for the fiscal year (Costs and Expenses).
- d. The Method of Apportionment that details the method of calculating each parcel's proportional special benefits and annual assessment.
- e. The District Roll containing the Levy for each Assessor Parcel Number within the District proposed for Fiscal Year 2019/2020.

Section 3: The District, the proposed improvements, each and all of the budget items and documents, and the proposed assessments as outlined in the Report have been spread in accordance with the benefits received from the improvements, operation, maintenance and services to be performed within the District, and are in compliance with the Act and the provisions of California Constitution Article XIID.

Section 4: The Report is hereby approved on a preliminary basis, as presented or modified, and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

Section 5: The City Clerk is hereby directed to enter on the minutes of the City Council any and all modifications to the Report determined and approved by the City Council, and all such changes and/or modifications by reference are incorporated into the Report.

Section 6: The City Council hereby declares its intention to seek the Annual Levy of the District pursuant to the Act, over and including the land within the District boundary, and to levy and collect assessments on all such land to pay the costs associated with the operation, maintenance and servicing of the District improvements related thereto, for Fiscal Year 2019/2020.

RESOLUTION NO. _____

Section 7: The improvements within the District include: the maintenance and operation of and the furnishing of services and materials for: ground cover, turf, shrubs, trees; arterial & collector street lighting and landscaping; soundwalls; parks and recreation facilities; neighborhood street lighting; neighborhood street trees; irrigation and drainage systems; and all necessary appurtenances. The Report as previously approved and on file with the City Clerk, provides a full and complete description of all improvements and any or all substantial changes to the improvements within the District.

Section 8: The boundaries of the District are described in the Report on file with the City Clerk, and are defined as the boundaries described in the formation documents of the District, generally: South of Interstate 5; West of County Road 102; and East of County Road 101; within the County of Yolo, State of California. The existing District does not contain any zones and is designated as “Gibson Ranch Landscaping and Lighting District.”

Section 9: The proposed assessment for Fiscal Year 2019/2020 does not exceed the maximum assessment previously approved, and the assessments are outlined in the Report, which details any changes or increases in the annual assessments.

Section 10: The City Council hereby declares its intention to conduct a public hearing concerning the levy of assessments for the District. The City Clerk shall give notice of the time and place of the Public Hearing by causing the publishing of this Resolution once in the Local Newspaper for two consecutive weeks not less than ten (10) days before the date of the hearing, and by posting a copy of this Resolution on the official bulletin board customarily used by the City Council for the posting of notices in accordance with *Chapter 3, Section 22626* of the Act.

Section 11: Notice is hereby given that a Public Hearing on these matters will be held by the City Council on **Tuesday, June 18, 2019** or as soon thereafter as feasible in the City Council Chambers, City Hall, located at 300 First Street, Woodland, California.

RESOLUTION NO. _____

PASSED, APPROVED, AND ADOPTED THIS _____ DAY OF _____, 2019.

STATE OF CALIFORNIA)
COUNTY OF YOLO) ss.
CITY OF WOODLAND)

I, _____, City Clerk of the City of Woodland, County of Yolo, State of California do hereby certify that the foregoing Resolution No. _____ was regularly adopted by the City Council of said City of Woodland at a regular meeting of said council held on the _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Xochitl Rodriguez, Mayor
City of Woodland

Ana Gonzalez, City Clerk
City of Woodland

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA, INITIATING PROCEEDINGS FOR THE ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR THE NORTH PARK LIGHTING AND LANDSCAPING DISTRICT, FISCAL YEAR 2019/2020.

The City Council of the City of Woodland, California (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, The City Council has, by previous Resolutions, formed the North Park Lighting and Landscaping District (hereafter referred to as the "District"), pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (hereinafter referred to as the "Act"), that provides for levy and collection of assessments by the County of Yolo for the City of Woodland to pay the maintenance and services of landscaping, lighting and all appurtenant facilities and operations related thereto; and,

WHEREAS, the City Council has retained Willdan Financial Services as the Engineer of Work (hereinafter referred to as the "Engineer"), for the purpose of assisting with the annual levy of the District, and to prepare and file an Engineer's Report with the City Clerk in accordance with *Chapter 3, Section 22623* of the Act.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE NORTH PARK LIGHTING AND LANDSCAPING DISTRICT, AS FOLLOWS:

Section 1: The City Council hereby orders the Engineer to prepare the Engineer's Annual Levy Report (hereinafter referred to as the "Report") concerning the levy of assessments for the District in accordance with *Chapter 1, Article 4 (commencing with Section 22565), pursuant to Chapter 3, Section 22622* of the Act.

Section 2: The improvements within the District include: ground cover, turf, shrubs, gardens and trees; play areas with play equipment; irrigation and drainage systems; park perimeter fencing; noise walls; street lighting and park lights; and all necessary appurtenances. The Report so ordered, shall describe the existing improvements and any new improvements or substantial changes in the existing improvements.

PASSED, APPROVED, AND ADOPTED THIS _____ DAY OF _____, 2019.

RESOLUTION NO. _____

STATE OF CALIFORNIA)
COUNTY OF YOLO) ss.
CITY OF WOODLAND)

I, _____, City Clerk of the City of Woodland, County of Yolo,
State of California do hereby certify that the foregoing Resolution No. _____
was regularly adopted by the City Council of said City of Woodland at a regular meeting
of said council held on the _____ day of _____, 2019, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAINED:**

_____,
Xochitl Rodriguez, Mayor
City of Woodland

_____,
Ana Gonzalez, City Clerk
City of Woodland

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA, PRELIMINARILY APPROVING THE ENGINEER'S ANNUAL LEVY REPORT, AND DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS FOR THE NORTH PARK LIGHTING AND LANDSCAPING DISTRICT, FISCAL YEAR 2019/2020.

The City Council of the City of Woodland, California (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, the City Council pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (hereafter referred to as the "Act") and by previous Resolution, initiated proceedings for the "North Park Lighting and Landscaping District" (hereafter referred to as the "District") for the annual levy and collection of assessments to pay for the operation, maintenance and servicing of landscaping, lighting and all appurtenant facilities related thereto; and,

WHEREAS, the City Council has, by previous Resolution ordered the preparation of an Engineer's Annual Levy Report (hereafter referred to as the "Report") regarding the District and assessment for Fiscal Year 2019/2020, pursuant to *Chapter 3, Section 22622* of the Act; and,

WHEREAS, the Engineer selected by the City Council has prepared and filed with the City Clerk said Report in connection with the District and the levy of assessments for Fiscal Year 2019/2020 (Beginning July 1, 2019 and ending June 30, 2020) in accordance with *Chapter 1, Article 4* of the Act; and,

WHEREAS, this City Council has carefully examined and reviewed the Report as presented and pursuant to the provisions of *Chapter 2, Article 1, Section 22586* of said Act, the City Council may approve the report, as filed, or may it may modify the report in any particular manner and approve it as modified.

RESOLUTION NO. _____

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE NORTH PARK LIGHTING AND LANDSCAPING DISTRICT, AS FOLLOWS:

Section 1: The above recitals are all true and correct.

Section 2: The Report as presented, consists of the following:

- a. A Description of Improvements.
- b. A Description of the District.
- c. The proposed Annual Budget for the fiscal year (Costs and Expenses).
- d. The Method of Apportionment that details the method of calculating each parcel's proportional special benefits and annual assessment.
- e. The District Roll containing the Levy for each Assessor Parcel Number within the District proposed for Fiscal Year 2019/2020.

Section 3: The District, the proposed improvements, each and all of the budget items and documents, and the proposed assessments as outlined in the Report have been spread in accordance with the benefits received from the improvements, operation, maintenance and services to be performed within the District, and are in compliance with the Act and the provisions of California Constitution Article XIID.

Section 4: The Report is hereby approved on a preliminary basis, as presented or modified, and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

Section 5: The City Clerk is hereby directed to enter on the minutes of the City Council any and all modifications to the Report determined and approved by the City Council, and all such changes and/or modifications by reference are incorporated into the Report.

Section 6: The City Council hereby declares its intention to seek the Annual Levy of the District pursuant to the Act, over and including the land within the District boundary, and to levy and collect assessments on all such land to pay the costs associated with the operation, maintenance and servicing of the District improvements related thereto, for Fiscal Year 2019/2020.

RESOLUTION NO. _____

Section 7: The improvements within the District include: the maintenance and operation of and the furnishing of services and materials for: ground cover, turf, shrubs, gardens and trees; play areas with play equipment; irrigation and drainage systems; park perimeter fencing; noise walls; street lighting and park lights; and all necessary appurtenances. The Report as previously approved and on file with the City Clerk, provides a full and complete description of all improvements and any or all substantial changes to the improvements within the District.

Section 8: The boundaries of the District are described in the Report on file with the City Clerk, and are defined as the boundaries described in the formation documents of the District, generally: north of West Kentucky Avenue; west of North West Street; and east of County Road 98; within the County of Yolo, State of California. The existing District does not contain any zones and is designated as “North Park Lighting and Landscaping District.”

Section 9: The proposed assessment for Fiscal Year 2019/2020 does not exceed the maximum assessment previously approved, and the assessments are outlined in the Report, which details any changes or increases in the annual assessments.

Section 10: The City Council hereby declares its intention to conduct a public hearing concerning the levy of assessments for the District. The City Clerk shall give notice of the time and place of the Public Hearing by causing the publishing of this Resolution once in the Local Newspaper for two consecutive weeks not less than ten (10) days before the date of the hearing, and by posting a copy of this Resolution on the official bulletin board customarily used by the City Council for the posting of notices in accordance with *Chapter 3, Section 22626* of the Act.

Section 11: Notice is hereby given that a Public Hearing on these matters will be held by the City Council on **Tuesday, June 18, 2019** or as soon thereafter as feasible in the City Council Chambers, City Hall, located at 300 First Street, Woodland, California.

RESOLUTION NO. _____

PASSED, APPROVED, AND ADOPTED THIS _____ DAY OF _____, 2019.

STATE OF CALIFORNIA)
COUNTY OF YOLO) ss.
CITY OF WOODLAND)

I, _____, City Clerk of the City of Woodland, County of Yolo, State of California do hereby certify that the foregoing Resolution No. _____ was regularly adopted by the City Council of said City of Woodland at a regular meeting of said council held on the _____ day of _____, 2019 by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAINED:**

_____,
Xochitl Rodriguez, Mayor
City of Woodland

_____,
Ana Gonzalez, City Clerk
City of Woodland

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA, INITIATING PROCEEDINGS FOR THE ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR THE STRENG POND LANDSCAPING MAINTENANCE DISTRICT, FISCAL YEAR 2019/2020.

The City Council of the City of Woodland, California (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, The City Council has, by previous Resolutions, formed the Streng Pond Landscaping Maintenance District (hereafter referred to as the "District"), pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (hereinafter referred to as the "Act"), that provides for levy and collection of assessments by the County of Yolo for the City of Woodland to pay the maintenance and services of landscaping and all appurtenant facilities and operations related thereto; and,

WHEREAS, the City Council has retained Willdan Financial Services as the Engineer of Work (hereinafter referred to as the "Engineer"), for the purpose of assisting with the annual levy of the District, and to prepare and file an Engineer's Report with the City Clerk in accordance with *Chapter 3, Section 22623* of the Act.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE STRENG POND LANDSCAPING MAINTENANCE DISTRICT, AS FOLLOWS:

Section 1: The City Council hereby orders the Engineer to prepare the Engineer's Annual Levy Report (hereinafter referred to as the "Report") concerning the levy of assessments for the District in accordance with *Chapter 1, Article 4 (commencing with Section 22565), pursuant to Chapter 3, Section 22622* of the Act.

Section 2: The improvements within the District include: the maintenance and operation of and the furnishing of services and materials for landscaping improvements, irrigation and drainage systems, and associated appurtenances. The Report so ordered, shall describe the existing improvements and any new improvements or substantial changes in the existing improvements.

PASSED, APPROVED, AND ADOPTED THIS _____ DAY OF _____, 2019.

RESOLUTION NO. _____

STATE OF CALIFORNIA)
COUNTY OF YOLO) ss.
CITY OF WOODLAND)

I, _____, City Clerk of the City of Woodland, County of Yolo,
State of California do hereby certify that the foregoing Resolution No. _____
was regularly adopted by the City Council of said City of Woodland at a regular meeting
of said council held on the _____ day of _____, 2019, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAINED:**

Xochitl Rodriguez, Mayor
City of Woodland

Ana Gonzalez, City Clerk
City of Woodland

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA, PRELIMINARILY APPROVING THE ENGINEER'S ANNUAL LEVY REPORT, AND DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS FOR THE STRENG POND LANDSCAPING MAINTENANCE DISTRICT, FISCAL YEAR 2019/2020.

The City Council of the City of Woodland, California (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, the City Council pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (hereafter referred to as the "Act") and by previous Resolution, initiated proceedings for the "Streng Pond Landscaping Maintenance District" (hereafter referred to as the "District") for the annual levy and collection of assessments to pay for the operation, maintenance and servicing of landscaping and all appurtenant facilities related thereto; and,

WHEREAS, the City Council has, by previous Resolution ordered the preparation of an Engineer's Annual Levy Report (hereafter referred to as the "Report") regarding the District and assessment for Fiscal Year 2019/2020, pursuant to *Chapter 3, Section 22622* of the Act; and,

WHEREAS, the Engineer selected by the City Council has prepared and filed with the City Clerk said Report in connection with the District and the levy of assessments for Fiscal Year 2019/2020 (Beginning July 1, 2019 and ending June 30, 2020) in accordance with *Chapter 1, Article 4* of the Act; and,

WHEREAS, this City Council has carefully examined and reviewed the Report as presented and pursuant to the provisions of *Chapter 2, Article 1, Section 22586* of said Act, the City Council may approve the report, as filed, or may it may modify the report in any particular manner and approve it as modified.

RESOLUTION NO. _____

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE STRENG POND LANDSCAPING MAINTENANCE DISTRICT, AS FOLLOWS:

Section 1: The above recitals are all true and correct.

Section 2: The Report as presented, consists of the following:

- a. A Description of Improvements.
- b. A Description of the District.
- c. The proposed Annual Budget for the fiscal year (Costs and Expenses).
- d. The Method of Apportionment that details the method of calculating each parcel's proportional special benefits and annual assessment.
- e. The District Roll containing the Levy for each Assessor Parcel Number within the District proposed for Fiscal Year 2019/2020.

Section 3: The District, the proposed improvements, each and all of the budget items and documents, and the proposed assessments as outlined in the Report have been spread in accordance with the benefits received from the improvements, operation, maintenance and services to be performed within the District, and are in compliance with the Act and the provisions of California Constitution Article XIID.

Section 4: The Report is hereby approved on a preliminary basis, as presented or modified, and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

Section 5: The City Clerk is hereby directed to enter on the minutes of the City Council any and all modifications to the Report determined and approved by the City Council, and all such changes and/or modifications by reference are incorporated into the Report.

Section 6: The City Council hereby declares its intention to seek the Annual Levy of the District pursuant to the Act, over and including the land within the District boundary, and to levy and collect assessments on all such land to pay the costs associated with the operation, maintenance and servicing of the District improvements related thereto, for Fiscal Year 2019/2020.

Section 7: The improvements within the District include: the maintenance and operation of and the furnishing of services and materials for landscaping improvements,

RESOLUTION NO. _____

irrigation and drainage systems, and associated appurtenances. The Report as previously approved and on file with the City Clerk, provides a full and complete description of all improvements and any or all substantial changes to the improvements within the District.

Section 8: The boundaries of the District are described in the Report on file with the City Clerk, and are defined as the boundaries described in the formation documents of the District, generally: North of West Gibson Road; East of County Road 98; and West of Cottonwood Street; within the County of Yolo, State of California. The existing District does not contain any zones and is designated as “Streng Pond Landscaping Maintenance District.”

Section 9: The proposed assessment for Fiscal Year 2019/2020 does not exceed the maximum assessment previously approved, and the assessments are outlined in the Report, which details any changes or increases in the annual assessments.

Section 10: The City Council hereby declares its intention to conduct a public hearing concerning the levy of assessments for the District. The City Clerk shall give notice of the time and place of the Public Hearing by causing the publishing of this Resolution once in the Local Newspaper for two consecutive weeks not less than ten (10) days before the date of the hearing, and by posting a copy of this Resolution on the official bulletin board customarily used by the City Council for the posting of notices in accordance with *Chapter 3, Section 22626* of the Act.

Section 11: Notice is hereby given that a Public Hearing on these matters will be held by the City Council on **Tuesday, June 18, 2019** or as soon thereafter as feasible in the City Council Chambers, City Hall, located at 300 First Street, Woodland, California.

RESOLUTION NO. _____

PASSED, APPROVED, AND ADOPTED THIS _____ DAY OF _____, 2019.

STATE OF CALIFORNIA)
COUNTY OF YOLO) ss.
CITY OF WOODLAND)

I, _____, City Clerk of the City of Woodland, County of Yolo, State of California do hereby certify that the foregoing Resolution No. _____ was regularly adopted by the City Council of said City of Woodland at a regular meeting of said council held on the _____ day of _____, 2019, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAINED:**

Xochitl Rodriguez, Mayor
City of Woodland

Ana Gonzalez, City Clerk
City of Woodland

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA, INITIATING PROCEEDINGS FOR THE ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR THE WEST WOOD UNIT NO. 1 LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2019/2020.

The City Council of the City of Woodland, California (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, The City Council has, by previous Resolutions, formed the West Wood Unit No. 1 Landscaping and Lighting District (hereafter referred to as the "District"), pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (hereinafter referred to as the "Act"), that provides for levy and collection of assessments by the County of Yolo for the City of Woodland to pay the maintenance and services of landscaping, lighting and all appurtenant facilities and operations related thereto; and,

WHEREAS, the City Council has retained Willdan Financial Services as the Engineer of Work (hereinafter referred to as the "Engineer"), for the purpose of assisting with the annual levy of the District, and to prepare and file an Engineer's Report with the City Clerk in accordance with *Chapter 3, Section 22623* of the Act.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE WEST WOOD UNIT NO. 1 LANDSCAPING AND LIGHTING DISTRICT, AS FOLLOWS:

Section 1: The City Council hereby orders the Engineer to prepare the Engineer's Annual Levy Report (hereinafter referred to as the "Report") concerning the levy of assessments for the District in accordance with *Chapter 1, Article 4 (commencing with Section 22565), pursuant to Chapter 3, Section 22622* of the Act.

Section 2: The improvements within the District include: the maintenance and operation, and servicing of landscape improvements, local street lighting facilities, and storm drainage detention basin, park and related equipment replacement, fencing and block walls, and all associated appurtenances. The Report so ordered, shall describe the existing improvements and any new improvements or substantial changes in the existing improvements.

RESOLUTION NO. _____

PASSED, APPROVED, AND ADOPTED THIS _____ DAY OF _____, 2019.

STATE OF CALIFORNIA)
COUNTY OF YOLO) ss.
CITY OF WOODLAND)

I, _____, City Clerk of the City of Woodland, County of Yolo, State of California do hereby certify that the foregoing Resolution No. _____ was regularly adopted by the City Council of said City of Woodland at a regular meeting of said council held on the _____ day of _____, 2019, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAINED:**

Xochitl Rodriguez, Mayor
City of Woodland

Ana Gonzalez, City Clerk
City of Woodland

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA, PRELIMINARILY APPROVING THE ENGINEER'S ANNUAL LEVY REPORT, AND DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS FOR THE WEST WOOD UNIT NO. 1 LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2019/2020.

The City Council of the City of Woodland, California (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, the City Council pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (hereafter referred to as the "Act") and by previous Resolution, initiated proceedings for the "West Wood Unit No. 1 Landscaping and Lighting District" (hereafter referred to as the "District") for the annual levy and collection of assessments to pay for the operation, maintenance and servicing of landscaping and all appurtenant facilities related thereto; and,

WHEREAS, the City Council has, by previous Resolution ordered the preparation of an Engineer's Annual Levy Report (hereafter referred to as the "Report") regarding the District and assessment for Fiscal Year 2019/2020, pursuant to *Chapter 3, Section 22622* of the Act; and,

WHEREAS, Willdan Financial Services, selected by the City Council as the Engineer of Work, has prepared and filed with the City Clerk said Report in connection with the District and the levy of assessments for Fiscal Year 2019/2020 (Beginning July 1, 2019 and ending June 30, 2020) in accordance with *Chapter 1, Article 4* of the Act; and,

WHEREAS, this City Council has carefully examined and reviewed the Report as presented and pursuant to the provisions of *Chapter 2, Article 1, Section 22586* of said Act, the City Council may approve the report, as filed, or may it may modify the report in any particular manner and approve it as modified.

RESOLUTION NO. _____

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE WEST WOOD UNIT NO. 1 LANDSCAPING AND LIGHTING DISTRICT, AS FOLLOWS:

Section 1: The above recitals are all true and correct.

Section 2: The Report as presented, consists of the following:

- a. A Description of Improvements.
- b. A Description of the District.
- c. The proposed Annual Budget for the fiscal year (Costs and Expenses).
- d. The Method of Apportionment that details the method of calculating each parcel's proportional special benefits and annual assessment.
- e. The District Roll containing the Levy for each Assessor Parcel Number within the District proposed for Fiscal Year 2019/2020.

Section 3: The District, the proposed improvements, each and all of the budget items and documents, and the proposed assessments as outlined in the Report have been spread in accordance with the benefits received from the improvements, operation, maintenance and services to be performed within the District, and are in compliance with the Act and the provisions of California Constitution Article XIID.

Section 4: The Report is hereby approved on a preliminary basis, as presented or modified, and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

Section 5: The City Clerk is hereby directed to enter on the minutes of the City Council any and all modifications to the Report determined and approved by the City Council, and all such changes and/or modifications by reference are incorporated into the Report.

Section 6: The City Council hereby declares its intention to seek the Annual Levy of the District pursuant to the Act, over and including the land within the District boundary, and to levy and collect assessments on all such land to pay the costs associated with the operation, maintenance and servicing of the District improvements related thereto, for Fiscal Year 2019/2020.

RESOLUTION NO. _____

Section 7: The improvements within the District include: the maintenance and operation, and servicing of landscape improvements, local street lighting facilities, and storm drainage detention basin, park and related equipment replacement, fencing and block walls, and all associated appurtenances. The Report so ordered, shall describe the existing improvements and any new improvements or substantial changes in the existing improvements. The Report as previously approved and on file with the City Clerk, provides a full and complete description of all improvements and any or all substantial changes to the improvements within the District.

Section 8: The boundaries of the District are described in the Report on file with the City Clerk, and are defined as the boundaries described in the formation documents of the District, generally: To the north by Quail Drive, to the south by W. Kentucky Avenue, to the West by Dove Drive and to the east by Mallard Drive; within the County of Yolo, State of California. The existing District does not contain any zones and is designated as "West Wood Unit No. 1 Landscaping and Lighting District."

Section 9: The proposed assessment for Fiscal Year 2019/2020 does not exceed the maximum assessment previously approved, and the assessments are outlined in the Report, which details any changes or increases in the annual assessments.

Section 10: The City Council hereby declares its intention to conduct a public hearing concerning the levy of assessments for the District. The City Clerk shall give notice of the time and place of the Public Hearing by causing the publishing of this Resolution once in the Local Newspaper for two consecutive weeks not less than ten (10) days before the date of the hearing, and by posting a copy of this Resolution on the official bulletin board customarily used by the City Council for the posting of notices in accordance with *Chapter 3, Section 22626* of the Act.

Section 11: Notice is hereby given that a Public Hearing on these matters will be held by the City Council on **Tuesday, June 18, 2019** or as soon thereafter as feasible in the City Council Chambers, City Hall, located at 300 First Street, Woodland, California.

RESOLUTION NO. _____

PASSED, APPROVED, AND ADOPTED THIS _____ DAY OF _____, 2019.

STATE OF CALIFORNIA)
COUNTY OF YOLO) ss.
CITY OF WOODLAND)

I, _____, City Clerk of the City of Woodland, County of Yolo,
State of California do hereby certify that the foregoing Resolution No. _____
was regularly adopted by the City Council of said City of Woodland at a regular meeting
of said council held on the _____ day of _____, 2019, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAINED:**

Xochitl Rodriguez, Mayor
City of Woodland

Ana Gonzalez, City Clerk
City of Woodland



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: G.15.
SUBJECT: Authorize Award of Professional Services Contracts for Citywide Landscape Maintenance to Dominguez Landscape Services, Inc. and Figueroa Landscape Company.

Recommendation for Action: Staff recommends that the City Council approve Resolution No. _____ and Resolution No. _____, authorizing the City Manager to award professional services contracts for citywide landscape maintenance to Dominguez Landscape Services, Inc. and Figueroa Landscape Company.

Staff Contact

Jordan Power, Management Analyst, Jordan.Power@cityofwoodland.org

Fiscal Impact

The total cost of the landscape maintenance contract with Dominguez Landscape Services, Inc. is \$614,168.88. Approximately 67% of the cost (\$414,516.48) is funded by the general fund for landscaping and parks maintenance. The remaining cost (\$199,651.80) is funded out of lighting and landscape districts (L&L) and enterprise funds.

The total cost of the landscape maintenance contract with Figueroa Landscape Company is \$215,003.16. Funding for the entirety of this contract will be from the Spring Lake L&L.

Both contracts have an additional contingency for up to \$10,000.00. The contingency funding will be available for unanticipated landscape and maintenance services. Total compensation for the Dominguez Contract will not exceed \$624,168.88. Total compensation for the Figueroa Contract will not exceed \$225,003.16. The total amount of both contracts is \$849,172.04.

Both contracts are for Fiscal Year 19-20 (FY20) with the option to extend twice for two additional years with written approval from both parties. Funding for both contracts is included in the proposed FY20 budget.

Background

The Community Services Department (CSD) is responsible for the maintenance of approximately 208-acres of City landscapes, including street landscapes, median strips, landscapes around City facilities, and parklands. Funding to maintain these landscapes comes from the general fund, L&Ls, and other non-general fund programs.

For the past six-years the City has contracted with Dominguez Landscape Services, Inc. to maintain our landscape and parkland areas. The term of the current three-year contract will end on June 30, 2019.

As part of preparing to release a Request for Proposals (RFP), staff analyzed the current contract and updated the previous RFP to address past challenges and better suit current conditions. Though primarily the same as

past RFPs for landscape maintenance, staff updated the RFP in the following ways.

Firstly, the amount of City maintained public landscape has increased steadily in the past several years and will continue to do so. In response to this, CSD staff chose to separate the City into three landscape maintenance zones (Zones). This will allow for improved contract management and increased accessibility for contractors. The Zones are largely designated by funding sources with Zone 1 being funded by the general fund, Zone 2 by multiple L&Ls and enterprise funds, and Zone 3 by the Spring Lake L&L. An RFP for each Zone was requested separately.

Secondly, the contract has historically defined three levels of service called “modes”. With descending degrees of care, Modes I, II, and III still require weekly attention from the contractor. However, many City maintained areas are hardscapes, are matured, without watering or frequent pruning needs, or are located in low-trafficked areas. To better reflect the needs of these landscapes, staff added a lower, fourth level of service, “Mode IV”. Mode IV landscapes are serviced the least frequently; for example, bi-annual mowing (for fire suppression), weed control as needed, and bi-weekly litter pick up. This will also result in cost-savings for the City.

The final two changes were made with the aim of improved contract management. Often, unanticipated extra work, like replacing broken irrigation or dead plants, will need to be done to adequately maintain a landscape. A \$10,000.00 contingency has been added to both contracts to address these needs. Both Contractors provided an hourly labor rate for this extra work. Finally, instead of monthly reporting, the Contractors will now be reporting weekly on maintenance services provided. This will help the City to better follow up on any issues that may occur and ensure contract compliance.

With the RFP finalized, staff released a RFP in line with the City’s non-public formal bidding procedure. A call for proposals was released on November 16, 2018 via the city’s website, through a press release, and advertisements in the local newspaper. In addition, staff researched local vendors and directly contacted 13 landscape maintenance contractors. In response, staff received two proposals for Zone 1, and four proposals each for Zones 2 and 3.

Discussion

Proposals were independently reviewed by five CSD staff and evaluated by conformance with, and responsiveness to, the RFP (0-10 points), services approach and scope of services (0-25 points), professional experience and responsible personnel (0-10 points), related experience/public agency work (0-10 points), firm description and financial capacity/information (0-5 points), and cost proposal (0-40 points).

Staff regularly updated the Parks and Recreation Commission on the contractor selection process, including presentations at Commission meetings and information in staff reports. In addition, staff met with the members of the Adhoc sub-committee to review the proposals. The Commission is in agreement with staff’s assessment of the proposals and the final contract awards.

For Zone 1 and Zone 2, Dominguez Landscape Services, Inc., the current contractor, scored the highest in staff evaluation. In Zone 3, Figueroa Landscape Company, a Woodland-owned business, scored the highest in staff evaluation.

Our current contract for landscape maintenance is approximately \$688,000 annually. This rate has not changed, outside of the addition of new landscapes, for the past three-years. The new contracts would be for a total of approximately \$849,172.04 annually, which is \$161,172.04 more. This increase is due to a significant addition

of new landscapes and maintenance responsibilities, as well as adjusted cost increases for service. The new contract amount also includes a \$10,000 contingency for each contractor (\$20,000 total), which was not included in the past contract.

Contracting out this service has proven to be a cost effective method of maintaining our City landscape. This work was previously performed in combination with in-house staff and outside contracts, but was moved to 100% contract services when the City greatly reduced its parks maintenance staff in FY10 as a cost savings measure. However, the scope of work identified in the contract will not provide all of the necessary maintenance required to fully maintain our parks. Routine and special maintenance of park structures, bathrooms, picnic area furnishings, various trash receptacles, and play structures are not included; this work will continue to be performed by our remaining parks personnel and some seasonal temporary staff.

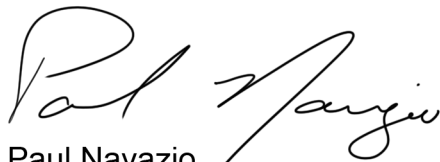
The term of both contracts will be for one fiscal year with the option for two, two-year extensions. The contract will be amended as new landscapes are built and become the City's responsibility for maintenance.

Conclusion

Staff recommends that the City Council approve Resolution No. _____ and Resolution No. _____, authorizing the City Manager to award professional services contracts for citywide landscape maintenance to Dominguez Landscape Services, Inc. and Figueroa Landscape Company.

Prepared by: Jordan Power, Management Analyst

Reviewed by: Christine Engel, Community Services Director

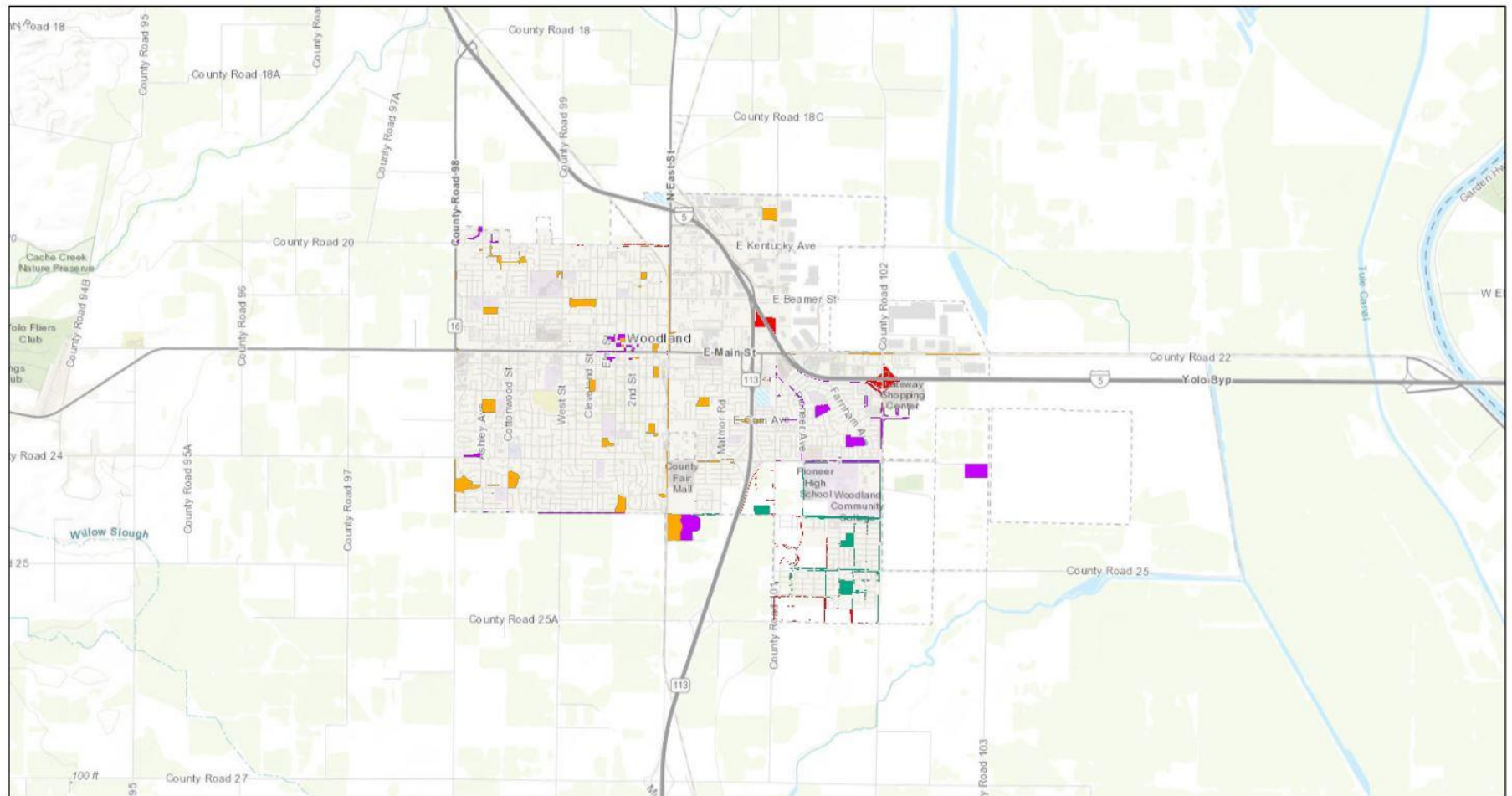


Paul Navazio
City Manager

Attachments:

1. Landscape Zone Map
2. Resolution - Zone 1 and 2 Landscape Maintenance Contract - Dominguez
3. Resolution - Zone 3 Landscape Maintenance Contract - Figueroa
4. Woodland Landscape Maintenance Services Agreement 2020 ZONE 1 and 2 Dominguez (PDF)
5. Woodland Landscape Maintenance Services Agreement 2020 ZONE 3 Figueroa

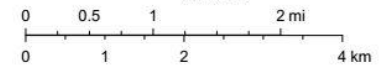
Woodland Landscape Areas



May 17, 2019

- Zone 1 - General Fund
- Zone 2 - L&L's/Gibson Ranch
- Zone 3 - Spring Lake
- New Landscape Under Construction

1:72,224



City of Woodland, County of Sacramento, Bureau of Land
Management, Esri, HERE, Garmin, INCREMENT P, USGS, METV/
NASA, NGA, EPA, USDA

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND
AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH
DOMINGUEZ LANDSCAPE SERVICES, INC. FOR LANDSCAPE MAINTENANCE
SERVICES IN CITY MAINTNEANCE ZONES 1 AND 2**

WHEREAS, the City of Woodland strives to maintain our parks and landscaping areas in a manner that promotes safety and enhances quality of life; and

WHEREAS, Dominguez Landscape Services, Inc., a California landscape company, provides quality landscaping services to municipalities throughout the Sacramento Valley; and

WHEREAS, the proposed contract results in the annual cost of SIX HUNDRED, TWENTY-FOUR THOUSAND, ONE HUNDRED AND SIXTY-EIGHT DOLLARS AND EIGHTY-EIGHT CENTS (\$624,168.88), which includes a contingency not to exceed TEN THOUSAND DOLLARS (\$10,000.00) for the landscape maintenance services for City parks and general landscape in Landscape Maintenance Zones 1 and 2; and

WHEREAS, Dominguez Landscape Services, Inc. was the preferred vendor for Zones 1 and 2 utilizing a Quality Base Selection process; and

WHEREAS, funding in support of this contract is identified in the proposed FY19-20 budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Woodland hereby authorizes the City Manager to execute the FY19-20 contract with Dominguez Landscape Services, Inc. in the amount of six hundred, twenty-four thousand, one hundred and sixty-eight dollars and eighty-eight cents (\$624,168.88) for FY19-20 with the option of two, two-year extension for city landscape maintenance services for Zone 1 and 2. The City Attorney is hereby authorized to make clarifying and confirming changes to the Agreement.

PASSED AND ADOPTED by the City Council this 21st day of May, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Xochitl Rodriguez, Mayor

ATTEST:

APPROVED AS TO FORM:

Ana B. Gonzalez, City Clerk

Kara K. Ueda, City Attorney

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND
AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH
FIGUEROA LANDSCAPE COMPANY FOR LANDSCAPE MAINTENANCE
SERVICES IN CITY MAINTENANCE ZONE 3**

WHEREAS, the City of Woodland strives to maintain our parks and landscaping areas in a manner that promotes safety and enhances quality of life; and

WHEREAS, Figueroa Landscape Company, a Woodland-owned landscape company, provides quality landscaping services to municipalities throughout the Sacramento Valley; and

WHEREAS, the proposed contract results in the annual cost of TWO-HUNDRED, TWENTY-FIVE THOUSAND AND THREE DOLLARS AND SIXTEEN CENTS (\$225,003.16), which includes a contingency not to exceed TEN THOUSAND DOLLARS (\$10,000.00) for the landscape maintenance services for City parks and general landscape in Landscape Maintenance Zone 3; and

WHEREAS, Figueroa Landscape Company was the preferred vendor for Zone 3 utilizing a Quality Base Selection process; and

WHEREAS, funding in support of this contract is identified in the proposed FY19-20 budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Woodland hereby authorizes the City Manager to execute the FY19-20 contract with Figueroa Landscape Company in the amount of two-hundred, twenty-five thousand and three dollars and sixteen cents (\$225,003.16) for FY19-20 with the option of two, two-year extension for city landscape maintenance services for Zone 3. The City Attorney is hereby authorized to make clarifying and confirming changes to the Agreement.

PASSED AND ADOPTED by the City Council this 21st day of May, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Xochitl Rodriguez, Mayor

ATTEST:

APPROVED AS TO FORM:

Ana B. Gonzalez, City Clerk

Kara K. Ueda, City Attorney

**CITY OF WOODLAND
LANDSCAPE MAINTENANCE SERVICES AGREEMENT**

1. PARTIES AND DATE.

This Agreement is made and entered into this _____ day of _____, 2019 by and between the City of Woodland, a general law city organized under the laws of the State of California (“City”) and DOMINGUEZ LANDSCAPE SERVICES INC., a California Corporation with its principal place of business at 8376 Rovana Circle, Sacramento, CA 95828 (“Contractor”). City and Contractor are sometimes individually referred to as “Party” and collectively as “Parties” in this Agreement.

2. RECITALS.

2.1 Contractor.

Contractor desires to perform and assume responsibility for the provision of certain landscape maintenance services required by the City on the terms and conditions set forth in this Agreement. Contractor represents that it is experienced in providing city landscaping maintenance services to public clients, that it and its employees or subcontractors have all necessary licenses and permits to perform the Services in the State of California, and that is familiar with the plans of City. Contractor shall not subcontract any portion of the work required by this Agreement, except as expressly stated herein, without prior written approval of City. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement.

2.2 Project.

City desires to engage Contractor to render such services for City Landscapes Zone 1 and 2 landscaping maintenance project (“Project”) as set forth in this Agreement.

3. TERMS.

3.1 Scope of Services and Term.

3.1.1 General Scope of Services. Contractor promises and agrees to furnish to the City all labor, materials, tools, equipment, services, and incidental and customary work necessary to fully and adequately supply the professional landscape maintenance services necessary for the Project (“Services”). The Services are more particularly described in Exhibit “A” attached hereto and incorporated herein by reference. All Services shall be subject to, and performed in accordance with, this Agreement, the exhibits attached hereto and incorporated herein by reference, and all applicable local, state and federal laws, rules and regulations.

3.1.2 Term. The term of this Agreement shall be for one full calendar year commencing from July 1, 2019 to June 30, 2020, unless earlier terminated as provided herein. Contractor shall complete the Services within the term of this Agreement, and shall meet any other established schedules and deadlines. The Parties may, by mutual, written consent, extend the term of this Agreement for two additional two-year extensions.

3.2 Responsibilities of Contractor.

3.2.1 Control and Payment of Subordinates; Independent Contractor. The Services shall be performed by Contractor or under its supervision. Contractor will determine the means, methods and details of performing the Services subject to the requirements of this Agreement. City retains Contractor on an independent contractor basis and not as an employee. Contractor retains the right to perform similar or different services for others during the term of this Agreement. Any additional personnel performing the Services under this Agreement on behalf of Contractor shall also not be employees of City and shall at all times be under Contractor's exclusive direction and control. Contractor shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law. Contractor shall be responsible for all reports and obligations respecting such additional personnel, including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation insurance.

3.2.2 Schedule of Services. Contractor shall perform the Services expeditiously, within the term of this Agreement, and in accordance with the Schedule of Services set forth in Exhibit "B" attached hereto and incorporated herein by reference. Contractor represents that it has the professional and technical personnel required to perform the Services in conformance with such conditions. In order to facilitate Contractor's conformance with the Schedule, City shall respond to Contractor's submittals in a timely manner. Upon request of City, Contractor shall provide a more detailed schedule of anticipated performance to meet the Schedule of Services.

3.2.3 Conformance to Applicable Requirements. All work prepared by Contractor shall be subject to the approval of City.

3.2.4 City's Representative. The City hereby designates Community Services Director, or his or her designee, to act as its representative for the performance of this Agreement ("City's Representative"). City's Representative shall have the power to act on behalf of the City for all purposes under this Agreement. Contractor shall not accept direction or orders from any person other than the City's Representative or his or her designee.

3.2.5 Contractor's Representative. Contractor hereby designates Jesus Perez, or his or her designee, to act as its representative for the performance of this Agreement ("Contractor's Representative"). Contractor's Representative shall have full authority to represent and act on behalf of the Contractor for all purposes under this Agreement. The Contractor's Representative shall supervise and direct the Services, using his best skill and attention, and shall be responsible for all means, methods, techniques, sequences and procedures and for the satisfactory coordination of all portions of the Services under this Agreement.

3.2.6 Coordination of Services. Contractor agrees to work closely with City staff in the performance of Services and shall be available to City's staff, consultants and other staff at all reasonable times. Contractor further agrees to complete a weekly report, prepared by the City and agreed to by Contractor, as a way for both Contractor and City to document Contractor's work and assess ongoing landscaping needs and future work.

3.2.7 Standard of Care; Performance of Employees. Contractor shall perform all Services under this Agreement in a skillful and competent manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. Contractor represents and maintains that it is skilled in the professional calling

necessary to perform the Services. Contractor warrants that all employees and subcontractors shall have sufficient skill and experience to perform the Services assigned to them. Finally, Contractor represents that it, its employees and subcontractors have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the Services, including a City Business License, and that such licenses and approvals shall be maintained throughout the term of this Agreement. As provided for in the indemnification provisions of this Agreement, Contractor shall perform, at its own cost and expense and without reimbursement from the City, any services necessary to correct errors or omissions which are caused by the Contractor's failure to comply with the standard of care provided for herein. Any employee of the Contractor or its subcontractors who is determined by the City to be uncooperative, incompetent, a threat to the adequate or timely completion of the Project, a threat to the safety of persons or property, or any employee who fails or refuses to perform the Services in a manner acceptable to the City, shall be promptly removed from the Project by the Contractor and shall not be re-employed to perform any of the Services or to work on the Project.

3.2.8 Period of Performance. Contractor shall perform and complete all Services under this Agreement within the term set forth in Section 3.1.2 above ("Performance Time"). Contractor shall perform the Services in strict accordance with any completion schedule or Project milestones described in Exhibits "A" or "B" attached hereto, or which may be provided separately in writing to the Contractor. Contractor agrees that if the Services are not completed within the aforementioned Performance Time and/or pursuant to any such completion schedule or Project milestones developed pursuant to provisions of this Agreement, it is understood, acknowledged and agreed that the City will suffer damage. Pursuant to Government Code Section 53069.85, Contractor shall pay to the City as fixed and liquidated damages, and not as a penalty, the sum of Five Hundred Dollars (\$500.00) per day for each and every calendar day of delay beyond the Performance Time or beyond any completion schedule or Project milestones established pursuant to this Agreement.

3.2.9 Disputes. Should any dispute arise respecting the true value of any work done, of any work omitted, or of any extra work which Contractor may be required to do, or respecting the size of any payment to Contractor during the performance of this Contract, Contractor shall continue to perform the Work while said dispute is decided by the City. If Contractor disputes the City's decision, Contractor shall have such remedies as may be provided by law.

3.2.10 Laws and Regulations; Employee/Labor Certifications. Contractor shall keep itself fully informed of and in compliance with all local, state and federal laws, rules and regulations in any manner affecting the performance of the Project or the Services, including all Cal/OSHA requirements, and shall give all notices required by law. Contractor shall be liable for all violations of such laws and regulations in connection with Services. If the Contractor performs any work knowing it to be contrary to such laws, rules and regulations and without giving written notice to the City, Contractor shall be solely responsible for all costs arising therefrom. City is a public entity of the State of California subject to certain provisions of the Health & Safety Code, Government Code, Public Contract Code, and Labor Code of the State. It is stipulated and agreed that all provisions of the law applicable to the public contracts of a municipality are a part of this Agreement to the same extent as though set forth herein and will be complied with. These include but are not limited to the payment of prevailing wages, the stipulation that eight (8) hours' labor shall constitute a legal day's work and that no worker shall be permitted to work in excess of eight (8) hours during any one calendar day except as permitted by law. Contractor shall defend,

indemnify and hold City, its officials, officers, employees and agents free and harmless, pursuant to the indemnification provisions of this Agreement, from any claim or liability arising out of any failure or alleged failure to comply with such laws, rules or regulations.

3.2.10.1 Employment Eligibility; Contractor. By executing this Agreement, Contractor verifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time. Such requirements and restrictions include, but are not limited to, examination and retention of documentation confirming the identity and immigration status of each employee of the Contractor. Contractor also verifies that it has not committed a violation of any such law within the five (5) years immediately preceding the date of execution of this Agreement, and shall not violate any such law at any time during the term of the Agreement. Contractor shall avoid any violation of any such law during the term of this Agreement by participating in an electronic verification of work authorization program operated by the United States Department of Homeland Security, by participating in an equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, or by some other legally acceptable method. Contractor shall maintain records of each such verification, and shall make them available to the City or its representatives for inspection and copy at any time during normal business hours. The City shall not be responsible for any costs or expenses related to Contractor's compliance with the requirements provided for in Section 3.2.10 or any of its sub-sections.

3.2.10.2 Employment Eligibility; Subcontractors, Sub-subcontractors and Consultants. To the same extent and under the same conditions as Contractor, Contractor shall require all of its subcontractors, sub-subcontractors and consultants performing any work relating to the Project or this Agreement to make the same verifications and comply with all requirements and restrictions provided for in Section 3.2.10.1.

3.2.10.3 Employment Eligibility; Failure to Comply. Each person executing this Agreement on behalf of Contractor verifies that they are a duly authorized officer of Contractor, and understands that any of the following shall be grounds for the City to terminate the Agreement for cause: (1) failure of Contractor or its subcontractors, sub-subcontractors or consultants to meet any of the requirements provided for in Sections 3.2.10.1 or 3.2.10.2; (2) any misrepresentation or material omission concerning compliance with such requirements (including in those verifications provided to the Contractor under Section 3.2.10.2); or (3) failure to immediately remove from the Project any person found not to be in compliance with such requirements.

3.2.10.4 Labor Certification. By its signature hereunder, Contractor certifies that it is aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and agrees to comply with such provisions before commencing the performance of the Services.

3.2.10.5 Equal Opportunity Employment. Contractor represents that it is an equal opportunity employer and it shall not discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Such non-discrimination shall include, but not be limited to, all activities

related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination. Contractor shall also comply with all relevant provisions of City's Minority Business Enterprise program, Affirmative Action Plan or other related programs or guidelines currently in effect or hereinafter enacted.

3.2.10.6 Air Quality. Contractor must fully comply with all applicable laws, rules and regulations in furnishing or using equipment and/or providing services, including, but not limited to, emissions limits and permitting requirements imposed by the California Air Resources Board (CARB). Contractor shall specifically be aware of the CARB limits and requirements' application to "portable equipment", which definition is considered by CARB to include any item of equipment with a fuel-powered engine. Contractor shall indemnify City against any fines or penalties imposed by CARB or any other governmental or regulatory agency for violations of applicable laws, rules and/or regulations by Contractor, its subcontractors, or others for whom Contractor is responsible under its indemnity obligations provided for in this Agreement.

3.2.10.7 Water Quality.

(A) Management and Compliance. To the extent applicable, Contractor's Services must account for, and fully comply with, all local, state and federal laws, rules and regulations that may impact water quality compliance, including, without limitation, all applicable provisions of the Federal Water Pollution Control Act (33 U.S.C. §§ 1300); the California Porter-Cologne Water Quality Control Act (Cal Water Code §§ 13000-14950); laws, rules and regulations of the Environmental Protection Agency, the State Water Resources Control Board; the City's ordinances regulating discharges of storm water; and any and all regulations, policies, or permits issued pursuant to any such authority regulating the discharge of pollutants, as that term is used in the Porter-Cologne Water Quality Control Act, to any ground or surface water in the State.

(B) Liability for Non-Compliance. Failure to comply with the laws, regulations and policies described in this Section is a violation of law that may subject Contractor or City to penalties, fines, or additional regulatory requirements. Contractor shall defend, indemnify and hold the City, its officials, officers, employees, volunteers and agents free and harmless, pursuant to the indemnification provisions of this Agreement, from and against any and all fines, penalties, claims or other regulatory requirements imposed as a result of Contractor's non-compliance with the laws, regulations and policies described in this Section, unless such non-compliance is the result of the sole established negligence, willful misconduct or active negligence of the City, its officials, officers, agents, employees or authorized volunteers.

(C) Training. In addition to any other standard of care requirements set forth in this Agreement, Contractor warrants that all employees and subcontractors shall have sufficient skill and experience to perform the Services assigned to them without impacting water quality in violation of the laws, regulations and policies described in this Section. Contractor further warrants that it, its employees and subcontractors will receive adequate training, as determined by City, regarding the requirements of the laws, regulations and policies described in this Section as they may relate to the Services provided under this Agreement. Upon request, City will provide Contractor with a list of training programs that meet the requirements of this paragraph.

3.2.11 Insurance.

3.2.11.1 Time for Compliance. Contractor shall not commence Work under this Agreement until it has provided evidence satisfactory to the City that it has secured all insurance required under this Section. In addition, Contractor shall not allow any subcontractor to commence work on any subcontract until it has provided evidence satisfactory to the City that the subcontractor has secured all insurance required under this Section.

3.2.11.2 Minimum Requirements. Contractor shall, at its expense, procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the Agreement by the Contractor, its agents, representatives, employees or subcontractors. Contractor shall also require all of its subcontractors to procure and maintain the same insurance for the duration of the Agreement. Such insurance shall meet at least the following minimum levels of coverage:

(A) Minimum Scope of Insurance. Coverage shall be at least as broad as the latest version of the following: (1) *General Liability*: Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001); (2) *Automobile Liability*: Insurance Services Office Business Auto Coverage form number CA 0001, code 1 (any auto); and (3) *Workers' Compensation and Employer's Liability*: Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance. The policy shall not contain any exclusion contrary to the Agreement, including but not limited to endorsements or provisions limiting coverage for (1) contractual liability (including but not limited to ISO CG 24 26 or 21 29); or (2) cross liability for claims or suits by one insured against another.

(B) Minimum Limits of Insurance. Contractor shall maintain limits no less than: (1) *General Liability*: \$1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with general aggregate limit is used including, but not limited to, form CG 2503, either the general aggregate limit shall apply separately to this Agreement/location or the general aggregate limit shall be twice the required occurrence limit; (2) *Automobile Liability*: \$1,000,000 per accident for bodily injury and property damage; and (3) *Workers' Compensation and Employer's Liability*: Workers' Compensation limits as required by the Labor Code of the State of California. Employer's Liability limits of \$1,000,000 per accident for bodily injury or disease. Defense costs shall be paid in addition to the limits.

(C) Notices; Cancellation or Reduction of Coverage. At least fifteen (15) days prior to the expiration of any such policy, evidence showing that such insurance coverage has been renewed or extended shall be filed with the City. If such coverage is cancelled or materially reduced, Contractor shall, within ten (10) days after receipt of written notice of such cancellation or reduction of coverage, file with the City evidence of insurance showing that the required insurance has been reinstated or has been provided through another insurance company or companies. In the event any policy of insurance required under this Agreement does not comply with these specifications or is canceled and not replaced, the City has the right but not the duty to obtain the insurance it deems necessary and any premium paid by the City will be promptly reimbursed by Contractor or the City may withhold amounts sufficient to pay premium from Contractor payments. In the alternative, the City may suspend or terminate this Agreement.

(D) Additional Insured. The City of Woodland, its officials, officers, employees, agents, and volunteers shall be named as additional insureds on Contractor's and its subcontractors' policies of commercial general liability and automobile liability insurance using the endorsements and forms specified herein or exact equivalents.

3.2.11.3 Insurance Endorsements. The insurance policies shall contain the following provisions, or Contractor shall provide endorsements on forms supplied or approved by the City to add the following provisions to the insurance policies:

(A) General Liability. The general liability policy shall include or be endorsed (amended) to state that: (1) using ISO CG forms 20 10 and 20 37, or endorsements providing the exact same coverage, the City of Woodland, its officials, officers, employees, agents, and volunteers shall be covered as additional insured with respect to the Services or ongoing and complete operations performed by or on behalf of the Contractor, including materials, parts or equipment furnished in connection with such work; and (2) using ISO form 20 01, or endorsements providing the exact same coverage, the insurance coverage shall be primary insurance as respects the City, its officials, officers, employees, agents, and volunteers, or if excess, shall stand in an unbroken chain of coverage excess of the Contractor's scheduled underlying coverage. Any excess insurance shall contain a provision that such coverage shall also apply on a primary and noncontributory basis for the benefit of the City, before the City's own primary insurance or self-insurance shall be called upon to protect it as a named insured. Any insurance or self-insurance maintained by the City, its officials, officers, employees, agents, and volunteers shall be excess of the Contractor's insurance and shall not be called upon to contribute with it in any way. Notwithstanding the minimum limits set forth in Section 3.2.11.2(B), any available insurance proceeds in excess of the specified minimum limits of coverage shall be available to the parties required to be named as additional insureds pursuant to this Section 3.2.11.3(A).

(B) Automobile Liability. The automobile liability policy shall include or be endorsed (amended) to state that: (1) the City, its officials, officers, employees, agents, and volunteers shall be covered as additional insureds with respect to the ownership, operation, maintenance, use, loading or unloading of any auto owned, leased, hired or borrowed by the Contractor or for which the Contractor is responsible; and (2) the insurance coverage shall be primary insurance as respects the City, its officials, officers, employees, agents, and volunteers, or if excess, shall stand in an unbroken chain of coverage excess of the Contractor's scheduled underlying coverage. Any insurance or self-insurance maintained by the City, its officials, officers, employees, agents, and volunteers shall be excess of the Contractor's insurance and shall not be called upon to contribute with it in any way. Notwithstanding the minimum limits set forth in Section 3.2.11.2(B), any available insurance proceeds in excess of the specified minimum limits of coverage shall be available to the parties required to be named as additional insureds pursuant to this Section 3.2.11.3(B).

(C) Workers' Compensation and Employer's Liability Coverage. The insurer shall agree to waive all rights of subrogation against the City, its officials, officers, employees, agents, and volunteers for losses paid under the terms of the insurance policy which arise from work performed by the Contractor.

(D) All Coverages. Each insurance policy required by this Agreement shall be endorsed to state that: (A) coverage shall not be suspended, voided, reduced or canceled except after thirty (30) days (10 days for nonpayment of premium) prior written notice by certified mail, return receipt requested, has been given to the City; and (B) any failure to comply

with reporting or other provisions of the policies, including breaches of warranties, shall not affect coverage provided to the City, its officials, officers, employees, agents, and volunteers. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the City, its officials, officers, employees, agents and volunteers, or any other additional insureds.

3.2.11.4 Separation of Insureds; No Special Limitations; Waiver of Subrogation. All insurance required by this Section shall contain standard separation of insureds provisions. In addition, such insurance shall not contain any special limitations on the scope of protection afforded to the City, its officials, officers, employees, agents, and volunteers. All policies shall waive any right of subrogation of the insurer against the City, its officials, officers, employees, agents, and volunteers, or any other additional insureds, or shall specifically allow Contractor or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. Contractor hereby waives its own right of recovery against City, its officials, officers, employees, agents, and volunteers, or any other additional insureds, and shall require similar written express waivers and insurance clauses from each of its subcontractors.

3.2.11.5 Deductibles and Self-Insurance Retentions. Any deductibles or self-insured retentions must be declared to and approved by the City. Contractor shall guarantee that, at the option of the City, either: (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its officials, officers, employees, agents, and volunteers; or (2) the Contractor shall procure a bond guaranteeing payment of losses and related investigation costs, claims and administrative and defense expenses.

3.2.11.6 Subcontractor Insurance Requirements. Contractor shall not allow any subcontractors to commence work on any subcontract relating to the work under the Agreement until they have provided evidence satisfactory to the City that they have secured all insurance required under this Section. If requested by Contractor, the City may approve different scopes or minimum limits of insurance for particular subcontractors. The Contractor and the City shall be named as additional insureds on all subcontractors' policies of Commercial General Liability using ISO form 20 38, or coverage at least as broad.

3.2.11.7 Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating no less than A:VII, licensed to do business in California, and satisfactory to the City.

3.2.11.8 Verification of Coverage. Contractor shall furnish City with original certificates of insurance and endorsements effecting coverage required by this Agreement on forms satisfactory to the City. The certificates and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf, and shall be on forms provided by the City if requested. All certificates and endorsements must be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, at any time.

3.2.11.9 Reporting of Claims. Contractor shall report to the City, in addition to Contractor's insurer, any and all insurance claims submitted by Contractor in connection with the Services under this Agreement.

3.2.12 Safety. Contractor shall execute and maintain its work so as to avoid injury or damage to any person or property. In carrying out its Services, the Contractor shall at all times

be in compliance with all applicable local, state and federal laws, rules and regulations, and shall exercise all necessary precautions for the safety of employees appropriate to the nature of the work and the conditions under which the work is to be performed. Safety precautions as applicable shall include, but shall not be limited to: (A) adequate life protection and lifesaving equipment and procedures; (B) instructions in accident prevention for all employees and subcontractors, such as safe walkways, scaffolds, fall protection ladders, bridges, gang planks, confined space procedures, trenching and shoring, equipment and other safety devices, equipment and wearing apparel as are necessary or lawfully required to prevent accidents or injuries; and (C) adequate facilities for the proper inspection and maintenance of all safety measures.

3.2.13 [Reserved]

3.2.14 Accounting Records. Contractor shall maintain complete and accurate records with respect to all costs and expenses incurred under this Agreement. All such records shall be clearly identifiable. Contractor shall allow a representative of City during normal business hours to examine, audit, and make transcripts or copies of such records and any other documents created pursuant to this Agreement. Contractor shall allow inspection of all work, data, documents, proceedings, and activities related to the Agreement for a period of three (3) years from the date of final payment under this Agreement.

3.3 Fees and Payments.

3.3.1 Compensation. Contractor shall receive compensation, including authorized reimbursements, for all Services rendered under this Agreement at the rates set forth in Exhibit "B" attached hereto and incorporated herein by reference. The total compensation shall not exceed SIX HUNDRED, TWENTY-FOUR THOUSAND, ONE HUNDRED AND SIXTY-EIGHT DOLLARS AND EIGHTY-EIGHT CENTS (\$624,168.88) without written approval of City's Community Services Director. Extra Work may be authorized, as described below, and if authorized, will be compensated at the rates and manner set forth in this Agreement. In no event, however, shall the Extra Work exceed TEN THOUSAND DOLLARS (\$10,000.00).

3.3.2 Payment of Compensation. Contractor shall submit to City a monthly itemized statement which indicates work completed and hours of Services rendered by Contractor. The statement shall describe the amount of Services and supplies provided since the initial commencement date, or since the start of the subsequent billing periods, as appropriate, through the date of the statement. City shall, within 45 days of receiving such statement, review the statement and pay all approved charges thereon.

3.3.3 Reimbursement for Expenses. Contractor shall not be reimbursed for any expenses unless authorized in writing by City.

3.3.4 Extra Work. At any time during the term of this Agreement, City may request that Contractor perform Extra Work. As used herein, "Extra Work" means any work which is determined by City to be necessary for the proper completion of the Project, but which the parties did not reasonably anticipate would be necessary at the execution of this Agreement. Contractor shall not perform, nor be compensated for, Extra Work without written authorization from City's Representative.

3.3.5 Prevailing Wages. Contractor is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations,

Title 8, Section 16000, et seq., (“Prevailing Wage Laws”), which require the payment of prevailing wage rates and the performance of other requirements on “public works” and “maintenance” projects. Since the Services are being performed as part of an applicable “public works” or “maintenance” project, as defined by the Prevailing Wage Laws, and since the total compensation is \$1,000 or more, Contractor agrees to fully comply with such Prevailing Wage Laws. City shall provide Contractor with a copy of the prevailing rates of per diem wages in effect at the commencement of this Agreement. Contractor shall make copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the Services available to interested parties upon request, and shall post copies at the Contractor’s principal place of business and at the project site. Contractor shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

3.3.6 Registration. Since the Services are being performed as part of an applicable “public works” or “maintenance” project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Contractor and all subcontractors must be registered with the Department of Industrial Relations. Contractor shall maintain registration for the duration of the Project and require the same of any subcontractor. This Project may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Contractor’s sole responsibility to comply with all applicable registration and labor compliance requirements.

3.4 Termination of Agreement.

3.4.1 Grounds for Termination. City may, by written notice to Contractor, terminate the whole or any part of this Agreement at any time and without cause by giving written notice to Contractor of such termination, and specifying the effective date thereof, at least seven (7) days before the effective date of such termination. Upon termination, Contractor shall be compensated only for those services which have been adequately rendered to City, and Contractor shall be entitled to no further compensation. Contractor may not terminate this Agreement except for cause.

3.4.2 Effect of Termination. If this Agreement is terminated as provided herein, City may require Contractor to provide all finished or unfinished Documents and Data and other information of any kind prepared by Contractor in connection with the performance of Services under this Agreement. Contractor shall be required to provide such document and other information within fifteen (15) days of the request.

3.4.3 Additional Services. In the event this Agreement is terminated in whole or in part as provided herein, City may procure, upon such terms and in such manner as it may determine appropriate, services similar to those terminated.

3.5 General Provisions.

3.5.1 Delivery of Notices. All notices permitted or required under this Agreement shall be given to the respective parties at the following address, or at such other address as the respective parties may provide in writing for this purpose:

Contractor:

Dominguez Landscape Services Inc.
8376 Rovana Circle
Sacramento, CA 95828
Attn: Jesus Perez, General Manager

City:

City of Woodland
2001 East Street
Woodland, CA 95776
Attn: Christine Engel, Community Services Department Director

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

3.5.2 Indemnification.

3.5.2.1 Scope of Indemnity. To the fullest extent permitted by law, Contractor shall defend, indemnify and hold the City, its officials, officers, employees, volunteers and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any alleged acts, errors or omissions of Contractor, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Contractor's Services, the Project or this Agreement, including without limitation the payment of all consequential damages, expert witness fees and attorneys' fees and other related costs and expenses. Notwithstanding the foregoing, to the extent Contractor's Services are subject to Civil Code Section 2782.8, the above indemnity shall be limited, to the extent required by Civil Code Section 2782.8, to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Contractor.

3.5.2.2 Additional Indemnity Obligations. Contractor shall defend, with Counsel of City's choosing and at Contractor's own cost, expense and risk, any and all claims, suits, actions or other proceedings of every kind covered by Section 3.5.2.1 that may be brought or instituted against City or its officials, officers, employees, volunteers and agents. Contractor shall pay and satisfy any judgment, award or decree that may be rendered against City or its officials, officers, employees, volunteers and agents as part of any such claim, suit, action or other proceeding. Contractor shall also reimburse City for the cost of any settlement paid by City or its officials, officers, employees, agents or volunteers as part of any such claim, suit, action or other proceeding. Such reimbursement shall include payment for City's attorneys' fees and costs, including expert witness fees. Contractor shall reimburse City and its officials, officers, employees, agents, and/or volunteers, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Contractor's obligation to indemnify shall survive expiration or termination of this Agreement, and shall not be restricted to insurance proceeds, if any, received by the City, its officials officers, employees, agents, or volunteers.

3.5.3 Governing Law; Government Code Claim Compliance. This Agreement shall be governed by the laws of the State of California. Venue shall be in Yolo County. In

addition to any and all contract requirements pertaining to notices of and requests for compensation or payment for extra work, disputed work, claims and/or changed conditions, Contractor must comply with the claim procedures set forth in Government Code sections 900 et seq. prior to filing any lawsuit against the City. Such Government Code claims and any subsequent lawsuit based upon the Government Code claims shall be limited to those matters that remain unresolved after all procedures pertaining to extra work, disputed work, claims, and/or changed conditions have been followed by Contractor. If no such Government Code claim is submitted, or if any prerequisite contractual requirements are not otherwise satisfied as specified herein, Contractor shall be barred from bringing and maintaining a valid lawsuit against the City.

3.5.4 Time of Essence. Time is of the essence for each and every provision of this Agreement.

3.5.5 City's Right to Employ Other Contractors. City reserves right to employ other contractors in connection with this Project.

3.5.6 Successors and Assigns. This Agreement shall be binding on the successors and assigns of the parties.

3.5.7 Assignment or Transfer. Contractor shall not assign, hypothecate or transfer, either directly or by operation of law, this Agreement or any interest herein without the prior written consent of the City. Any attempt to do so shall be null and void, and any assignees, hypothecates or transferees shall acquire no right or interest by reason of such attempted assignment, hypothecation or transfer.

3.5.8 Construction; References; Captions. Since the Parties or their agents have participated fully in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party. Any term referencing time, days or period for performance shall be deemed calendar days and not work days. All references to Contractor include all personnel, employees, agents, and subcontractors of Contractor, except as otherwise specified in this Agreement. All references to City include its officials, officers, employees, agents, and volunteers except as otherwise specified in this Agreement. The captions of the various articles and paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content or intent of this Agreement.

3.5.9 Amendment; Modification. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties.

3.5.10 Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel or otherwise.

3.5.11 No Third Party Beneficiaries. Except to the extent expressly provided for in Section 3.5.7, there are no intended third party beneficiaries of any right or obligation assumed by the Parties.

3.5.12 Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

3.5.13 Prohibited Interests. Contractor maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Contractor, to solicit or secure this Agreement. Further, Contractor warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Contractor, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. Contractor further agrees to file, or shall cause its employees or subcontractors to file, a Statement of Economic Interest with the City's Filing Officer as required under state law in the performance of the Services. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

3.5.14 Cooperation; Further Acts. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate or convenient to attain the purposes of this Agreement.

3.5.15 [RESERVED]

3.5.16 Authority to Enter Agreement. Contractor has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each Party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and bind each respective Party.

3.5.17 Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original.

3.5.18 Entire Agreement. This Agreement contains the entire Agreement of the parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements. This Agreement may only be modified by a writing signed by both parties.

[SIGNATURES ON NEXT PAGE]

**SIGNATURE PAGE FOR LANDSCAPE MAINTENANCE SERVICES AGREEMENT
BETWEEN THE CITY OF WOODLAND
AND DOMIGUEZ LANDSCAPE SERVICES INC.**

IN WITNESS WHEREOF, the Parties have entered into this Agreement as of the
_____ day of _____, 2019

CITY OF WOODLAND

Approved By:

Paul Navazio
City Manager

Attested By:

Ana Gonzales
City Clerk

**DOMINGUEZ LANDSCAPE SERVICES,
INC.**

Signature

Name

Title

Date

CITY OF WOODLAND

EXHIBIT A

SCOPE OF SERVICES

GENERAL CONDITIONS

INTRODUCTION

The City of Woodland ("City") retains the services of qualified landscape contractor, Dominguez Landscape Services, Inc. ("Contractor") to provide landscape maintenance services for areas within the City. There are three separate "levels of service" categories. Contractor has reviewed the Level of Service requirements of these documents to understand the landscaping operation and maintenance level of service assigned to each area.

LEVEL OF SERVICE

Mode I is the highest level of service, represented by well-maintained landscapes that are highly visible, frequently visited by the public, and where there is a high level of response expected to complaints that are received.

Mode II is a medium or standard level of service compared to Mode I and represents a level of maintenance where some tolerance is allowed to maintenance problems such as litter, weeds, pruning, and irrigation repairs. Mode II areas are not as highly visible to the public and the public does not visit or use these sites in the same manner as Mode I locations.

Mode III is a lower level of service compared to Mode I and Mode II, and represents a level of maintenance typically associated with lower level of development, low levels of public visitation, areas adjacent to highways at the outer edges of the community, or areas where budget restrictions prevent a higher intensity of maintenance.

Mode IV is the lowest level of service compared to Mode I, II, and III and represents a level of maintenance typically associated with hardscapes or mature landscapes that do not have watering or pruning needs.

LANDSCAPE AREAS

The contract shall include furnishing all personnel, equipment, and materials to perform the landscape maintenance services for the areas listed in Exhibits A-1 and A-2.

Maintenance and pruning activities for trees are not a part of this contract, although landscape maintenance activities where trees are an integral part of the landscape area shall be performed up to the base of the tree. Landscape maintenance activities shall be performed such that health of the trees is not adversely affected.

STANDARDS

All landscape maintenance services shall be performed by trained personnel using current, acceptable horticultural practices. All work shall be performed in a manner which maintains the original intent of the landscape design. All chemical applications shall be performed in accordance with current county, state, and federal laws, utilizing EPA registered materials and methods of application. These applications shall be performed under the supervision of a State of California Department of Pesticide Regulations Licensed Certified Applicator.

REPORTS

Contractor shall provide the City with a weekly report of work conducted during the previous week. This shall include landscapes visited, identified by their Map ID #, and the maintenance work performed in those locations. When applicable, the Contractor will also provide reports including but not limited to; certified payroll reports, daily maintenance log, waste disposal reports, pesticide reports, pest control reports and irrigation inspection reports.

REFERENCES

International Society of Arboriculture (I.S.A.)
California Landscape Contractors Association (C.L.C.A.)
Uniform Building Codes (U.B.C.)
City of Woodland Specifications
State of California Model Water Efficient Landscape Ordinance
Sunset Western Garden Book (New Century Edition)
Sunset Lawns

APPROVALS

Any work performed in addition to that which is outlined in the contract shall **only be done upon written approval by the City.**

WORKMANSHIP

During landscape maintenance operations, all areas shall be kept neat and clean. Precautions shall be taken to avoid damage to existing structures and adjacent landscaping. All work shall be performed in a safe manner to the operators, the occupants, and any pedestrians.

Upon completion of maintenance operations, all debris and waste material shall be removed from the property and disposed of properly, unless provisions have been granted by the city to utilize on site trash and/or green waste receptacles.

Any damage to the landscape, the structure, or the irrigation system caused by the Contractor shall be repaired by the Contractor within fifteen-days without charge to the city.

RAILROAD (RR) RIGHT OF WAY

All workers performing work within the RR right of way must observe the Roadway Worker Safety Rules and wear the required Personal Protective Equipment (PPE) as dictated by California Northern Railroad (CNR).

The Contractor shall notify and comply with the requirements of CNR whenever performing work within their right of way (along the west side of East Street).

The following documents must be carried on the work vehicle:

- DOT Code of Federal Regulations, Title 49, Part 214
- Phone numbers for CNR Dispatcher and local CNR Manager.

MODE I

Mode I is the highest level of service, represented by well-maintained landscapes that are highly visible, frequently visited by the public, and where there is a high level of response expected to complaints that are received. This level of maintenance shall be provided for example, at Woodland City Hall. A complete listing of Mode I areas in Maintenance Zone 1 and Zone 2 can be found in Exhibits A-1 and A-2.

- A. The Contractor shall provide all materials, labor and equipment required to complete all landscape maintenance work as outlined in the contract for a two-year period, with the option to extend for one additional year.
- B. The Contractor shall be familiar with the project premises and existing conditions.

DESCRIPTION OF WORK

1. **Mowing:** Grass shall be cut once every five working days. "Mulching" or "recycling" type mowers are preferred, but turf must be mowed thoroughly to avoid unprocessed clippings (windrowing). Debris from mowing process must be removed from all surrounding hardscape. Preferred mowing height shall be 2.5 to 3-inches during the months of July - August and not less than 2.5-inches throughout the rest of the year. Avoid ruts and compaction, make repairs as necessary. Reseeding or sodding when bare spots are present. Weed control practiced when weeds present visible problem. Pre-emergent products may be utilized at this level.
2. **Pruning of Shrubs:** All pruning of shrubs and groundcover, etc., shall be consistent with International Society of Arboriculture (ISA) standards. All ornamental shrubs and ground cover shall be pruned when appropriate to remove dead or damaged branches, follow the natural form of the plant, and create the effect intended by the landscape architect or designer. Except for desired hedges, or to conform to design intent, all pruning and thinning of plants shall be done to retain their natural shapes. All green waste shall be disposed of offsite at an appropriate disposal facility.
 - A. Prune those that flower before the end of June immediately after flowering.
 - B. Prune those that flower in summer or autumn in winter or spring before new growth begins.
 - C. Delay pruning plants grown for ornamental fruits, such as cotoneasters, pyracanthas, and viburnums.
 - D. Broadleaf evergreen shrubs shall be hand pruned to maintain their natural appearance after the new growth hardens off.
 - E. Hedges or shrubs which require shearing to maintain a formal appearance shall be pruned as required. Dead wood shall be removed from sheared plants before the first shearing of the season.
 - F. Plants overhanging passageways and parking areas and damaged plants shall be pruned as needed.
 - G. If roses are present: Chemical or natural control of insects, fungus, and molds common to rose cultures in this area. Fertilize as required for each type of rose.
3. **Edging:** Edging of all sidewalks, curbs, and other paved areas shall be performed at the same time as mowing of turf areas or once per five working days. No edging of turf areas with string trimmers. Ground cover shall be edged as needed to contain them within their borders. Debris from the edging operations shall be removed and the areas blown clean

using Best Management Practices (BMPs) as identified in Exhibit A-4 - Phase II NPDES Best Management Practices for Landscape Sites. Caution shall be used to avoid any flying debris.

4. **Fertilization:** Fertilization of turf areas shall occur as listed below. Shrubs, groundcovers and flowers shall receive fertilizer levels to ensure optimum growth. Distribution of fertilizer shall ensure an even supply of nutrients and be applied using BMPs as identified in Exhibit A-4 - Phase II NPDES Best Management Practices for Landscape Sites.
 - A. One application of fertilizer shall be applied to turf in early fall, i.e. September 20 to October 15. This fertilizer shall be applied in a granular form and be 50% slow release Nitrogen. The fertilizer shall be applied at a rate which will provide the equivalent of one pound of actual nitrogen per 1,000 square feet of turf.
 - B. A second application of fertilizer shall be applied to turf in spring, i.e. March 15 to April 30, to achieve maximum root development. This fertilizer shall be the same balanced fertilizers as applied in early fall. Use a 50% or more slow release fertilizer and apply at a rate that will provide the equivalent of one pound of actual nitrogen per 1,000 square feet.
5. **Floral Plantings:** These areas shall be maintained for safety, function, and high quality appearance as per established design. Normally a minimum of three rotations of bloom per year. Care cycle usually at least once per week except watering may be more frequent. Beds shall be kept weed free. Each fall cut back deteriorating plant parts or remove and replace the plants.
6. **Weed Control:** Weed control shall be practiced when weeds present a visible problem. Pre-emergent products are expected at this level. All chemical applications shall be performed in accordance with current Yolo County, state, and federal laws, utilizing EPA registered materials and methods of application. These applications shall be performed under the supervision of a Licensed Certified Applicator. Actual application and materials to be used shall be coordinated with the Community Services Parks Superintendent or designee. Pesticide reporting as required by the Yolo County Department of Agriculture shall be the responsibility of the Contractor. Record keeping, written Pesticide Recommendations, Use Reports and labeling of proper chemical storage areas are the responsibility of the Contractor. Pesticide records relating to areas covered in this document shall be made available within 15-days of receipt of a written request from the City. It is expected that the Contractor will maintain at least a 90% kill through the term of this Contract. Pesticide reporting will be the responsibility of the Contractor. Contact the Community Services, Parks Superintendent or designee if there is any question about which areas require pesticide use records.
7. **Mulch Replacement:** Mulched areas shall remain weed free and shall be cleaned and replaced on a regular basis to maintain minimum of 3- inch depth throughout. Special care shall be taken in the mulching operation not to over mulch or cover the base of trees and shrubs. A total of five hundred (500) cubic yards of mulch bark, provided by the Contractor, will be distributed throughout all Modes in each landscape maintenance zone. Quantity and location shall be noted on monthly statement when applied.

8. Irrigation Repair:

- A. Proper irrigation system maintenance includes the overall supervision of the system, controller scheduling, routine adjustments, and necessary repairs.
- B. Failure of the system to provide full and proper coverage shall not relieve the Contractor of providing adequate coverage. Any plant material adversely impacted by irrigation failures shall be promptly replaced with same plant material at no cost to the City.
- C. Contractor is responsible for repairs to irrigation systems beginning downstream of the backflow device to all components downstream including mainline, control valve, lateral piping, sprinkler heads and fittings.
- D. Contractor is responsible for repairs to all components of the irrigation booster pumps upstream and downstream of the backflow device.
- E. Contractor is not responsible for maintaining backflow devices.

8.01 Controller Scheduling:

- A. A qualified person shall be completely responsible for operating the irrigation systems, with the duties of adjusting controllers, observing the effectiveness of the irrigation system, and making minor adjustments to the system. The City currently utilizes a combination of Motorola Central Control, Rainbird, and Irritrol controllers.
- B. City staff shall reserve the right to request modifications to the irrigation schedule to accommodate City requirements and/or events. Requests will be submitted to the contractor either orally or in written format. All requests shall be carried out in a timely manner.
- C. Irrigation programs shall comply with the State of California Model Water Efficient Landscape Ordinance. See Exhibit A-3.
- D. Water should not be applied at a rate higher than the infiltration rate of the soil.
- E. A soil sampling probe and/or a tensiometer shall be used regularly to evaluate actual soil moisture levels and irrigation schedule.
- F. Automatic irrigation controllers shall be rescheduled, as necessary, to avoid water waste and runoff, and shall be turned off during periods of rain.
- G. In windy areas the controllers shall be set to operate during periods of low wind velocity.
- H. Watering schedules shall be arranged so as not to interfere with the use of the city facility.
- I. A chart shall be maintained to record current irrigation programs, including day, time, and length of watering for each station and program for each controller.

8.02. System Maintenance:

- A. The irrigation system shall be maintained for optimum performance. This shall include cleaning and adjusting all sprinkler heads and valves for proper coverage.
- B. Inspections of the irrigation system, in operation, shall be made weekly during summer months, April through October, and monthly November through March, to detect any malfunctioning of the system. Maintain records of inspections at each controller.
- C. All malfunctioning equipment shall be repaired prior to the next scheduled irrigation.

- D. All replacement heads shall be of the same manufacturer, type, and application rates.
- E. Upon request of the City, the Contractor shall demonstrate the operation and coverage of any sprinkler irrigation system and make any required repairs or adjustments immediately.
- F. The Contractor shall comply with the provisions of Exhibit A-4 – Phase II NPDES Best Management Practices for Landscape Sites.

8.03 Drainage Systems:

- A. Good drainage is essential for healthy and vigorous plant growth, and systems must be routinely checked for blockage which could cause ponding, flooding, and excessive saturation of the soil and plant root zones.
- B. Surface drainage swales shall be kept free of leaves, debris and sediment accumulations.
- C. Maintain positive drainage away from the footings of facilities and to the drain inlets.

9. Disease/Insect Control: Pest control shall be performed when disease or insects are inflicting noticeable damage, reducing vigor of plant materials or could be considered a bother to the public. Some preventative measures may be utilized such as systemic chemical treatments. Cultural prevention of disease problems can reduce time spent in this category. Some minor problems may be tolerated at this level. Problems will either be prevented or observed and identified at a very early stage and corrected immediately.

- A. All chemical applications shall be performed in accordance with current county, state, and federal laws, utilizing EPA registered materials, and methods of application. These applications shall be performed under the supervision of a Licensed Certified Applicator. Actual application and materials to be used shall be coordinated with the Community Services Parks Superintendent or designee.
- B. Healthy plants and lawns shall be able to withstand minor disease and insect damage without controls. Routine applications of insecticides/fungicides will not be permitted, as this practice destroys natural predator-prey relationships in the environment. In general, with proper fertilization and irrigation practices the incidence of serious disease and insect problems can be prevented.
- C. Where unusually high infections or infestations occur, an accurate identification of the disease or insect shall be made and the control product selected with care, prior to application.
- D. Insecticidal soaps shall be utilized, whenever possible.
- E. Snails and slugs shall be controlled with recommended baits and sprays.
- F. Rodents such as gophers and moles shall be trapped or controlled with approved baits.

10. Plant Replacement: Remove dead plants from the landscape promptly. Replacement shall be the responsibility of the Contractor. Replace with exact duplicate of original plant (genus, species and cultivar). Five-gallon plant size minimum. Ensure replacement plant has adequate irrigation to thrive.

11. Litter:

- A. Litter will be picked-up a minimum of once per day five (5) days a week. Higher volume use parks shall be cleaned first, a priority list will be provided by City staff. Each visit will include a thorough litter pick-up of the entire site. All

papers, cans, bottles, broken glass, etc. will be removed from the landscape. High use may dictate once per day cleaning or more. Litter bags shall be removed from the site and hauled to landfill. Trash receptacle liners are the responsibility of the Contractor.

- B. All trash receptacles shall be emptied on Mondays, Wednesdays, and Fridays before 10:00 a.m. P.S.T., at the following park sites;
- i. Campbell Park (701 Thomas Street)
 - ii. City Park (629 Cleveland Street)
 - iii. Crawford Park (1733 College Street)
 - iv. Everman Park (929 Cottage Drive)
 - v. Ferns Park (750 W. Southwood Drive)
 - vi. Woodside Park (1615 Cottonwood Street)

12. **Walkway Surfaces:** Walkways and surrounding hardscapes in the landscape area shall be cleaned daily from litter, leaves, broken glass, and debris.
13. **Graffiti:** Graffiti shall be reported to the Community Services, Parks Superintendent or designee as soon as possible.
14. **Vandalism:** Repairs for all vandalism related work shall be separately billed to the City, noting date, location, extent of damage, and detailed cost breakdown of repairs. The Contractor shall prepare a repair estimate for review and approval by the City prior to performance of any vandalism damage repair work. Temporary repairs, barricades, signs, or other appropriate features shall be performed immediately for any damage that results in a safety threat to the general public.

MODE II

Mode II is a lower level of service compared to Mode I and represents a level of maintenance where some tolerance is allowed to maintenance problems such as litter, weeds, pruning, and irrigation repairs. Mode II areas are not as highly visible to the public and the public does not visit or use these sites in the same manner as Mode I locations. A complete listing of Mode II areas in Maintenance Zone 1 and Zone 2 can be found in Exhibits A-1 and A-2.

DESCRIPTION OF WORK

1. **Mowing:** Grass shall be cut once every five working days. “Mulching” or “recycling” type mowers are preferred, but turf must be mowed thoroughly to avoid unprocessed clippings (windrowing). Debris from mowing process must be removed from all surrounding hardscape. Any clippings collected shall be disposed of offsite in an appropriate disposal location. Preferred mowing height shall be 2.5 to 3-inches during the months of July - August and not less than 2.5-inches throughout the rest of the year. Avoid ruts and compaction, make repairs as necessary. Reseeding or sodding when bare spots are present. Weed control practiced when weeds present visible problem. Pre-emergent products may be utilized at this level. ***Note: Contractor is responsible for removing all debris created by the process of mowing at Charles Brooks Swim Center, 155 N. West Street.**
2. **Pruning of Shrubs:** All pruning of shrubs and groundcover, etc., shall be consistent with International Society of Arboriculture (ISA) standards. All ornamental shrubs and ground cover shall be pruned when appropriate to remove dead or damaged branches, follow the natural form of the plant and create the effect intended by the landscape architect or designer. Except for desired hedges, or to conform to design intent, all pruning and thinning of plants shall be done to retain their natural shapes. All green waste shall be disposed of offsite at an appropriate disposal facility.
 - A. Prune those that flower before the end of June immediately after flowering.
 - B. Prune those that flower in summer or autumn in winter or spring before new growth begins.
 - C. Delay pruning plants grown for ornamental fruits, such as cotoneasters, pyracanthas, and viburnums.
 - D. Broadleaf evergreen shrubs shall be hand pruned to maintain their natural appearance after the new growth hardens off.
 - E. Existing shrubs and ground cover shall be pruned as necessary to maintain them within the boundaries of planters and to maintain an acceptable overall size and shape. Shrubs shall be pruned to maintain visibility of street signs per City of Woodland Standard Specifications. Hedges or shrubs which require shearing to maintain a formal appearance shall be pruned as required. Dead wood shall be removed from sheared plants before the first shearing of the season.
 - F. Plants overhanging passageways and parking areas and damaged plants shall be pruned as needed.
 - G. If roses are present: Chemical or natural control of insects, fungus, and molds common to rose cultures in this area. Fertilize as required for each type of rose.
3. **Edging:** Edging of all sidewalks, curbs and other paved areas shall be performed at the same time as mowing of turf areas or once per five working days. No edging of turf areas

with string trimmers. Ground cover shall be edged as needed to contain them within their borders. Debris from the edging operations shall be removed and the areas blown clean using Best Management Practices (BMPs) as identified in Exhibit A-4 - Phase II NPDES Best Management Practices for Landscape Sites. Caution shall be used to avoid any flying debris.

4. **Fertilization:** Fertilization of turf areas shall occur as listed below. Shrubs, groundcovers and flowers shall receive fertilizer levels to ensure healthy growth. Distribution of fertilizer shall ensure an even supply of nutrients and be applied using BMPs as identified in Exhibit A-4 - Phase II NPDES Best Management Practices for Landscape Sites.
 - A. One application of fertilizer shall be applied to turf in early fall, i.e. September 20 to October 15. This fertilizer shall be applied in a granular form and be 50% slow release Nitrogen. The fertilizer shall be applied at a rate which will provide the equivalent of 1 pound of actual nitrogen per 1,000 square feet of turf.
5. **Floral Plantings:** These areas shall be maintained for safety, function, and high quality appearance as per established design. Normally no more complex than two rotations of bloom per year. Care cycle usually at least once per week except watering may be more frequent. Beds shall be kept weed free. Each fall cut back deteriorating plant parts or remove and replace the plants.
6. **Weed Control:** Weed control shall be practiced when weeds present a visible problem. Pre-emergent products are expected at this level. All chemical applications shall be performed in accordance with current Yolo County, state, and federal laws, utilizing EPA registered materials and methods of application. These applications shall be performed under the supervision of a Licensed Certified Applicator. Actual application and materials to be used shall be coordinated with the Community Services Parks Superintendent or designee. Pesticide reporting as required by the Yolo County Department of Agriculture shall be the responsibility of the Contractor. Record keeping, written Pesticide Recommendations, Use Reports and labeling of proper chemical storage areas are the responsibility of the Contractor. Pesticide records relating to areas covered in this document shall be made available within 15-days of receipt of a written request from the City. Contact the Community Services, Parks Superintendent or designee if there is any question about which areas require pesticide use records. It is expected that the Contractor will maintain at least an 85% kill through the term of this Contract. Pesticide reporting will be the responsibility of the Contractor.
7. **Mulch Replacement:** Mulched areas shall remain weed free and shall be cleaned and replaced on a regular basis to maintain minimum of three-inch depth throughout. Special care shall be taken in the mulching operation not to over-mulch or cover the base of trees and shrubs. A total of five hundred (500) cubic yards of mulch bark, provided by the Contractor, will be distributed throughout all Modes in each landscape maintenance zone. Quantity and location shall be noted on monthly statement when applied.
8. **Irrigation Repair:**

- A. Proper irrigation system maintenance includes the overall supervision of the system, controller scheduling, routine adjustments, and necessary repairs.
- B. Failure of the system to provide full and proper coverage shall not relieve the Contractor of providing adequate coverage. Any plant material adversely impacted by irrigation failures shall be replaced with same plant at no cost to owner.
- C. Contractor is responsible for repairs to irrigation systems beginning downstream of the backflow device to all components downstream including mainline, control valve, lateral piping, sprinkler heads and fittings.
- D. Contractor is responsible for repairs to all components of the irrigation booster pumps upstream and downstream of the backflow device.
- E. Contractor is not responsible for maintaining backflow devices.

8.01 Controller Scheduling:

- A. A qualified person shall be completely responsible for operating the irrigation systems, with the duties of adjusting controllers, observing the effectiveness of the irrigation system, and making minor adjustments to the system. The City currently utilizes a combination of Motorola Central Control, Rainbird, and Irritrol controllers.
- B. City staff shall reserve the right to request modifications to the irrigation schedule to accommodate City requirements and/or events. Requests will be submitted to the contractor either orally or in written format. All requests shall be carried out in a timely manner.
- C. Irrigation programs shall comply with the State of California Model Water Efficient Landscape Ordinance. See Exhibit A-3.
- D. Water should not be applied at a rate higher than the infiltration rate of the soil.
- E. A soil sampling probe and/or a tensiometer shall be used regularly to evaluate actual soil moisture levels and irrigation schedule.
- F. Automatic irrigation controllers shall be rescheduled, as necessary, to avoid water waste and runoff, and shall be turned off during periods of rain.
- G. In windy areas the controllers shall be set to operate during periods of low wind velocity.
- H. Watering schedules shall be arranged so as not to interfere with the use of the facility.
- I. A chart shall be maintained to record current irrigation programs, including day, time, and length of watering for each station and program for each controller.

8.02. System Maintenance:

- A. The irrigation system shall be maintained for optimum performance. This shall include cleaning and adjusting all sprinkler heads and valves for proper coverage.
- B. Inspections of the irrigation system, in operation, shall be made weekly during summer months, April through October, and monthly November through March, to detect any malfunctioning of the system. Maintain records of inspections at each controller.
- C. All malfunctioning equipment shall be repaired prior to the next scheduled irrigation.
- D. All replacement heads shall be of the same manufacturer, type, and application rates.

- E. Upon request of the City, the Contractor shall demonstrate the operation and coverage of any sprinkler irrigation system and make any required repairs or adjustments immediately.
- F. The Contractor shall comply with the provisions of Exhibit A-4 – Phase II NPDES Best Management Practices for Landscape Sites.

8.03 Drainage Systems:

- A. Good drainage is essential for healthy and vigorous plant growth, and systems must be routinely checked for blockage which could cause ponding, flooding, and excessive saturation of the soil and plant root zones.
- B. Surface drainage swales shall be kept free of leaves, debris and sediment accumulations.
- C. Maintain positive drainage away from the footings of facilities and to the drain inlets.

9. Disease/Insect Control: Pest control shall be performed when disease or insects are inflicting noticeable damage, reducing vigor of plant materials or could be considered a bother to the public. Some preventative measures may be utilized such as systemic chemical treatments. Cultural prevention of disease problems can reduce time spent in this category. Some minor problems may be tolerated at this level. Problems with either be prevented or observed and identified at a very early stage and corrected immediately.

- A. All chemical applications shall be performed in accordance with current county, state, and federal laws, utilizing EPA registered materials and methods of application. These applications shall be performed under the supervision of a Licensed Certified Applicator. Actual application and materials to be used shall be coordinated with the Community Services Parks Superintendent or designee.
- B. Healthy plants and lawns shall be able to withstand minor disease and insect damage without controls. Routine applications of insecticides/fungicides will not be permitted, as this practice destroys natural predator-prey relationships in the environment. In general, with proper fertilization and irrigation practices the incidence of serious disease and insect problems can be prevented.
- C. Where unusually high infections or infestations occur, an accurate identification of the disease or insect shall be made and the control product selected with care, prior to application.
- D. Insecticidal soaps shall be utilized, whenever possible.
- E. Snails and slugs shall be controlled with recommended baits and sprays.
- F. Rodents such as gophers and moles shall be trapped or controlled with approved baits.

10. Plant Replacement: Remove dead plants from the landscape promptly. Replacement shall be the responsibility of the Contractor. Replace with exact duplicate of original plant (genus, species and cultivar). Five-gallon plant size minimum. Ensure replacement plant has adequate irrigation to thrive.

11. Litter: Litter will be picked-up a minimum of once per week. Each visit will include a thorough litter pick-up of the entire site. All papers, cans, bottles, broken glass, etc. will be removed from the landscape. High use or special considerations may dictate

additional cleaning. Litter bags shall be removed from the site and hauled to landfill. Trash receptacle liners are the responsibility of the Contractor.

12. **Walkway Surfaces:** Walkways and surrounding hardscapes in the landscape area shall be cleaned daily from litter, leaves, broken glass, and debris.
13. **Graffiti:** Graffiti on sound walls and other City property shall be reported to the Community Services Parks Superintendent or designee as soon as possible.
14. **Vandalism:** Repairs for all vandalism related work shall be separately billed to the City, noting date, location, extent of damage, and detailed cost breakdown of repairs. The Contractor shall prepare a repair estimate for review and approval by the City prior to performance of any vandalism damage repair work. Temporary repairs, barricades, signs or other appropriate features shall be performed immediately for any damage that results in a safety threat to the general public.

MODE III

Mode III is a lower level of service compared to Mode I and II and represents a level of maintenance typically associated with lower level of development, low levels of public visitation, areas adjacent to highways or roads at the outer edges of the community and/or areas where budget restrictions prevent a higher level of maintenance.

DESCRIPTION OF WORK

1. **Mowing:** Grass shall be cut once every seven working days and may be skipped entirely during the winter if no appreciable growth has occurred. When mowed according to this schedule, cuttings may be left on the turf areas or mulched back into the turf. Any clippings collected shall be disposed of offsite in an appropriate disposal location. Mowing height shall not be less than 2.5-inches. Avoid ruts and compaction. Re-seeding or re-sodding only when problems become serious. Weed control in turf areas unlikely, but addressed upon request.
2. **Pruning of Shrubs:** All pruning of shrubs and groundcover, etc., shall be consistent with International Society of Arboriculture (ISA) standards. All ornamental shrubs and ground cover shall be pruned when appropriate to remove dead or damaged branches, follow the natural form of the plant and create the effect intended by the landscape architect or designer. Except for desired hedges, or to conform to design intent, all pruning and thinning of plants shall be done to retain their natural shapes. All green waste shall be disposed of offsite at an appropriate disposal facility.
 - A. Prune those that flower before the end of June immediately after flowering.
 - B. Prune those that flower in summer or autumn in winter or spring before new growth begins.
 - C. Delay pruning plants grown for ornamental fruits, such as cotoneasters, pyracanthas, and viburnums.
 - D. Broadleaf evergreen shrubs shall be hand pruned to maintain their natural appearance after the new growth hardens off.
 - E. Existing shrubs and ground cover shall be pruned as necessary to maintain them within the boundaries of planters and to maintain an acceptable overall size and shape. Shrubs shall be pruned to maintain visibility of street signs per City standard specifications. Hedges or shrubs which require shearing to maintain a formal appearance shall be pruned as required. Dead wood shall be removed from sheared plants before the first shearing of the season.
 - F. Plants overhanging passageways and parking areas and damaged plants shall be pruned as needed.
3. **Edging:** Edging of all sidewalks, curbs and other paved areas shall be performed at the same time as mowing of turf areas twice per month. No edging of turf areas with string trimmers. Ground cover shall be edged as needed to contain them within their borders. Debris from the edging operations shall be removed and the areas blown clean using Best Management Practices (BMPs) as identified in Exhibit A-4 - Phase II NPDES Best Management Practices for Landscape Sites.
4. **Fertilization:** Fertilization of turf areas shall occur as listed below. Shrubs, groundcovers, and flowers shall receive fertilizer levels to ensure healthy growth. Distribution of fertilizer shall ensure an even supply of nutrients using Best Management

Practices (BMPs) as identified in Exhibit A-4 - Phase II NPDES Best Management Practices for Landscape Sites.

- A. One application of fertilizer shall be applied to turf in early fall, i.e. September 20 to October 15. This fertilizer shall be applied in a granular form and be 50% slow release N. The fertilizer shall be applied at a rate which will provide the equivalent of one pound of actual nitrogen per 1,000 square feet of turf.

- 5. **Weed Control:** Weed control shall be practiced when weeds present a visible problem. Pre-emergent products are expected at this level. All chemical applications shall be performed in accordance with current Yolo County, state, and federal laws, utilizing EPA registered materials and methods of application. These applications shall be performed under the supervision of a Licensed Certified Applicator. Actual application and materials to be used shall be coordinated with the Park Superintendent. Pesticide reporting as required by the Yolo County Department of Agriculture shall be the responsibility of the Contractor. Record keeping, written Pesticide Recommendations, Use Reports and labeling of proper chemical storage areas are the responsibility of the Contractor. Pesticide records relating to areas covered in this document shall be made available within 15 days of receipt of a written request from the City. Contact the Community Services Parks Superintendent or designee if there is any question about which areas require pesticide use records. It is expected that the Contractor will maintain at least an 80% kill through the term of this Contract. Pesticide reporting will be the responsibility of the Contractor.

- 6. **Mulch Replacement:** A total of five hundred (500) cubic yards of mulch bark, provided by the Contractor, will be distributed throughout all Modes in each landscape maintenance zone. Quantity and location shall be noted on monthly statement when applied.

7. **Irrigation Repair:**

- A. Proper irrigation system maintenance includes the overall supervision of the system, controller scheduling, routine adjustments, and necessary repairs.
- B. Failure of the system to provide full and proper coverage shall not relieve the Contractor of providing adequate coverage. Any plant material adversely impacted by irrigation failures shall be promptly replaced with same plant at no cost to owner.
- C. Contractor is responsible for repairs to irrigation systems beginning downstream of the backflow device to all components downstream including mainline, control valve, lateral piping, sprinkler heads, and fittings.
- D. Contractor is not responsible for maintaining backflow devices.

7.01 **Controller Scheduling:**

- A. A qualified person shall be completely responsible for operating the irrigation systems, with the duties of adjusting controllers, observing the effectiveness of the irrigation system, and making minor adjustments to the system. The City currently utilizes a combination of Motorola Central Control, Rainbird and Irritrol controllers.
- B. City staff shall reserve the right to request modifications to the irrigation schedule to accommodate City requirements and/or events. Requests will be submitted to

the contractor either orally or in written format. All requests shall be carried out in a timely manner.

- C. Irrigation programs shall comply with the State of California Model Water Efficient Landscape Ordinance. See Exhibit A-3.
- D. Water should not be applied at a rate higher than the infiltration rate of the soil.
- E. A soil sampling probe and/or a tensiometer shall be used regularly to evaluate actual soil moisture levels and irrigation schedule.
- F. Automatic irrigation controllers shall be rescheduled, as necessary, to avoid water waste and runoff, and shall be turned off during periods of rain.
- G. In windy areas the controllers shall be set to operate during periods of low wind velocity.
- H. Watering schedules shall be arranged so as not to interfere with the use of the city facility.
- I. A chart shall be maintained to record current irrigation programs, including day, time, and length of watering for each station and program for each controller.

7.02. System Maintenance:

- A. The irrigation system shall be maintained for optimum performance. This shall include cleaning and adjusting all sprinkler heads and valves for proper coverage.
- B. Inspections of the irrigation system, in operation, shall be made weekly during summer months, April through October, and monthly November through March, to detect any malfunctioning of the system. Maintain records of inspections at each controller.
- C. All malfunctioning equipment shall be repaired prior to the next scheduled irrigation.
- D. All replacement heads shall be of the same manufacturer, type, and application rates.
- E. Upon request of the City, the Contractor shall demonstrate the operation and coverage of any sprinkler irrigation system and make any required repairs or adjustments immediately.
- F. The Contractor shall comply with the provisions of Exhibit A-4 – Phase II NPDES Best Management Practices for Landscape Sites.

7.03 Drainage Systems:

- A. Good drainage is essential for healthy and vigorous plant growth, and systems must be routinely checked for blockage which could cause ponding, flooding, and excessive saturation of the soil and plant root zones.
- B. Surface drainage swales shall be kept free of leaves, debris, and sediment accumulations.

- 8. **Disease/Insect Control:** Done only on epidemic or serious complaint basis. Control measures may be put into effect when the health or survival of the plant material is threatened or where the public's comfort is concerned.
- 9. **Plant Replacement:** Remove dead plants from the landscape promptly. Replacement shall be the responsibility of the Contractor. Replace with exact duplicate of original plant (genus, species and cultivar). Five-gallon plant size minimum. Ensure replacement plant has adequate irrigation to thrive.

10. **Litter:** Litter will be picked up a minimum of once per week. Each visit will include a thorough litter pick-up of the entire site. All papers, cans, bottles, broken glass, etc. will be removed from the landscape. Litter bags shall be removed from the site and hauled to landfill. Trash can liners are the responsibility of the Contractor. Litter containers shall be cleaned, repaired, or repainted when appearance has noticeably deteriorated.
11. **Walkway Surfaces:** Walkways shall be cleaned weekly of litter, leaves, broken glass, and debris.
12. **Graffiti:** Graffiti on sound walls shall be reported to the Community Services, Parks Superintendent or designee as soon as possible.
13. **Vandalism:** Repairs for all vandalism related work shall be separately billed to the City, noting date, location, extent of damage, and detailed cost breakdown of repairs. The Contractor shall prepare a repair estimate for review and approval by the City prior to performance of any vandalism damage repair work. Temporary repairs, barricades, signs, or other appropriate features shall be performed immediately for any damage that results in a safety threat to the general public.

MODE IV

Mode IV is the lowest level of service compared to Mode I, I, and III and represents a level of maintenance typically associated with landscape areas primarily consisting of hardscapes or mature landscapes that do not have watering or pruning needs.

DESCRIPTION OF WORK

1. **Mowing:** Mowing shall be done on a seasonal basis for fire suppression only. When mowed according to this schedule, cuttings may be left on the turf areas or mulched back into the turf. Debris from mowing process must be removed from all surrounding hardscape. Any clippings collected shall be disposed of offsite in an appropriate disposal location. Mowing height shall not be less than 2.5-inches.
2. **Weed Control:** Weed control shall be practiced when weeds present a visible problem. Pre-emergent products are expected at this level. All chemical applications shall be performed in accordance with current Yolo County, state, and federal laws, utilizing EPA registered materials and methods of application. These applications shall be performed under the supervision of a Licensed Certified Applicator. Actual application and materials to be used shall be coordinated with the Park Superintendent. Pesticide reporting as required by the Yolo County Department of Agriculture shall be the responsibility of the Contractor. Record keeping, written Pesticide Recommendations, Use Reports and labeling of proper chemical storage areas are the responsibility of the Contractor. Pesticide records relating to areas covered in this document shall be made available within 15 days of receipt of a written request from the City. Contact the Community Services Parks Superintendent or designee if there is any question about which areas require pesticide use records. It is expected that the Contractor will maintain at least a 60% kill through the term of this Contract. Pesticide reporting will be the responsibility of the Contractor.
3. **Disease/Insect Control:** Done only on epidemic or serious complaint basis. Control measures may be put into effect when the health or survival of the plant material is threatened or where the public's comfort is concerned.
4. **Litter:** Litter will be picked up bi-weekly. Each visit will include a thorough litter pick-up of the entire site. All papers, cans, bottles, broken glass, etc. will be removed from the landscape. Litter bags shall be removed from the site and hauled to landfill. Trash can liners are the responsibility of the Contractor. Litter containers shall be cleaned, repaired, or repainted when appearance has noticeably deteriorated.
5. **Walkway Surfaces:** Walkways shall be cleaned bi-weekly of litter, leaves, broken glass, and debris.
6. **Graffiti:** Graffiti on sound walls shall be reported to the Community Services, Parks Superintendent or designee as soon as possible.
7. **Vandalism:** Repairs for all vandalism related work shall be separately billed to the City, noting date, location, extent of damage, and detailed cost breakdown of repairs. The Contractor shall prepare a repair estimate for review and approval by the City prior to

performance of any vandalism damage repair work. Temporary repairs, barricades, signs, or other appropriate features shall be performed immediately for any damage that results in a safety threat to the general public.

**EXHIBIT A-1: LANDSCAPE AREAS
ZONE 1**

MapID	Site	Mode	Limits / Address	Irrigation	Landscaping	Area (Square Feet)	Area (Acres)
40	City Hall - First St	I	Entry area at City Hall, north of Dead Cat Alley on Court St	Automatic with spray heads	Brick Paving, Turf, Shrubs, Groundcover and Bark Mulch	2,000	0.05
41	City Hall - Court St	I	Areas facing Court St. (Fire Station)-City Hall	Manual and automated with spray heads	Brick Paving, Shrubs, Groundcover and Bark Mulch	1,500	0.03
42	City Hall - Court St	I	Areas facing Court St. (City Hall Annex)	Manual and automated with spray heads	Brick Paving, Turf, Shrubs, Groundcover and Bark Mulch	1,500	0.03
107	Police Department	I	Bordered by 6th St on the east side, 5th St. on west side, Oak St. on south side	Automated with spray heads and bubblers	Trees, Shrubs, Turf, Groundcover and Bark Mulch	36,000	0.83
301	Beamer Park	I	810 HOLLISTER RD	Automated system with computer enabled watering system	Park: 2 Lighted Tennis Courts, Recreation Size Youth Non-Lighted Softball Field, Children's Playground Area, Barbeque Pad, Turf, Barked Valley Oak Tree Grove, Hard Court Surfaces, Shop & Restrooms	98,446	2.26
302	Christiansen Park	I	202 BEAMER ST	Automatic	Park: Large Turf Area, Hard Surface Basketball Area, Volleyball Poles, Horseshoe Pits, Playground Area, 2 Barbecue Areas, Maintenance. Shop & Restrooms	121,968	2.80
303	Campbell Park	I	701 THOMAS ST	Automatic	Hard Surface Basketball Court, Exercise Stations, Jog Course, Sand Volleyball Court, (2) Playground Areas, Barbecue Area, Shop and Restrooms	242,629	5.57
304	City Park	I	626 CLEVELAND ST	Automatic	Park: (2) Separate Playgrounds for Tots and Youth, Youth Softball Field, (4) Lighted Tennis Courts, (2) Picnic Areas, Open Turf Areas, Maintenance. Shop, Restrooms and Auxiliary Office	171,191	3.93
305	Wayne Cline Park	I	223 TETON PLACE	Automatic	Park: Playground Area, Large Open Turf Area, Hard Surface Walking Course with Several Dog-Leg Outlets Located at Woodland Ave., Cottonwood St., Cascade St., Cascade St. & Ashley Ave., Yosemite Pl. & Kentucky Ave.	104,544	2.40
306	Crawford Park	I	1733 COLLEGE ST	Automatic	Park: Playground, Tot Railroad Station, Hard Surface Basketball Court, Jog Course, Exercise Stations, Horseshoe Pits, (2) Lighted Hard Surface Volleyball Courts, Lighted Tennis Courts, Skate Board Park, (2) Picnic Areas, Open Turf Areas, Parking Lot, Maintenance Shop & Restrooms	360,241	8.27
307	Dave Douglass Park	I	827 SARATOGA DRIVE	Automatic	Open Space Retention Pond, 1 non-lighted youth baseball field and restrooms	479,160	11.00

MapID	Site	Mode	Limits / Address	Irrigation	Landscaping	Area (Square Feet)	Area (Acres)
308	Everman Park	I	929 COTTAGE DR	Automatic	Park: (4) Picnic Areas, (2) Separate Playground Areas for Tots and Youth, Large Open Space Areas, Horseshoe Pits, Hard Surface Basketball Court, Maintenance Shop and Restrooms	152,024	3.49
309	John Ferns Park	I	750 W SOUTHWOOD DR (Corner of Southwood Dr & Ashley Ave	Automatic	Park: Playground Areas for Tots & Youth, 2 Picnic Areas, Frisbee Golf Course, Horse Shoe Pits, Large Open Space Areas, Nature Area, Maint. Shop and Restrooms	404,672	9.29
310	Freeman Park	I	1001 MAIN ST	Manual	Park: Playground Area, Youth Softball Field, Hard Surface Basketball Court, Bandstand, Jogging Course, Maint. Shop and Restrooms	98,010	2.25
311	Harris Park	I	100 Imperial Street	Automatic	Park: 2 Separate Playground Areas for Tot & Youth, Horseshoe Pits, Hard Surface Basketball Court, Large Open Space Areas, One Picnic Area, Maintenance Shop, Restrooms and Parking Lot	120,661	2.77
312	Joseph Schneider Park	I	171 SCHULER RANCH DR	Automatic	Park: Jogging Course/Greenbelt, Playground Area, Horse Shoe Pits, Dog-Leg Outlets Located at Glacier St., Schuler Ranch Dr. to Muir St. & Mariposa St. to Utah Ave.	127,631	2.93
313	Gracie Hiddleston Park	I	1310 COLLEGE ST	Automatic	Park: Playground Areas for Tots & Youth, Youth Softball Field, (1) Picnic Area, Large Open Turf Area, Maint. Shop and Restrooms, large open bark area (weed control only).	140,699	3.23
314	Tredway Park	I	1701 SIXTH ST	Automatic	Park: Playground, Large Open Turf Area	53,143	1.22
315	Woodside Park	I	1615 COTTONWOOD ST (Cottonwood St. & W. El Dorado Dr.)	Automatic	Park: 2 playground areas (Tots & Youth) Horseshoe Pits, Jogging Course, Exercise Course, 2 Lighted Tennis Courts, Picnic Area, Large Open Turf Area, Maint. Shop & Restrooms	357,628	8.21
320	Woodland Community & Senior Center	I	2001 EAST ST	Automatic	Park: Shrub beds, turf, parking lot islands, dog park, hard surface basketball court	217,800	5.00
321	Beamer Circle Park	I	PALM AVE	Manual	Raised Median 50' Diameter with Turf, Tree and Bollards	6,534	0.15
402	Camarena & Pedroia Fields	I	202 BEAMER ST (Corner of Beamer St. & Walnut St. (Within Christiansen Park)	Automatic	Park: 2 Youth Baseball Fields, 1 Lighted, Bleachers, Press Box, Concession Building & Restrooms	121,097	2.78
403	Harris Field	I	Ashley Avenue (Adjacent to Harris Park)	Automatic	Park: Lighted Adult Size Softball Field, Bleachers, Warm-up areas and Restrooms	120,661	2.77
20	Community Swim Center	II	155 N. West St. - Swim Center Facility	Automated with booster pump, pop-up impact, and spray head sprinklers; 1 manual	Trees, shrubs, lawns, turfed bleachers, raised planters	40,000	0.92
47	Library - Court St	II	Landscaped areas around Library	Automated with spray heads	Turf, Trees, Shrubs, Groundcover, (2) Interior Courtyards; Roses Excluded	25,000	0.57

MapID	Site	Mode	Limits / Address	Irrigation	Landscaping	Area (Square Feet)	Area (Acres)
94	N. Pioneer Ave	II	655 N Pioneer Ave. at southwest corner of Tanforan and N. Pioneer Ave. (MSC)- includes interior employee courtyard	Automated with spray heads	Trees, shrubs, groundcover, turf and bark mulch	35,000	0.80
98	East St	II	Landscaping from Kentucky Ave. to south of County Fair Mall	Automated with pop-up spray heads, bubblers and shrub spray heads	Trees, Shrubs, Vines, Groundcover and Bark Mulch	130,000	2.98
114	East St. and Cross St.	II	Between 615 and 721 EAST ST, east side of EAST ST. Frontage only.	Automatic with spray heads - Motorola	Planters with tree, shrubs, groundcover and bark mulch.	3,000	0.07
117	Fire Station 1	II	101 Court St	Automatic with spray heads	Planters with trees, shrubs, turf, groundcover, and bark mulch	800	0.02
118	Fire Station 2	II	1619 West St	Automatic with spray heads	Planters with trees, shrubs, turf, groundcover, and bark mulch	900	0.02
119	Fire Station 3	II	1556 Springlake Ct	Automatic with spray heads	Planters with trees, shrubs, turf, groundcover, and bark mulch	3,500	0.08
113-SP	Beamer Water Tower	II	South side of Beamer St between Clark Field and Camarena Park	Automatic with spray heads	Planters with trees, shrubs, groundcover, and bark mulch, parking lot weed control.	25,000	0.57
TBD	Kentucky Ave.	II	Kentucky Ave from West St to East St	Automatic with spray heads	Trees, shrubs, groundcover, turf and bark mulch	53,824	1.24
1	C.R. 98 (east side)	III	South City Limit to W. Gibson Rd	Manual - irrigate as needed	Paved walkway surface with trees along parkway strip	9,500	0.22
2	C.R. 98 (east side)	III	150-feet north of W. Gibson Rd to 450-feet north of W. Gibson Rd	Automated System	Trees, shrubs and vines	2,000	0.05
3	C.R. 98 (east side)	III	450-feet north of W. Gibson Rd to W. Cross St	Automated System	Trees, shrubs in DG and fir bark	2,200	0.05
4	C.R. 98 (east side)	III	800-feet north of W. Main St. to W. Beamer St	Automated Drip System	Trees, shrubs in DG and fir bark mulch	10,000	0.23
5	C.R. 98 (east side)	III	600-feet to 860-feet north of W. Beamer St. (Bright Day Dr.)	Automated System with spray heads	Trees, shrubs in DG and bark mulch	2,500	0.06
6	C.R. 98 (east side)	III	860-feet north of W. Beamer St. to W. Woodland Ave	None	Trees, shrubs in DG and bark mulch	3,000	0.07
7	C.R. 98 (east side)	III	W. Woodland Ave. to 400-feet north of W. Woodland Ave	Manual, drip emitters	Trees, shrubs in DG surface	6,000	0.14
11	W. Kentucky Ave	III	N. Ashley Ave to 800' east of N. Ashley Ave.- S side	Manual with spray heads	Large shrubs in DG surface	7,200	0.17
12	W. Kentucky Ave	III	N. Cottonwood St. to 200' east of Mariposa St-south	Manual with spray heads	Large shrubs in DG surface	10,000	0.23
16	N. Ashley Ave	III	West side of N. Ashley Ave. from monument at W. Kentucky to end of fenced retention pond.	Battery operated clock with spray heads	Trees, shrubs and bark mulch	1400	0.03
19	Sonoma Way	III	From W. Court St. to Riverside Dr -west side	Automated with spray heads	Trees and shrubs	120	0.00
21	W. Main St. & C.R. 98	III	Northeast corner of intersection Brown's Corner	Automated with rotor and spray heads	Trees, Shrubs and Turf	10,500	0.24
22	W. Main St. & C.R. 98	III	Southeast corner of intersection Brown's Corner	Automated with rotor and spray heads	Trees, Shrubs and Turf	7,500	0.17

MapID	Site	Mode	Limits / Address	Irrigation	Landscaping	Area (Square Feet)	Area (Acres)
23	W. Main St.	III	Median east of C.R. 98, Westgate Center	Automated with spray heads	Trees and Shrubs with Bark Mulch	2,800	0.06
26	E. Main St	III	Medians east of Thomas to Matmor Rd (OSH)	Automated with spray heads	Trees, shrubs and groundcover	11,500	0.26
28	E. Main St	III	Median 100' W of Pioneer- (Denny's)	Automated with spray heads	Shrubs with fir bark mulch and decomposed granite	2,000	0.05
29	East Main St	III	2 Medians east of I-5 Overcrossing	Automated with spray heads	Trees, shrubs and groundcover with fir bark mulch	12,000	0.28
30	East Main St	III	2 Medians east of Hazel Ct. to eastern driveway entry (Yolo Polo Plaza)	Automated with spray heads	Trees, shrubs and groundcover	12,000	0.28
31	East Main St	III	2 Medians in front of Center (Home Depot)	Automated with spray heads	Trees, shrubs and groundcover	9,200	0.21
32	East Main St	III	2 Medians east and west of Douglas Lane west of C.R. 102	Automated with spray heads	Trees, shrubs and groundcover with fir bark mulch	8,500	0.20
33	East Main St	III	2 Medians east of C.R. 102 (Jack in the Box)	Automated with spray heads	Trees, shrubs and groundcover with fir bark mulch	5,000	0.11
51	W. El Dorado Dr.	III	Walkway W of Cottonwood St to Ashley Ave (Edwin, Grove, Inverness & Grenoble)	Battery automated with spray heads	Trees, Few Shrubs and Turf; Including Walkway	12,000	0.28
52	W. Gibson Rd.	III	3 medians east of C.R. 98	Automated with spray heads	Trees, Shrubs and Groundcover	3,000	0.07
54	E. Gibson Rd (median)	III	500-feet west of Matmor Rd to Matmor Rd	Automated drip system	Trees, shrubs, groundcover and fir bark mulch	1,200	0.03
55	E. Gibson Rd (south side)	III	660-feet west of Matmor Rd. to Matmor Rd	Automated drip system	Trees, shrubs, groundcover and bark mulch	5,000	0.11
57	E. Gibson Rd (north side)	III	From Matmor Rd to 620-feet east	Automated with spray heads	Trees, shrubs, groundcover and bark mulch	4,500	0.10
58	E. Gibson Rd (median)	III	From Matmor Rd to 480-feet east	Automated with spray heads	Trees, shrubs, groundcover and bark mulch	6,200	0.14
59	E. Gibson Rd (south side)	III	From Matmor Rd to 680-feet east & south on Matmor Rd to Roosevelt Dr.	Automated with spray heads	Trees, shrubs, groundcover and bark mulch	10,000	0.23
68	Sutter St	III	Pump house and grounds (pump house)	Battery automated with spray heads	Trees, Shrubs & Turf	500	0.01
101	Dog Gone Alley	III	195' south of Main St. between Second and Third St (behind Steve's Pizza/Market Place Parking Lot)	Manual with pop-up spray heads, bubblers and shrub spray heads	Planters with Trees, Shrubs, Groundcover and Bark Mulch (Behind Steve's). Tree Wells and Leaf Pick Up (Parking Lot Only). Not responsible for business Landscapes to the north.	1,150	0.03
120	Lemen Ave	III	Lemen Ave	Battery automated with drip emitters	Trees, fir bark mulch	12,523	0.29
123	East Main Street	III	Pioneer Ave. to C.R. 103(north Side between tracks and street)	Automated with spray heads	Trees, shrubs and groundcover with fir bark mulch	268,998	6.18
17	N. Ashley Ave (Drainage Pond)	IV	W. side of N. Ashley Ave. 250' south of W. Kentucky Ave. (Inside of Fenced Area)	None	Mediterranean grasses	10,000	0.23

MapID	Site	Mode	Limits / Address	Irrigation	Landscaping	Area (Square Feet)	Area (Acres)
18	Borchard Court	IV	Walkway from Borchard Ct to Zamora School	None	None	1,000	0.02
53	E. Gibson Rd (south side)	IV	450-feet west of Washington Dr. to 100-feet east of Washington Dr. (east of mall)	Manual with spray heads	Trees, shrubs and decomposed granite	1,500	0.03
56	Matmor Rd	IV	From East Gibson Rd. to 600' north (east side)	None	Planters with trees and bark mulch	330	0.01
67	Amherst Way	IV	Walkway opposite Los Robles Ct to Woodside Park	None	None	1,000	0.02
80	E. Gum Ave	IV	NE quadrant of Highway 113 Overpass	None	Mature trees with annual grasses	20,000	0.46
81	E. Gum Ave	IV	NW quadrant of Highway 113 Overpass	None	Mature trees with annual grasses	20,000	0.46
82	E. Gum Ave	IV	SW quadrant of Highway 113 Overpass	None	Mature trees with annual grasses	20,000	0.46
83	E. Gum Ave	IV	SE quadrant of Highway 113 Overpass	None	Mature trees with annual grasses	20,000	0.46
90	C.R. 102	IV	Median south of E. Main St	None	Decomposed Granite; weed control only	500	0.01
99	East St	IV	Weed control from Kentucky Ave. to south of County Fair Mall between easterly rail of the RR tracks and fence	None	Weed Control Only	275,000	6.31

EXHIBIT A-1: LANDSCAPE AREAS

ZONE 2

MapID	Site	Mode	Location	Irrigation	Area (Square Feet)	Area (Acres)	Landscaping
124	Main St	I	Small grass area to the west of Heritage Plaza on Main St.	Automated with spray heads.	270,800.00	6.22	Park: large open turf area with surrounding trees
316	Streng Park 4	I	West Gibson Road and Columbia Drive	Automatic	108,900.00	2.50	Park: large open turf area with surrounding trees
317	Jeff Roddy Memorial Park	I	264 MALLARD DR (Corner of W. Kentucky Ave. & Mallard Drive)	Automatic	20,908.80	0.48	Park: playground area with rubber surface, open turf area, shrubs, picnic table, bench and wrought iron fence
318	Woodland West Park	I	412 DOVE DR (Swallow Dr. & Dove Dr.)	Automatic	16,117.20	0.37	Park: open turf area, shrubs and wrought iron fence
319	Gary Traynham Park	I	313 REDWING DR (W. Kentucky Ave. & Redwing Dr.)	Automatic	60,112.80	1.38	Park: 2 separate playground areas, picnic area, natural vegetation, shrubs, turf areas, trees & maintenance. shop
323	Pioneer Park	I	1925 BRANIGAN AVE	Automatic, Motorola	437,778.00	10.05	Park: playground area, parking lot, picnic areas, large open turf area, maintenance shop and restrooms
324	Woodland Sports Complex	I	2001 EAST ST	Automatic	87,120.00	2.00	Park: shrub beds, turf, bark mulch, and bleachers
404	Dick Klenhard Park	I	1771 E GUM AVE	Automatic, Motorola	315,374.40	7.24	Park: playground area, baseball fields, picnic areas, large open turf area, parking lot, maintenance shop and restrooms
24	Main St	II	Elm St. to Third St	Automated with spray heads and bubblers	7,000	0.16	sidewalk & corner planters with trees, shrubs and bark mulch
44	Court St & College St	II	NW Corner of intersection-City Parking lot/landscape	Automated with spray heads	7,000	0.16	planters with trees, shrubs, groundcover and bark mulch
45	Court St & College St	II	NE Corner of intersection, west of Library Building Parking Area Landscape	Automated with spray heads	16,000	0.37	planters with trees, shrubs, groundcover and bark mulch; excluding roses
46	North St	II	Parking lot areas north of Library Building	Automated with spray heads	5,000	0.11	planters with trees, shrubs, groundcover and bark mulch; excluding roses
48	Main St	II	Landscaped areas at Heritage Plaza	Automated with spray heads	8,000	0.18	concrete paving, trees, shrubs, bark mulch and annuals (2 times per year)
49	Second St	II	Landscaping in parking areas south of Dead Cat Alley (Daily Democrat/Plaza)	Automated with spray heads	600	0.01	trees, shrubs and groundcover
60	E. Gibson Rd	II	Bourn Dr. to Pioneer Ave, sound wall and north side	Automated with spray heads	30,000	0.69	trees, shrubs, groundcover and bark mulch
61	E Gibson Rd	II	Medians Pioneer Ave to Ogden St	Automated with spray heads	19,000	0.44	trees, shrubs, groundcover and bark mulch
63	E. Gibson Rd	II	Medians, Ogden St to C.R. 102	Automated with spray heads	12,000	0.28	trees, shrubs, groundcover and bark mulch
64	E. Gibson Rd	II	Ogden St to C.R. 102 north side	Automated with spray heads	24,000	0.55	trees, shrubs, groundcover and bark mulch
65	Ogden St	II	From E Gibson Rd. to Branigan Ave (east side)	Automated with spray heads	6,000	0.14	trees, shrubs, groundcover and vines
70	Pioneer Ave (Springlake Center)	II	3 Medians at retail center, E Main St to Springlake Ct	Automated with spray heads	14,000	0.32	trees, shrubs, turf, groundcover and bark mulch
71	Pioneer Ave	II	From Springlake Ct to Farnham Ave (excluding Sycamore Point Apartment frontage). Medians and sound walls both sides. Includes walkway at Bourn Ct & sound wall on Springlake Ct from Bourn to Pioneer.	Automated with spray heads	24,000	0.55	trees, shrubs, turf, groundcover and bark mulch
72	Pioneer Ave	II	From Farnham Ave to Hatcher/Merritt (sound walls and median both sides)	Automated with spray heads	23,500	0.54	trees, shrubs groundcover and bark mulch
73	Pioneer Ave	II	From Hatcher/Merritt to Mormon church (west side), median island and to E. Gum (east side)	Automated with spray heads	22,000	0.51	trees, shrubs, groundcover and bark mulch

MapID	Site	Mode	Location	Irrigation	Area (Square Feet)	Area (Acres)	Landscaping
74	Pioneer Ave	II	E. Gum Ave to Brennen/Branigan; medians and sound walls (both sides)	Automated with spray heads	40,000	0.92	trees, shrubs, groundcover and bark mulch
75	Pioneer Ave	II	Brennen/Branigan to E. Gibson Rd; medians and sound walls (west side)	Automated with spray heads	12,000	0.28	trees, shrubs, groundcover and bark mulch
84	E. Gum Ave (north side)	II	Bourn Dr. to LDS Church property line	Automated with spray heads	7,500	0.17	trees and shrubs with shredded bark mulch
85	Kincheloe Ct	II	From Andrew Stevens Dr. to end of Kincheloe Ct. (west side).	Automated with spray heads	10,000	0.23	trees, shrubs, groundcover and bark mulch
87	E. Gum Ave (south side)	II	210-feet east of Bourn Dr. to Pioneer Ave	Automated with spray heads	9,000	0.21	trees and shrubs with bark mulch
92	C.R. 102	II	Maxwell Ave to E Gibson Rd (medians and west side)	Automated with spray heads	45,000	1.03	trees, shrubs, groundcover and bark mulch
102	Main St/East St	II	NW and SW corners East and Main (Palm Planters)	Automated with bubblers	3,400	0.08	trees (palms), shrubs and bark mulch
103	C.R. 102/Eaglewood Apt Frontage	II	Andrew Stevens Dr. to Maxwell Ave. (Sound wall west side)	Automated with spray heads	5,200	0.12	trees, shrubs, groundcover and bark mulch
104	E. Gibson Road (Bel Air Frontage)	II	E. Gibson and Pioneer, public landscape frontages	Automated with spray heads	4,920	0.11	trees, shrubs, turf, groundcover and bark mulch
105	Maxwell Sound wall	II	South side of Maxwell (County Rd 102 & Burns Way)	Automated with spray heads	3,135	0.07	trees, shrubs, turf and bark mulch
106	WWTP	II	Waste Water Treatment Plant (City of Woodland)	Automated with spray heads	12,000	0.28	trees, shrubs, turf and ground cover
108	Kincheloe Ct	II	East side Winturn/Andrew Stevens to Stonehaven entrance, sound wall to curb. Winturn Dr./Andrew Stevens N side. CHP prop line to Kincheloe. Includes small planter at farthest northern point at controller.	Automatic irrigation	12,400	0.28	shrubs, groundcover and bark mulch
109	Bourn/Farnham	II	Avignon lot "A"/walkway between Farnham and Bourn	Automated with spray heads	8,984	0.21	trees, shrubs, turf, groundcover and bark mulch
111	Gateway Shopping Center (Rd 102)	II	Veterans Dr. both sides from Bronze Star to Maxwell. Maxwell from Rd 102 on the west to Veterans on the east both sides & medians. American from Maxwell on the south to Bronze Star on the north. Excludes Bronze Star.	Automatic irrigation-Motorola	127,500	2.93	turf; no mow, ground cover and bark mulch
112	Springlake Court	II	South side, from Bourne Dr. to Firemen's memorial. North side, from mini storage to firehouse fence	Automated with spray heads	3,800	0.09	planters with trees, shrubs, groundcover, and bark mulch
116	NW Corner of Gibson Rd and Ogden St	II	Sound wall landscape from Bel Air entrance on W. side to S.W. Cor. of Branigan and Ogden. Includes walkway into development on Ogden 200-feet north of Gibson	Automatic with drip irrigation and two points of connection-Motorola	11,000	0.25	planters with trees, shrubs, groundcover and bark mulch
121	Main Street	II	Bulb outs between Fourth St and Sixth St on north and south sides.	Automated with spray heads and bubblers.	2,843	0.07	sidewalk & corner planters with trees, shrubs and bark mulch
122	Main Street	II	Bulb outs Elm to Walnut north & south Sides	Automated with spray heads and bubblers	2,015	0.05	sidewalk & corners planters with trees, shrubs and bark mulch
8	C.R. 98 (east side)	III	W. Kentucky Ave. to north city limit	Automated System with spray heads	9,000	0.21	Trees, shrubs and bark mulch
9	W. Kentucky Ave	III	C.R. 98 to Falcon Dr.-Includes lot 70 mini park	Automated with drip emitters	4,400	0.10	Trees, shrubs and fir bark mulch
10	W. Kentucky Ave	III	N. Ashley Ave. to 420' east of N. Ashley Ave.-N side	Automated with spray heads	6,500	0.15	Trees, shrubs with bark mulch

MapID	Site	Mode	Location	Irrigation	Area (Square Feet)	Area (Acres)	Landscaping
14	Quail Dr.	III	Outside of fenced areas of drainage pond at N. Ashley and Quail Dr.	Automated with spray heads	4,500	0.10	trees, shrubs and bark mulch
27	Second St (west side)	III	North of Dead Cat Alley-Planter	Automated with spray heads	300	0.01	trees, shrubs and, groundcover
43	Court St	III	SE Corner of intersection, west of City Hall Annex (City Parking Lot)	Manual with spray heads	1,200	0.03	planters with trees, shrubs, groundcover and bark mulch
50	N. Ashley Ave	III	North of W. Kentucky Ave. to Quail Dr.-east side	Automated with spray heads	2,000	0.05	Trees, Shrubs, with Bark Mulch
66	Bourn Dr.	III	From Grass Valley Dr. to Paradise Valley Dr. (west side)	Automated with spray heads	1,300	0.03	trees, shrubs, groundcover and bark mulch
86	I-5 (521 Pioneer Ave)	IV	Between Freeway fence and sound wall (Sycamore Point Apartments)	None	4,000	0.09	trees, shrubs, groundcover and bark mulch
91	C.R. 102	IV	North of Andrew Stevens Dr. to Maxwell Ave. (medians)	None	5,000	0.11	none
95	I-5 (Farnham Ave)	IV	Between freeway fence and sound wall (Steeple Chase)	Automated with spray heads	22,000	0.51	trees, shrubs, groundcover and bark mulch
96	I-5 (Blowers Dr.)	IV	Between freeway fence and sound wall (Nantucket)	Automated with spray heads	20,000	0.46	trees, shrubs, groundcover and bark mulch
97	I-5 (Kincheloe Ct)	IV	Between freeway fence and sound wall (Woodmark Apartments)	Automated with spray heads	11,000	0.25	trees, shrubs, groundcover and bark mulch
110	I-5 (Sound wall)	IV	From the farthest NW corner of Stonehaven (access gate) to Gas Station along sound wall	Automatic irrigation	12,000	0.28	shrubs, groundcover and bark mulch
125	Water Transmission Main	IV	Along Sports Park Drive from East Street to Ashley Avenue	None			None
15	Quail Dr. (Drainage Pond)	IV	Inside of fenced areas at N. Ashley and Quail Dr.	None	49,000	1.12	Mediterranean grasses
501	Public Parking Lot #5	N/A	Between First Street and Second Street north of Dead Cat Alley.	None	29,280	0.67	Seasonal leaf removal
502	Public Parking Lot #6	N/A	Post Office Lot west of Third Street and north of Dead Cat Alley.	None	21,790	0.50	Seasonal leaf removal
503	Public Parking Lot #9	N/A	West of Second Street near Pac Bell.	None	12,400	0.28	Seasonal leaf removal
504	Public Parking Lot #10	N/A	Behind Woodland Hotel between College and Elm Streets.	None	64,200	1.47	Seasonal leaf removal

EXHIBIT A-2

ZONE 1 - LANDSCAPE AREA SUMMARY

LANDSCAPE AREAS BY MODE	TOTAL (Square Feet)	TOTAL (Acres)
Approximate Total Quantity of Mode I Areas =	3,539,739.2	81.26
Approximate Total Quantity of Mode II Areas =	317,024.4	7.28
Approximate Total Quantity of Mode III Areas =	4484,991	11.13
Approximate Total Quantity of Mode VI Areas =	369,330	8.48

ZONE 2 - LANDSCAPE AREA SUMMARY

LANDSCAPE AREAS	TOTAL (Square Feet)	TOTAL (Acres)
Approximate Total Quantity of Mode I Areas =	1,317,111.2	30.24
Approximate Total Quantity of Mode II Areas =	538,797	12.37
Approximate Total Quantity of Mode III Areas =	29,200	0.67
Approximate Total Quantity of Mode IV Areas =	123,000	2.82

PARKING LOTS SEASONAL LEAF REMOVAL	TOTAL (Square Feet)	TOTAL (Acres)
Approximate Total Quantity of Parking Lots =	127,670	2.93

EXHIBIT A-3

MODEL WATER EFFICIENT LANDSCAPE ORDINANCE

Contractor shall adhere to all applicable codes and regulations as defined in the current California Code of Regulations, Title 23. Waters Division 2. Department of Water Resources, Chapter 2.7. Model Water Efficient Landscape Ordinance.

Information and regulatory requirements associated with this ordinance can be found at:
<https://water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Model-Water-Efficient-Landscape-Ordinance>

EXHIBIT A-4

PHASE II NPDES BEST MANAGEMENT PRACTICES FOR LANDSCAPE SITES

The following Best Management Practices (BMPs) will be implemented at City parks, recreation areas, swimming pools, the Senior Center, Parks, Recreation, and Community Services Department office, and contracted landscape maintenance sites.

The Contractor will implement the following Best Management Practices (BMPs) at all contracted landscape maintenance sites, except where indicated:

1. Use mulching mowers at selected maintenance sites identified by the City to reduce the amount of green waste that must be removed from these sites and that may consequently enter storm drains.
2. Remove all plant trimmings and other vegetative debris from the maintenance sites and deliver them to a licensed landfill, composting facility, or biomass facility. No materials may be placed in the street for disposal.
3. Prevent the application of pesticides, herbicides and fertilizers during irrigation or within 48 hours of predicted rainfall with greater than 50% probability as predicted by National Oceanic and Atmospheric Administration (www.srh.noaa.gov/forecast).
4. Prohibit application of pesticides, herbicides, and fertilizers as required by the regulations in DPR 11-004, Prevention of Surface Water Contamination by Pesticides, recently enacted by the Department of Pesticide Regulation.
5. Prevent runoff from irrigation in excess of an amount deemed to be incidental. Incidental runoff is defined as unintended amounts of runoff, such as unintended, minimal over-spray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence. Minimize non-incidental irrigation runoff by appropriately aiming and adjusting sprinkle heads, identifying and promptly correcting leaks, and preventing irrigation during precipitation events.

**EXHIBIT B
COMPENSATION**

**DOMINGUEZ LANDSCAPE SERVICES, INC. MONTHLY COST PROPOSAL CITY OF WOODLAND - LANDSCAPE MAINTENANCE
SERVICES ZONE 1**

Map ID #	Mode	Site Name	Cost	
40	1	City Hall - First St	\$	39.05 Monthly
41	1	City Hall - Court St	\$	17.58 Monthly
42	1	City Hall - Court St	\$	17.58 Monthly
107	1	Police Department	\$	281.21 Monthly
301	1	Beamer Park	\$	493.20 Monthly
302	1	Christiansen Park	\$	674.58 Monthly
303	1	Campbell Park	\$	1,604.99 Monthly
304	1	City Park	\$	1,320.03 Monthly
305	1	Wayne Cline Park	\$	540.22 Monthly
306	1	Crawford Park	\$	2,777.78 Monthly
307	1	Dave Douglas Park	\$	3,428.84 Monthly
308	1	Everman Park	\$	906.34 Monthly
309	1	John Ferns Park	\$	2,854.47 Monthly
310	1	Freeman Park	\$	489.84 Monthly
311	1	Harris Park	\$	664.50 Monthly
312	1	Joseph Schneider Park	\$	718.24 Monthly
313	1	Grace Hiddleston Park	\$	818.92 Monthly
314	1	Tredway Park	\$	143.88 Monthly
315	1	Woodside Park	\$	2,491.72 Monthly
320	1	Woodland Community & Senior Center	\$	1,679.43 Monthly
321	1	Beamer Circle Park	\$	50.38 Monthly
402	1	Camarena & Pedroia Fields	\$	667.86 Monthly
403	1	Harris Field	\$	664.50 Monthly
Total Mode 1 Cost:			\$	23,345.14 Monthly
20	2	Community Swim	\$	312.46 Monthly
47	2	Library - Court St	\$	195.28 Monthly
94	2	N. Pioneer Ave	\$	273.40 Monthly
98	2	East St	\$	1,015.47 Monthly
114	2	East St. and Cross St.	\$	23.44 Monthly
117	2	Fire Station 1	\$	6.24 Monthly
118	2	Fire Station 2	\$	7.03 Monthly
119	2	Fire Station 3	\$	27.34 Monthly
TBD	2	Kentucky Ave (West St. to East St.)	\$	3,370.00 Monthly
Total Mode 2 Cost:			\$	5,230.66 Monthly
1	3	C.R. 98 (East Side)	\$	74.21 Monthly
2	3	C.R. 98 (East Side)	\$	15.62 Monthly
3	3	C.R. 98 (East Side)	\$	17.18 Monthly
4	3	C.R. 98 (East Side)	\$	78.11 Monthly
5	3	C.R. 98 (East Side)	\$	19.53 Monthly
6	3	C.R. 98 (East Side)	\$	18.34 Monthly
7	3	C.R. 98 (East Side)	\$	46.86 Monthly
11	3	W. Kentucky Ave	\$	56.25 Monthly
12	3	W. Kentucky Ave	\$	78.11 Monthly
16	3	N. Ashley Ave	\$	43.28 Monthly
19	3	Sonoma Way	\$	0.94 Monthly
21	3	W. Main St. & C.R. 98	\$	82.02 Monthly
22	3	W. Main St. & C.R. 99	\$	58.58 Monthly
23	3	W. Main Street	\$	21.87 Monthly
26	3	E. Main Street	\$	8.98 Monthly
28	3	E. Main Street	\$	15.62 Monthly
29	3	E. Main Street	\$	93.74 Monthly
30	3	E. Main Street	\$	93.74 Monthly
31	3	E. Main Street	\$	71.86 Monthly
32	3	E. Main Street	\$	66.40 Monthly
33	3	E. Main Street	\$	39.05 Monthly
51	3	W. El Dorado Dr.	\$	93.74 Monthly
113 SP	3	Beamer Water Tower	\$	146.70 Monthly
52	3	W. Gibson Rd.	\$	23.44 Monthly
54	3	E. Gibson Rd (Median)	\$	9.37 Monthly
55	3	E. Gibson Rd (South Side)	\$	39.05 Monthly
57	3	E. Gibson Rd. (North Side)	\$	35.16 Monthly
58	3	E. Gibson Rd (Median)	\$	48.43 Monthly
59	3	E. Gibson Rd (South Side)	\$	78.11 Monthly

Map ID #	Mode	Site Name	Cost	
68	3	Suttier St	\$ 27.34	Monthly
101	3	Dog Gone Alley	\$ 8.98	Monthly
120	3	Lemen Ave	\$ 97.82	Monthly
123	3	East Main Street	\$ 2,101.22	Monthly
Total Mode 3 Cost:			\$ 3,709.65	Monthly

17	4	N. Ashley Ave (Drainage Pond)	\$ 61.13	Monthly
18	4	Borchard Court	\$ 6.11	Monthly
53	4	E. Gibson Rd (South Side)	\$ 9.16	Monthly
56	4	Matmor Rd.	\$ 1.84	Monthly
67	4	Amherst Way	\$ 6.12	Monthly
80	4	E. Gum Ave	\$ 122.27	Monthly
81	4	E. Gum Ave	\$ 122.27	Monthly
82	4	E. Gum Ave	\$ 122.27	Monthly
83	4	E. Gum Ave	\$ 122.27	Monthly
90	4	C.R. 102	\$ 3.06	Monthly
99	4	East St	\$ 1,681.13	Monthly
Total Mode 4 Cost:			\$ 2,257.63	Monthly

TOTAL MONTHLY COST : \$34,543.08
Extra work will be charged at the hourly rate of \$39.50

EXHIBIT B

COMPENSATION

DOMINGUEZ LANDSCAPE SERVICES, INC. MONTHLY COST PROPOSAL CITY OF WOODLAND - LANDSCAPE MAINTENANCE SERVICES ZONE 2

Map ID #	Mode	Site Name	Cost	
124	1	Main St.	\$ 22.41	Monthly
316	1	Streng Park 4	\$ 963.85	Monthly
317	1	Jeff Roddy Memorial Park	\$ 185.06	Monthly
318	1	Woodland West Park	\$ 142.65	Monthly
319	1	Gary Traynham Park	\$ 532.04	Monthly
323	1	Pioneer Park	\$ 3,874.66	Monthly
324	1	Woodland Sports Complex	\$ 771.08	Monthly
404	1	Dick Klenhard Park	\$ 2,791.30	Monthly
Total Mode 1 Cost:			\$ 9,283.05	Monthly
24	2	Main St	\$ 62.77	Monthly
44	2	Court St & College St	\$ 62.75	Monthly
45	2	Court St & College St	\$ 143.46	Monthly
46	2	North St	\$ 44.83	Monthly
48	2	Main St	\$ 71.73	Monthly
49	2	Second St (west side)	\$ 5.39	Monthly
60	2	E. Gibson Rd	\$ 268.98	Monthly
61	2	E. Gibson Rd	\$ 170.36	Monthly
63	2	E. Gibson Rd	\$ 107.59	Monthly
64	2	E. Gibson Rd	\$ 215.19	Monthly
65	2	Ogden St	\$ 53.79	Monthly
70	2	Pioneer Ave	\$ 125.52	Monthly
71	2	Pioneer Ave	\$ 215.19	Monthly
72	2	Pioneer Ave	\$ 215.19	Monthly
73	2	Pioneer Ave	\$ 199.70	Monthly
74	2	Pioneer Ave	\$ 358.64	Monthly
75	2	Pioneer Ave	\$ 107.59	Monthly
84	2	E. Gum Ave(North Side)	\$ 67.24	Monthly
85	2	Kincheloe Ct.	\$ 89.65	Monthly
87	2	E. Gum ve (South Side)	\$ 80.69	Monthly
92	2	CR 102	\$ 403.47	Monthly
102	2	Main St/East St	\$ 30.48	Monthly
103	2	C.R. 102/Eaglewood Apt Frontage	\$ 46.62	Monthly
104	2	E. Gibson Road (Bel Air Frontage)	\$ 44.11	Monthly
105	2	Maxwell Sound Wall	\$ 28.10	Monthly
106	2	WWTP - Waste Water Treatment Plant	\$ 107.59	Monthly
108	2	Kincheloe Ct.	\$ 111.17	Monthly
109	2	Bourn/Farnham	\$ 80.55	Monthly
111	2	Gateway Shopping Center (Rd 102)	\$ 1,143.16	Monthly
112	2	Springlake Court	\$ 34.07	Monthly
116	2	NW Corner of Gibson Rd and Ogden St	\$ 98.63	Monthly

Map ID #	Mode	Site Name	Cost	
121	2	Main Street	\$ 25.49	Monthly
122	2	Main Street	\$ 18.07	Monthly
Total Mode 2 Cost:			\$ 4,837.76	Monthly
8	3	C.R. 98 (east side)	\$ 55.02	Monthly
9	3	W. Kentucky Ave	\$ 26.90	Monthly
10	3	W. Kentucky Ave	\$ 58.28	Monthly
14	3	Quail Dr.	\$ 40.35	Monthly
27	3	Second St (west side)	\$ 2.69	Monthly
43	3	Court Street	\$ 10.76	Monthly
50	3	N. Ashley Ave	\$ 17.93	Monthly
66	3	Bourn Dr	\$ 11.66	Monthly
Total Mode 3 Cost:			\$ 223.59	Monthly
15	4	Quail Dr. (Drainage Pond)	\$ 299.55	Monthly
86	4	I-5 (521 Pioneer Ave)	\$ 24.45	Monthly
91	4	CR 102	\$ 30.56	Monthly
95	4	I-5 (Farnham Ave)	\$ 134.49	Monthly
96	4	I-5 (Blowers Dr.)	\$ 122.27	Monthly
97	4	I-5 (Kincheloe Ct)	\$ 67.25	Monthly
110	4	I5 Soundwall	\$ 73.36	Monthly
125	4	Water Transmission Main - NOTE: only 3ft to each side of the road as per conversation with W.Schroeder	\$ 677.33	Monthly
Total Mode 4 Cost:			\$ 1429.26	Monthly
501	N/A	Public Parking Lot # 5	\$ 198.15	Monthly
502	N/A	Public Parking Lot #6	\$ 147.46	Monthly
503	N/A	Public Parking Lot #9	\$ 83.92	Monthly
504	N/A	Public Parking Lot #10	\$ 434.47	Monthly
Total Parking Lot Maintenance Cost:			\$ 864.00	Monthly

TOTAL MONTHLY COST : \$16,637.66

Extra work will be charged at the hourly rate of \$39.50

**CITY OF WOODLAND
LANDSCAPE MAINTENANCE SERVICES AGREEMENT**

1. PARTIES AND DATE.

This Agreement is made and entered into this _____ day of _____, 2019 by and between the City of Woodland, a general law city organized under the laws of the State of California (“City”) and FIGUEROA LANDSCAPE COMPANY, a California Corporation with its principal place of business at 1060 Powers Circle, Woodland, CA 95776 (“Contractor”). City and Contractor are sometimes individually referred to as “Party” and collectively as “Parties” in this Agreement.

2. RECITALS.

2.1 Contractor.

Contractor desires to perform and assume responsibility for the provision of certain landscape maintenance services required by the City on the terms and conditions set forth in this Agreement. Contractor represents that it is experienced in providing city landscaping maintenance services to public clients, that it and its employees or subcontractors have all necessary licenses and permits to perform the Services in the State of California, and that is familiar with the plans of City. Contractor shall not subcontract any portion of the work required by this Agreement, except as expressly stated herein, without prior written approval of City. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement.

2.2 Project.

City desires to engage Contractor to render such services for the City Landscape Zone 3 landscaping maintenance project (“Project”) as set forth in this Agreement.

3. TERMS.

3.1 Scope of Services and Term.

3.1.1 General Scope of Services. Contractor promises and agrees to furnish to the City all labor, materials, tools, equipment, services, and incidental and customary work necessary to fully and adequately supply the professional landscape maintenance services necessary for the Project (“Services”). The Services are more particularly described in Exhibit “A” attached hereto and incorporated herein by reference. All Services shall be subject to, and performed in accordance with, this Agreement, the exhibits attached hereto and incorporated herein by reference, and all applicable local, state and federal laws, rules and regulations.

3.1.2 Term. The term of this Agreement shall be for one full calendar year commencing from July 1, 2019 to June 30, 2020, unless earlier terminated as provided herein. Contractor shall complete the Services within the term of this Agreement, and shall meet any other established schedules and deadlines. The Parties may, by mutual, written consent, extend the term of this Agreement for two additional two-year extensions.

3.2 Responsibilities of Contractor.

3.2.1 Control and Payment of Subordinates; Independent Contractor. The Services shall be performed by Contractor or under its supervision. Contractor will determine the means, methods and details of performing the Services subject to the requirements of this Agreement. City retains Contractor on an independent contractor basis and not as an employee. Contractor retains the right to perform similar or different services for others during the term of this Agreement. Any additional personnel performing the Services under this Agreement on behalf of Contractor shall also not be employees of City and shall at all times be under Contractor's exclusive direction and control. Contractor shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law. Contractor shall be responsible for all reports and obligations respecting such additional personnel, including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation insurance.

3.2.2 Schedule of Services. Contractor shall perform the Services expeditiously, within the term of this Agreement, and in accordance with the Schedule of Services set forth in Exhibit "B" attached hereto and incorporated herein by reference. Contractor represents that it has the professional and technical personnel required to perform the Services in conformance with such conditions. In order to facilitate Contractor's conformance with the Schedule, City shall respond to Contractor's submittals in a timely manner. Upon request of City, Contractor shall provide a more detailed schedule of anticipated performance to meet the Schedule of Services.

3.2.3 Conformance to Applicable Requirements. All work prepared by Contractor shall be subject to the approval of City.

3.2.4 City's Representative. The City hereby designates Community Services Director, or his or her designee, to act as its representative for the performance of this Agreement ("City's Representative"). City's Representative shall have the power to act on behalf of the City for all purposes under this Agreement. Contractor shall not accept direction or orders from any person other than the City's Representative or his or her designee.

3.2.5 Contractor's Representative. Contractor hereby designates Luis Figueroa, or his or her designee, to act as its representative for the performance of this Agreement ("Contractor's Representative"). Contractor's Representative shall have full authority to represent and act on behalf of the Contractor for all purposes under this Agreement. The Contractor's Representative shall supervise and direct the Services, using his best skill and attention, and shall be responsible for all means, methods, techniques, sequences and procedures and for the satisfactory coordination of all portions of the Services under this Agreement.

3.2.6 Coordination of Services. Contractor agrees to work closely with City staff in the performance of Services and shall be available to City's staff, consultants and other staff at all reasonable times. Contractor further agrees to complete a weekly report, prepared by the City and agreed to by Contractor, as a way for both Contractor and City to document Contractor's work and assess ongoing landscaping needs and future work.

3.2.7 Standard of Care; Performance of Employees. Contractor shall perform all Services under this Agreement in a skillful and competent manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. Contractor represents and maintains that it is skilled in the professional calling necessary to perform the Services. Contractor warrants that all employees and subcontractors shall have sufficient skill and experience to perform the Services assigned to them. Finally, Contractor represents that it, its employees and subcontractors have all licenses, permits, qualifications and approvals of whatever nature that are legally required to perform the Services, including a City Business License, and that such licenses and approvals shall be maintained throughout the term of this Agreement. As provided for in the indemnification provisions of this Agreement, Contractor shall perform, at its own cost and expense and without reimbursement from the City, any services necessary to correct errors or omissions which are caused by the Contractor's failure to comply with the standard of care provided for herein. Any employee of the Contractor or its subcontractors who is determined by the City to be uncooperative, incompetent, a threat to the adequate or timely completion of the Project, a threat to the safety of persons or property, or any employee who fails or refuses to perform the Services in a manner acceptable to the City, shall be promptly removed from the Project by the Contractor and shall not be re-employed to perform any of the Services or to work on the Project.

3.2.8 Period of Performance. Contractor shall perform and complete all Services under this Agreement within the term set forth in Section 3.1.2 above ("Performance Time"). Contractor shall perform the Services in strict accordance with any completion schedule or Project milestones described in Exhibits "A" or "B" attached hereto, or which may be provided separately in writing to the Contractor. Contractor agrees that if the Services are not completed within the aforementioned Performance Time and/or pursuant to any such completion schedule or Project milestones developed pursuant to provisions of this Agreement, it is understood, acknowledged and agreed that the City will suffer damage. Pursuant to Government Code Section 53069.85, Contractor shall pay to the City as fixed and liquidated damages, and not as a penalty, the sum of Five Hundred Dollars (\$500.00) per day for each and every calendar day of delay beyond the Performance Time or beyond any completion schedule or Project milestones established pursuant to this Agreement.

3.2.9 Disputes. Should any dispute arise respecting the true value of any work done, of any work omitted, or of any extra work which Contractor may be required to do, or respecting the size of any payment to Contractor during the performance of this Contract, Contractor shall continue to perform the Work while said dispute is decided by the City. If Contractor disputes the City's decision, Contractor shall have such remedies as may be provided by law.

3.2.10 Laws and Regulations; Employee/Labor Certifications. Contractor shall keep itself fully informed of and in compliance with all local, state and federal laws, rules and regulations in any manner affecting the performance of the Project or the Services, including all Cal/OSHA requirements, and shall give all notices required by law. Contractor shall be liable for all violations of such laws and regulations in connection with Services. If the Contractor performs any work knowing it to be contrary to such laws, rules and regulations and without giving written notice to the City, Contractor shall be solely responsible for all costs arising therefrom. City is a public entity of the State of California subject to certain provisions of the Health & Safety Code, Government Code, Public Contract Code, and Labor Code of the State. It is stipulated and agreed that all provisions of the law applicable to the public contracts of a municipality are a part of this Agreement to the same extent as though set forth herein and will be complied with. These include but are not limited to the payment of prevailing wages, the stipulation that eight (8) hours' labor shall constitute a legal day's work and that no worker shall be permitted to work in excess of eight (8) hours during any one calendar day except as permitted by law. Contractor shall defend, indemnify and hold City, its officials, officers, employees and agents free and harmless, pursuant to the indemnification provisions of this Agreement, from any claim or liability arising out of any failure or alleged failure to comply with such laws, rules or regulations.

3.2.10.1 Employment Eligibility; Contractor. By executing this Agreement, Contractor verifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time. Such requirements and restrictions include, but are not limited to, examination and retention of documentation confirming the identity and immigration status of each employee of the Contractor. Contractor also verifies that it has not committed a violation of any such law within the five (5) years immediately preceding the date of execution of this Agreement, and shall not violate any such law at any time during the term of the Agreement. Contractor shall avoid any violation of any such law during the term of this Agreement by participating in an electronic verification of work authorization program operated by the United States Department of Homeland Security, by participating in an equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, or by some other legally acceptable method. Contractor shall maintain records of each such verification, and shall make them available to the City or its representatives for inspection and copy at any time during normal business hours. The City shall not be responsible for any costs or expenses related to Contractor's compliance with the requirements provided for in Section 3.2.10 or any of its subsections.

3.2.10.2 Employment Eligibility; Subcontractors, Sub-subcontractors and Consultants. To the same extent and under the same conditions as Contractor, Contractor shall require all of its subcontractors, sub-subcontractors and consultants performing any work relating to the Project or this Agreement to make the same verifications and comply with all requirements and restrictions provided for in Section 3.2.10.1.

3.2.10.3 Employment Eligibility; Failure to Comply. Each person executing this Agreement on behalf of Contractor verifies that they are a duly authorized officer

of Contractor, and understands that any of the following shall be grounds for the City to terminate the Agreement for cause: (1) failure of Contractor or its subcontractors, sub-subcontractors or consultants to meet any of the requirements provided for in Sections 3.2.10.1 or 3.2.10.2; (2) any misrepresentation or material omission concerning compliance with such requirements (including in those verifications provided to the Contractor under Section 3.2.10.2); or (3) failure to immediately remove from the Project any person found not to be in compliance with such requirements.

3.2.10.4 Labor Certification. By its signature hereunder, Contractor certifies that it is aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and agrees to comply with such provisions before commencing the performance of the Services.

3.2.10.5 Equal Opportunity Employment. Contractor represents that it is an equal opportunity employer and it shall not discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination. Contractor shall also comply with all relevant provisions of City's Minority Business Enterprise program, Affirmative Action Plan or other related programs or guidelines currently in effect or hereinafter enacted.

3.2.10.6 Air Quality. Contractor must fully comply with all applicable laws, rules and regulations in furnishing or using equipment and/or providing services, including, but not limited to, emissions limits and permitting requirements imposed by the California Air Resources Board (CARB). Contractor shall specifically be aware of the CARB limits and requirements' application to "portable equipment", which definition is considered by CARB to include any item of equipment with a fuel-powered engine. Contractor shall indemnify City against any fines or penalties imposed by CARB or any other governmental or regulatory agency for violations of applicable laws, rules and/or regulations by Contractor, its subcontractors, or others for whom Contractor is responsible under its indemnity obligations provided for in this Agreement.

3.2.10.7 Water Quality.

(A) Management and Compliance. To the extent applicable, Contractor's Services must account for, and fully comply with, all local, state and federal laws, rules and regulations that may impact water quality compliance, including, without limitation, all applicable provisions of the Federal Water Pollution Control Act (33 U.S.C. §§ 1300); the California Porter-Cologne Water Quality Control Act (Cal Water Code §§ 13000-14950); laws, rules and regulations of the Environmental Protection Agency, the State Water Resources Control Board; the City's ordinances regulating discharges of storm water; and any and all regulations, policies, or permits issued pursuant to any such authority regulating the discharge of pollutants, as

that term is used in the Porter-Cologne Water Quality Control Act, to any ground or surface water in the State.

(B) Liability for Non-Compliance. Failure to comply with the laws, regulations and policies described in this Section is a violation of law that may subject Contractor or City to penalties, fines, or additional regulatory requirements. Contractor shall defend, indemnify and hold the City, its officials, officers, employees, volunteers and agents free and harmless, pursuant to the indemnification provisions of this Agreement, from and against any and all fines, penalties, claims or other regulatory requirements imposed as a result of Contractor's non-compliance with the laws, regulations and policies described in this Section, unless such non-compliance is the result of the sole established negligence, willful misconduct or active negligence of the City, its officials, officers, agents, employees or authorized volunteers.

(C) Training. In addition to any other standard of care requirements set forth in this Agreement, Contractor warrants that all employees and subcontractors shall have sufficient skill and experience to perform the Services assigned to them without impacting water quality in violation of the laws, regulations and policies described in this Section. Contractor further warrants that it, its employees and subcontractors will receive adequate training, as determined by City, regarding the requirements of the laws, regulations and policies described in this Section as they may relate to the Services provided under this Agreement. Upon request, City will provide Contractor with a list of training programs that meet the requirements of this paragraph.

3.2.11 Insurance.

3.2.11.1 Time for Compliance. Contractor shall not commence Work under this Agreement until it has provided evidence satisfactory to the City that it has secured all insurance required under this Section. In addition, Contractor shall not allow any subcontractor to commence work on any subcontract until it has provided evidence satisfactory to the City that the subcontractor has secured all insurance required under this Section.

3.2.11.2 Minimum Requirements. Contractor shall, at its expense, procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the Agreement by the Contractor, its agents, representatives, employees or subcontractors. Contractor shall also require all of its subcontractors to procure and maintain the same insurance for the duration of the Agreement. Such insurance shall meet at least the following minimum levels of coverage:

(A) Minimum Scope of Insurance. Coverage shall be at least as broad as the latest version of the following: (1) *General Liability*: Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001); (2) *Automobile Liability*: Insurance Services Office Business Auto Coverage form number CA 0001, code 1 (any auto); and (3) *Workers' Compensation and Employer's Liability*: Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance. The policy shall not

contain any exclusion contrary to the Agreement, including but not limited to endorsements or provisions limiting coverage for (1) contractual liability (including but not limited to ISO CG 24 26 or 21 29); or (2) cross liability for claims or suits by one insured against another.

(B) Minimum Limits of Insurance. Contractor shall maintain limits no less than: (1) *General Liability*: \$1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with general aggregate limit is used including, but not limited to, form CG 2503, either the general aggregate limit shall apply separately to this Agreement/location or the general aggregate limit shall be twice the required occurrence limit; (2) *Automobile Liability*: \$1,000,000 per accident for bodily injury and property damage; and (3) *Workers' Compensation and Employer's Liability*: Workers' Compensation limits as required by the Labor Code of the State of California. Employer's Liability limits of \$1,000,000 per accident for bodily injury or disease. Defense costs shall be paid in addition to the limits.

(C) Notices; Cancellation or Reduction of Coverage. At least fifteen (15) days prior to the expiration of any such policy, evidence showing that such insurance coverage has been renewed or extended shall be filed with the City. If such coverage is cancelled or materially reduced, Contractor shall, within ten (10) days after receipt of written notice of such cancellation or reduction of coverage, file with the City evidence of insurance showing that the required insurance has been reinstated or has been provided through another insurance company or companies. In the event any policy of insurance required under this Agreement does not comply with these specifications or is canceled and not replaced, the City has the right but not the duty to obtain the insurance it deems necessary and any premium paid by the City will be promptly reimbursed by Contractor or the City may withhold amounts sufficient to pay premium from Contractor payments. In the alternative, the City may suspend or terminate this Agreement.

(D) Additional Insured. The City of Woodland, its officials, officers, employees, agents, and volunteers shall be named as additional insureds on Contractor's and its subcontractors' policies of commercial general liability and automobile liability insurance using the endorsements and forms specified herein or exact equivalents.

3.2.11.3 Insurance Endorsements. The insurance policies shall contain the following provisions, or Contractor shall provide endorsements on forms supplied or approved by the City to add the following provisions to the insurance policies:

(A) General Liability. The general liability policy shall include or be endorsed (amended) to state that: (1) using ISO CG forms 20 10 and 20 37, or endorsements providing the exact same coverage, the City of Woodland, its officials, officers, employees, agents, and volunteers shall be covered as additional insured with respect to the Services or ongoing and complete operations performed by or on behalf of the Contractor, including materials, parts or equipment furnished in connection with such work; and (2) using ISO form 20 01, or endorsements providing the exact same coverage, the insurance coverage shall be primary insurance as respects the City, its officials, officers, employees, agents, and volunteers, or if excess, shall stand in an unbroken chain of coverage excess of the Contractor's scheduled underlying coverage. Any

excess insurance shall contain a provision that such coverage shall also apply on a primary and noncontributory basis for the benefit of the City, before the City's own primary insurance or self-insurance shall be called upon to protect it as a named insured. Any insurance or self-insurance maintained by the City, its officials, officers, employees, agents, and volunteers shall be excess of the Contractor's insurance and shall not be called upon to contribute with it in any way. Notwithstanding the minimum limits set forth in Section 3.2.11.2(B), any available insurance proceeds in excess of the specified minimum limits of coverage shall be available to the parties required to be named as additional insureds pursuant to this Section 3.2.11.3(A).

(B) Automobile Liability. The automobile liability policy shall include or be endorsed (amended) to state that: (1) the City, its officials, officers, employees, agents, and volunteers shall be covered as additional insureds with respect to the ownership, operation, maintenance, use, loading or unloading of any auto owned, leased, hired or borrowed by the Contractor or for which the Contractor is responsible; and (2) the insurance coverage shall be primary insurance as respects the City, its officials, officers, employees, agents, and volunteers, or if excess, shall stand in an unbroken chain of coverage excess of the Contractor's scheduled underlying coverage. Any insurance or self-insurance maintained by the City, its officials, officers, employees, agents, and volunteers shall be excess of the Contractor's insurance and shall not be called upon to contribute with it in any way. Notwithstanding the minimum limits set forth in Section 3.2.11.2(B), any available insurance proceeds in excess of the specified minimum limits of coverage shall be available to the parties required to be named as additional insureds pursuant to this Section 3.2.11.3(B).

(C) Workers' Compensation and Employer's Liability Coverage. The insurer shall agree to waive all rights of subrogation against the City, its officials, officers, employees, agents, and volunteers for losses paid under the terms of the insurance policy which arise from work performed by the Contractor.

(D) All Coverages. Each insurance policy required by this Agreement shall be endorsed to state that: (A) coverage shall not be suspended, voided, reduced or canceled except after thirty (30) days (10 days for nonpayment of premium) prior written notice by certified mail, return receipt requested, has been given to the City; and (B) any failure to comply with reporting or other provisions of the policies, including breaches of warranties, shall not affect coverage provided to the City, its officials, officers, employees, agents, and volunteers. Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the City, its officials, officers, employees, agents and volunteers, or any other additional insureds.

3.2.11.4 Separation of Insureds; No Special Limitations; Waiver of Subrogation. All insurance required by this Section shall contain standard separation of insureds provisions. In addition, such insurance shall not contain any special limitations on the scope of protection afforded to the City, its officials, officers, employees, agents, and volunteers. All policies shall waive any right of subrogation of the insurer against the City, its officials, officers, employees, agents, and volunteers, or any other additional insureds, or shall specifically allow Contractor or others providing insurance evidence in compliance with these specifications to waive

their right of recovery prior to a loss. Contractor hereby waives its own right of recovery against City, its officials, officers, employees, agents, and volunteers, or any other additional insureds, and shall require similar written express waivers and insurance clauses from each of its subcontractors.

3.2.11.5 Deductibles and Self-Insurance Retentions. Any deductibles or self-insured retentions must be declared to and approved by the City. Contractor shall guarantee that, at the option of the City, either: (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its officials, officers, employees, agents, and volunteers; or (2) the Contractor shall procure a bond guaranteeing payment of losses and related investigation costs, claims and administrative and defense expenses.

3.2.11.6 Subcontractor Insurance Requirements. Contractor shall not allow any subcontractors to commence work on any subcontract relating to the work under the Agreement until they have provided evidence satisfactory to the City that they have secured all insurance required under this Section. If requested by Contractor, the City may approve different scopes or minimum limits of insurance for particular subcontractors. The Contractor and the City shall be named as additional insureds on all subcontractors' policies of Commercial General Liability using ISO form 20 38, or coverage at least as broad.

3.2.11.7 Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating no less than A:VII, licensed to do business in California, and satisfactory to the City.

3.2.11.8 Verification of Coverage. Contractor shall furnish City with original certificates of insurance and endorsements effecting coverage required by this Agreement on forms satisfactory to the City. The certificates and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf, and shall be on forms provided by the City if requested. All certificates and endorsements must be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, at any time.

3.2.11.9 Reporting of Claims. Contractor shall report to the City, in addition to Contractor's insurer, any and all insurance claims submitted by Contractor in connection with the Services under this Agreement.

3.2.12 Safety. Contractor shall execute and maintain its work so as to avoid injury or damage to any person or property. In carrying out its Services, the Contractor shall at all times be in compliance with all applicable local, state and federal laws, rules and regulations, and shall exercise all necessary precautions for the safety of employees appropriate to the nature of the work and the conditions under which the work is to be performed. Safety precautions as applicable shall include, but shall not be limited to: (A) adequate life protection and lifesaving equipment and procedures; (B) instructions in accident prevention for all employees and subcontractors, such as safe walkways, scaffolds, fall protection ladders, bridges, gang planks, confined space procedures, trenching and shoring, equipment and other safety devices, equipment and wearing apparel as are necessary or lawfully required to prevent accidents or injuries; and (C) adequate facilities for the proper inspection and maintenance of all safety measures.

3.2.13 [Reserved]

3.2.14 Accounting Records. Contractor shall maintain complete and accurate records with respect to all costs and expenses incurred under this Agreement. All such records shall be clearly identifiable. Contractor shall allow a representative of City during normal business hours to examine, audit, and make transcripts or copies of such records and any other documents created pursuant to this Agreement. Contractor shall allow inspection of all work, data, documents, proceedings, and activities related to the Agreement for a period of three (3) years from the date of final payment under this Agreement.

3.3 Fees and Payments.

3.3.1 Compensation. Contractor shall receive compensation, including authorized reimbursements, for all Services rendered under this Agreement at the rates set forth in Exhibit "C" attached hereto and incorporated herein by reference. The total compensation shall not exceed TWO-HUNDRED, TWENTY-FIVE THOUSAND AND THREE DOLLARS AND SIXTEEN CENTS (225,003.16) without written approval of City's Community Services Director. Extra Work may be authorized, as described below, and if authorized, will be compensated at the rates and manner set forth in this Agreement. In no event, however, shall the Extra Work exceed TEN-THOUSAND DOLLARS (10,000).

3.3.2 Payment of Compensation. Contractor shall submit to City a monthly itemized statement which indicates work completed and hours of Services rendered by Contractor. The statement shall describe the amount of Services and supplies provided since the initial commencement date, or since the start of the subsequent billing periods, as appropriate, through the date of the statement. City shall, within 45 days of receiving such statement, review the statement and pay all approved charges thereon.

3.3.3 Reimbursement for Expenses. Contractor shall not be reimbursed for any expenses unless authorized in writing by City.

3.3.4 Extra Work. At any time during the term of this Agreement, City may request that Contractor perform Extra Work. As used herein, "Extra Work" means any work which is determined by City to be necessary for the proper completion of the Project, but which the parties did not reasonably anticipate would be necessary at the execution of this Agreement. Contractor shall not perform, nor be compensated for, Extra Work without written authorization from City's Representative.

3.3.5 Prevailing Wages. Contractor is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "public works" and "maintenance" projects. Since the Services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and since the total compensation is \$1,000 or more, Contractor agrees to fully comply with such Prevailing Wage Laws. City shall provide Contractor with a copy of the prevailing rates of per diem wages in effect at the

commencement of this Agreement. Contractor shall make copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the Services available to interested parties upon request, and shall post copies at the Contractor's principal place of business and at the project site. Contractor shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

3.3.6 Registration. Since the Services are being performed as part of an applicable "public works" or "maintenance" project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Contractor and all subcontractors must be registered with the Department of Industrial Relations. Contractor shall maintain registration for the duration of the Project and require the same of any subcontractor. This Project may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Contractor's sole responsibility to comply with all applicable registration and labor compliance requirements.

3.4 Termination of Agreement.

3.4.1 Grounds for Termination. City may, by written notice to Contractor, terminate the whole or any part of this Agreement at any time and without cause by giving written notice to Contractor of such termination, and specifying the effective date thereof, at least seven (7) days before the effective date of such termination. Upon termination, Contractor shall be compensated only for those services which have been adequately rendered to City, and Contractor shall be entitled to no further compensation. Contractor may not terminate this Agreement except for cause.

3.4.2 Effect of Termination. If this Agreement is terminated as provided herein, City may require Contractor to provide all finished or unfinished Documents and Data and other information of any kind prepared by Contractor in connection with the performance of Services under this Agreement. Contractor shall be required to provide such document and other information within fifteen (15) days of the request.

3.4.3 Additional Services. In the event this Agreement is terminated in whole or in part as provided herein, City may procure, upon such terms and in such manner as it may determine appropriate, services similar to those terminated.

3.5 General Provisions.

3.5.1 Delivery of Notices. All notices permitted or required under this Agreement shall be given to the respective parties at the following address, or at such other address as the respective parties may provide in writing for this purpose:

Contractor:

Figueroa Landscape Company
1060 Powers Circle
Woodland, CA 95776
Attn: Luis Figueroa, C.E.O.

City:

City of Woodland
2001 East Street
Woodland, CA 95776
Attn: Christine Engel, Community Services Department Director

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

3.5.2 Indemnification.

3.5.2.1 Scope of Indemnity. To the fullest extent permitted by law, Contractor shall defend, indemnify and hold the City, its officials, officers, employees, volunteers and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any alleged acts, errors or omissions of Contractor, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Contractor's Services, the Project or this Agreement, including without limitation the payment of all consequential damages, expert witness fees and attorneys' fees and other related costs and expenses. Notwithstanding the foregoing, to the extent Contractor's Services are subject to Civil Code Section 2782.8, the above indemnity shall be limited, to the extent required by Civil Code Section 2782.8, to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Contractor.

3.5.2.2 Additional Indemnity Obligations. Contractor shall defend, with Counsel of City's choosing and at Contractor's own cost, expense and risk, any and all claims, suits, actions or other proceedings of every kind covered by Section 3.5.2.1 that may be brought or instituted against City or its officials, officers, employees, volunteers and agents. Contractor shall pay and satisfy any judgment, award or decree that may be rendered against City or its officials, officers, employees, volunteers and agents as part of any such claim, suit, action or other proceeding. Contractor shall also reimburse City for the cost of any settlement paid by City or its officials, officers, employees, agents or volunteers as part of any such claim, suit, action or other proceeding. Such reimbursement shall include payment for City's attorneys' fees and costs, including expert witness fees. Contractor shall reimburse City and its officials, officers, employees, agents, and/or volunteers, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Contractor's obligation to indemnify shall survive expiration or termination of this Agreement, and shall not be restricted to insurance proceeds, if any, received by the City, its officials officers, employees, agents, or volunteers.

3.5.3 Governing Law; Government Code Claim Compliance. This Agreement shall be governed by the laws of the State of California. Venue shall be in Yolo County. In

addition to any and all contract requirements pertaining to notices of and requests for compensation or payment for extra work, disputed work, claims and/or changed conditions, Contractor must comply with the claim procedures set forth in Government Code sections 900 et seq. prior to filing any lawsuit against the City. Such Government Code claims and any subsequent lawsuit based upon the Government Code claims shall be limited to those matters that remain unresolved after all procedures pertaining to extra work, disputed work, claims, and/or changed conditions have been followed by Contractor. If no such Government Code claim is submitted, or if any prerequisite contractual requirements are not otherwise satisfied as specified herein, Contractor shall be barred from bringing and maintaining a valid lawsuit against the City.

3.5.4 Time of Essence. Time is of the essence for each and every provision of this Agreement.

3.5.5 City's Right to Employ Other Contractors. City reserves right to employ other contractors in connection with this Project.

3.5.6 Successors and Assigns. This Agreement shall be binding on the successors and assigns of the parties.

3.5.7 Assignment or Transfer. Contractor shall not assign, hypothecate or transfer, either directly or by operation of law, this Agreement or any interest herein without the prior written consent of the City. Any attempt to do so shall be null and void, and any assignees, hypothecates or transferees shall acquire no right or interest by reason of such attempted assignment, hypothecation or transfer.

3.5.8 Construction; References; Captions. Since the Parties or their agents have participated fully in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party. Any term referencing time, days or period for performance shall be deemed calendar days and not work days. All references to Contractor include all personnel, employees, agents, and subcontractors of Contractor, except as otherwise specified in this Agreement. All references to City include its officials, officers, employees, agents, and volunteers except as otherwise specified in this Agreement. The captions of the various articles and paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content or intent of this Agreement.

3.5.9 Amendment; Modification. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties.

3.5.10 Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel or otherwise.

3.5.11 No Third Party Beneficiaries. Except to the extent expressly provided for in Section 3.5.7, there are no intended third party beneficiaries of any right or obligation assumed by the Parties.

3.5.12 Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

3.5.13 Prohibited Interests. Contractor maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Contractor, to solicit or secure this Agreement. Further, Contractor warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Contractor, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. Contractor further agrees to file, or shall cause its employees or subcontractors to file, a Statement of Economic Interest with the City's Filing Officer as required under state law in the performance of the Services. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

3.5.14 Cooperation; Further Acts. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate or convenient to attain the purposes of this Agreement.

3.5.15 [RESERVED]

3.5.16 Authority to Enter Agreement. Contractor has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each Party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and bind each respective Party.

3.5.17 Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original.

3.5.18 Entire Agreement. This Agreement contains the entire Agreement of the parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements. This Agreement may only be modified by a writing signed by both parties.

[SIGNATURES ON NEXT PAGE]

**SIGNATURE PAGE FOR LANDSCAPE MAINTENANCE SERVICES AGREEMENT
BETWEEN THE CITY OF WOODLAND
AND FIGUEROA LANDSCAPE COMPANY**

IN WITNESS WHEREOF, the Parties have entered into this Agreement as of the
_____ day of _____, 2019.

CITY OF WOODLAND

Approved By:

Paul Navazio
City Manager

Attested By:

Ana Gonzales
City Clerk

FIGUEROA LANDSCAPE COMPANY

Signature

Name

Title

Date

EXHIBIT A

SCOPE OF SERVICES

GENERAL CONDITIONS

INTRODUCTION

The City of Woodland (“City”) retains the services of qualified landscape contractor, Figueroa Landscape Company (“Contractor”) to provide landscape maintenance services for areas within the City. There are three separate “levels of service” categories. Contractor has reviewed the Level of Service requirements of these documents to understand the landscaping operation and maintenance level of service assigned to each area.

LEVEL OF SERVICE

Mode I is the highest level of service, represented by well-maintained landscapes that are highly visible, frequently visited by the public, and where there is a high level of response expected to complaints that are received.

Mode II is a medium or standard level of service compared to Mode I and represents a level of maintenance where some tolerance is allowed to maintenance problems such as litter, weeds, pruning, and irrigation repairs. Mode II areas are not as highly visible to the public and the public does not visit or use these sites in the same manner as Mode I locations.

Mode III is the lowest level of service compared to Mode I and Mode II, and represents a level of maintenance typically associated with lower level of development, low levels of public visitation, areas adjacent to highways at the outer edges of the community, or areas where budget restrictions prevent a higher intensity of maintenance.

LANDSCAPE AREAS

The contract shall include furnishing all personnel, equipment, and materials to perform the landscape maintenance services for the areas listed in Exhibits A-1 and A-2.

Maintenance and pruning activities for trees are not a part of this contract, although landscape maintenance activities where trees are an integral part of the landscape area shall be performed up to the base of the tree. Landscape maintenance activities shall be performed such that health of the trees is not adversely affected.

STANDARDS

All landscape maintenance services shall be performed by trained personnel using current, acceptable horticultural practices. All work shall be performed in a manner which maintains the original intent of the landscape design. All chemical applications shall be performed in accordance with current county, state, and federal laws, utilizing EPA registered materials and methods of application. These applications shall be performed under the supervision of a State of California Department of Pesticide Regulations Licensed Certified Applicator.

REPORTS

Contractor shall provide the City with a weekly report of work conducted during the previous week. This shall include landscapes visited, identified by their Map ID #, and the maintenance

work performed in those locations. When applicable, the Contractor will also provide reports including but not limited to; certified payroll reports, daily maintenance log, waste disposal reports, pesticide reports, pest control reports and irrigation inspection reports.

REFERENCES

International Society of Arboriculture (I.S.A.)
California Landscape Contractors Association (C.L.C.A.)
Uniform Building Codes (U.B.C.)
City of Woodland Specifications
State of California Model Water Efficient Landscape Ordinance
Sunset Western Garden Book (New Century Edition)
Sunset Lawns

APPROVALS

Any work performed in addition to that which is outlined in the contract shall **only be done upon written approval by the City.**

WORKMANSHIP

During landscape maintenance operations, all areas shall be kept neat and clean. Precautions shall be taken to avoid damage to existing structures and adjacent landscaping. All work shall be performed in a safe manner to the operators, the occupants, and any pedestrians.

Upon completion of maintenance operations, all debris and waste material shall be removed from the property and disposed of properly, unless provisions have been granted by the city to utilize on site trash and/or green waste receptacles.

Any damage to the landscape, the structure, or the irrigation system caused by the Contractor shall be repaired by the Contractor within fifteen-days without charge to the city.

RAILROAD (RR) RIGHT OF WAY

All workers performing work within the RR right of way must observe the Roadway Worker Safety Rules and wear the required Personal Protective Equipment (PPE) as dictated by California Northern Railroad (CNR).

The Contractor shall notify and comply with the requirements of CNR whenever performing work within their right of way (along the west side of East Street).

The following documents must be carried on the work vehicle:

- DOT Code of Federal Regulations, Title 49, Part 214
- Phone numbers for CNR Dispatcher and local CNR Manager.

MODE I

Mode I is the highest level of service, represented by well-maintained landscapes that are highly visible, frequently visited by the public, and where there is a high level of response expected to complaints that are received. This level of maintenance shall be provided for example, at Woodland City Hall. A complete listing of Mode I areas in Maintenance Zone 3 can be found in Exhibits A-1 and A-2.

- A. The Contractor shall provide all materials, labor and equipment required to complete all landscape maintenance work as outlined in the contract for a two-year period, with the option to extend for one additional year.
- B. The Contractor shall be familiar with the project premises and existing conditions.

DESCRIPTION OF WORK

- 1. Mowing:** Grass shall be cut once every five working days. "Mulching" or "recycling" type mowers are preferred, but turf must be mowed thoroughly to avoid unprocessed clippings (windrowing). Debris from mowing process must be removed from all surrounding hardscape. Any clippings collected shall be disposed of offsite in an appropriate disposal location. Preferred mowing height shall be 2.5 to 3-inches during the months of July - August and not less than 2.5-inches throughout the rest of the year. Avoid ruts and compaction, make repairs as necessary. Reseeding or sodding when bare spots are present. Weed control practiced when weeds present visible problem. Pre-emergent products may be utilized at this level.
- 2. Pruning of Shrubs:** All pruning of shrubs and groundcover, etc., shall be consistent with International Society of Arboriculture (ISA) standards. All ornamental shrubs and ground cover shall be pruned when appropriate to remove dead or damaged branches, follow the natural form of the plant, and create the effect intended by the landscape architect or designer. Except for desired hedges, or to conform to design intent, all pruning and thinning of plants shall be done to retain their natural shapes. All green waste shall be disposed of offsite at an appropriate disposal facility.
 - A. Prune those that flower before the end of June immediately after flowering.
 - B. Prune those that flower in summer or autumn in winter or spring before new growth begins.
 - C. Delay pruning plants grown for ornamental fruits, such as cotoneasters, pyracanthas and viburnums.
 - D. Broadleaf evergreen shrubs shall be hand pruned to maintain their natural appearance after the new growth hardens off.
 - E. Hedges or shrubs which require shearing to maintain a formal appearance shall be pruned as required. Dead wood shall be removed from sheared plants before the first shearing of the season.
 - F. Plants overhanging passageways and parking areas and damaged plants shall be pruned as needed.
 - G. If roses are present: Chemical or natural control of insects, fungus, and molds common to rose cultures in this area. Fertilize as required for each type of rose.
- 3. Edging:** Edging of all sidewalks, curbs, and other paved areas shall be performed at the same time as mowing of turf areas or once per five working days. No edging of turf areas

with string trimmers. Ground cover shall be edged as needed to contain them within their borders. Debris from the edging operations shall be removed and the areas blown clean using Best Management Practices (BMPs) as identified in Exhibit A-4 - Phase II NPDES Best Management Practices for Landscape Sites. Caution shall be used to avoid any flying debris.

- 4. Fertilization:** Fertilization of turf areas shall occur as listed below. Shrubs, groundcovers and flowers shall receive fertilizer levels to ensure optimum growth. Distribution of fertilizer shall ensure an even supply of nutrients and be applied using BMPs as identified in Exhibit A-4 - Phase II NPDES Best Management Practices for Landscape Sites.

 - A. One application of fertilizer shall be applied to turf in early fall, i.e. September 20 to October 15. This fertilizer shall be applied in a granular form and be 50% slow release Nitrogen. The fertilizer shall be applied at a rate which will provide the equivalent of one pound of actual nitrogen per 1,000 square feet of turf.
 - B. A second application of fertilizer shall be applied to turf in spring, i.e. March 15 to April 30, to achieve maximum root development. This fertilizer shall be the same balanced fertilizers as applied in early fall. Use a 50% or more slow release fertilizer and apply at a rate that will provide the equivalent of one pound of actual nitrogen per 1,000 square feet.
- 5. Floral Plantings:** These areas shall be maintained for safety, function, and high quality appearance as per established design. Normally a minimum of three rotations of bloom per year. Care cycle usually at least once per week except watering may be more frequent. Beds shall be kept weed free. Each fall cut back deteriorating plant parts or remove and replace the plants.
- 6. Weed Control:** Weed control shall be practiced when weeds present a visible problem. Pre-emergent products are expected at this level. All chemical applications shall be performed in accordance with current Yolo County, state, and federal laws, utilizing EPA registered materials and methods of application. These applications shall be performed under the supervision of a Licensed Certified Applicator. Actual application and materials to be used shall be coordinated with the Community Services Parks Superintendent or designee. Pesticide reporting as required by the Yolo County Department of Agriculture shall be the responsibility of the Contractor. Record keeping, written Pesticide Recommendations, Use Reports and labeling of proper chemical storage areas are the responsibility of the Contractor. Pesticide records relating to areas covered in this document shall be made available within 15-days of receipt of a written request from the City. Contact the Community Services, Parks Superintendent or designee if there is any question about which areas require pesticide use records. It is expected that the Contractor will maintain at least a 90% kill through the term of this Contract. Pesticide reporting will be the responsibility of the Contractor.
- 7. Mulch Replacement:** Mulched areas shall remain weed free and shall be cleaned and replaced on a regular basis to maintain minimum of 3- inch depth throughout. Special care shall be taken in the mulching operation not to over mulch or cover the base of trees and shrubs. A total of five hundred (500) cubic yards of mulch bark, provided by the Contractor, will be distributed throughout all Modes in each landscape maintenance zone. Quantity and location shall be noted on monthly statement when applied.

8. Irrigation Repair:

- A. Proper irrigation system maintenance includes the overall supervision of the system, controller scheduling, routine adjustments, and necessary repairs.
- B. Failure of the system to provide full and proper coverage shall not relieve the Contractor of providing adequate coverage. Any plant material adversely impacted by irrigation failures shall be promptly replaced with same plant material at no cost to the City.
- C. Contractor is responsible for repairs to irrigation systems beginning downstream of the backflow device to all components downstream including mainline, control valve, lateral piping, sprinkler heads and fittings.
- D. Contractor is responsible for repairs to all components of the irrigation booster pumps upstream and downstream of the backflow device.
- E. Contractor is not responsible for maintaining backflow devices.

8.01 Controller Scheduling:

- A. A qualified person shall be completely responsible for operating the irrigation systems, with the duties of adjusting controllers, observing the effectiveness of the irrigation system, and making minor adjustments to the system. The City currently utilizes a combination of Motorola Central Control, Rainbird, and Irritrol controllers.
- B. City staff shall reserve the right to request modifications to the irrigation schedule to accommodate City requirements and/or events. Requests will be submitted to the contractor either orally or in written format. All requests shall be carried out in a timely manner.
- C. Irrigation programs shall comply with the State of California Model Water Efficient Landscape Ordinance. See Exhibit A-3.
- D. Water should not be applied at a rate higher than the infiltration rate of the soil.
- E. A soil sampling probe and/or a tensiometer shall be used regularly to evaluate actual soil moisture levels and irrigation schedule.
- F. Automatic irrigation controllers shall be rescheduled, as necessary, to avoid water waste and runoff, and shall be turned off during periods of rain.
- G. In windy areas the controllers shall be set to operate during periods of low wind velocity.
- H. Watering schedules shall be arranged so as not to interfere with the use of the facility.
- I. A chart shall be maintained to record current irrigation programs, including day, time, and length of watering for each station and program for each controller.

8.02. System Maintenance:

- A. The irrigation system shall be maintained for optimum performance. This shall include cleaning and adjusting all sprinkler heads and valves for proper coverage.
- B. Inspections of the irrigation system, in operation, shall be made weekly during summer months, April through October, and monthly November through March, to detect any malfunctioning of the system. Maintain records of inspections at each controller.
- C. All malfunctioning equipment shall be repaired prior to the next scheduled irrigation.
- D. All replacement heads shall be of the same manufacturer, type, and application rates.

- E. Upon request of the City, the Contractor shall demonstrate the operation and coverage of any sprinkler irrigation system and make any required repairs or adjustments immediately.
- F. The Contractor shall comply with the provisions of Exhibit A-4 – Phase II NPDES Best Management Practices for Landscape Sites.

8.03 Drainage Systems:

- A. Good drainage is essential for healthy and vigorous plant growth, and systems must be routinely checked for blockage which could cause ponding, flooding, and excessive saturation of the soil and plant root zones.
- B. Surface drainage swales shall be kept free of leaves, debris and sediment accumulations.
- C. Maintain positive drainage away from the footings of facilities and to the drain inlets.

9. Disease/Insect Control: Pest control shall be performed when disease or insects are inflicting noticeable damage, reducing vigor of plant materials or could be considered a bother to the public. Some preventative measures may be utilized such as systemic chemical treatments. Cultural prevention of disease problems can reduce time spent in this category. Some minor problems may be tolerated at this level. Problems will either be prevented or observed and identified at a very early stage and corrected immediately.

- A. All chemical applications shall be performed in accordance with current county, state, and federal laws, utilizing EPA registered materials, and methods of application. These applications shall be performed under the supervision of a Licensed Certified Applicator. Actual application and materials to be used shall be coordinated with the Community Services Parks Superintendent or designee.
- B. Healthy plants and lawns shall be able to withstand minor disease and insect damage without controls. Routine applications of insecticides/fungicides will not be permitted, as this practice destroys natural predator-prey relationships in the environment. In general, with proper fertilization and irrigation practices the incidence of serious disease and insect problems can be prevented.
- C. Where unusually high infections or infestations occur, an accurate identification of the disease or insect shall be made and the control product selected with care, prior to application.
- D. Insecticidal soaps shall be utilized, whenever possible.
- E. Snails and slugs shall be controlled with recommended baits and sprays.
- F. Rodents such as gophers and moles shall be trapped or controlled with approved baits.

10. Plant Replacement: Remove dead plants from the landscape promptly. Replacement shall be the responsibility of the Contractor. Replace with exact duplicate of original plant (genus, species and cultivar). Five-gallon plant size minimum. Ensure replacement plant has adequate irrigation to thrive.

11. Litter: Litter will be picked-up a minimum of once per day before 10:00 a.m., five (5) days a week. Higher volume use parks shall be cleaned first, a priority list will be provided by City staff. Each visit will include a thorough litter pick-up of the entire site. All papers, cans, bottles, broken glass, etc. will be removed from the landscape. High use may dictate

once per day cleaning or more. Litter bags shall be removed from the site and hauled to landfill. Trash receptacle liners are the responsibility of the Contractor.

- 12. Walkway Surfaces:** Walkways and surrounding hardscapes in the landscape area shall be cleaned daily from litter, leaves, broken glass, and debris.
- 13. Graffiti:** Graffiti shall be reported to the Community Services, Parks Superintendent or designee as soon as possible.
- 14. Vandalism:** Repairs for all vandalism related work shall be separately billed to the City, noting date, location, extent of damage, and detailed cost breakdown of repairs. The Contractor shall prepare a repair estimate for review and approval by the City prior to performance of any vandalism damage repair work. Temporary repairs, barricades, signs, or other appropriate features shall be performed immediately for any damage that results in a safety threat to the general public.

MODE II

Mode II is a lower level of service compared to Mode I and represents a level of maintenance where some tolerance is allowed to maintenance problems such as litter, weeds, pruning, and irrigation repairs. Mode II areas are not as highly visible to the public and the public does not visit or use these sites in the same manner as Mode I locations. A complete listing of Mode II areas in Maintenance Zone 3 can be found in Exhibits A-1 and A-2.

DESCRIPTION OF WORK

- 1. Mowing:** Grass shall be cut once every five working days. “Mulching” or “recycling” type mowers are preferred, but turf must be mowed thoroughly to avoid unprocessed clippings (windrowing). Debris from mowing process must be removed from all surrounding hardscape. Any clippings collected shall be disposed of offsite in an appropriate disposal location. Preferred mowing height shall be 2.5 to 3-inches during the months of July - August and not less than 2.5-inches throughout the rest of the year. Avoid ruts and compaction, make repairs as necessary. Reseeding or sodding when bare spots are present. Weed control practiced when weeds present visible problem. Pre-emergent products may be utilized at this level. “No Mow” Fescue shall be cut two times yearly, in spring and fall.
- 2. Pruning of Shrubs:** All pruning of shrubs and groundcover, etc., shall be consistent with International Society of Arboriculture (ISA) standards. All ornamental shrubs and ground cover shall be pruned when appropriate to remove dead or damaged branches, follow the natural form of the plant and create the effect intended by the landscape architect or designer. Except for desired hedges, or to conform to design intent, all pruning and thinning of plants shall be done to retain their natural shapes. All green waste shall be disposed of offsite at an appropriate disposal facility.
 - A. Prune those that flower before the end of June immediately after flowering.
 - B. Prune those that flower in summer or autumn in winter or spring before new growth begins.
 - C. Delay pruning plants grown for ornamental fruits, such as cotoneasters, pyracanthas, and viburnums.
 - D. Broadleaf evergreen shrubs shall be hand pruned to maintain their natural appearance after the new growth hardens off.
 - E. Existing shrubs and ground cover shall be pruned as necessary to maintain them within the boundaries of planters and to maintain an acceptable overall size and shape. Shrubs shall be pruned to maintain visibility of street signs per City of Woodland Standard Specifications. Hedges or shrubs which require shearing to maintain a formal appearance shall be pruned as required. Dead wood shall be removed from sheared plants before the first shearing of the season.
 - F. Plants overhanging passageways and parking areas and damaged plants shall be pruned as needed.
 - G. If roses are present: Chemical or natural control of insects, fungus, and molds common to rose cultures in this area. Fertilize as required for each type of rose.
- 3. Edging:** Edging of all sidewalks, curbs and other paved areas shall be performed at the same time as mowing of turf areas or once per five working days. No edging of turf areas with string trimmers. Ground cover shall be edged as needed to contain them within their

borders. Debris from the edging operations shall be removed and the areas blown clean using Best Management Practices (BMPs) as identified in Exhibit A-4 - Phase II NPDES Best Management Practices for Landscape Sites. Caution shall be used to avoid any flying debris.

4. **Fertilization:** Fertilization of turf areas shall occur as listed below. Shrubs, groundcovers and flowers shall receive fertilizer levels to ensure healthy growth. Distribution of fertilizer shall ensure an even supply of nutrients and be applied using BMPs as identified in Exhibit A-4 - Phase II NPDES Best Management Practices for Landscape Sites.
 - A. One application of fertilizer shall be applied to turf in early fall, i.e. September 20 to October 15. This fertilizer shall be applied in a granular form and be 50% slow release Nitrogen. The fertilizer shall be applied at a rate which will provide the equivalent of 1 pound of actual nitrogen per 1,000 square feet of turf.
 - B. Bi-yearly application of fertilizer shall be applied to all turf in spring and fall.
5. **Floral Plantings:** These areas shall be maintained for safety, function, and high quality appearance as per established design. Normally no more complex than two rotations of bloom per year. Care cycle usually at least once per week except watering may be more frequent. Beds shall be kept weed free. Each fall cut back deteriorating plant parts or remove and replace the plants.
6. **Weed Control:** Weed control shall be practiced when weeds present a visible problem. Pre-emergent products are expected at this level. All chemical applications shall be performed in accordance with current Yolo County, state, and federal laws, utilizing EPA registered materials and methods of application. These applications shall be performed under the supervision of a Licensed Certified Applicator. Actual application and materials to be used shall be coordinated with the Community Services Parks Superintendent or designee. Pesticide reporting as required by the Yolo County Department of Agriculture shall be the responsibility of the Contractor. Record keeping, written Pesticide Recommendations, Use Reports and labeling of proper chemical storage areas are the responsibility of the Contractor. Pesticide records relating to areas covered in this document shall be made available within 15-days of receipt of a written request from the City. Contact the Community Services, Parks Superintendent or designee if there is any question about which areas require pesticide use records. It is expected that the Contractor will maintain at least an 85% kill through the term of this Contract.
7. **Mulch Replacement:** Mulched areas shall remain weed free and shall be cleaned and replaced on a regular basis to maintain minimum of three-inch depth throughout. Special care shall be taken in the mulching operation not to over-mulch or cover the base of trees and shrubs. A total of five hundred (500) cubic yards of mulch bark, provided by the Contractor, will be distributed throughout all Modes in each landscape maintenance zone. Quantity and location shall be noted on monthly statement when applied.
8. **Irrigation Repair:**
 - A. Proper irrigation system maintenance includes the overall supervision of the system, controller scheduling, routine adjustments, and necessary repairs.

- B. Failure of the system to provide full and proper coverage shall not relieve the Contractor of providing adequate coverage. Any plant material adversely impacted by irrigation failures shall be replaced with same plant at no cost to owner.
- C. Contractor is responsible for repairs to irrigation systems beginning downstream of the backflow device to all components downstream including mainline, control valve, lateral piping, sprinkler heads and fittings.
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- B. City staff shall reserve the right to request modifications to the irrigation schedule to accommodate City requirements and/or events. Requests will be submitted to the contractor either orally or in written format. All requests shall be carried out in a timely manner.
- C. Irrigation programs shall comply with the State of California Model Water Efficient Landscape Ordinance. See Exhibit A-3.
- D. Water should not be applied at a rate higher than the infiltration rate of the soil.
- E. A soil sampling probe and/or a tensiometer shall be used regularly to evaluate actual soil moisture levels and irrigation schedule.
- F. Automatic irrigation controllers shall be rescheduled, as necessary, to avoid water waste and runoff, and shall be turned off during periods of rain.
- G. In windy areas the controllers shall be set to operate during periods of low wind velocity.
- H. Watering schedules shall be arranged so as not to interfere with the use of the facility.
- I. A chart shall be maintained to record current irrigation programs, including day, time, and length of watering for each station and program for each controller

8.02. System Maintenance:

- A. The irrigation system shall be maintained for optimum performance. This shall include cleaning and adjusting all sprinkler heads and valves for proper coverage.
- B. Inspections of the irrigation system, in operation, shall be made weekly during summer months, April through October, and monthly November through March, to detect any malfunctioning of the system. Maintain records of inspections at each controller.
- C. All malfunctioning equipment shall be repaired prior to the next scheduled irrigation.
- D. All replacement heads shall be of the same manufacturer, type, and application rates.
- E. Upon request of the City, the Contractor shall demonstrate the operation and coverage of any sprinkler irrigation system and make any required repairs or adjustments immediately.
- F. The Contractor shall comply with the provisions of Exhibit A-4 – Phase II NPDES Best Management Practices for Landscape Sites.

8.03 Drainage Systems:

- A. Good drainage is essential for healthy and vigorous plant growth, and systems must be routinely checked for blockage which could cause ponding, flooding, and excessive saturation of the soil and plant root zones.
- B. Surface drainage swales shall be kept free of leaves, debris and sediment accumulations.
- C. Maintain positive drainage away from the footings of facilities and to the drain inlets.

9. Disease/Insect Control: Pest control shall be performed when disease or insects are inflicting noticeable damage, reducing vigor of plant materials or could be considered a bother to the public. Some preventative measures may be utilized such as systemic chemical treatments. Cultural prevention of disease problems can reduce time spent in this category. Some minor problems may be tolerated at this level. Problems with either be prevented or observed and identified at a very early stage and corrected immediately.

- A. All chemical applications shall be performed in accordance with current county, state, and federal laws, utilizing EPA registered materials and methods of application. These applications shall be performed under the supervision of a Licensed Certified Applicator. Actual application and materials to be used shall be coordinated with the Community Services Parks Superintendent or designee.
- B. Healthy plants and lawns shall be able to withstand minor disease and insect damage without controls. Routine applications of insecticides/fungicides will not be permitted, as this practice destroys natural predator-prey relationships in the environment. In general, with proper fertilization and irrigation practices the incidence of serious disease and insect problems can be prevented.
- C. Where unusually high infections or infestations occur, an accurate identification of the disease or insect shall be made and the control product selected with care, prior to application.
- D. Insecticidal soaps shall be utilized, whenever possible.
- E. Snails and slugs shall be controlled with recommended baits and sprays.
- F. Rodents such as gophers and moles shall be trapped or controlled with approved baits.

10. Plant Replacement: Remove dead plants from the landscape promptly. Replacement shall be the responsibility of the Contractor. Replace with exact duplicate of original plant (genus, species and cultivar). Five-gallon plant size minimum. Ensure replacement plant has adequate irrigation to thrive.

11. Litter: Litter will be picked-up a minimum of once per week by 10:00 a.m. Each visit will include a thorough litter pick-up of the entire site. All papers, cans, bottles, broken glass, etc. will be removed from the landscape. High use or special considerations may dictate additional cleaning. Litter bags shall be removed from the site and hauled to landfill. Trash receptacle liners are the responsibility of the Contractor.

12. Walkway Surfaces: Walkways and surrounding hardscapes in the landscape area shall be cleaned daily from litter, leaves, broken glass, and debris.

13. Graffiti: Graffiti on sound walls and other City property shall be reported to the Community Services Parks Superintendent or designee as soon as possible.

14. **Vandalism:** Repairs for all vandalism related work shall be separately billed to the City, noting date, location, extent of damage, and detailed cost breakdown of repairs. The Contractor shall prepare a repair estimate for review and approval by the City prior to performance of any vandalism damage repair work. Temporary repairs, barricades, signs or other appropriate features shall be performed immediately for any damage that results in a safety threat to the general public.

MODE III

Mode III is the lowest level of service compared to Mode I and II and represents a level of maintenance typically associated with lower level of development, low levels of public visitation, areas adjacent to highways or roads at the outer edges of the community and/or areas where budget restrictions prevent a higher level of maintenance.

DESCRIPTION OF WORK

1. **Mowing:** Grass shall be cut once every seven working days and may be skipped entirely during the winter if no appreciable growth has occurred. When mowed according to this schedule, cuttings may be left on the turf areas or mulched back into the turf. Any clippings collected shall be disposed of offsite in an appropriate disposal location. Mowing height shall not be less than 2.5-inches. Avoid ruts and compaction. Re-seeding or re-sodding only when problems become serious. Weed control in turf areas unlikely, but addressed upon request.
2. **Pruning of Shrubs:** All pruning of shrubs and groundcover, etc., shall be consistent with International Society of Arboriculture (ISA) standards. All ornamental shrubs and ground cover shall be pruned when appropriate to remove dead or damaged branches, follow the natural form of the plant and create the effect intended by the landscape architect or designer. Except for desired hedges, or to conform to design intent, all pruning and thinning of plants shall be done to retain their natural shapes. All green waste shall be disposed of offsite at an appropriate disposal facility.
 - A. Prune those that flower before the end of June immediately after flowering.
 - B. Prune those that flower in summer or autumn in winter or spring before new growth begins.
 - C. Delay pruning plants grown for ornamental fruits, such as cotoneasters, pyracanthas, and viburnums.
 - D. Broadleaf evergreen shrubs shall be hand pruned to maintain their natural appearance after the new growth hardens off.
 - E. Existing shrubs and ground cover shall be pruned as necessary to maintain them within the boundaries of planters and to maintain an acceptable overall size and shape. Shrubs shall be pruned to maintain visibility of street signs per City standard specifications. Hedges or shrubs which require shearing to maintain a formal appearance shall be pruned as required. Dead wood shall be removed from sheared plants before the first shearing of the season.
 - F. Plants overhanging passageways and parking areas and damaged plants shall be pruned as needed.

3. **Edging:** Edging of all sidewalks, curbs and other paved areas shall be performed at the same time as mowing of turf areas twice per month. No edging of turf areas with string trimmers. Ground cover shall be edged as needed to contain them within their borders. Debris from the edging operations shall be removed and the areas blown clean using Best Management Practices (BMPs) as identified in Exhibit A-4 - Phase II NPDES Best Management Practices for Landscape Sites.
4. **Fertilization:** Fertilization of turf areas shall occur as listed below. Shrubs, groundcovers, and flowers shall receive fertilizer levels to ensure healthy growth. Distribution of fertilizer shall ensure an even supply of nutrients using Best Management Practices (BMPs) as identified in Exhibit A-4 - Phase II NPDES Best Management Practices for Landscape Sites.
 - A. One application of fertilizer shall be applied to turf in early fall, i.e. September 20 to October 15. This fertilizer shall be applied in a granular form and be 50% slow release N. The fertilizer shall be applied at a rate which will provide the equivalent of one pound of actual nitrogen per 1,000 square feet of turf.
5. **Weed Control:** Weed control shall be practiced when weeds present a visible problem. Pre-emergent products are expected at this level. All chemical applications shall be performed in accordance with current Yolo County, state, and federal laws, utilizing EPA registered materials and methods of application. These applications shall be performed under the supervision of a Licensed Certified Applicator. Actual application and materials to be used shall be coordinated with the Park Superintendent. Pesticide reporting as required by the Yolo County Department of Agriculture shall be the responsibility of the Contractor. Record keeping, written Pesticide Recommendations, Use Reports and labeling of proper chemical storage areas are the responsibility of the Contractor. Pesticide records relating to areas covered in this document shall be made available within 15 days of receipt of a written request from the City. Contact the Community Services Parks Superintendent or designee if there is any question about which areas require pesticide use records. It is expected that the Contractor will maintain at least an 80% kill through the term of this Contract. Pesticide reporting will be the responsibility of the Contractor.
6. **Mulch Replacement:** A total of five hundred (500) cubic yards of mulch bark, provided by the Contractor, will be distributed throughout all Modes in each landscape maintenance zone. Quantity and location shall be noted on monthly statement when applied.
7. **Irrigation Repair:**
 - A. Proper irrigation system maintenance includes the overall supervision of the system, controller scheduling, routine adjustments, and necessary repairs.
 - B. Failure of the system to provide full and proper coverage shall not relieve the Contractor of providing adequate coverage. Any plant material adversely impacted by irrigation failures shall be promptly replaced with same plant at no cost to owner.
 - C. Contractor is responsible for repairs to irrigation systems beginning downstream of the backflow device to all components downstream including mainline, control valve, lateral piping, sprinkler heads, and fittings.
 - D. Contractor is not responsible for maintaining backflow devices.

7.01 Controller Scheduling:

- A. A qualified person shall be completely responsible for operating the irrigation systems, with the duties of adjusting controllers, observing the effectiveness of the irrigation system, and making minor adjustments to the system. The City currently utilizes a combination of Motorola Central Control, Rainbird and Irritrol controllers.
- B. City staff shall reserve the right to request modifications to the irrigation schedule to accommodate City requirements and/or events. Requests will be submitted to the contractor either orally or in written format. All requests shall be carried out in a timely manner.
- C. Irrigation programs shall comply with the State of California Model Water Efficient Landscape Ordinance. See Exhibit A-3.
- D. Water should not be applied at a rate higher than the infiltration rate of the soil.
- E. A soil sampling probe and/or a tensiometer shall be used regularly to evaluate actual soil moisture levels and irrigation schedule.
- F. Automatic irrigation controllers shall be rescheduled, as necessary, to avoid water waste and runoff, and shall be turned off during periods of rain.
- G. In windy areas the controllers shall be set to operate during periods of low wind velocity.
- H. Watering schedules shall be arranged so as not to interfere with the use of the facility.
- I. A chart shall be maintained to record current irrigation programs, including day, time, and length of watering for each station and program for each controller.

7.02. System Maintenance:

- A. The irrigation system shall be maintained for optimum performance. This shall include cleaning and adjusting all sprinkler heads and valves for proper coverage.
- B. Inspections of the irrigation system, in operation, shall be made weekly during summer months, April through October, and monthly November through March, to detect any malfunctioning of the system. Maintain records of inspections at each controller.
- C. All malfunctioning equipment shall be repaired prior to the next scheduled irrigation.
- D. All replacement heads shall be of the same manufacturer, type, and application rates.
- E. Upon request of the City, the Contractor shall demonstrate the operation and coverage of any sprinkler irrigation system and make any required repairs or adjustments immediately.
- F. The Contractor shall comply with the provisions of Exhibit A-4 – Phase II NPDES Best Management Practices for Landscape Sites.

7.03 Drainage Systems:

- A. Good drainage is essential for healthy and vigorous plant growth, and systems must be routinely checked for blockage which could cause ponding, flooding, and excessive saturation of the soil and plant root zones.
- B. Surface drainage swales shall be kept free of leaves, debris, and sediment accumulations.

- 8. **Disease/Insect Control:** Done only on epidemic or serious complaint basis. Control measures may be put into effect when the health or survival of the plant material is threatened or where the public's comfort is concerned.
- 9. **Plant Replacement:** Remove dead plants from the landscape promptly. Replacement shall be the responsibility of the Contractor. Replace with exact duplicate of original plant

(genus, species and cultivar). Five-gallon plant size minimum. Ensure replacement plant has adequate irrigation to thrive.

10. **Litter:** Litter will be picked up a minimum of once per week. Each visit will include a thorough litter pick-up of the entire site. All papers, cans, bottles, broken glass, etc. will be removed from the landscape. Litter bags shall be removed from the site and hauled to landfill. Trash can liners are the responsibility of the Contractor. Litter containers shall be cleaned, repaired, or repainted when appearance has noticeably deteriorated.
11. **Walkway Surfaces:** Walkways shall be cleaned weekly of litter, leaves, broken glass, and debris.
12. **Graffiti:** Graffiti on sound walls shall be reported to the Community Services, Parks Superintendent or designee as soon as possible.
13. **Vandalism:** Repairs for all vandalism related work shall be separately billed to the City, noting date, location, extent of damage, and detailed cost breakdown of repairs. The Contractor shall prepare a repair estimate for review and approval by the City prior to performance of any vandalism damage repair work. Temporary repairs, barricades, signs, or other appropriate features shall be performed immediately for any damage that results in a safety threat to the general public.

Additional requirements for all Zone 3 landscapes as follows:

- **Apply Ferrous Sulfate @ 15 lbs/1,000 SF annually**
- **Apply Zinc Sulfate @ 2 lbs/1,000 SF annually**
- **Apply Manganese Sulfate @ 3 lbs./1,000 SF annually**
- **Apply Soil Sulfur @ 35 lbs/1,000 SF annually**
- **Apply low salt, acid forming triple 16NPK fertilizer at agronomic rate every four months.**
- **Collect and perform comprehensive laboratory analysis of one (1) soil sample for every 100,000 SF of landscaped area each year. Laboratory report must include recommendations for on-going soil conditioning and chemical treatment regimen per recommendations of soil report.**
- **Expect to replace two five (5) gallon shrubs per 1,000 SF each year**
- **Water usage shall be monitored closely to avoid damage to City trees.**

EXHIBIT A-1: LANDSCAPE AREAS

MapID	Site	Mode	Location	Irrigation	Area (Square Feet)	Area (Acres)	Landscaping
230	Spring Lake Park	I	1904 SHELLHAMMER DR	Automatic ICC Motorola Central Control with bubblers and drip emitters	104,544	2.4	Automatic ICC Motorola Central Control with bubblers and drip emitters
230a	Spring Lake Park - undeveloped	IV	1904 SHELLHAMMER DR	none	248,292	5.7	Undeveloped
231	Rick Gonzales Sr. Park	I	2109 MIEKLE AVE	Automatic ICC Motorola Central Control with bubblers and drip emitters	283,140	6.5	Park: greenbelt (Farmers Central to Heritage Parkway), playground areas for tots and youth, water feature, multiple picnic areas, large open turf area, maintenance shop, and restrooms.
231a	Rick Gonzales Sr. Park	IV	2109 MIEKLE AVE	none	156,816	3.6	Park: No-mow grass and wild flowers. Summer mowing after plants have seeded.
232	Jack Slaven Park	I	1705 MIEKLE AVE	Automatic Motorola	435,600	10	Park: Greenbelt (Farmers Central to Heritage Parkway), playground areas for tots and youth, water feature, multiple picnic areas, large open turf area, maintenance shop and restrooms. Includes roundabout at Galvin Way.
210	Parking Lot/Village Ln	II	Parking Area landscape at Village Lane.	Drip irrigation	3,000	0.07	Shrubs only, bark mulch
213	S. Pioneer Ave	II	E. Gibson and S. Pioneer Ave (Pioneer High School Frontage)	Automated with spray heads	30,000	0.69	Trees, shrubs, groundcover and bark mulch
215	Farmers Central at Flores Way	II	South side of Farmers Central Rd. from Flores Way to Motta St. Soundwall landscape.	Automatic with spray heads and drip irrigation - Motorola.	800	0.02	Planters with trees, shrubs, turf, groundcover, and bark mulch.
216	MATMOR RD	II	Matmor on E. side from 400' N. of Christian School to 200' S./Sports Park Dr. on N. side from 260' E. of Reno St. to 360' W. of Reno St.	Automatic with Drip Irrigation-Motorola	27,000	0.62	Planters with trees, shrubs, turf, groundcover and bark mulch
217	Miekle Ave south of Heritage Pkwy	II	Miekle Ave south of Heritage Pkwy. Park strips, medians, and roundabout. Landscape runs along the east side of Miekle Ave from Heritage Pkwy to Marston Dr.	Automatic with drip irrigation-Motorola.	14,100	0.32	Planters with trees, shrubs, groundcover, and bark mulch.
218	HERITAGE PARKWAY WEST END	II	Apartment Frontage. Front of walk from apartment property limit on west to around corner to end of property to the south	Automatic with spray heads-MPR-Motorola	600	0.01	Planters with shrubs, groundcover and bark mulch
219	Pioneer Ave south of Gibson Rd	II	Large Median in front of Pioneer High School	Automatic with drip irrigation.	8,000	0.18	Planters with trees, shrubs, ground cover and bark mulch.
220	Hadley Dr at Hoffman St	II	Mini Park at Parkside	Automatic with drip irrigation	6800	0.16	Planters with trees, shrubs, ground cover and bark mulch.
222	Sports Park Drive	II	South side East St from walkway to Matmor Rd	Automated with drip irrigation	47,800	1.10	Planters with trees, shrubs, ground cover and bark mulch.
223	Farmers Central & Pioneer Ave	II	Mutual Housing south side of Farmers Central and east side of Pioneer	Automatic with drip irrigation	11,558	0.27	Planters with trees, shrubs, ground cover and bark mulch.
224	County Road 102 at Zane Drive	II	Sound wall landscape, west side of Road 102. From walkway at Zane on the north to monument at Promenade Way to the south. Also Includes landscaping along Zane and roundabout at Zane and Sweeny Drive	Automatic ICC Motorola Central Control with bubblers and drip emitters	72700	1.67	Trees, shrubs, ground cover and bark mulch
225	Miekle Avenue and Marston Drive	II	West side of Miekle Ave from Marston Drive on the north to Banks Drive on the south. Monument landscapes on west side (2). Landscape on south side of Marston from Beeghly walkway on the west to Miekle Ave on the east. <u>Walkway from Marston Dr to the north and Russel Cir. to the south.</u>	Automatic ICC Motorola Central Control with bubblers and drip emitters	28,800	0.66	Trees, shrubs, ground cover and bark mulch
226	W Beeghly Ranch	II	Walkway on E side of Centex homes. Runs from Heritage (W of Miekkel) to Martson Dr. on the S.	Automatic ICC Motorola Central Control with bubblers and drip emitters	22,000	0.51	Shrubs, turf, bark mulch, groundcover

MapID	Site	Mode	Location	Irrigation	Area (Square Feet)	Area (Acres)	Landscaping
227	Solera Ranch	II	Parkland Ave. from Heritage to Roundabout at Marston. Harry Lorenzo from Marston to Diggs. Walkway from Harry Lorenzo Ave. to the west and Hunt St to the east.	Automated Central Control. Motorola Irrinet. Xeribird Octobubblers.	71,800	1.65	Trees, shrubs, ground cover and bark mulch
201 Na	Springlake/Campos Avenue	II	From Farmers Central Rd to Heritage Pkwy to the south. 4 medians, 2 roundabouts & monuments SW & SE Farmers & Campos (2) & Heritage Pkwy & Campos NW & NE (2)	Automatic irrigation	14,000	0.32	Turf, shrubs, groundcover, bark mulch
201 Nb	Promenade Dr	II	Mini Park surrounded by Somerset Circle. Medians and monuments from Heritage Parkway on north side to 800-feet south of Zane. Monuments at Celebration and Centennial on north side.	Automatic irrigation	78,800	1.81	Turf, shrubs, groundcover, bark mulch
202 B	Springlake/Heritage Pkwy	II	On Heritage Parkway from Rd 102 on the E side to Parkland on the W side. All soundwall landscapes both sides, all medians(8). Monuments at Sander & Heritage (4), Parkland & Heritage (1), Miekle & Heritage (NW 1).	Automatic irrigation	175,000	4.02	Turf, shrubs, groundcover, no mow fescue, bark mulch
203 C	Springlake/Rd 102	II	From Gibson Rd on N side to 800' S of Heritage Pkwy. Soundwall landscape and all alcoves, W side of Rd 102	Automatic irrigation	200,000	4.59	Shrubs, groundcover and no mow fescue, bark mulch
204 G	Springlake/Farmers Central	II	From Rd 102 on the E side to Pioneer on the West. Medians (7) and landscape at lift station. Weed control around trees along Pioneer from corner of Farmers Central and Pioneer to 800' N.	Automatic irrigation	102,700	2.36	Turf, shrubs, groundcover, bark mulch
205 TT	Liberty Village	II	Small development at N end of Liberty. Parking areas (2) landscape area on outside perimeter. Turf area at entrance.	Automatic irrigation	3,500	0.08	Turf, Shrubs, Groundcover, bark mulch
206 W	Ortiz Walkway	II	Walkway/greenbelt between Campos and Miekle running from Ortiz on the south and ending at Farmers Central on the North	Automatic irrigation	12,400	0.28	Turf, Shrubs, Groundcover, bark mulch
209 W	Walkway and Borders	II	Walkway from Heritage Pkwy on the N (W of Promenade) down S side of Somerset behind Mini Park to Banks Drive; S side of Centennial from Wilkwy E to 200' E of Village Ln; Wilkwy E down Somerset Ln 80'.	Automatic irrigation-Motorola	37,000	0.85	Shrubs, turf, groundcover, bark mulch
211 K	Roudabout	II	Intersection of Galvin and Miekle Rd.	Automatic irrigation	500	0.01	Shrubs, turf, bark mulch, groundcover
214 W	W Beeghly Ranch	II	Walkway on E side of Centex homes. Runs from Heritage (W of Miekle) to Martson Dr. on the S.	Automatic irrigation-Motorola	22,000	0.51	Shrubs, turf, bark mulch, groundcover
212	E. Gibson Rd	III	S side of E. Gibson Rd from Pioneer High School property on W side to Rd 102 on E side. From front walk to curb.	Automatic irrigation-Motorola	70,000	1.61	Shrubs, Bark Mulch
TBD	Heidrick Phase 2	II	Farmers Central from Winnie Drive to Parkland Ave. Parkland Ave. to parallel of the end of Goode Dr.	Automatic irrigation	31,135	0.71	Shrubs, Groundcover, bark mulch
TBD	Heidrick Phase 3	II	Monuments and median at Harry Lorenzo and Farmer's Central intersection	Automatic irrigation	4,448	0.10	Shrubs, Groundcover, bark mulch
TBD	Spring Lake Central Phase 1	II	Green belt from Ortiz Ave in the North and Hertiage Parkway in the south.	Automatic irrigation	59,503	1.37	Turf, Shrubs, Groundcover, bark mulch
TBD	Spring Lake Central Phase 2	II	Round-a-bout at McNary Way and Brubaker St.	Automatic irrigation	150	0.00	Shrubs, Groundcover, bark mulch
TBD	Spring Lake Central Phase 5	II	Round-a-bout at McNary Way and Ball Drive	Automatic irrigation	124	0.00	shrubs, Groundcover, bark mulch

EXHIBIT A-2

ZONE 3 - LANDSCAPE AREA SUMMARY

LANDSCAPE AREAS BY MODE	TOTAL (Square Feet)	TOTAL (Acres)
Approximate Total Quantity of Mode I Areas =	823,284	19
Approximate Total Quantity of Mode II Areas =	1,086,218	25.19
Approximate Total Quantity of Mode III Areas =	475,108	11

EXHIBIT A-3

MODEL WATER EFFICIENT LANDSCAPE ORDINANCE

Contractor shall adhere to all applicable codes and regulations as defined in the current California Code of Regulations, Title 23. Waters Division 2. Department of Water Resources, Chapter 2.7. Model Water Efficient Landscape Ordinance.

Information and regulatory requirements associated with this ordinance can be found at:
<https://water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Model-Water-Efficient-Landscape-Ordinance>.

EXHIBIT A-4

PHASE II NPDES BEST MANAGEMENT PRACTICES FOR LANDSCAPE SITES

The following Best Management Practices (BMPs) will be implemented at City parks, recreation areas, swimming pools, the Senior Center, Parks, Recreation, and Community Services Department office, and contracted landscape maintenance sites.

The Contractor will implement the following Best Management Practices (BMPs) at all contracted landscape maintenance sites, except where indicated:

1. Use mulching mowers at selected maintenance sites identified by the City to reduce the amount of green waste that must be removed from these sites and that may consequently enter storm drains.
2. Remove all plant trimmings and other vegetative debris from the maintenance sites and deliver them to a licensed landfill, composting facility, or biomass facility. No materials may be placed in the street for disposal.
3. Prevent the application of pesticides, herbicides and fertilizers during irrigation or within 48 hours of predicted rainfall with greater than 50% probability as predicted by National Oceanic and Atmospheric Administration (www.srh.noaa.gov/forecast).
4. Prohibit application of pesticides, herbicides, and fertilizers as required by the regulations in DPR 11-004, Prevention of Surface Water Contamination by Pesticides, recently enacted by the Department of Pesticide Regulation.
5. Prevent runoff from irrigation in excess of an amount deemed to be incidental. Incidental runoff is defined as unintended amounts of runoff, such as unintended, minimal over-spray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence. Minimize non-incidental irrigation runoff by appropriately aiming and adjusting sprinkle heads, identifying and promptly correcting leaks, and preventing irrigation during precipitation events.

**EXHIBIT B: COMPENSATION
MONTHLY PRICES BASED ON WEEKLY SERVICE
ZONE 3**

MODE I

MAP ID	SITE NAME	BID AMOUNT
230	SPRING LAKE PARK	\$1,080.00
231	RICK GONZALEZ SR. PARK	\$2,145.00
232	JACK SLAVEN PARK	\$3,229.20
	TOTAL	\$6,454.20

MODE II

MAP ID	SITE NAME	BID AMOUNT
210	PARKING LOT / VILLAGE LN	\$27.60
213	S. PIONEER AVE	\$276.00
215	FARMERS CENTRAL AT FLORES WAY	\$7.28
216	MATMOR RD	\$248.40
217	MIEKLE AVE SOUTH OF HERITAGE PKWY	\$174.80
218	HERITAGE PARWAY WEST END	\$5.52
219	PIONEER SOUTH OF GIBSON RD	\$73.60
220	HADLEY DR AT HOFFMAN ST	\$62.56
222	SPORTS PARK DR	\$439.76
223	FARMERS CENTRAL & PIONEER AVE	\$106.33
224	C.R 102 AT ZANE DR	\$668.84
225	MIEKLE AVE AND MARSTON DR	\$262.08
226	W BEEGHLY RANCH	\$202.40
227	SOLERA RANCH	\$653.38
201NA	SPRINGLAKE/ CAMPOS AVE	\$128.80
202B	SpringLake/ Heritage Parkway	\$1,591.84
201NB	PROMENADE DR	\$724.96
203 C	SPRINGLAKE / RD102 / Nicholson cir	\$1,971.60
204 G	SPRINGLAKE / FARMERS CENTRAL	\$944.84
205 TT	LIBERTY VILLAGE	\$35.00
206W	ORTIZ WALKWAY	\$124.00
209W	WALWAY BORDERS	\$340.40
211K	ROUDABOUT	\$125.00
214W	W BEEGHLY RANCH	\$202.40
TBD	Heidrick Phase 2	\$289.55
TBD	Heidrick Phase 3	\$56.35
TBD	Spring Lake Central Phase 1	\$553.40
TBD	Spring Lake Central Phase 2	\$10.52
TBD	Spring Lake Central Phase 5	8.52
	TOTAL	\$10,315.73

MODE III

MAP ID	SITE NAME	BID AMOUNT
231A	Rick Gonzalez Park (Seasonal Mowing)	\$198.00
230A	Spring Lake Park (Undeveloped)	\$305.00
212	E. GIBSON RD	\$644.00
	TOTAL	\$1,147.00

TOTAL MONTHLY COST **\$17,916.93**
TOTAL YEARLY COST **\$215,003.16**



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: G.16.
SUBJECT: Authorize an amendment to contract #000803 for the purchase of coagulants from Rosa Water Technology Associates for the Water Pollution Control Facility

Recommendation for Action: Staff recommends that the City Council adopt Resolution No. _____, authorizing the City Manager to amend the contract for the purchase of coagulants from Rosa Water Technology Associates in the amount of \$53,000 for FY19 and \$188,000.00 per year for FY20 and FY21.

Staff Contact:

Shane Carlsen, Chief Plant Operator, (530) 661-2054, shane.carlsen@cityofwoodland.org.

Council Goal:

Ensure that the City's physical infrastructure is planned, funded, and maintained to provide for current and future community needs, in support of commercial, recreational, and environmental requirements and standards, while managing the overall cost consistent with available resources.

Fiscal Impact:

A not to exceed contract in FY19 for \$135,000.00 was approved to provide coagulant for the Water Pollution Control Facility (WPCF). The chemical demand for the 12-month period exceeded forecasts and an additional \$53,000.00 is estimated to be required to complete FY19. Additional funds are not being requested in FY19, only an amendment to the contract. The average annual cost for coagulants has increased since the transition from groundwater to surface water. The previous high was \$128,200.00 in 2013 due to an extended plant upset, and the new paradigm appears to range from \$135,000.00 to \$190,000. While the minimum volume of coagulants is always used, the requested contract amendment will allow staff the flexibility to respond to a biologic upset in the treatment process and remain compliant with the City's state permit.

Background:

The City's National Pollutant Discharge Elimination System permit enforced by the Regional Water Quality Control Board requires the use of coagulant chemicals as part of the wastewater treatment process at the WPCF. Coagulants act to increase the efficiency of the filtration system and are especially important in maintaining acceptable final effluent quality. This is especially critical during treatment process upsets. Given their importance in the treatment process, it is critical to maintain a consistent and reliable source of coagulants.

There are many coagulant manufacturers producing a variety of proprietary formulate coagulants. The efficacy of a given product can vary greatly from plant to plant dependent upon water chemistry, influent constituents and plant treatment processes. At the WPCF, we have completed extensive testing and used coagulants from Rosa Water Technology Associates with great success. Changing manufacturers would require duplication of this work without any assurance of a successful outcome. In addition, changing products creates the very real risk of treatment process upsets and discharge violations.

Discussion:

With a track record of their products successfully serving the WPCF, staff proposes amending the existing

contract with Rosa Water Technology Associates to provide sufficient chemicals to provide treatment through the end of this fiscal year and the following two years. Rosa Water staff have been dedicated to supporting the City's needs and offer assistance with testing and evaluating their coagulants to insure we are using the most efficient products in the most cost-effective manner. The adjustment needed is to allow for the purchase of additional chemicals, but the per-unit pricing agreed upon in the original contract remains unchanged.

Public Contract Code allows the City to specify sole-source products and the City Council has made the necessary findings related to this item.

Conclusion:

Staff recommends that the City Council adopt Resolution No. _____, authorizing the City Manager to amend the contract for the purchase of coagulants from Rosa Water Technology Associates in the amount of \$53,000 for FY19 and \$188,000.00 per year for FY20 and FY21.

Prepared by: Shane Carlsen, Chief Plant Operator

Reviewed by: Craig Locke, Public Works Director



Paul Navazio
City Manager

Attachments:

1. Woodland_Rosa_Coagulants_Resolution-May-2019-rev (1)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND ADOPTING
AND APPROVING THE CITY MANAGER'S AMENDMENT TO CONTRACT #000803 WITH
ROSA WATER TECHNOLOGY ASSOCIATES FOR COAGULANT IN THE AMOUNT OF
\$53,000.00 FOR FY19 AND \$188,000 PER YEAR FOR FY20 AND FY21**

WHEREAS, several coagulant manufacturers exist producing many proprietary formulations. The efficacy of a given product can vary greatly from plant to plant dependent upon a variety of factors; and

WHEREAS, the City's National Pollutant Discharge Elimination System (NPDES) requires the use of coagulant chemicals as part of the wastewater treatment process to increase the efficiency of the filtration system. They are critically important to maintaining final effluent; and

WHEREAS, after extensive testing the coagulants from Rosa Water Technology Associates were selected as the most effective and economical from any of the manufacturers; and

WHEREAS, the City has experienced success with coagulants provided by Rosa Water Technology Associates. City staff has determined that their products are similar in cost to other chemical vendors. Rosa Water Technology Associates staff have been dedicated in supporting the City's needs and offer assistance with testing and evaluating their coagulants to ensure the City is using the right products in the most cost-effective manner; and

WHEREAS, the Woodland City Council approved the sole source contract #000803 with by Rosa Water Technology Associates on September 18, 2018; and

WHEREAS, additional coagulants produced by Rosa Water Technology Associates will be required to complete FY19 and treat the effluent in FY20 and FY21; and

WHEREAS, funding for the remainder of the fiscal year is already approved in the FY19 budget and, no additional funds are being requested. Funding for future years will be included in those budgets

NOW, THEREFORE, BE IT RESOLVED

SECTION 1. The above recitals are true and correct and adopted herein by this reference.

SECTION 2. That the City Council hereby authorizes the City Manager to amend contract #000803 with Rosa Water Technology Associates in the amount of \$53,000.00 for FY19 and \$188,000.00 per year for FY20 and FY21.

SECTION 3. The City Attorney is hereby authorized to make clarifying and confirming changes to the agreement.

PASSED AND ADOPTED by the City Council this 21st day of May, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Xóchitl Rodriguez, Mayor

ATTEST:

APPROVED AS TO FORM:

Ana B. Gonzalez, City Clerk

Kara K. Ueda, City Attorney



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: G.17.
SUBJECT: Authorize an amendment to contract #000804 for the purchase of Magnesium Hydroxide (MgOH) with Hill Brothers Chemical Company for the Water Pollution Control Facility

Recommendation for Action: Staff recommends that the City Council approve Resolution No. _____, authorizing the City Manager to amend the contract for purchase of MgOH from Hill Brothers Chemical Company for \$38,000.00 for FY19, and \$146,000 for FY20 and \$151,000 for FY21.

Staff Contact:

Shane Carlsen, Chief Plant Operator, (530) 661-2054, shane.carlsen@cityofwoodland.org.

Council Goal:

Ensure that the City's physical infrastructure is planned, funded, and maintained to provide for current and future community needs, in support of commercial, recreational, and environmental requirements and standards, while managing the overall cost consistent with available resources.

Fiscal Impact:

The FY19 budget was augmented by \$100,000.00 for the Water Pollution Control Facility (WPCF) to purchase MgOH. This contract requires an amendment for an additional \$38,000 to complete waste water treatment for the remainder of the Fiscal Year. No additional funds are being requested for this procurement as additional funding is available within the department. The average annual cost for MgOH has increased as a result of the transition from groundwater to surface water. Surface water has a lower PH than groundwater, which was previously the largest component of the wastewater stream. As a result, MgOH is added to the waste water to adjust the alkalinity to facilitate the biologic processing of the waste.

Background:

The use of MgOH as part of the wastewater treatment process at the WPCF is required to meet the City's National Pollutant Discharge Elimination System permit and is regulated by the Regional Water Quality Control Board. MgOH acts to create an environment that supports the biologic digestion of waste at the WPCF and is essential in maintaining acceptable final effluent quality treatment process. Given its importance in the treatment process, it is critical to maintain a consistent and reliable source of MgOH.

There are few retailers who can supply MgOH in the required quantities in the region. The effectiveness of a given product can also vary greatly from plant to plant. WPCF staff has completed extensive testing and selected MgOH from Hill Brothers as the most efficient method to control alkalinity. The only other means to purchase MgOH locally is through a distributor who resells the Hills Brothers' product. The increased mark up only increases cost of the product. Council previously approved a sole source contract for purchase of these chemicals in September 2018.

Discussion:

As a result of the successful use of the Hill Brothers products, Council approved a sole-source the purchase of

MgOH from Hill Brother's Chemical Corporation in September 2018. We have found that their products are lower in cost to other chemical vendors. Their staff have been dedicated in supporting the City's needs and offer assistance with testing and evaluating the effluent to insure we are using the products in the most cost-effective manner. The previous approved not-to-exceed amount is insufficient to cover the volume of chemicals needed to complete processing at the WPCF for the remainder of the fiscal year. The per-unit price agreed upon in the original contract remains unchanged.

Public Contract Code allows the City to specify sole-source products and the City Council has made the necessary findings related to this item.

Conclusion:

Staff recommends that the City Council approve Resolution No. _____, authorizing the City Manager to amend the contract for purchase of MgOH from Hill Brothers Chemical Company for \$38,000.00 for FY19, and \$146,000 for FY20 and \$151,000 for FY21.

Prepared by: Shane Carlsen
Chief Plant Operator

Reviewed by: Craig Locke
Public Works Director



Paul Navazio
City Manager

Attachments:

1. Hill Brothers_Resolution-May 2019-amendment-rev (1)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND ADOPTING
AND APPROVING THE CITY MANAGER'S AMENDMENT TO CONTRACT #000804 WITH
HILL BROTHERS CHEMICAL COMPANY FOR PURCHASE OF MAGNIZIUM
HYDROXIDE IN THE AMOUNT OF \$38,000.00 FOR FY19 AND \$146,000 FOR FY20 AND
\$151,000 FOR FY21**

WHEREAS, there are few alkalinity control product retailers in the region and the efficacy of their product can vary greatly; and

WHEREAS, the City's National Pollutant Discharge Elimination System (NPDES) requires the use of alkalinity control as part of the wastewater treatment process because proper PH levels is necessary to create heathy treatment biology. Proper alkalinity is efficiently maintained using Hill Brothers Chemical Company MgOH and critically important to final effluent quality; and

WHEREAS, after extensive testing the magnesium hydroxide from Hill Brothers Chemical Company was selected as the most operator and treatment friendly option for controlling the alkalinity demand in the treatment system.; and

WHEREAS, the Woodland City Council approved the sole source contract #000804 with by Hill Brother Chemical Company on September 18, 2018; and

WHEREAS, additional magnesium hydroxide produced by Hill Brother Chemical Company used will be required to complete FY19 and treat the effluent in FY20 and FY21; and

WHEREAS, funding for the remainder of the fiscal year is already approved in the FY19 budget and, no additional funds are being requested. Funding for future years will be included in those budgets

WHEREAS, this authorization shall be for \$38,000.00 for the remainder of the FY19 and \$146,000 for FY20 and \$151,000 for FY21; and

NOW, THEREFORE, BE IT RESOLVED

SECTION 1. The above recitals are true and correct and adopted herein by this reference.

SECTION 2. That the City Council hereby authorizes the City Manager to amend contract #000804 with Hill Brothers Chemical Company for \$38,000.00 in FY19 and \$146,000.00 for FY20 and \$151,000 for FY21.

SECTION 3. The City Attorney is hereby authorized to make clarifying and confirming changes to the agreement.

PASSED AND ADOPTED by the City Council this 21st day of May, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Xóchitl Rodriguez, Mayor

ATTEST:

APPROVED AS TO FORM:

Ana B. Gonzalez, City Clerk

Kara K. Ueda, City Attorney



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: G.18.
SUBJECT: Approval of Finding of Satisfaction with the Provisions of the Affordable Housing Ordinance for Proposed Multifamily Rental Project

Recommendation for Action: Staff recommends that the City Council adopt Resolution No._____, approving a finding of satisfaction of the provisions of the City’s affordable housing ordinance, Chapter 15.16 of the Woodland Municipal Code, for a multifamily rental development proposed at 310 West Main Street (northwest corner of West Main Street and Ashley Avenue) that will provide 17.5 percent of its units for low income households.

Staff Contact: Dan Sokolow, Senior Planner – 530-661-5927, dan.sokolow@cityofwoodland.org

Fiscal Impact:

There is no fiscal impact to the City.

Background:

Last year, the City Council amended the affordable housing ordinance, Chapter 15.16 of the Woodland Municipal Code, to reduce the affordable housing requirements for areas designated in the City’s General Plan as Downtown Mixed Use, Corridor Mixed Use, and Neighborhood Commercial as part of an overall effort to reduce barriers to residential development in infill areas and provide reasonably affordable housing opportunities for middle income buyers and renters. The amendments to the affordable housing ordinance will expire after the later of three years from the effective date of the ordinance or the date in which the City has issued building permits for a total of 300 residential units in the areas designated in the General Plan as Downtown Mixed Use, Corridor Mixed Use, and Neighborhood Commercial.

Discussion:

City staff has been meeting with a developer interested in constructing a multifamily rental project with an estimated residential yield of 160 to 190 units at 310 West Main Street, a 5.825-acre site designated in the City’s General Plan as Corridor Mixed Use. Under the amended affordable housing ordinance, multifamily rental projects of 81 units or more are required to make five percent of the units affordable to low income households and ten percent of the units affordable to very low income households. According to the developer, even with the efforts the City has made to eliminate barriers to new infill housing (such as amending the development impact fees), the project is not financeable. The projected rents are insufficient to cover the debt service and operating expenses for the project, primarily due to the rent limits on very low income units. To address this, the developer has proposed satisfying the affordable housing requirements through the inclusion of low income units but no very low income units. After a discussion with City staff and a representative from Legal Services of Northern California, the developer agreed to provide 17.5 percent of the total units for low income households. The developer’s proposal would generate up to 34 low income units based on the total estimated unit count of 160 to 190 apartments. The 17.5 percent of affordable units (while low income) exceeds the overall City requirement of 15 percent affordable units (5 percent low, 10 percent very low).

Section 15.16.200(D.) of the City of Woodland Municipal Code provides that a project developer may propose a combination of requirements for the construction of on-site affordable units and/or alternative options to

comply with the City's affordable housing ordinance. Other options could include land dedication or the payment of in-lieu fees. Here, the developer is proposing increasing the total number of affordable units but offering all of the affordable units to low income residents rather than a combination of low and very low income residents. Section 15.16.200(D.) also provides that the developer may proceed with an alternative plan for on-site affordable units if the City Council finds that the alternative means of compliance would provide substantially the same or greater level of affordability and amount of affordable housing as is otherwise required by the affordable housing ordinance.

In reviewing the developer's proposal for addressing affordable housing requirements, City staff recommends that the City Council find that the project will satisfy Section 15.16.200(D.). While very low units would be a valuable addition to the City's affordable housing inventory, an additional 28 to 34 low income rental units in a market rate project would represent a significant addition to the inventory. The total number of affordable housing units proposed exceeds the number required by the City's affordable housing ordinance. Additionally, City staff understands that the City has a greater need for low income housing than very low income housing at this time as there are more housing units either available or being constructed for very low income households. Moreover, the City has not experienced a new market rate rental project since the Eaglewood Apartments, which included affordable units, opened in 2005. The property at 310 West Main Street is one of the best remaining infill housing sites in the City as it is near a number of amenities including a full service grocery store, pharmacy, transit and medical services. Development of the site as a residential rental project would provide much needed rental housing to serve the needs of middle and low income individuals and families.

Environmental Assessment Status:

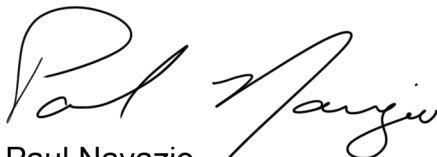
The proposed affordable housing ordinance finding has been reviewed in accordance with the California Environmental Quality Act (CEQA) and is considered exempt under General Rule exemption 15061(b)(3). Under Section 15061(b)(3) of the CEQA Guidelines, the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The consistency finding addresses the number and composition of the affordable units as a component of the development's overall residential yield.

Conclusion:

Staff recommends that the City Council adopt Resolution No. _____, approving a finding of satisfaction of the provisions of the affordable housing ordinance, Chapter 15.16 of the Woodland Municipal Code, for a multifamily rental development proposed at 310 West Main Street (northwest corner of West Main Street and Ashley Avenue) that will provide 17.5 percent of its units for low income households.

Prepared by: Dan Sokolow, Senior Planner

Reviewed by: Ken Hiatt, Assistant City Manager/Community & Economic Development



Paul Navazio
City Manager

Attachments:

1. CC Reso May 21 Consistency Finding-c1

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND
APPROVING A FINDING OF SATISFACTION OF THE PROVISIONS OF THE
AFFORDABLE HOUSING ORDINANCE, CHAPTER 15.16 OF THE WOODLAND
MUNICIPAL CODE, FOR A MULTIFAMILY RENTAL DEVELOPMENT PROPOSED
AT 310 WEST MAIN STREET**

WHEREAS, development of 310 West Main Street, a 5.825-acre site designated in the City's General Plan as Corridor Mixed Use, is being considered for a multifamily rental project with an estimated 160 – 190 units;

WHEREAS, the proposed development would be required to provide five percent of the units affordable to low income households and ten percent of the units affordable to very low income households pursuant to the provisions of the City's Affordable Housing Ordinance, Chapter 15.16 of the Woodland Municipal Code;

WHEREAS, the prospective developer for the site in order to satisfy the requirements of the Affordable Housing Ordinance and meet lender requirements has proposed instead that 17.5 percent of the total units be provided for low income households;

WHEREAS, development of the site would add 28 to 34 low income rental units to the City's affordable housing inventory, result in the construction of the City's first new market rate rental project since 2005 when Eaglewood Apartments opened, and provide additional housing opportunities for middle and low income renters;

WHEREAS, the finding is categorically exempt from the California Environmental Quality Act ("CEQA") as a General Rule Exemption under Section 15061(b)(3).

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL DOES
HEREBY RESOLVE AND FIND AS FOLLOWS:**

Section 1. Finding of Satisfaction. Section 15.16.200(D.) of the City of Woodland Municipal Code provides that a project developer may propose a different combination of requirements to satisfy its affordable housing requirements so long as the City Council finds that the proposal provides substantially the same or greater levels of affordability and amount of affordable housing as is required by the City's affordable housing ordinance. The City Council does hereby find that for the proposed multifamily rental development at 310 West Main Street, the provision of 17.5 percent of the total units as low income units would be equivalent to the applicable requirements under the affordable housing ordinance and therefore satisfies the requirements of Chapter 15.16 of the Woodland Municipal Code.

Section 2. Notice of Exemption. The City Council hereby affirms a General Rule Exemption under Section 15061(b)(3) of the California Environmental Quality Act Guidelines and directs City staff to file a Notice of Exemption within five (5) days following the approval of this Resolution.

PASSED AND ADOPTED by the City Council this 21st day of May, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Xochitl Rodriguez, Mayor

ATTEST:

APPROVED AS TO FORM:

Ana B. Gonzalez, City Clerk

Kara K. Ueda, City Attorney



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: G.19.
SUBJECT: Authorize Submittal of a Planning Grant Application to the State Department of Housing and Community Development

Recommendation for Action: Staff recommends that the City Council approve Resolution No. ____, authorizing the City Manager to submit a grant application for and receipt of SB 2 Planning Grants Program Funds from the State of California Department of Housing and Urban Development

Staff Contact:

Cindy Norris, Principal Planner (530) 661-5911, cindy.norris@cityofwoodland.org

Fiscal Impact:

The City is eligible to receive grant funds in the amount of \$310,000 as part of the State of California, Department of Housing and Community Development SB 2 Planning Grants Program. This is a non-competitive, reimbursable grant. The intended use of the grant funds will be to update the City's Zoning Code. With existing funds in the Zoning Code Update Project (CIP #07-07) grant funds will provide a potential project total of \$360,000.

Background:

Chapter 354, Statutes of 2017 (SB 2, Atkins) was part of a 15 bill housing package signed by Governor Brown that was aimed at addressing the state's housing shortage and high housing costs. It establishes a permanent source of funding intended to increase the affordable housing stock in California. The revenue from SB 2 will vary from year to year, as revenue is dependent on real estate transaction with fluctuating activity. The California Department of Housing and Community Development was directed to use 50 percent of the revenue in the first year to establish a program that provides financial and technical assistance to local governments to update planning documents and zoning ordinances in order to streamline housing production.

Discussion:

The State Department of Housing and Community Development issued a Notice of Funding Availability (NOFA) on March 29, 2019. This is a non-competitive grant. The grant award is based on the jurisdiction's population and status with regard to submittal of the Housing Element annual report. Based on these factors, the City of Woodland is eligible for \$310,000 in grant funding. The grant application shall be accompanied by a Resolution of the City Council authorizing the City Manager to submit the Grant Application. Upon receipt of grant approval staff will return with a request for to appropriate funds to the Zoning Code Project fund (CIP #07-07) and to enter into a Professional Services Contract with a planning consultant to complete the Zoning Code.

Conclusion:

Staff recommends that the City Council approve Resolution No. ____, authorizing the City Manager to submit a grant application for and receipt of SB 2 Planning Grants Program Funds from the State of California Department of Housing and Urban Development

Prepared By: Cindy Norris, Principal Planner

Reviewed By: Ken Hiatt, Assistant City Manager / Community and Economic Development Director



Paul Navazio
City Manager

Attachments:

1. SB 2 Application Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND
AUTHORIZING APPLICATION FOR, AND RECEIPT OF SB 2 PLANNING GRANT
PROGRAM FUNDS**

WHEREAS, the State of California, Department of Housing and Community Development Department (Department) has issued a Notice of Funding Availability (NOFA) dated March 29, 2019, for its Planning Grant Program (PAP); and

WHEREAS, the City Council of the City of Woodland desires to submit a project application for the PGP program to accelerate the production of housing and will submit a 2019 PGP grant application as described in the Planning Grants Program NOFA and SB 2 Planning Grants Program Guidelines released for the PGP Program; and

WHEREAS, the Department is authorized to provide up to \$1.2 Million under the SB 2 Planning Grants Program from the Building Homes and Jobs Trust Fund for assistance to Cities and Counties (Health and Safety Code Section 50470 et seq.) (Chapter 364, Statutes of 2017 (SB 2)) related to the PGP Program.

WHEREAS, the City of Woodland proposes to prepare a Comprehensive Zoning Update in order to meet state housing priorities and assist in furthering housing production through timing, cost, approval certainty, entitlement streamlining, feasibility, infrastructure capacity, or impact on housing supply and affordability.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND
RESOLVES AS FOLLOWS:**

SECTION 1. The City Council of the City of Woodland is hereby authorized and directed to apply for and submit to the State Department of Housing and Community Development the 2019 Planning Grant Program application released March 29, 2019 in the amount of \$310,000.

SECTION 2. In connection with the PGP grant, if the application is approved by the Department, the City of Woodland is authorized to enter into, execute, and deliver a State of California Standard Agreement (Standard Agreement) for the amount of \$310,000, and all other documents required or deemed necessary or appropriate to evidence and secure the PGP grant, the City of Woodland obligations related thereto, and all amendments thereto (collectively the PGP Documents).

SECTION 3. The City of Woodland shall be subject to the terms and conditions as specified in the Standard Agreement, the SB 2 Planning Grants Program Guidelines, and any applicable PGP guidelines published by the Departments. Funds are to be used for allowable expenditures as specifically identified in the Standard Agreement. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application will be enforceable through the executed Standard Agreement. The City of Woodland hereby agrees to use the funds for eligible uses in the manner presented in the

application as approved by the Department and in accordance with the Planning Grants NOFA, the Planning Grants Program Guidelines, and the 2019 Planning Grants Program Application.

SECTION 4. The City Manager of the City of Woodland is authorized and directed to execute the City of Woodland's Planning Grants Program application, the PGP Grant Documents, and any amendments thereto, on behalf of the City of Woodland as required by the Department for receipt of the PGP Grant.

ADOPTED May 21, 2019, by the City of Woodland City Council by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Xochitl Rodriguez, Mayor

ATTEST

APPROVED AS TO FORM

Ana B. Gonzalez, City Clerk

Kara K Ueda, City Attorney



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: H.20.
SUBJECT: General Plan Annual Progress Report for the Period of January 1, 2018 to December 31, 2018

Recommendation: Staff recommends that the City Council (1) Receive the report concerning the General Plan Annual Progress Report, required by the state of California; (2) Accept the General Plan Annual Progress Report and direct staff to transmit the report to the Governor's Office of Planning and Research (OPR), and Department of Housing and Community Development (HUD) for filing.

Staff Contact:

Cindy Norris, Principal Planner, (530) 661-5911, cindy.norris@cityofwoodland.org

Background:

Section 65400(b) of the State of California Government Code requires planning agencies to provide an annual report to their legislative body, the Governor's Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD) on the status of the General Plan and progress in its implementation. The four basic purposes of the annual report are as follows:

- To provide information to assess progress on implementation of the general plan in accordance with the stated goals, policies and implementation measures.
- To provide information to identify necessary course adjustments or modifications to the general plan as a means to improve implementation.
- To provide a clear correlation between land use decisions made during the reporting period, and the goals, policies and implementation measures in the general plan.
- To provide information regarding local agency progress in meeting its share of regional housing needs and local efforts to remove governmental constraints to the development of housing.

This report covers the period from January 1, 2018 through December 30, 2018, and contains the following sections:

- Assessment of Regional Housing Needs and Efforts to Remove Governmental Constraints –Annual Housing Element Progress Report (Covered in a separate report to City Council)
- Agency Initiated Planning Applications
- General Plan Amendments
- Priorities for Land Use Decision Making (Financial Implementation of the GP - CIP)
- Other Projects During the Report Period
- Implementation Program Status Review

Discussion:

The attached Annual Progress Report (APR) provides the public with information regarding the implementation of the City's 2035 General Plan for the Period of January 1, 2018 to December 31, 2018. The aim of the APR is to provide enough information to assess how the 2035 General Plan was implemented during 2018 reporting period and explain how land use decisions relate to adopted goals, policies, and

implementation measures are being carried out as outlined in the attached General Plan Implementation Table (Attachment 3). The APR is a snapshot in time and provides a way to determine if changes are needed in the General Plan or its implementation programs. This report shows that the City has made significant progress toward implementation of General Plan goals and policies and that the Plan continues to function as the relevant community constitution for land use and development.

Key Accomplishments for the 2018 reporting year by General Plan Element:

Chapter 2: Land Use, Community Design, and Historic Preservation

- Approval of an update to the LAFCo Sphere of Influence (SOI) to reflect lands within the Voter Approved Urban Limit Line (LAFCo No. S-049) December 2018. (IMP 2.1)
- Approval of the Interim Zoning Ordinance on May 1, 2018. The Interim Zoning establishes zoning standards consistent with the 2035 General Plan, provides direction and clarity to the city and applicants regarding applicable standards, provides streamlined review/permitting. Interim Zoning Ordinance not only ensures that new development is consistent with the General Plan, but it will also provide predictability and certainty for property owners and developers during the “transition” period until the final comprehensive zoning is complete. Included an update to required parking standards.(IMP 2.3, 2.6, 2.7, 2.10, 6.4)
- Work toward approval of an Agricultural Mitigation Ordinance, (March 5, 2019, Ordinance 1642). (IMP 2.26)
- Work toward an update of the City’s Major Projects Financing Plan (MPFP) in order to ensure adequate funding of essential city improvement projects, while at the same time taking into account a desire to reduce burden on infill and affordable housing. (Approved April 16, 2019) (IMP 2.5, 4.2).
- Work on an update to the Downtown Specific Plan and Downtown Parking Management Plan. Completion of a Synoptic Survey. (IMP 2.15, 2.24)
- Approval of infill housing opportunities in the Downtown including Downtown Suites at Third and Lincoln and the Winne Fourplex rehabilitation.
- Approval Country Oaks, a single-family infill subdivision

Chapter 3: Transportation and Circulation

- Kentucky Avenue Widening and Reconstruction Project (IMP 2.18)
- Design for the West Main Street Bicycle/Pedestrian Mobility Safety Improvements. (IMP 2.18, 3.10)
- ADA Street upgrades (IMP 2.18)
- Work with new development to implement Traffic Calming measures (IMP 3.11)
- Work with SACOG in evaluation and determination of new CEQA based VMT measures and implementation. (IMP 3.4)

- Annual road maintenance projects

Chapter 4: Economic Development

- Work toward the approval of Opportunity Zones(IMP 4.4, 4.8, 4.14)
- Sponsor and conduct an annual Downtown Business Walk in partnership with the Woodland Chamber. (IMP 4.6)
- Identification of shovel-ready” sites throughout the City (IMP 4.1)
- Develop the Food Front branding for the City of Woodland. In partnership with businesses facilitate public art installations that also market the Food Front Brand (Cobram Olive Oil, PCP, CR 102 tower) (IMP 4.13)
- Downtown Events-Public Private Partnerships (IMP 4.12)
- Utilize public/private partnership to facilitate catalyst projects in the Downtown including the Downtown Hotel (Hilton 2). (IMP 2.27, 4.3, 4.4).
- Facilitate public utility improvements to upgrade essential services including PG & E upgrades in Dog Gone Alley. (IMP 4.3)

Chapter 5: Public Facilities and Services

- Implementation of a Aquifer storage and recovery project (Wells 29 and 30). The City has stored over 800 million gallons in the aquifer and expect to reach our target storage of 1.25 billion gallons by May 2019. (IMP 5.6)
- Facilitated the agreement for creation of the Woodland Regional Park as a regional educational facility. (
- Creation of the HOST program to proactively address concerns regarding homelessness in the community.
- Improvement to the existing WWTF ponds with biosolid removal.
- Increased recreation opportunities (IMP 5.2, 5.4, 6.1)

Chapter 6: Healthy Community

- Approval of a Public Art Ordinance (IMP 6.12)
- Continued facilitation of public private partnerships to promote and improve economic, physical, and social conditions (Farmers Market, Bike Month, City Hall Demonstration Garden) (IMP 6.3)

Chapter 7: Sustainability, Conservation, and Open Space

- Continued participation in the Yolo Habitat Conservation Plan (HCP/NCCP) (IMP 7.3)
- Work toward approval of an Urban Forest Plan and evaluation of the City's Tree Preservation Ordinance (IMP 7.8, 7.9 and 7.10)
- Review projects for compliance with the City's Climate Action Plan. (IMP 7.2)
- Water Wise Garden Tour (IMP 7.2)

Chapter 8: Safety

- Flood Management and continued work on the Cache Creek Flood Project (IMP 8.2, 8.3)
- Emergency Outreach Center (EOC) Training (IMP 8.9, 8.10)
- Multi-jurisdictional Joint Emergency Training (IMP 8.10)
- Active Shooter Training (Multi-jurisdictional) (IMP 8.10)
- Complete a Fire Station Location Assessment (IMP 8.5)

Chapter 9: Housing Element

- Affordable Housing Ordinance Amendment
- Emergency Housing/Shelter at the Old Courthouse
- Completion of the development sites inventory based on the General Plan and Interim Zoning provisions. Increased allowed density as well as by-right provisions have increased availability of potential housing sites that could be available for affordable housing.

2019 Priorities and Agency Initiated Applications

City initiated applications are provided in the Capital Improvement Plan which has been provided as Attachment __, with highlights below. Additional priorities for the coming year are summarized below"

City Initiated Applications:

Kentucky, W. Main
Traffic Calming
Pedestrian Overcrossing
Complete West Street Transmission Main,
Dog Gone Alley

N. Gibson Ponds
I-5/102 Landscape
Lower Cache Creek Flood Project,
Development Impact fees
Zoning Code and Downtown Specific Plan updates
Commercial Cannabis
No Place Like Home
Blighted Properties
Permitting / document management system

Priority Projects:

Spring Lake Housing
Downtown Suites
Country Oaks
Hilton Home 2
Downtown vacancies/Renovations (702 Main, Diggs, Sears, Barth, Ludy's)
New Infill Multi-Family Housing Project(s)
Research and Technology Park
Workforce Development
Industrial Area Project(s)
Woodland Regional Park

City Council Priority Goals (2019-2020):

The General Plan Annual Report is to document and measure the City's progress at a point in time on implementation of the goals and policies outlined in the 2035 General Plan, but it is also an opportunity to think about the path ahead. City Council has set priorities and goals for the coming year. The City Council held a series of Council study session in August and September 2012 to design a specific work plan for focusing City resources and establish performance indicators aimed at assessing progress towards achieving over-arching city and community outcomes. The result of the City Councils study session is illustrated in the following hierarchical listing:



The City Council 2019-2020 priorities and goals directly correlated to the goals and policies of the General Plan and can be used as another tool in focusing City efforts to furthering these aims.

Conclusion:

Recommended that the City Council take action to accept the General Plan Annual Progress Report and direct staff to transmit the report to the Governor's Office of Planning and Research (OPR), and Department of Housing and Community Development (HUD) for filing.

Prepared By: Megan Meier, Associate Planner

Reviewed By: Cindy Norris, Principal Planner



Paul Navazio
City Manager

Attachments:

1. Resolution
2. General Plan Annual Report
3. General Plan Implementation Measures Table

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WOODLAND ACCEPTING THE GENERAL PLAN ANNUAL
PROGRESS REPORT FOR THE PERIOD OF JANUARY 1, 2018 TO
DECEMBER 31, 2018 AND AUTHORIZING THE CITY MANAGER TO
TRANSMIT THE REPORT TO THE GOVERNORS OFFICE OF
PLANNING AND RESEARCH**

WHEREAS, State California Government Code, Section 65400(b), requires planning agencies to provide a General Plan Annual Progress Report (APR) to the City Council, the Governor's Office of Planning and Research (OPR), and the Department of Housing and Community Development (HUD) on the status of the General Plan and progress in its implementation; and

WHEREAS, the City of Woodland ("City") desires to review the State Mandated General Plan Annual Progress Report for the period of January 1, 2018 to December 31, 2018; and

WHEREAS, the City of Woodland City Council, based on oral testimony and documentary evidence submitted during the report on May 21, 2019 as a regular agenda item, accepted the General Plan Annual Progress Report; and

WHEREAS, the City Council of the City of Woodland authorizes staff to submit the General Plan Annual Progress Report to the Office of Planning and Research (OPR) and the office of Housing and Community Development (HCD).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Woodland that:

Section 1. The foregoing recitals are hereby true and correct.

Section 2. The City of Woodland City Council finds that the actions as set forth in this Resolution are in the public interest and necessary to the public health, safety, and welfare.

Section 3. The City Council hereby finds that the proposed Annual Progress Report sufficiently outlined the City of Woodland progress in meeting the Implantation goals of the General Plan.

PASSED AND ADOPTED by the City Council on May 21, 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Xochitl Rodriquez, Mayor

ATTEST:

APPROVED AS TO FORM:

Ana Gonzalez, City Clerk

Kara K. Ueda, City Attorney

Dated: _____

CITY OF WOODLAND

GENERAL PLAN ANNUAL REPORT 2018





GENERAL PLAN ANNUAL REPORT 2018

City of Woodland

PREPARED BY:

Community Development Department
Planning Division
300 First Street
Woodland, CA 95695
530.661.5820

Megan Meier

I. INTRODUCTION

The City of Woodland General Plan Annual Report is prepared pursuant to the requirements of Government Code Section 65400 (Appendix A). The California Government Code requires that City staff submit an annual report to the City Council on the status of the General Plan and progress in its implementation. This report is submitted to the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HUD). Direction for the preparation of this report is provided by the Governor's Office of Planning and Research. The report discusses what was implemented during the 12-month (either calendar year or fiscal year) reporting period. The different sections of the report break down the overall General Plan implementation to explain how land use decisions over the reporting year relate directly to adopted goals, policies, and implantation measures of the General Plan and provides a way to determine if changes are needed in the General Plan or its implementation programs.



The report must include an analysis of the progress made in meeting the City's share of regional housing needs (identified in the Housing Element) and local efforts to remove governmental constraints to the maintenance, improvement, and development of affordable housing. Also, any mitigation monitoring and reporting requirements prescribed in the General Plan EIR should be included in the annual report.



Finally, the report should also include a summary of all General Plan amendments, changes, and corrections adopted during the preceding year, a description of upcoming projects or issues to be addressed in the coming year, and a work program and budget. The General Plan Annual Report was reviewed by the City Council at their regularly public meeting on May 21, 2019.

II. PURPOSE OF THE GENERAL PLAN

The General Plan is mandated by the State of California Government Code Section 65300, which requires each city and county to adopt a comprehensive plan outlining policy that guide decisions affecting the future physical development of the jurisdiction. State law requires that general plans include seven (7)

elements which must cover the following topics: Land Use, Circulation, Housing, Safety, Noise, Conservation, and Open Space. The elements may be combined or



renamed, but basic requirements must be included. The required elements address topics such as: land use, transportation routes, population growth, open space, resource preservation and growth, air and water quality, noise, safety, and other related physical, social and economic development factors. Optional elements are often additionally added to a General Plan Update to address areas of interest to the community. As part of the 2035 General Plan update a number of additional elements and topic areas were added to the document to cover topics such as Economic Development, Healthy Community, Public Facilities and Services, as outlined in the Table 1-1 below.

The Woodland General Plan is a document adopted by the City Council that serves several purposes:

- Outlines a vision for Woodland’s long-term physical and economic development and community enhancement;
- Provides goals and policies that will allow this vision to be accomplished;
- Establishes a basis for judging whether specific development proposals and public projects are in harmony with General Plan policies and standards (such as for density, parks, and mobility);
- Allows City departments, other public agencies, and private developers to design projects that will enhance the character of the community, preserve and enhance important environmental resources, and minimize hazards; and
- Provides the basis for establishing priorities for implementing plans and programs, such as the Zoning Ordinance, the Capital Improvements Program, master plans, and specific plans.

State law requires that land use decisions and a variety of city actions be consistent with the General Plan; thus, regular and ongoing use of the Plan is essential. The Plan is both general and long-range, and there will be circumstances and instances when detailed studies are necessary before General Plan policies can be implemented. Successful implementation of the General Plan requires effective communication among City staff, the community, and City decision-makers. Public safety, public health, and community values are the primary considerations when making decisions related to implementation of the General Plan. In addition, all City Council and Planning Commission actions should be reviewed for General Plan consistency

General Plan Update 2035



CITY OF WOODLAND

for present and future generations. The General Plan also looks out to 2035, establishing a “horizon year” to take a long-term perspective, in order to effectively set goals and objectives that can guide decision-making for the long-range development of the City of Woodland.

On May 16, 2017, the Woodland City Council adopted the new General Plan 2035. Woodland's General Plan 2035 is the culmination of an extensive four-year community visioning and planning process that draws its aspirations and goals from the community at large: residents, business owners, and elected officials, and translates these ideas into a set of policies and actions

The General Plan 2035 promotes infill development and compact sustainable growth. The Plan emphasizes economic and job development along key corridors and in, commercial and employment centers. The plan emphasizes multiple modes of transportation including a comprehensive network of open space, trails, and paths to connect the community. It provides the direction for the future growth of the city and articulates a vision of what Woodland aspires to be.

III. STATUS OF THE ADOPTED ELEMENTS

California's tradition of allowing local control over land use decisions means that the State's cities have considerable flexibility in preparing their general plans. While they allow flexibility, State planning laws do establish basic requirements about the issues that general plans must address. While General Plans are required by the State of California to contain seven elements (Land Use, Circulation, Housing, Safety, Noise, Conservation, and Open Space), the City of Woodland's General Plan 2035 contains a number of optional elements including Community Design, Historic Preservation, and Economic Development, as well as a new comprehensive element dedicated to Healthy Community.

The elements may be combined or renamed, but basic requirements must be included. The City of Woodland General Plan has eight (8) chapters. The relationship between the seven elements and the chapters provided in City of Woodland General Plan is described in more detail in Table – 1-1.

State law does not provide a mandatory minimum timeframe for revisions of elements, except for a Housing Element. The State requirements for Housing Elements are more detailed and specific than for the other portions of a General Plan, and Housing Elements are updated every eight (8) years according to a schedule set by the State. Other elements may be updated less frequently and typically have a 15 to 20-year horizon, such as the recently adopted City of Woodland General Plan 2035 adopted May 16, 2017.

Table I-1: Organization of the General Plan

General Plan Element	State-Mandated?	Next Suggested Review	Major Issues Addressed
Land Use, Community Design, and Historic Preservation	Yes (<i>Land Use</i>)	2035	Distribution of land uses, standards for density and intensity, growth management, urban form, historic preservation
Transportation and Circulation	Yes (<i>Circulation</i>)	2035	Street classifications, transit service, pedestrian and bicycle needs, parking, goods movement, air transportation

Economic Development	No	2035	Employment, jobs-housing relationship, economic growth, fiscal sustainability, business and job growth, tourism
Public Facilities and Services	No	2035	Police, fire, parks, recreation, schools, public utilities
Healthy Community	No	2035	Physical fitness, access to medical and health facilities and services, healthy food, related community services, arts and culture
Sustainability, Conservation and Open Space	Yes (<i>Conservation and Open Space</i>)	2035	Water, biological resources, open space for conservation, agriculture, soil, mineral resources, archaeological resources, air quality and greenhouse gases
Safety	Yes (<i>Safety and Noise</i>)	2035	Geologic and seismic hazards, flood hazards and protection, fire hazards, airport-related hazards, hazardous materials and operations, emergency response, noise sources and standards
Housing	Yes (Housing)		Housing needs assessment, land and resource inventory, constraints to housing production, quantified objectives

The CA Supreme Court has stated that local governments have an implied duty to keep their plans current (*DeVita v. County of Napa, 9 cal. 4th 763 (1995)*), so there is a need to systematically look ahead and plan on how the City will keep the General Plan document up to date. It will need to adequately address and respond to emerging land use activities, use of space, multi-modal trends, regulations, and other matters that affect the City's desirability to live, work, and play. As aforementioned, most of the elements typically have a 15 to 20-year horizon, excepting the Housing Element. The following schedule proposes when the next suggested update would occur, ensuring continuous improvement to the City's land use and regulatory framework.

Amendments to the Plan

From time to time, the City will entertain proposals for specific amendments to the Plan. The City will initiate some of these proposals itself, but others will be initiated by property owners and developers. State law limits General Plan amendments to four times per year, but each amendment may make an unlimited number of changes to the Plan. However, this restriction does not apply to optional elements (such as Economic Development), to amendments needed to comply with a court decision, or to allow for the development of affordable housing. Because of the requirement for internal consistency (consistency between all elements and components of the Plan), particular care must be taken to ensure that amendments maintain consistency with text and diagrams in all Plan elements. Like the adoption of the General Plan itself, General Plan amendments are subject to environmental review, public notice, and hearing requirements. "Non-substantive" changes or corrections to the plan, such as those that provide minor clarification or correct errors and do not change the meaning or intent of General Plan goals and policies, are not considered General Plan amendments and are not subject to the limit of four amendments per year.

General Plan Amendments

Since Plan adoption, there has been one amendment which consisted of a clean up to correct technical errors which was approved on May 1, 2018 and included the following:

- (1) Change the land use designation for the property at 420 Grand Avenue from Medium Density Residential (8.1 to 19.9 units per acre) to Corridor Mixed Use, which allows a mix of use types including high density residential (20.0 to 40.0 units/acre) and commercial uses, in order to reflect the existing land use and development (APN 006-023-001); and
- (2) Change the land use designation for the properties at 25-31, 49, 59, 77 and 95 W. Lincoln Avenue from Public/Quasi Public to Corridor Mixed Use, which allows a mix of use types including high density residential (20.0 to 40.0 units/acre) and commercial uses, to reflect existing land uses and development (APNs 065-250-043, 065-250-020, 065-250-021, 065-250-046, 065-250-030); and
- (3) City of Woodland Page 248(3) Change the land use designation for the properties at 802, and 850 W Lincoln Avenue and 403Ashley Avenue from Community Commercial to Corridor Mixed Use, which allows a mix of use types including high density residential (20.0 to 40.0 units/acre) and commercial uses, to reflect existing land uses and development (APNs 065-340-026 and 065-010-032); and
- (4) Change the land use designation for the property at 217 W. Kentucky Avenue from Low Density Residential (1.0 to 8.0 units/acre) to Industrial with the Light Industrial Flex Overlay, to reflect existing site improvements (APN 027-065-037); and
- (5) Change the land use designation for the properties along East Harter Avenue and East Kentucky Avenue from Regional Commercial to Regional Commercial Light Industrial Flex Overlay and Corridor Mixed Use with Light Industrial Flex Overlay to Industrial with the Light Industrial Flex Overlay, to reflect existing land uses and development (APNs 027-420-028, 027-420-015, 027-420-021, 027-420-019, and 027-420-010, 027-420-030, 027-420-031, 027-420-032, 027-420-004, 027-420-025, 027-420-003, 027-420-002, 027-420-017); and
- (6) Change the land use designation for the properties at the North West corner of Lincoln Avenue and Cleveland Street, 430–460 Cleveland Street and 177-181 Lincoln Avenue, from Low Density Residential (1-8 units/acre) to Corridor Mixed use, to reflect previous zoning (APN 006-025-018, 006-025-019, 006-025-011, 006-025-016); and
- (7) Change the land use designation for Fire Station No 1 at 101 Court Street from Community Commercial to Public /Quasi-Public, (APN 055-554-013); and
- (8) Change the land use designation for Fire Station No 2, at 1619 West Street from Low Density Residential to Public/Quasi-Public (APN 039-101-012).

IV. PROGRESS IN THE GENERAL PLAN'S IMPLEMENTATION

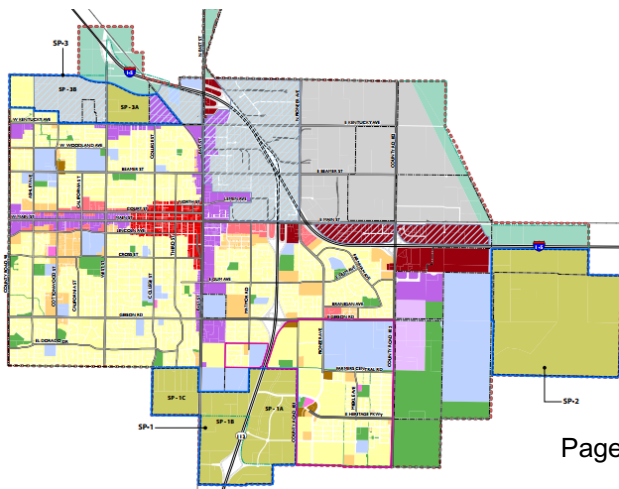
Implementation of the General Plan will require effort from the City Council, the Planning Commission, other boards and commissions, and various City departments. The General Plan includes an appendix of implementation programs that correlate to goals and policies in the various elements. Each implementation program specifies an action, general timeframe for completion, primary responsibility, and anticipated funding source. These implementation programs are provided as a guide to assist with achieving many of the major objectives that the General Plan articulates. However, it is not an exhaustive list; other implementing actions that the City undertakes to realize the goals of the Plan may be identified and pursued.

These implementation programs are not considered part of the adopted General Plan, changes to them do not constitute General Plan amendments, and they are not limited to four changes per year. The City Council strives each year towards meeting a number of the Goals and Policies set forth in the General Plan by way of budget allocation for CIP projects City initiatives and Public Private partnerships.

The following subsections represent the progress the City has made towards implementing the actions of the General Plan during the 2018 reporting period. Refer to Appendix A to view the complete implementation matrix and Appendix B of this report for a Capital Improvement Project General Plan Consistency Matrix. The following subsections and Appendix B are provided consistent with the requirements of Government Code Section 65400(a)(2)(A)

CHAPTER 2: LAND USE, COMMUNITY DESIGN, AND HISTORIC PRESERVATION

The Land Use, Community Design, and Historic Preservation Element directs the location and form of future development, shaping where people will live, work, play, and shop in Woodland. It presents the desirable pattern for the ultimate development of the city for the General Plan horizon (year 2035) and seeks to ensure that land use planning reflects the community's evolution and changing demographics, while promoting sustainability. Goals and policies related to urban form and design will inform development decisions by providing a common understanding of the characteristics the community wishes to achieve and preserve. Each development project must consider its impact on the form and character of the community as a whole, particularly regarding the project's overall massing and its interaction with the street and public realm.



Goals and policies in this section provide for strategic growth and change that preserves and enhances existing neighborhoods; prioritizes new growth in infill areas through the revitalization of Downtown, key corridors and employment centers; provides for orderly expansion to

“greenfield” new growth areas; and maintains Woodland’s unique agricultural and historical heritage. The proposed changes focus on enhancing the quality of life for Woodland residents, workers and visitors through improved connectivity, increased access to amenities, and greater housing and employment choices.

Accomplishments

Some of the Implementation Programs addressed by the City thus far include:

- Approval of an update to the LAFCo Sphere of Influence (SOI) to reflect lands within the Voter Approved Urban Limit Line (LAFCo No. S-049) December 2018. (IMP 2.1)
- Approval of the Interim Zoning Ordinance on May 1, 2018. The Interim Zoning establishes zoning standards consistent with the 2035 General Plan, provides direction and clarity to the city and applicants regarding applicable standards, provides streamlined review/permitting. Interim Zoning Ordinance not only ensures that new development is consistent with the General Plan, but it will also provide predictability and certainty for property owners and developers during the “transition” period until the final comprehensive zoning is complete. Included an update to required parking standards.(IMP 2.3, 2.6, 2.7, 2.10, 6.4)
- Work toward approval of an Agricultural Mitigation Ordinance, (March 5, 2019, Ordinance 1642). (IMP 2.26)
- Work toward an update of the City’s Major Projects Financing Plan (MPFP) in order to ensure adequate funding of essential city improvement projects, while at the same time taking into account a desire to reduce burden on infill and affordable housing. (Approved April 16, 2019) (IMP 2.5, 4.2).
- Work on an update to the Downtown Specific Plan and Downtown Parking Management Plan. Completion of a Synoptic Survey. (IMP 2.15, 2.24)
- Approval of infill housing opportunities in the Downtown including Downtown Suites at Third and Lincoln and the Winne Fourplex rehabilitation.
- Approval Country Oaks, a single-family infill subdivision

CHAPTER 3: TRANSPORTATION AND CIRCULATION

The Transportation and Circulation Element emphasizes the development of new and modified infrastructure that promotes increased transportation choices to serve existing and new development. Specifically, it promotes an integrated, multimodal transportation system to reduce air pollution and greenhouse gas (GHG) emissions, reduce the need for costly roadway improvements, and allow residents and business



the opportunity to operate, recreate and move through the city efficiently without an automobile whenever possible. In addition, streets, roads, and other thoroughfares represent the public face of the city and provide an opportunity to improve its beauty, convenience, and safety.



The Circulation Element must include the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities. Circulation and utility improvements must also correlate with the land use-related policies.

Accomplishments

Some of the Implementation Programs addressed by the City thus far include:

- Kentucky Avenue Widening and Reconstruction Project (IMP 2.18)
- Design for the West Main Street Bicycle/Pedestrian Mobility Safety Improvements. (IMP 2.18, 3.10)
- ADA Street upgrades (IMP 2.18)
- Work with new development to implement Traffic Calming measures (IMP 3.11)
- Work with SACOG in evaluation and determination of new CEQA based VMT measures and implementation. (IMP 3.4)
- Annual road maintenance projects



CHAPTER 4: ECONOMIC DEVELOPMENT

The Economic Development Element of the General Plan contains goals and policies that will enable the City to direct local resources to retain, relocate, expand, and assist local businesses and attract new industries that will increase the City's tax base and economic diversity. This Element provides policy direction fostering support of a vibrant downtown through the promoting growth in key target areas; encouraging job growth; creating a supply of retail goods and services needed by the community, regional travelers, as well as business to business opportunities.



Accomplishments

Some of the Implementation Programs addressed by the City thus far include:

- Work toward the approval of Opportunity Zones(IMP 4.4, 4.8, 4.14)
- Sponsor and conduct an annual Downtown Business Walk in partnership with the Woodland Chamber. (IMP 4.6)
- Identification of shovel-ready” sites throughout the City (IMP 4.1)
- Develop the Food Front branding for the City of Woodland. In partnership with businesses facilitate public art installations that also market the Food Front Brand (Cobram Olive Oil, PCP, CR 102 tower) (IMP 4.13)

- Downtown Events-Public Private Partnerships (IMP 4.12)
- Utilize public/private partnership to facilitate catalyst projects in the Downtown including the Downtown Hotel (Hilton 2). (IMP 2.27, 4.3, 4.4).
- Facilitate public utility improvements to upgrade essential services including PG & E upgrades in Dog Gone Alley. (IMP 4.3)



CHAPTER 5: PUBLIC FACILITIES AND SERVICES



The Public Facilities and Services Element of the General Plan while not a mandated element, does include a number of topics that are required to be addressed in general plans to address land uses for education, public buildings and grounds, and solid and liquid waste disposal facilities. In addition, Government Code Section 65302(g) requires that they address the protection of the community from any unreasonable risks. This Chapter includes consideration of Police, Fire, Parks and Recreation, Schools, Public Utilities and Emergency Medical Services.



Accomplishments

Some of the Implementation Programs addressed by the City thus far include:

- Implementation of a Aquifer storage and recovery project (Wells 29 and 30). The City has stored over 800 million gallons in the aquifer and expect to reach our target storage of 1.25 billion gallons by May 2019. (IMP 5.6)
- Facilitated the agreement for creation of the Woodland Regional Park as a regional educational facility.
- Creation of the HOST program to proactively address concerns regarding homelessness in the community.
- Improvement to the existing WWTF ponds with biosolid removal.

CHAPTER 6: HEALTHY COMMUNITY

This Element is centered on the concept that the health of the community is a direct reflection of the health of the residents living within the community. The Element reviews current health conditions in Woodland and sets forth goals and policies to promote the individual and collective health of those living in Woodland, particularly pertaining to access to medical and health services and facilities, active lifestyles, healthy food, community services, and arts and culture.



The Community Health and Services Element establishes policies that influence good land use planning in order to enhance community health and welfare. Policies supporting access to healthy foods, availability of parks, recreational opportunities, libraries and cultural services, as well as promoting educational advancement and civic engagement all aim to improve economic, physical, and social conditions.

Accomplishments

Some of the Implementation Programs addressed by the City thus far include:

- Approval of a Public Art Ordinance (IMP 6.12)
- Increased recreation opportunities
- Update to the Library Master Plan and physical improvements
- Continued facilitation of public private partnerships to promote and improve economic, physical, and social conditions (Farmers Market, Bike Month, City Hall Demonstration Garden)

CHAPTER 7: SUSTAINABILITY, CONSERVATION, AND OPEN SPACE



The Sustainability, Conservation, and Open Space Element establishes goals and policies for the conservation of natural resources in Woodland. Woodland's natural resources – water, natural habitats, wildlife, vegetation, agricultural soils, minerals, and air – contribute to the city's economy and the quality of life of Woodland residents. These resources exist in limited quantity and as a result, the General Plan promotes thoughtful planning and resource management that can help inform community discussion about weighing environmental conservation with other

General Plan goals. The General Plan seeks to balance planned growth with conservation and enhancement of the area's natural resources.

Addressed in this element: Soils, waterways, wildlife, natural resources, groundwater, Effects of planned development on natural resources on public lands Open space for preservation of:

- natural resource
- managed production of resources
- outdoor recreation
- public health and safety
- support of the mission of military installations
- protection of Native American places, features and objects



Accomplishments

Some of the Implementation Programs addressed by the City thus far include:

- Continued participation in the Yolo Habitat Conservation Plan (*HCP/NCCP*) (IMP 7.3)
- Work toward approval of an Urban Forest Plan and evaluation of the City's Tree Preservation Ordinance (IMP 7.8, 7.9 and 7.10)
- Review projects for compliance with the City's Climate Action Plan. (IMP 7.2)

CHAPTER 8: SAFETY

The purpose of the Safety Element is to identify the natural and manmade public safety hazards that exist within the city and to establish preventative and responsive policies and programs to mitigate their potential impacts. In addition, exposure to loud and/or unwanted noises can also affect community health and safety, as well as quality of life.

Covered topics areas including:

- Seismically inducing surface rupture, ground shaking, ground failure
- Tsunami, seiche, and dam failure
- Slope instability leading to mudslides and landslides
- Subsidence
- Liquefaction
- Flooding and Flood hazard maps
- Land use and historical flood data with regards to future development
- Wildland and urban fires
- Noise minimization

Accomplishments

Some of the Implementation Programs addressed by the City thus far include:

- Flood Management and continued work on the Cache Creek Flood Project (IMP 8.2, 8.3)
- Emergency Outreach Center (EOC) Training (IMP 8.9, 8.10)
- Multi-jurisdictional Joint Emergency Training (IMP 8.10)

- Active Shooter Training (Multi-jurisdictional)
- Complete a Fire Station Location Assessment (IMP 8.5)

CHAPTER 9: HOUSING (Separate report)

The purposes of the Housing Element are to identify the community's housing needs; to state the community's goals and objectives with regard to housing production, rehabilitation, and conservation to meet those needs; and to define the policies and programs that the community will implement to achieve the stated goals and objectives. Element) and local efforts to remove governmental constraints to the maintenance, improvement, and development of affordable housing.



The report must include an analysis of the progress made in meeting the City's share of regional housing needs (identified in the Housing

Topics or issue areas covered in the Housing Element include the following:

- Assessment of housing needs, inventory of resources, and constraints relevant to meeting the needs
- Provide a range of housing opportunities
- Enhance the quality of housing and preserve character
- Plan for quality, managed, and sustainable growth



Accomplishments

Some of the Implementation Programs addressed by the City thus far include:

- Affordable Housing Ordinance Amendment
- Emergency Housing/Shelter at the Old Courthouse
- Completion of the development sites inventory based on the General Plan and Interim Zoning provisions. Increased allowed density as well as by-right provisions have increased availability of potential housing sites that could be available for affordable housing.

V. COMPLIANCE WITH OFFICE OF PLANNING AND RESEARCH GUIDELINES

OPR adopted General Plan Guidelines (GPG) for use by local jurisdictions in the preparation of their general plans. State planning laws do establish basic requirements about the issues that general plans must address. The California Government Code establishes both the content of general plans and rules for their adoption and subsequent amendment. Together, State law and judicial decisions establish three overall guidelines for general plans; they should be:

Comprehensive. This requirement has two aspects. First, the general plan must be geographically comprehensive. That is, it must apply throughout the entire incorporated area and it should include other areas that the city determines are relevant to its planning. Second, the general plan must address the full range of issues that affect the city's physical development.

Internally Consistent. This requirement means that the general plan must fully integrate its separate parts and relate them to each other without conflict. This requirement, often referred to as "horizontal" consistency, applies as much to figures and diagrams as to the general plan text. It also applies to data and analysis as well as policies. All adopted portions of the general plan, whether required by State law or not, have equal legal weight. None may supersede another, so the general plan must resolve conflicts among the provisions of each element.

Long-Range. Because anticipated development will affect the city and the people who live or work there for years to come, State law requires every general plan to take a long-term perspective.

Staff has prepared an analysis of the Woodland General Plan compared to the general criteria included in State law, along with an evaluation of the degree to which the Woodland General Plan complies with the OPR Guidelines. The GPG contain ten chapters and three appendices of requirements and references, outlined in the following areas:

1. General Plan Basics: The General Plan generally complies with the basic requirements in that it is comprehensive, internally consistent, and has a long-term perspective.
2. Sustainable Development and Environmental Justice: The General Plan complies with guidelines for sustainable development and environmental justice. General plan policies and programs generally discuss inclusive public participation, social and economic well-being, jobs/housing balance, managed and balanced growth, livable communities and quality of life, and resource conservation.

3. Preparing and Amending the General Plan: The City complied with the Guidelines in the preparation and adoption of the General Plan (2035) and continues to comply with the Guidelines, CEQA, and the Government Code in the processing of any General Plan amendments.

4. Required Elements: The General Plan contains all of the required elements.

5. Format and Element Integration: The format of the General Plan complies with the Guidelines in that all of the required elements are present and no one element takes precedence over any other (equal legal status). The document is posted on the City's website and available for public review at City Hall.

6. Optional Elements: The General Plan includes optional elements that are either individual sections or are consolidated with other elements. Once adopted, these optional elements become an integral part of the general plan with the same force and effect as the mandatory elements. Accordingly, zoning, subdivisions, public works, specific plans, and other areas that must be consistent with the general plan must also be consistent with any optional elements. Likewise, the practice of developing stand-alone climate action plan and habitat conservation plan, must also be internally consistent if used to support or augment policy, programs and implementation associated with the general plan

7. CEQA and the General Plan: The General Plan preparation, adoption, and amendments comply with all requirements of the California Environmental Quality Act.

8. Public Participation: The preparation, adoption, and administration of the General Plan all include public participation, to the extent required by the General Plan Guidelines, CEQA, and the Government Code.

9. Implementing the General Plan: To date, the implementation of the General Plan has complied with all applicable Guideline requirements, including consistency with zoning, subdivisions, redevelopment, building code administration, financing mechanisms, and the preparation of this Annual Progress Report.

10. Special General Plan Considerations: The General Plan preparation and administration comply with the applicable Acts. OPR has been engaged in a thorough update of the GPG. The new GPG will include resources, data, tools, and model policies to help cities and counties update their General Plans. A public draft of the update to the GPG for the State of California is available at the link below. Future amendment to elements of the General Plan will follow the framework of the GPC, as amended.

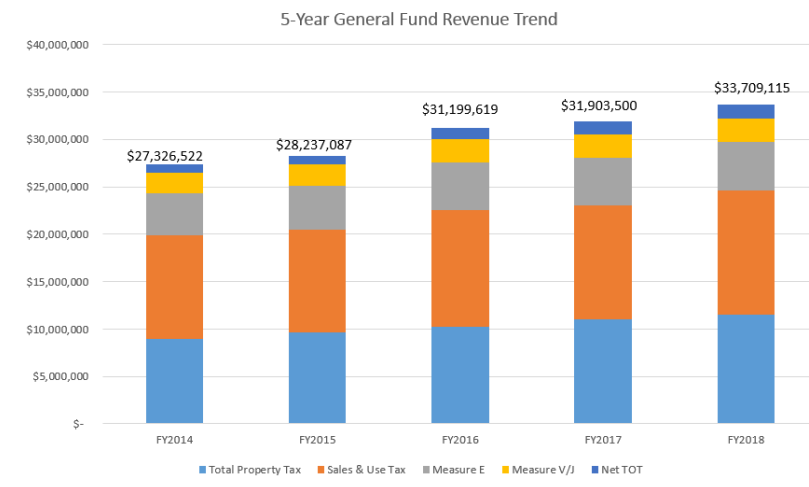
(OPR website) <http://opr.ca.gov/>

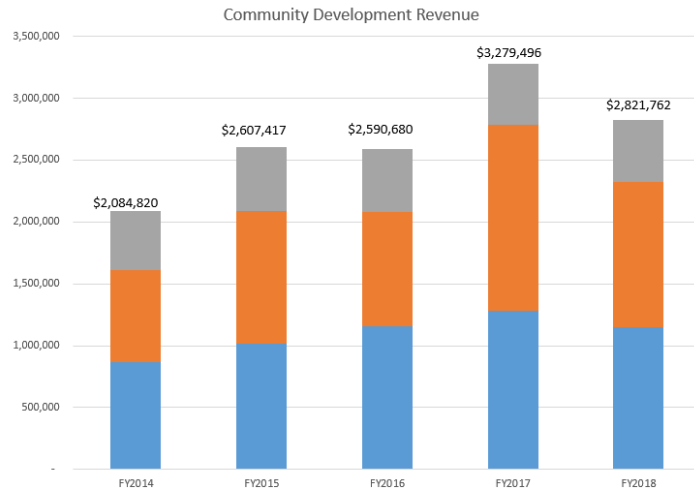
VI. BUDGET, REVENUES & CITY INITIATED PROJECTS

Citywide Capital Budget

Citywide capital expenditures were budgeted at 27,304,297 for Fiscal year 2017/2018 and 19,881,661 for Fiscal year 2018/2019. Major expenditures in the 2018 calendar year include the following CIP projects:

- I-5/102 Landscaping
- West Main Street Bicycle/Pedestrian Mobility Safety Improvements
- ADA Street upgrades
- Surface Water Project
- Groundwater Monitoring Wells
- Water Master Plan Update
- Recycled Water Master Plan
- Water Main upgrades and replacement
- New ASR Well Construction and Testing
- Sewer Collection System Wastewater Treatment Master Plan
- Main Street Sanitary Sewer and Storm Repairs
- Kentucky Avenue Widening and Reconstruction





2019 Priorities and Agency Initiated Applications

City initiated applications are provided in the Capital Improvement Plan which has been provided as Exhibit -B, with highlights below. Additional priorities for the coming year are summarized below"

City Initiated Applications:

Kentucky, W. Main

Traffic Calming

Pedestrian Overcrossing

Complete West Street Transmission Main,

Dog Gone Alley

N. Gibson Ponds

I-5/102 Landscape

Lower Cache Creek Flood Project,

Development Impact fees

Zoning Code and Downtown Specific Plan updates

Commercial Cannabis

No Place Like Home

Blighted Properties

Permitting / document management system

Priority Projects:

Spring Lake Housing

Downtown Suites

Country Oaks

Hilton Home 2

Downtown vacancies/Renovations (702 Main, Diggs, Sears, Barth, Ludy's)

New Infill Multi-Family Housing Project(s)

Research and Technology Park

Workforce Development

Industrial Area Project(s)

Woodland Regional Park

VII. CONCLUSION

The General Plan was the culmination of four years of public input; the documents aim is to carry out the shared vision for the City of Woodland. Implementing the Goals and Policies of the General Plan is a continuous process achieved through public and private projects, supporting policy documents and City initiatives. As the City moves forward with the guidance of the new General Plan it's important to document the milestones of this journey with things like the General Plan Annual Report that lets the City take stock of what we have accomplished and what goals and policies we hope to fulfill in the coming year.



Exhibit A

Government Code Section

I. GOVERNMENT CODE - GOV

II. TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

III. DIVISION 1. PLANNING AND ZONING [65000 - 66210] *(Heading of Division 1 added by Stats. 1974, Ch. 1536.)*

IV. CHAPTER 3. Local Planning [65100 - 65763] *(Chapter 3 repealed and added by Stats. 1965, Ch. 1880.)*

V. ARTICLE 7. Administration of General Plan [65400 - 65404] *(Article 7 added by Stats. 1965, Ch. 1880.)*

VI. 65400.

(a) After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:

(1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

(2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes all of the following:

(A) The status of the plan and progress in its implementation.

(B) The progress in meeting its share of regional housing needs determined pursuant to Section 65584 and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to paragraph (3) of subdivision (c) of Section 65583.

The housing element portion of the annual report, as required by this paragraph, shall be prepared through the use of standards, forms, and definitions adopted by the Department of Housing and Community Development. The department may review, adopt, amend, and repeal the standards, forms, or definitions, to implement this article. Any standards, forms, or definitions adopted to implement this article shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2. Before and after adoption of the forms, the housing

element portion of the annual report shall include a section that describes the actions taken by the local government towards completion of the programs and status of the local government's compliance with the deadlines in its housing element. That report shall be considered at an annual public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments.

The report may include the number of units that have been substantially rehabilitated, converted from nonaffordable to affordable by acquisition, and preserved consistent with the standards set forth in paragraph (2) of subdivision (c) of Section 65583.1. The report shall document how the units meet the standards set forth in that subdivision.

(C) The number of housing development applications received in the prior year.

(D) The number of units included in all development applications in the prior year.

(E) The number of units approved and disapproved in the prior year.

(F) The degree to which its approved general plan complies with the guidelines developed and adopted pursuant to Section 65040.2 and the date of the last revision to the general plan.

(G) A listing of sites rezoned to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory required by paragraph (1) of subdivision (c) of Section 65583 and Section 65584.09. The listing of sites shall also include any additional sites that may have been required to be identified by Section 65863.

(H) The number of net new units of housing, including both rental housing and for-sale housing, that have been issued a completed entitlement, a building permit, or a certificate of occupancy, thus far in the housing element cycle, and the income category, by area median income category, that each unit of housing satisfies. That production report shall, for each income category described in this subparagraph, distinguish between the number of rental housing units and the number of for-sale units that satisfy each income category. The production report shall include, for each entitlement, building permit, or certificate of occupancy, a unique site identifier which must include the assessor's parcel number, but may include street address, or other identifiers.

(I) The number of applications submitted pursuant to subdivision (a) of section 65913.4, the location and the total number of developments approved pursuant to subdivision (b) of section 65913.4, the total number of building permits issued pursuant to subdivision (b) of section 65913.4, the total number of units including both rental housing and for-sale housing by area median income category constructed using the process provided for in subdivision (b) of section 65913.4.

(J) The Department of Housing and Community Development shall post a report submitted pursuant to this paragraph on its Internet Web site within a reasonable time of receiving the report.

(b) If a court finds, upon a motion to that effect, that a city, county, or city and county failed to submit, within 60 days of the deadline established in this section, the housing element portion of the report required pursuant to subparagraph (B) of paragraph (2) of subdivision (a) that substantially complies with the requirements of this section, the court shall issue an order or judgment compelling compliance with this section within 60 days. If the city, county, or city and county fails to comply with the court's order within 60 days, the plaintiff or petitioner may move for sanctions, and the court may, upon that motion, grant appropriate sanctions. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment is not carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled. This subdivision applies to proceedings initiated on or after the first day of October following the adoption of forms and definitions by the Department of Housing and Community Development pursuant to paragraph (2) of subdivision (a), but no sooner than six months following that adoption.

(Amended by Stats. 2017, Ch. 374, Sec. 1.5. (AB 879) Effective January 1, 2018.)

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Exhibit B

Annual CIP Report General Plan Policy Analysis

The projects contained in the Capital Improvement Program (CIP) have been reviewed and discussed with the City Manager to prioritize and program in alignment with projected revenues. Prior to City Council approval, California Government Code 65401 requires that the Planning Commission (in the case of a municipality) first determine that the proposed CIP is in conformity with the General Plan. A CIP project list for FY2019 with General Plan analysis is included as Attachment 1. All new projects that have not been reviewed by the Planning Commission previously are shown in bold. A list of all the CIP projects contained in the 5-year CIP and their total project funding is included in Attachment 2.

The Woodland Planning Commission reviewed and recommended approval to City Council with conformity determination on the proposed CIP list on May 16, 2019.

Project No.	Category	Project Title	General Plan Policy Analysis
			Policy 4.B.1 Public Service Standards. <u>Ensure adequate funding through the Capital Improvement Program and General Fund revenues to build and maintain</u> necessary public infrastructure
Fire			
1	Fire Protection Services	Fire Station #3 Relocation	GP Policy 5.B.1. – Response Time and Service Standards - Strive to maintain a high level of fire protection service to the community by achieving response times as outlined in Policy.
General			
2	Land Use, Community Design & Historic Preservation	Zoning Ordinance & CEQA	GP Goal 2.A – Growth & Change – Support sustainable growth through orderly, well planned development that provides for economic growth, strong social ties, protection of the environment, an enhanced quality of life, and preservation of Woodland's community character and agricultural heritage.
3	Growth & Change	MPFP Update	GP Policy 2.A.9 – Major Projects Financing Plan - Plan for and fund infrastructure improvements needed to support new growth projected in the General Plan by using the Major Projects Financing Plan.
4	Healthy Community	Permanent Supportive Housing	GP Goal 6.A – Health Equity – Promote health equity in Woodland, including the promotion of equal access to health facilities, goods, services, and economic and educational opportunities; helping to ensure overall well-being for residents of all ages, abilities, and incomes; and fairly treating all members of the public in the process of creating a healthy Woodland.
Library			
5	Community Facilities & Services	Library Material Collection	GP Policy 6.D.3. – Library Facilities and Programming - Provide library facilities and programs that align with the community's learning needs, abilities and demographics, and changes in technology, such as through facility design, services and service delivery methods, and partnerships with educational and learning institutions.

Park Facilities			
6	Park System	Clark Field	GP Goal 5.C. – Park System - Establish and maintain a complete system of public parks and community and recreational facilities that provides opportunities for both passive and active recreation and is well suited to the needs of Woodland residents, employees, and visitors.
7	Park System	Rick Gonzales, Sr. Park - N3	GP Policy 5.C.5. – Proximity of Parks to Housing - Strive to provide accessible public park, greenbelt, and/or recreational open space within one-quarter mile of all housing, especially in neighborhoods with higher density housing. Require new development in Specific Plan areas to meet this standard in site planning, and pursue opportunities to establish new parkland in proximity to under served infill areas, as feasible.
8	Park System	Spring Lake Park - N1	GP Policy 5.C.5. – Proximity of Parks to Housing - Strive to provide accessible public park, greenbelt, and/or recreational open space within one-quarter mile of all housing, especially in neighborhoods with higher density housing. Require new development in Specific Plan areas to meet this standard in site planning, and pursue opportunities to establish new parkland in proximity to underserved infill areas, as feasible.
9	Park System	Regional Park Site	GP Policy 5.C.14 – Public/Private partnerships - Encourage the establishment or joint development of commercial or private recreation facilities within the Woodland area. GP Policy 7.B.7 – Woodland Regional Park – Protect and maintain Woodland Regional Park as an important wildlife preserve and habitat for special-status plants and allow for public access that is compatible with and promotes public education of the site's habitat value.
10	Park System	Southeast Area Pool Project	GP Goal 5.C. – Park System -Establish and maintain a complete system of public parks and community and recreational facilities that provides opportunities for both passive and active recreation and is well suited to the needs of Woodland residents, employees, and visitors.
11	Park System	Woodland Sports Park Turf Replacement	GP Policy 5.C.11. – Park Development Funding - Identify appropriate funding mechanisms to adequately fund the development of new parks and recreational facilities; the renovation of existing parks and recreational facilities; and the ongoing preservation, maintenance, and repair of the city's existing open space, parks and recreational resources and facilities.
12	Park System	Charles Brooks Pool Bleacher Project	GP Policy 5.C.18 – Special Facilities – Support special use facilities that foster a variety of sports and recreational activities within the city including baseball, soccer, tennis, swimming, boxing, and others.
13	Park System	Spring Lake Park N1, Phase 2	GP Policy 5.C.5. – Proximity of Parks to Housing - Strive to provide accessible public park, greenbelt, and/or recreational open space within one-quarter mile of all housing, especially in neighborhoods with higher density housing. Require new development in Specific Plan areas to meet this standard in

			site planning, and pursue opportunities to establish new parkland in proximity to underserved infill areas, as feasible.
Storm Drainage			
14	Storm Drainage Facilities	Storz Pond Maintenance	GP Policy 5.I.7. – Storm Water Detention Facilities - Use stormwater detention facilities to mitigate drainage impacts and reduce storm drainage system costs. To the extent practical, design stormwater detention facilities for multiple purposes, including recreational use in dry conditions and/or stormwater quality improvement.
15	Flood Hazards & Protection	FloodSAFE Yolo/Cache Creek Feasibility Study	GP Goal 8.B – Protect the lives and property of the citizens of Woodland from hazards and manage floodplains for their open space and natural resource values. GP Policy 8.B.7 – Require that new flood management projects or development within areas subject to flooding ensure that floodwaters will not be diverted into adjacent property to increase flood hazards on properties located elsewhere unless secured through a flood easement or fee title buyout.\ GP Goal 4.C - Recognize the important roles that land uses and development play in the City's economic success and fiscal health. Consider economic benefits and cost and long-term community needs in land use decisions, and reserve sites for designated uses. GP Policy 4.C.11 - Comprehensive Flood Solution - Continue to work with Army corps of Engineers and responsible State and regional agencies to identify and implement a comprehensive flood solution to reduce risk of flooding in Woodland, especially in the northeastern industrial quadrant and eastern portion of the city.
16	Storm Drainage Facilities	Stormwater Quality Design Manual Update & Hydromodification Exemption Efforts	GP Policy 5.I.4 – Low Impact Development – Require new development and redevelopment projects to incorporate site design and low impact development runoff requirements, in accordance with the Municipal Code to reduce runoff rates, filter out pollutants, and facilitate groundwater infiltration.
17	Storm Drainage Facilities	East Main Pumps Station Storm Main Repairs	GP Goal 5.I Stormwater Management – Maintain the City's storm drainage system and promote best management practices to protect from flooding, enhance water quality, prevent infrastructure deterioration, and comply with State and federal laws.
18	Storm Drainage Facilities	Storm Drainage Outfall Channel Outlet Structure	GP Goal 5.I Stormwater Management – Maintain the City's storm drainage system and promote best management practices to protect from flooding, enhance water quality, prevent infrastructure deterioration, and comply with State and federal laws.
Sewer			
19	Wastewater	Annual Sewer Repair & Replacement	GP Policy 5.H.4. – Maintenance and Repairs - Evaluate existing wastewater collection systems and treatment facilities and plan for, fund, and implement necessary repair or enhancement of damaged or antiquated facilities.
20	Wastewater	Preliminary Odor Abatement	GP Policy 5.H.11. – Hazards and Nuisances - Investigate hazards and nuisance potential associated with operations at the City's wastewater treatment plant, including odor nuisances, and identify

			and implement any buffering requirements or operational changes at the plant that may be necessary.
21	Wastewater	Treatment Plant Exp - Biosolids	GP Policy 5.H.4. – Maintenance and Repairs - Evaluate existing wastewater collection systems and treatment facilities and plan for, fund, and implement necessary repair or enhancement of damaged or antiquated facilities.
22	Wastewater	Water Pollution Asset Replacement	GP Policy 5.H.4. – Maintenance and Repairs - Evaluate existing wastewater collection systems and treatment facilities and plan for, fund, and implement necessary repair or enhancement of damaged or antiquated facilities.
23	Wastewater	Replace Orangeburg Pipe	GP Policy 5.H.4. – Maintenance and Repairs - Evaluate existing wastewater collection systems and treatment facilities and plan for, fund, and implement necessary repair or enhancement of damaged or antiquated facilities.
24	Wastewater	Large Diameter Wastewater Pipeline Repair, Replacement & Lining	GP Policy 5.H.4. – Maintenance and Repairs - Evaluate existing wastewater collection systems and treatment facilities and plan for, fund, and implement necessary repair or enhancement of damaged or antiquated facilities.
25	Wastewater	Main Street Sanitary Sewer and Storm Repairs	GP Policy 5.H.4. – Maintenance and Repairs - Evaluate existing wastewater collection systems and treatment facilities and plan for, fund, and implement necessary repair or enhancement of damaged or antiquated facilities.
26	Wastewater	South Pond Pump Station Rehabilitation Project	GP Policy 5.H.4. – Maintenance and Repairs - Evaluate existing wastewater collection systems and treatment facilities and plan for, fund, and implement necessary repair or enhancement of damaged or antiquated facilities.
27	Wastewater	WPCF Slide Gate Replacement	GP Policy 5.H.4. – Maintenance and Repairs - Evaluate existing wastewater collection systems and treatment facilities and plan for, fund, and implement necessary repair or enhancement of damaged or antiquated facilities.
28	Wastewater	WPCF Pond #8 Biosolids	GP Policy 5.H.4. – Maintenance and Repairs - Evaluate existing wastewater collection systems and treatment facilities and plan for, fund, and implement necessary repair or enhancement of damaged or antiquated facilities.
29	Wastewater	2020 Water and Sewer Replacement Project	GP Policy 5.H.4. – Maintenance and Repairs - Evaluate existing wastewater collection systems and treatment facilities and plan for, fund, and implement necessary repair or enhancement of damaged or antiquated facilities.
Transportation & Circulation			
30	Trans+Circ	Traffic Engineering Services	Goal 3.B - Complete Streets – Provide complete streets that accommodate driving, walking, bicycling, and public transit and that are designed to enable safe, attractive, comfortable access and travel for users of all ages and abilities.
31	Trans+Circ	I-5/SR113 Freeway to Freeway Connectors Ph 2	GP Policy 3.A.13 – SR 113/I-5 Interchange – Pursue funding to construct the connection of SR 113 to I-5 to reduce the use of local streets for this connection and continue to ensure the necessary right-of-way is secured for the selected route.
32	Trans+Circ	Kentucky Ave Widening	GP Policy 2.I.8 – Kentucky Avenue – Enhance Kentucky Avenue as a Complete Streets corridor with new opportunities for mixed-use and residential development, while maintaining its important role as an agricultural and industrial corridor. Support agriculture-related

			industrial businesses to locate on Kentucky Avenue, as appropriate.
33	Trans+Circ	Measure E Road Maintenance Planning	GP Policy 3.D.2. – Street and Sidewalk Maintenance - Promote street, alley, and sidewalk maintenance to encourage safe use; have a funding plan in place for improvements.
34	Trans+Circ	Annual O&M Support	GP Policy 3.D.2. – Street and Sidewalk Maintenance - Promote street, alley, and sidewalk maintenance to encourage safe use; have a funding plan in place for improvements.
35	Trans+Circ	I-5/CR 102 Interchange Landscaping	GP Policy 2.A.8 – Gateways and Corridors – Transform the city's main corridors to become lively, mixed use places that connect the city's neighborhoods. Create distinctive, thriving gateway centers at I-5 and SR 113 that serve as inviting entrances to the city while maximizing the economic potential of these assets.
36	Trans+Circ	East Main Street Improvement Project	GP Policy 3.F.2 – Bikeway Network – Promote the development of a comprehensive system of recreational and commuter bicycle routes that provide safe and convenient connections between the city's: major employment and housing areas; existing and planned bikeways; and schools, parks, retail shopping, and residential neighborhoods.
37	Trans + Circ	Install traffic signal at Freeway Drive & E. Main Street	GP Policy 3.B.3 – Connectivity and Balance – Preserve and continue to develop a comprehensive, integrated, and connected network of streets that balance walking and bicycling with transit, automobiles, and trucks.
38	Trans + Circ	Install Traffic Signal at Kentucky/Cottonwood	GP Policy 3.B.3 – Connectivity and Balance – Preserve and continue to develop a comprehensive, integrated, and connected network of streets that balance walking and bicycling with transit, automobiles, and trucks.
39	Trans+Circ	West Woodland Safe Routes to School	GP Policy 3.B.4. – Retrofit - Strive to retrofit existing streets into more complete streets, prioritizing improvements on roadways providing access to services, schools, parks, civic uses, as well as in the downtown and along mixed use corridors. Consider all modes and users in decisions made affecting retrofit projects and strive to remove existing barriers to safe and connected travel. Policy 5.E.3. - Implement Complete Street and Safe Routes to Schools strategies to enable safer access and enhanced connectivity for all users and modes of transportation.
40	Trans+Circ	ADA Transition Plan	GP Policy 6.B.2 – Accessibility – Remove barriers and improve multimodal mobility through the city for all community members by supporting neighborhoods and major destinations, including parks, civic facilities, school campuses, other educational institutions, employment centers, shopping destinations, parks and recreation areas.
41	Trans+Circ	West Main Street Bicycle/Pedestrian Mobility & Safety Improvements	GP Policy 3.B.4. – Retrofit - Strive to retrofit existing streets into more complete streets, prioritizing improvements on roadways providing access to services, schools, parks, civic uses, as well as in the downtown and along mixed use corridors. Consider all modes and users in decisions made affecting retrofit projects and strive to remove existing barriers to safe and connected travel.
42	Trans+Circ	2017 Corridor Safety Study Project	GP Policy 3.A.12 – Transportation Evaluation – Evaluate projects for potential impacts to traffic operations, traffic safety, transit service, bicycle facilities, and pedestrian facilities for the purpose of assessing the timing and phasing of traffic improvements.
43	Trans+Circ	Sports Park Drive Pedestrian Overcrossing	GP Policy 3.E.3 – Off-Street Pedestrian Paths - Continue to develop off-street pedestrian paths for access to schools, recreation facilities, and neighborhood services in existing and future

			neighborhoods in the city.
44	Trans+Circ	Woodland Parkway Safe Routes to School & Connectivity Study	GP Policy 5.E.3 – Connectivity to Schools – Implement Complete Street and Safe Routes to Schools strategies to enable safer access and enhanced connectivity for all users and modes of transportation.
45	Trans+Circ	2018 Road Maintenance Project	GP Policy 3.D.2. – Street and Sidewalk Maintenance - Promote street, alley, and sidewalk maintenance to encourage safe use; have a funding plan in place for improvements.
46	Trans+Circ	2020 Road Rehabilitation (Matmor & Gum Ave)	GP Policy 3.D.2. – Street and Sidewalk Maintenance - Promote street, alley, and sidewalk maintenance to encourage safe use; have a funding plan in place for improvements.
47	Trans+Circ	Traffic Calming Program	GP Policy 3.D.3 – Traffic Calming - Implement traffic-calming design and devices, as funding allows, in existing and new residential areas where appropriate to reduce vehicle speeds and preserve neighborhood livability.
48	Trans+Circ	2019 ADA Improvements	GP Policy 3.B.8 – Accessibility - Endeavor to ensure that all streets are safe and accessible to people with disabilities and others with limited mobility.
49	Trans+Circ	Gibson Road Bicycle/Pedestrian Mobility Project	GP Policy 3.B.4. – Retrofit - Strive to retrofit existing streets into more complete streets, prioritizing improvements on roadways providing access to services, schools, parks, civic uses, as well as in the downtown and along mixed use corridors. Consider all modes and users in decisions made affecting retrofit projects and strive to remove existing barriers to safe and connected travel.
50	Trans+Circ	2020 Road Maintenance	GP Policy 3.D.2. – Street and Sidewalk Maintenance - Promote street, alley, and sidewalk maintenance to encourage safe use; have a funding plan in place for improvements.
51	Trans+Circ	W. Gibson Road/Harry Lorenzo Ave/Bourn Drive Traffic Signal	GP Policy 3.B.3 – Connectivity and Balance – Preserve and continue to develop a comprehensive, integrated, and connected network of streets that balance walking and bicycling with transit, automobiles, and trucks.
52	Trans+Circ	SR 113/CR 25A Interchange Modifications	GP Policy 3.A.10 – Overcome Barriers and Remove Gaps – Eliminate barriers and gaps in the existing roadway, bikeway, and pedestrian networks.
53	Trans+Circ	Gibson Road Rehabilitation – West St to CR 98	GP Policy 3.B.4. – Retrofit - Strive to retrofit existing streets into more complete streets, prioritizing improvements on roadways providing access to services, schools, parks, civic uses, as well as in the downtown and along mixed use corridors. Consider all modes and users in decisions made affecting retrofit projects and strive to remove existing barriers to safe and connected travel.
54	Trans+Circ	Planning Analysis Studies	GP Policy 3.B.3. – Connectivity and Balance - Preserve and continue to develop a comprehensive, integrated, and connected network of streets that balance walking and bicycling with transit, automobiles, and trucks.
Water			
55	Potable Water	Groundwater Monitoring Wells	GP Goal 5.G – Safe Reliable, and Sufficient Potable Water – Maintain a safe, reliable, and sufficient potable water supply and delivery system that meets the needs of the city.
56	Potable Water	Water Source Security System	GP Goal 5.G – Safe Reliable, and Sufficient Potable Water – Maintain a safe, reliable, and sufficient potable water supply and

			delivery system that meets the needs of the city.
57	Potable Water	Water System Leak Detection, Maintenance & Repairs	GP Policy 5.G.7 – Maintenance and Repairs - Evaluate existing water production and distribution systems on an ongoing basis and plan for, fund, and implement necessary repair or enhancement of damaged or antiquated facilities, including wells and storage tanks.
58	Potable Water	Water Master Plan Update	GP Policy 5.G.4 – Water Management Plans – Maintain and every five years update the Urban Water Management Plan and the Groundwater Management Plan. Develop and maintain the Groundwater Sustainability Plan in conjunction with the Yolo Sustainable Groundwater Management Plan. Use available and “state of the practice” tools, such as computerized flow modeling to determine system capacity, as necessary to forecast demand on water production and distribution systems by urban development, and to determine appropriate facility needs.
59	Potable Water	ASR Testing and Modeling	GP Policy 5.G.1 – Potable Water Supply and Cost Recovery – Provide potable water to the existing Woodland community. Ensure that potable water capacity (including surface water treatment capacity and Aquifer Storage and Recovery well capacity) is available to serve planned urban development within the planning area consistent with the General Plan. Accommodate increase in water demand from the existing community with the capital costs and benefits allocated equitably and fairly between existing users and new users, as authorized by law. Remain in compliance with existing and new water quality regulations.
60	Potable Water	New ASR Well Construction	GP Policy 5.G.1 – Potable Water Supply and Cost Recovery – Provide potable water to the existing Woodland community. Ensure that potable water capacity (including surface water treatment capacity and Aquifer Storage and Recovery well capacity) is available to serve planned urban development within the planning area consistent with the General Plan. Accommodate increase in water demand from the existing community with the capital costs and benefits allocated equitably and fairly between existing users and new users, as authorized by law. Remain in compliance with existing and new water quality regulations.
61	Potable Water	Chromium 6 Investigations	GP Goal 5.G – Safe Reliable, and Sufficient Potable Water – Maintain a safe, reliable, and sufficient potable water supply and delivery system that meets the needs of the city.
62	Potable Water	ASR Wells #31	GP Policy 5.G.1 – Potable Water Supply and Cost Recovery – Provide potable water to the existing Woodland community. Ensure that potable water capacity (including surface water treatment capacity and Aquifer Storage and Recovery well capacity) is available to serve planned urban development within the planning area consistent with the General Plan. Accommodate increase in water demand from the existing community with the capital costs and benefits allocated equitably and fairly between existing users and new users, as authorized by law. Remain in compliance with existing and new water quality regulations.
63	Potable Water	Recycled Water Master Plan	GP Policy 5.G.5 – Recycled Water – Expand the recycled water system as feasible and in accordance with a Recycled Water System Master Plan, which should provide an evaluation of potential recycled water uses, facilities planning, distribution service areas, recommended recycled water system, financial modeling, implementation strategies, and the feasibility of forming a recycled water utility.
64	Potable Water	West Street Water Main Upgrade	GP Policy 5.G.7 – Maintenance and Repairs - Evaluate existing water production and distribution systems on an ongoing basis and plan for, fund, and implement necessary repair or enhancement of

			damaged or antiquated facilities, including wells and storage tanks.
65	Potable Water	2018 Water Main Replacement Project	GP Policy 5.G.7 – Maintenance and Repairs - Evaluate existing water production and distribution systems on an ongoing basis and plan for, fund, and implement necessary repair or enhancement of damaged or antiquated facilities, including wells and storage tanks.
66	Potable Water	2019 Water Main Replacement Project	GP Policy 5.G.7 – Maintenance and Repairs - Evaluate existing water production and distribution systems on an ongoing basis and plan for, fund, and implement necessary repair or enhancement of damaged or antiquated facilities, including wells and storage tanks.
67	Potable Water	Dog Gone Alley Coordination	GP Policy 5.G.7 – Maintenance and Repairs – Evaluate existing water production and distribution systems on an ongoing basis and plan for, fund, and implement necessary repair or enhancement of damaged or antiquated facilities, including wells and storage tanks.
Spring Lake			
68	Spring Lake	Spring Lake East Regional Pond Landscaping	GP Policy 5.I.7 – Stormwater Detention Facilities – Use stormwater detention facilities to mitigate drainage impacts and reduce storm drainage system costs. To the extent practical, design stormwater detention facilities for multiple purposes, including recreational use in dry conditions and/or stormwater quality improvement.
69	Spring Lake	South Urban Growth Area Drainage Study	GP Policy 5.I.4 – Low Impact Development – Require new development and redevelopment projects to incorporate site design and low impact development runoff requirements, in accordance with the Municipal Code to reduce runoff rates, filter out pollutants, and facilitate groundwater infiltration.
70	Spring Lake	Monuments & Bus Shelters	GP Policy 3.K.4 – Transit Infrastructure – Require new development to pay a fair share of capital improvements related to transit.
71	Spring Lake	Pioneer Avenue High School Entrance to Farmer's Central Road	GP Policy 3.B.10 – School Safety – Partner with schools to ensure a high level of vehicle, bicycle, and pedestrian safety adjacent to school facilities.
72	Spring Lake	Galvin Way Storm Drain	GP Policy 5.I.1 – Storm Drainage System and Cost Recovery – Maintain and improve the storm drainage system for the existing Woodland community. Ensure that increased storm drainage system capacity is available to serve planned urban development within the Planning Area consistent with this General Plan. Accommodate increase in flows and loadings from the existing community with the capital costs and benefits allocated equitably and fairly between existing users and new users, as authorized by law.
73	Spring Lake	North Regional Pond & Pump Station	GP Policy 5.I.7 – Stormwater Detention Facilities – Use stormwater detention facilities to mitigate drainage impacts and reduce storm drainage system costs. To the extent practical, design stormwater detention facilities for multiple purposes, including recreational use in dry conditions and/or stormwater quality improvement.
74	Spring Lake	Harry Lorenzo Ave between Farmers Central and Parkland	GP Policy 3.B.5 – New Developments -Require new developments to provide interconnected street networks with walkable blocks that allow and encourage active multimodal transportation.
75	Spring Lake	Gibson Landscape – Pioneer to SR 113	GP Policy 3.B.5 – New Developments -Require new developments to provide interconnected street networks with walkable blocks that allow and encourage active multimodal transportation.
76	Spring Lake	Parkland Drive between Pioneer Ave and Harry Lorenzo Ave	GP Policy 3.B.5 – New Developments - Require new developments to provide interconnected street networks with walkable blocks that allow and encourage active multimodal transportation.

77	Spring Lake	CR 25A (Meikle to Promenade)	GP Policy 3.B.5 – New Developments - Require new developments to provide interconnected street networks with walkable blocks that allow and encourage active multimodal transportation.
78	Spring Lake	Heritage Parkway Pedestrian Crossing	GP Policy 3.E.3 – Off-Street Pedestrian Paths -Continue to develop off-street pedestrian paths for access to schools, recreation facilities, and neighborhood services in existing and future neighborhoods in the city.
79	Spring Lake	Spring Lake Central Park	GP Policy 5.C.5. – Proximity of Parks to Housing - Strive to provide accessible public park, greenbelt, and/or recreational open space within one-quarter mile of all housing, especially in neighborhoods with higher density housing. Require new development in Specific Plan areas to meet this standard in site planning, and pursue opportunities to establish new parkland in proximity to underserved infill areas, as feasible.
80	Spring Lake	Spring Lake 2019 CIP Update	GP Policy 3.K.1 – Fee Assessments - Assess fees through the Major Projects Financing Plan (MPFP), on new development, sufficient to cover the fair share portion of that development's impacts on all modes of the transportation system. Exceptions may be made when new development generates significant public benefits and alternative sources of funding for the improvements can be obtained to offset foregone revenues.
81	Spring Lake	Gibson Road Interchange Modification	GP Policy 3.A.10. – Overcome Barriers and Remove Gaps - Eliminate barriers and gaps in the existing roadway, bikeway, and pedestrian networks by doing the following: Prioritize the...redesign of the Gibson Road/SR 113 overpass to provide safer and more convenient connectivity between the west and east areas of town.
82	Spring Lake	South Area Flowage Easement	GP Policy 5.I.7. – Stormwater Detention Facilities - Use stormwater detention facilities to mitigate drainage impacts and reduce storm drainage system costs. To the extent practical, design stormwater detention facilities for multiple purposes, including recreational use in dry conditions and/or stormwater quality improvement.

GENERAL PLAN-IMPLEMENTATION ANNUAL REVIEW

January 1, 2018-December 31, 2018 (calendar)

LAND USE, COMMUNITY DESIGN, AND HISTORIC PRESERVATION

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
2.1	Petition LAFCO to amend Woodland's Sphere of Influence (SOI) to include all land within the voter approved Urban Limit Line.	2.A.1		X							Short term	LAFCO approved the amended Sphere of Influence (SOI) that includes a voter approved urban limit line and land use designation on areas at the edge of the City Limits
2.2	Promote active uses Downtown and along Main Street, East Street, Kentucky Avenue and CR 102 by amending the Zoning Ordinance to allow increased building heights for development that provides active ground floor commercial uses.	2.A.4; 2.H.1		X							Medium term	Downtown Specific Plan Update will address land use and be in line with the GP Mixed Use land use designation that allows greater flexibility in the zoning Working with Economic Development to streamline permit process for Downtown and allow a mix of land use under the zoning update
2.3	Collaborate with the Woodland Downtown Business Association to create opportunities for coordinated marketing, advertising, and branding campaigns.	2.A.4; 4.E.4		X							Medium term	Food Front, branding and marketing establishing Woodland as the forefront of Ag innovation Honey Bee Festival – regional festival celebrating Woodland Ag industry Dinner on Main – promotes Woodland farm to fork
2.4	Develop an infill incentive program to encourage development, adaptive reuse, and the restoration of historic buildings in existing urbanized areas. Incentives could include: - Reduced parking requirements or opportunities for shared parking - Streamlined review & permitting - Residential density bonuses - Floor area bonuses for mixed use and/or higher density	2.A.6; 2.O.2; 4.C.2		X							Ongoing	Downtown Specific Plan Update Reduced parking requirements, utilize shared parking opportunities: Interim Zoning – Downtown Parking is applicant driven Streamlined review & permitting: Interim Zoning Change – many CUP entitlements are

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	development Reduced fees											now done by Zoning Administrator Approval
2.5	Evaluate the Major Projects Financing Plan (MPFP) to determine whether it needs to be updated based on the growth projected in the General Plan. Review the MPFP annually, and update it every five years.	2.A.9; 5.F.5				X					Short term; Ongoing	Capital Improvement Project (CIP) Annual Budget MPFP updated at 4/16/19 Council meeting
2.6	Rescind the East Street Corridor Specific Plan and move any regulations that remain relevant into the Zoning Ordinance. Develop new and relevant provisions through a public engagement process to address the challenges and opportunities presented along this corridor.	2.B.1; 2.I.5		X							Short term	Interim Zoning Update Land uses on East Street will be looked at under the comprehensive zoning update to align with the GP land use designation of Corridor Mixed Use
2.7	Develop an active transportation plan to guide development and maintenance of Woodland's pedestrian and bicycle network and promote active transportation modes. In the active transportation plan: - Identify existing bicycle and walking facilities. - Propose improvements and actions to enhance bicycle and walking facilities. - Identify locations to add, increase, or improve sidewalk and streetscapes in established neighborhoods to provide a fully integrated pedestrian network. - Facilitate the concept of a fully circumscribed path around the perimeter of Woodland for walking and biking. Establish goals, policies, and actions related to safety, accessibility, public health, and connectivity.	2.C.3; 2.E.4; 2.J.4; 2.K.7; 2.M.4; 6.B.3		X							Medium term	Streets Master Plan -Identify locations to add, increase, or improve sidewalk and streetscapes in established neighborhoods to provide a fully integrated Bike Master Plan -Identify existing bicycle and walking facilities. -Propose improvements and actions to enhance bicycle and walking facilities. -Identify incremental ways of developing a perimeter bike/pedestrian path around Woodland Ongoing roadway improvements outlined in Capital Improvement Projects List
2.8	Develop an incentive program for resource efficient building practices that go beyond CALGreen Requirements.			X							Medium term	Requiring Cal Green standards Not requiring above Cal Green at this time due to added cost of construction
2.9	Evaluate current regulations and programs to provide strong measures to attract and retain food, agriculture, and technology uses to Woodland's industrial area, business			X							Medium term	Planning will be working with Economic Development through the comprehensive zoning update to identify changes that will further this implementation program

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	parks, and incubator spaces Downtown.											
2.10	Amend the Zoning Ordinance and Map to align with the General Plan Land Use Diagram and land use designations and descriptions upon adoption of the General Plan. Amend or create zoning districts as needed. Establish specific development standards for each newly created zoning district. In addition, amend the Zoning Ordinance to: • Promote active uses Downtown and along Main Street, East Street, Kentucky Avenue and CR 102 • Allow increased building heights for development that provides active ground floor commercial uses • Explore the potential for form based standards Downtown and along key corridors • Include performance standards for industrial areas that ensure compatibility between residential, commercial, and industrial uses • Develop performance standards and regulations that provide specific direction regarding the Light Industrial Flex Overlay; Performance standards include but are not limited to noise, air quality, odor and glare • Evaluate and update the nonconforming use provisions	2.A.4; 2.E.1; 2.F.2; 2.G.2; 2.H.1; 2.K.6; 6.C.3; 6.C.4; Figure 2-5; Table 2-3; Section 2.3		X							Short term	Interim zoning approval - Set development standards for the RC, CC, CMU, I, and LIF overlay areas - Increased building heights - Created more flexibility in the zoning code - Modify second unit standards - Buffer standards between land uses - Include community gardens as a land uses

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	Facilitate complete neighborhoods, including allowing neighborhood specialty food markets • Minimize the impact of alcohol and/or tobacco sales establishments and fast food near schools and community centers • Evaluate the amount and location of parking lots to create a more pedestrian-oriented and walkable built environment • Allow a broad range of commercial and industrial uses consistent with economic development goals and land use policies • Modify second unit standards to facilitate increased density while preserving older structures • Establish transitions or buffer between higher density/intensity development and adjacent lower density/intensity residential land uses by requiring features such as: - Buildings setback from rear or side yard property lines adjoining single-family residential uses - Building heights stepped back from sensitive adjoining uses to maintain appropriate transitions in scale and to protect privacy and solar access - Landscaped off-street parking areas, loading areas, and service areas screened from adjacent residential areas to											

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	the degree feasible Lighting shielded and directed downward to minimize impacts on adjacent residential uses - Site and building design to minimize noise impacts to more sensitive receptors • Permit community gardens as land uses allowable by right under certain conditions such as: - On vacant residentially zoned lots under two acres in size through the filing of an agreement with the City between a community group, or other person(s), and the land owner - On developed land operated and owned or leased by a community institution - On City-owned or other public land, subject to City or agency approval • Include provisions for community gardens and urban farms that allow sale of foods grown locally											
2.11	When applications for the redesignation for land are submitted, require that they are accompanied by a conceptual development plan of the site and a market study that demonstrates the economic viability or impact of using the land in the way being requested.	2.E.2		X							Short term	<i>Planning has already started requesting this information form applicants and will formalize this process under the comprehensive zoning update</i>
2.12	Create a program that invites community service organizations to “adopt” soundwalls for graffiti abatement, landscape planting and maintenance of parks, greenbelts,	2.E.8		X						X	Short term	<i>Parks master plan</i> <i>No progress has been made by PW with the community outreach.</i>

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	and open space areas											
2.13	Pursue code enforcement programs to advance the proper rehabilitation of homes, buildings, yards, and neighborhoods in all areas of the city.	2.E.8		X						X	Short term	Code Enforcement Ordinance Amendment Fine Collections Contract with PCS PW does not currently have any Code Enforcement personnel. This is really a CDD function.
2.14	Update the Community Design Standards to identify the City's expectations for planning, designing, and reviewing development proposals which reflect the goals, policies, and urban form characteristics described in the General Plan. The Design Standards may take the form of citywide guidelines or may be developed for identified neighborhoods, centers, gateways, and corridors.	2.E.5; 2.F.1; 2.H.2; 2.I.1; 2.J.1; 2.J.2; 2.J.3; 2.K.1; 2.P.3		X							Short term	Planning has been working on architectural design guidelines and will be incorporating information into the Downtown Specific Plan Update and Comprehensive Zoning update
2.15	Review and update the Downtown Specific Plan after adoption of the General Plan.	2.H.1;2.H.2; 2.H.5; 2.H.6		X							Short term	Downtown Specific Plan will be incorporated into the comprehensive zoning update
2.16	Prepare CEQA guidelines that describe the City's process for environmental review and for qualifying for CEQA streamlining for residential mixed use projects, urban infill, and Transportation Priority Projects, as provided under State law	2.A.6		X							Medium term	Permit submittal guide
2.17	Review and update the City's Municipal Code sections with regard to Development Agreements and develop both a process and a fee to cover annual review requirements	2.B.4		X							Short term	This will be part of the comprehensive zoning update

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
2.18	Apply for grants to continue making streetscape improvements to support mixed use to Main Street, West Main Street, East Street, Court Street, Kentucky Avenue, Gibson Road and CR-102	2.E.4; 2.E.6; 2.H.1; 2.H.2; 2.I.1		X							Ongoing; as funds are available	<i>Kentucky Road Widening and upgrade</i> <i>Engineering staff will be applying for a grant to provide road rehab and streetscape improvements on Gibson Road from West St to CR 98 (June 2019)</i>
2.19	Develop and implement an overall downtown parking strategy.	2.H.6		X							Short term	<i>Parking Management Plan is in process</i>
2.20	Ensure that Specific Plans meet the requirements of Government Code Section 65450 et seq. and are accompanied by an environmental impact report so that the streamlining opportunities of CEQA Guidelines Sections 15182 and 15183, among any other applicable sections, can be fully activated.	2.L.1		X							Ongoing; as Specific Plans are prepared	Ongoing; as Specific Plans are prepared
2.21	Update the Historic Resources Inventory with the update to the Downtown Specific Plan in order to provide a more streamlined review process for rehabilitation and redevelopment in the downtown. Seek grants and other assistance to update the Citywide historic resources inventory.	2.P.1		X							Medium term and long term	
2.22	Collaborate with the Historic Preservation Commission and the Woodland Joint Unified School District to develop an architectural history curriculum to be used at local schools.	2.Q.1		X	X			X			Medium term	<i>Community Services: None at this time</i> <i>Library: promotes Stole Through History event</i>
2.23	Continue to provide the Neighborhood Preservation zoning District.	2.O.1		X							Ongoing	<i>Existing Zoning Code</i>

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
2.24	Develop historic design guidelines that provide context sensitivity in historic districts and neighborhoods.	2.P.3		X							Medium, term	<i>Part of the Downtown Specific Plan Update</i>
2.25	Support the annual “Stroll Through History” event by expanding marketing efforts, incorporating additional activities to event, and encouraging volunteer staff support.	2.Q.5		X							Ongoing	<i>Library: promotes Stroll Through History event</i> <i>Community Development: provide some Staff assistance.</i>
2.26	Develop and adopt an Agricultural Mitigation Ordinance that evaluates appropriate mitigation ratios and easement locations with an emphasis on strengthening the agricultural buffer between Woodland and Davis.	2.A.3		X							Short term	<i>Adopted Ag Ordinance</i>
2.27	Focus efforts on encouraging public/private partnerships and the local business community to actively support long term Downtown improvements and maintenance through efforts such as formation of a PBID.	2.H.4		X							Medium term	<i>Economic Development has already established a number of public private partnership opportunities and is looking at future ongoing PBID</i>

TRANSPORTATION AND CIRCULATION

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
3.1	Develop an active transportation plan to guide development and maintenance of Woodland's pedestrian and bicycle network and promote active transportation modes. In the active transportation plan: • Identify existing bicycle and walking facilities • Propose improvements and actions to enhance bicycle and walking facilities • Identify locations to add, increase, or improve sidewalk and streetscapes in established neighborhoods to provide a fully integrated pedestrian network. • Facilitate the concept of a fully circumscribed path around the perimeter of Woodland for walking and biking • Establish goals, policies, and actions related to safety, accessibility, public health, and connectivity • Engage and collaborate with other jurisdictions to achieve regional transportation facilities	2.C.3; 2.E.4; 2.J.6; 2.K.7; 2.M.4; 3.A.10; 3.B.2; 3.E.2; 3.E.3; 3.E.4; 3.F.2; 6.B.3		X							Short term	<i>Streets Master Plan</i>
3.2	Update the procedures for undertaking project-level traffic impact assessments to be consistent with the goals and metrics of the General Plan.	3.A.1; 3.A.4		X						X	Short term	<i>This is a Traffic Engineering function within CDD.</i>
3.3	Assess the feasibility of repurposing	3.A.2; 3.A.3;		X							Ongoing	<i>Continuing dialog on feasibility of rail line relocation</i>

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	abandoned rail lines and relocating existing rail lines to the east of the city	3.I.5										
3.4	After final adoption of SB 743 CEQA Guidelines changes and any associated technical advisory recommendations by the State of California, the City will assess the VMT reduction goal contained in Policy 3.A.4. The assessment should consider substantial evidence presented by the State in recommending any alternative VMT reduction goals as CEQA thresholds plus the community values expressed by the goals and policies. The City should strive to set thresholds consistent with the City's envisioned future while striving to achieve reasonable reductions in vehicle travel that produce air pollution and greenhouse gases.	3.A.4 (EIR Mitigation Measure 4.13-1c)		X							Short term	<i>Climate Action Plan</i> <i>VMT is being looked at in all new projects</i>
3.5	Adopt a transportation demand management (TDM) ordinance that presents strategies for reducing congestion and promotes walking, biking, transit, and other sustainable modes, such as electric vehicles.	3.A.5		X							Short term	

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
3.6	Identify economic incentives for privately owned transit systems and emerging vehicle technologies providing convenient transportation options in the city	3.A.6; 3.G.10		X							Ongoing	Working with Yolo transit on different transit facility options. Requiring that all new homes be equip with plug in for electric vehicle
3.7	Apply for grants for the SR113 bike and pedestrian overcrossing at Sports Park Drive and the redesign of the Gibson Road/SR113 overpass.	3.A.10; 3.K.3		X							Ongoing; as funds are available	Engineering staff is working with Alta Consultants on a planning study to evaluate options for providing improved bicycle and pedestrian access at the Gibson Road/SR 113 interchange
3.8	Advocate for the implementation of the I-5/SR-113 interchange.	3.A.13		X						X	Medium term	Engineering staff worked with Caltrans and SACOG to keep the 5/113 project in the upcoming SACOG MTP. Staff also updated the project cost estimates for both a one lane and two lane structure so that the project is more likely to be funded. This is a Traffic Engineering function within CDD.
3.9	Coordinate with Caltrans on designating County Road 102 north of I-5 as a state highway.	3.A.15		X							Medium term	
3.10	Update and adopt design standards and guidelines to address all modes of travel and prioritize selected modes for roadway segments based on the functional classification and its street typology.	3.B.1; 3.B.2; 3.B.3; 3.B.5; 3.C.1		X							Short term	Streets Master Plan
3.11	Implement traffic calming measures as part of the review of new development and where necessary throughout the city. Encourage public participation when adjacent to existing residential areas.	3.D.3		X							Short term	Implemented throughout the City in association with new development projects Engineering staff has continued to identify and implement traffic calming with new development. Staff has also

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
												<i>worked with the Pendegast Street residents to implement traffic calming. Minor traffic calming improvements are in the process of being implemented on Woodland Ave, Leo Way, Casa Linda, and Buena Tierra.</i>
3.12	Assess the establishment of a maintenance district or user fees for businesses to fund the transportation infrastructure maintenance needs in the industrial area.	3.K.2		X							Short term	Some funding of mas transit occurring through the SLIF in Spring Lake

ECONOMIC DEVELOPMENT

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
4.1	Establish a list of “shovel-ready” sites in consultation with property owners, and provide the list to interested developers and businesses seeking sites in the city.	4.A.2	X	X						X	Ongoing	<i>This is a function of Economic Development and CDD, not PW</i> Commercial, Co Star, LoopNet
4.2	Review and update as needed impact fees, assessment districts, and other mechanisms to ensure future development pays its fair and proportional share of payment while not disincentivizing new job and tax generating development.	4.B.3	X	X		X				X	Short term	MPFP updated at 4/16/19 Council meeting <i>Ongoing – This is primarily a CDD function within Engineering, but PW has input.</i> <i>Completed for FY18-19</i> Opportunity Zone Pass Program State Incentives; Recycle Market Development Zone Free Deferral Program expanded to include water
4.3	Develop strategic initiatives and practices that clearly support priority growth areas that make efficient use of land	4.C.1		X							Medium term	Opportunity zone includes downtown

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	resources and infrastructure. Develop a process to identify and prioritize key areas (i.e. Downtown and mixed –use corridors), development sites and infill areas. • Promote catalyst projects at key locations • Encourage quality retail, cultural and restaurant uses • Identify and foster synergies that could occur between complementary businesses											Hotel assessment district that directly funds Visit Yolo Food Front Agriculture Industry Cooperation Development services teen meet and greet
4.4	Create and implement development incentives for development projects that provide desired long-term net job and tax revenues.	4.C.4	X	X							Medium term	
4.5	Focus the Business Expansion and Attraction Program on desirable businesses and industries that: • Possess a high growth potential, such as food- and medical-related businesses, water and renewable resource technologies, regional and local-serving retail, hotel and conference facilities • Generate net fiscal benefits to the City through increased tax revenues • Provide a range of jobs that match the local workforce and provide opportunities for skill training • Create higher-paying and/or higher-quality jobs for local residents • Complement or augment existing goods and services in Woodland • Use energy, water, and other natural resources efficiently and do no pollute. • Create less than significant impacts on the environment.	4.D.1	X	X		X					Ongoing	
4.6	Partner with the Chamber of Commerce in developing a strategic plan to achieve the goal of retaining and creating new	4.D.1; 4.D.5; 4.G.1		X							Short term	MOU with the Chamber of Commerce Present annually to City Council

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	business.											
4.7	As part of the effort to market Woodland as a prime business location: • Prepare and distribute informational marketing packets, including an inventory of assets that Woodland offers, such as available development sites and buildings, incentives, streamlined processing affordable cost of living, quality of life, proximity to quality educational institutions and medical facilities, and ease of accessibility to communities across the region; • Advertise in industry publications • Publicize local business success stories • Attend marketing and target industry summits and conferences	4.D.2		X							Ongoing	Press releases Great Sacramento Economic Council Newspaper Social Media Some examples of past conferences attended include: Zone works – Cal Recycle , Food Processing Expo, Cornet South by Southwest Conference Southwest
4.8	Develop the package of incentives to target industries and businesses to locate in Woodland, and adopt and implement it, ensuring that the incentive programs include: • Quantifiable benchmarks to monitor and measure the progress of these incentives • A monitoring program to track the progress of the incentives • Ability to adjust and fine-tune the incentives as necessary to ensure they deliver the desired benefits to the City	4.D.5	X	X		X					Medium term	In process, track jobs
4.9	Host business roundtables to actively and regularly engage with Woodland’s business community on matters affecting the city’s economic climate and economic expansion	4.D.6	X			X					Short term	Business walk/Charter State of City Address business roundtable
4.10	Study best practices for municipal business licenses and fees, and compare the City’s business license fees and practices to those of its competitors, including the City of	4.D.7	X			X					Medium term	Forums Partner with Greater Sacramento with Valley Vision

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	West Sacramento and the City of Davis. Implement best practices to increase the City's competitive edge and improve its fiscal base. Such best practices may include: • Charge out-of-town businesses a base fee for doing business in Woodland plus a percentage of the income they earn in Woodland • Required all businesses that do business with the City of Woodland to have a business license • Require all companies that do business in Woodland to declare Woodland as their "point of sale" for the purposes of sales tax											
4.11	Partner with the Chamber of Commerce to pilot a "Jobs in Your City" initiative to ensure residents are aware of job opportunities in their community. Provide a focus on jobs for youth and training opportunities	4.E.2	X	X							Medium term	In cooperation with Yolo Career Alliance workforce development group
4.12	Coordinate with the local hoteliers, Event organizations/venues, and the Yolo County Visitors Bureau on attracting visitors	4.F.1		X							Medium term	Tomato Festival, Honey Festival, Dinner on Main, Movies on Main, Visit Yolo County allocates money from program Thursday Night Concert Farmers Market
4.13	Develop of marketing and tourism strategies using current social and media trends as they evolve.	4.F.5		X							Medium term	Online
4.14	Explore the creation of such programs as a financial assistance or loan program for start-up businesses; embedding university	4.G.1; 4.G.2; 4.G.3; 4.G.5	X	X		X					Medium term	Provide Forums Tech Park

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	technology transfer and entrepreneurship programs within Woodland; participating in regional industry and business groups and summits; and providing mentor program incubator space, technical assistance, and other tools as available.											Small Business Association
4.15	Work to develop resources/ strategies and programs to provide for easy consumer identification of locally-produced and environmentally sound goods	4.G.7		X							Medium term	Food Front

PUBLIC FACILITIES AND SERVICES

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
5.1	Create and maintain a central directory of youth programs serving Woodland. Ensure the directory is available online, and accessible by school guidance counselors.	5.A.5; 5.D.3			X						Short term	None at this time
5.2	Complete the 2016 Draft Parks, Recreation, and Community Services Master Plan and regularly update it to identify locations of major parks and recreational facilities, specific criteria and standards for the development of sports and recreation facilities, funding sources for the development and maintenance of parks, recreation centers and open space resources.	5.C.1; 5.C.6		X	X						Short, medium, and long term, updated every 5 years	None at this time

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	This shall include the provision for the development of new parks in connection with new development and the development of parks to address existing deficiencies. It shall also include provisions for community gardens and urban farms.											
5.3	Conduct regular outreach to determine specific recreation needs of various ages, capabilities, and interests.	5.C.12; 5.C.18			X						Ongoing	Ongoing
5.4	Target increased participation in existing recreation programs, and increase the number of subsidized program spots available for lower income residents.	5.D.4			X						Short term	Ongoing utilizing funds from Measure J and donated funding
5.5	Renegotiate and renew the joint-use agreement with Woodland Joint Unified School District for shared use of recreational facilities and open spaces.	5.E.5			X						Ongoing; as required	None at this time
5.6	Update the Urban Water Management Plan and the Groundwater Management Plan every five years.	5.G.4		X						X	Medium and long term	Ongoing – Utility Engineering has historically created this plan, which is updated as needed. The next UWMP is due in year 2020, and work will commence after DDW releases the guidelines for the report
5.7	Prepare a Recycled Water System Master Plan to determine the appropriate expansion of the recycled water system, provide a diversified customer base, and offset the demand for new water supplies. Study the appropriate uses and locations for recycled water as part of the master planning effort.	5.G.5		X						X	Short term	Engineering staff has prepared a grant application to bring recycled water to Spring Lake and SP-1A. Staff has worked with the development community to place recycled water pipes along portions of the route within Spring Lake. Public Works, Ongoing – The initial study was completed by Brown and Caldwell and is updated as needed Community Services – None at this time
5.8	Update the Municipal Code and development procedures for project approval as needed to ensure that the necessary potable water production and supply facilities and water resources are in place prior to occupancy and that an	5.G.6		X							Short term	Ongoing – Utility Engineering updated the fees in the last few months. Staff will review and revise code as needed. An Engineering standards update is currently underway

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	adequate funding source is in place to finance system development and maintenance.											
5.9	Evaluate and update Capital Improvement Programs for the water and wastewater infrastructure needs to meet the demands of both existing and planned development consistent with the General Plan.	5.G.8; 5.H.5		X						X	Short term	Ongoing – Annual updates to the CIP is a Utility Engineering function, however PW staff has met with UE staff to determine needs for the next FY. The CIP is updated annually to prioritize water and wastewater projects to maintain existing facilities and meet regulatory requirements.
5.10	Develop and implement a strategy to improve the wastewater capacity in Downtown, to allow and facilitate infill development in the area.	5.H.3		X						X	Short term	Ongoing – the WPCF Master Plan and Capacity Studies are Utility Engineering Functions; however, PW staff has met with UE staff to determine a scope for the assessment. This work is underway. The sewer system capacity has been analyzed and necessary improvements have been planned for construction over the next 4 years beginning in 2020. Generally, the plan involves shifting sewer flows generated downtown from the Beamer interceptor sewer to the Gibson interceptor sewer.
5.11	Review and update the Storm Drainage Facilities Master Plan as needed to meet the demands of both existing and planned development consistent with the General Plan.	5.I.2		X						X	Ongoing; as needed	Ongoing – The Storm Drain Master Plan is a collaborative effort between PW and UE.. The South Area Storm Drainage Facilities Master Plan for the Springlake area has been completed. As a result of this study, the North Regional Pond & Pump Station Project has been designed and is in construction in 2019-2020 to add 1,000 acre-feet of storm water detention capacity and replace the defunct South Pump Station. The North Area Storm Drainage Facilities Master Plan covering the northern third of the City is expected to start work in summer 2019
5.12	Develop an educational program that promotes composting to Woodland residents and businesses.	5.J.7								X	Short term	Ongoing - developed educational materials and offering rebates for composters
5.13	Develop a Master Plan for the city's broadband fiber network.	5.L.5	X	X						X	Short term	This is an IT function
5.14	Where soils are proposed for use as leach fields associated with wastewater treatment, the City will require a site-specific evaluation by a licensed geotechnical engineer regarding the soil suitability, including a perc test, as appropriate.	5.H.8; 5.H.11 EIR Mitigation Measure 4.7-3		X							Ongoing	Ongoing - City Ordinance requires connection to the municipal sanitary sewer system. Existing septic systems are being replaced with a City tie in whenever possible

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	All septic systems or other forms of on-site wastewater treatment and disposal facilities shall be designed by a licensed geotechnical or civil engineer. On-site wastewater treatment systems shall be designed to meet the following parameters: - Provide available effective absorptive area in both primary and reserve disposal fields; - Provide appropriate separation between the disposal field bottom and groundwater or a restrictive soil layer; - Factor the ground slope in both the primary and reserve disposal field areas; - Factor the influent wastewater strength and quantity in wastewater system design; - Accommodate requirements for setbacks from wells, surface waters, and property boundaries; and - Provide treatment of wastewater such that it does not adversely affect water quality or endanger public health.											

HEALTHY COMMUNITY

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
6.1	Collaborate with Yolo County Health and Human Services	6.A.2		X	X						Medium	<i>In Process – Currently the database is being populated with</i>

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	Agency to review existing County and City health and community data. Develop and implement new programs to better meet the needs of the Woodland community every five years.										term	Facility condition assessments conducted by staff Community Services- None at this time
6.2	Evaluate and implement as feasible Spanish translation for all City services and materials.	6.A.6	X		X						Ongoing	Community Services- Ongoing
6.3	Partner with the Woodland Joint Unified School District to implement an effective physical education program and to encourage active lifestyle choices including: • Requiring daily exercise by all students in grades K-12; • Providing programs to encourage school children to walk or bike to school; and • Providing instruction regarding healthy lifestyle choices.	6.B.1; 6.B.6; 6.C.5; 6.C.7		X	X						Short term	Community Services- None at this time
6.4	Evaluate existing location of fast food venues and consider restrictions on additional similar uses.	6.C.2		X							Short term	Interim zoning and Comprehensive zoning update will be looking at this type of land use above the existing restrictions
6.5	Provide or facilitate the provision of information about regional Community Supported Agriculture (CSA) at City Hall, the library, the community and senior center, and at community events through promotions, speaker series and handouts. Target seniors and residents with limited mobility and/or income.	6.C.2	X		X			X			Short term	Community Services- None at this time Food Front Honey Bee Festival Cal fresh comes twice a year Farmers Market and kids once a month get free produce at the market stand 9 throughout season
6.6	Streamline permitting procedures for community gardens and urban farms that allow sale of foods grown locally.	6.C.3		X							Short term	

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
6.7	Provide information about federal food assistance programs in City newsletters and on the City's website. Maintain handouts and/or brochures on the various programs at City Hall, the Community and Senior Center, and the library, and distribute widely to community organizations, including the faith community	6.C.5	X	X	X			X			Short term	
6.8	Develop and implement a healthy food purchasing and vending policy for City facilities and operations that commits to selecting healthy food for City-sponsored activities, meetings and facilities.	6.C.5	X								Medium term	
6.9	Partner with the Woodland Joint Unified School District, Yolo County Health and Human Services Agency, Cooperative Extension, Yolo Food Bank, and other organizations to: - Establish higher nutrition standards for school breakfast and lunch menus; - Work to incorporate culturally-sensitive options into available meal plans; - Encourage the removal of unhealthy food and drinks from vending machines on school property; - Continue to use appropriate sites and operate programs for school gardens, which can be used in curricula, after-school activities, and as a source of fresh produce for school meal plans; and, - Continue the "Farm to School" program that connects local farms to Woodland schools and supplies the balance of fresh produce beyond what is available from the school gardens and the district's lunch program.	6.C.7			X						Ongoing	

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
6.10	Adopt a Municipal Facilities Master Plan that studies and identifies future space needs for city government offices, library facilities, and any other municipal service facilities not addressed in the Parks, Recreation, and Community Services Master Plan, and establishes space standards and ratios, as appropriate.	6.D.1 EIR Mitigation Measure 4.12-5a		X	X						Medium term	Library facilities master plan
6.11	Partner with the library and local organizations to develop and operate a series of workshops on leading active, healthy lifestyles. Target local businesses, residents, schools, hospitals in promotion of these events.	6.D.3; 6.D.14			X			X			Medium term	Community Services- None at this time Free Yoga classes during summer Community Board
6.12	Adopt a Public Art Policy and develop a supporting regulatory structure and funding strategy to ensure adequate support of arts and cultural programs.	6.E.7; 6.F.1		X							Short term	Approved a Public Art Ordinance, requiring commercial projects over a set cost to incorporate public art into the project or pay an in-lieu fee to be used on public art projects

SUSTAINABILITY, CONSERVATION AND OPEN SPACE

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
7.1	Partner with the Yolo County Farm Bureau and the Water Resources Association of Yolo County to establish a Groundwater Sustainability Agency and adopt a Groundwater Management Plan	7.A.2		X						X	Ongoing	Agency has been created. Plan is being prepared by agency with City involvement. Ongoing – the Agency has been formed and there are periodic meetings however the Groundwater Sustainability Plan required by statute is still being prepared by the Agency and is expected to be completed on schedule.
7.2	Work with Woodland’s public and	7.A.6		X						X	Short	Ongoing -providing educational school assembly

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	private schools to educate students on conservation of all resources and wise water use.										term	programs, online resources for teachers and students, and recycling bins with informational signage free to schools
7.3	Adopt, if appropriate, the countywide Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP).	7.B.1		X							Short term	
7.4	a. The City will require biological inventory surveys for new developments that could affect special status species or sensitive habitat in areas designated for development under the General Plan. b. The City will work with project applicants to identify opportunities to preserve special status species occurrences and sensitive habitats through design and planning. If the HCP/NCCP is adopted and state and federal ITPs have been issued, the City shall implement the applicable requirements of the HCP/NCCP as relevant to any specific land use project. If the HCP/NCCP is not in place and/or ITPs have not been issued, the City shall follow the steps described below. c. If the City determines it is reasonable and feasible to do so, while still achieving the specific project development goals and objectives, the City will require	7.B.1; 7.B.2; 7.B.3; 7.B.4 EIR Mitigation Measure 4.4-1a		X							Short term	

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	preservation of occupied special status species habitat and sensitive habitat types as a condition of project approval. If adverse effects cannot be avoided, project proponents shall be required to mitigate all adverse effects in accordance with guidance from the appropriate state or federal agency charged with the protection of the subject species and habitat, including surveys conducted according to applicable standards and protocols where necessary, implementation of impact minimization measures based on accepted standards and guidelines and best available science, and compensatory mitigation for unavoidable loss of special status species and sensitive habitats. d. If the project would result in take of state or federally listed species, the City will require project proponent/s to obtain take authorization from the U.S. Fish & Wildlife Service or the California Department of Fish and Wildlife, as appropriate, depending on species status, and comply with all conditions of the take authorization. e. If the Yolo HCP/NCCP is not adopted or the affected species or habitat is not covered under the plan, the City will require project applicants to develop a											

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	mitigation and monitoring plan, in coordination with CDFW and/or USFWS, as appropriate depending on species status, to compensate for the loss of special-status species and sensitive habitats. The mitigation and monitoring plan will describe in detail how loss of special-status species or sensitive habitats shall be avoided or offset, including details on restoration and creation of habitat, compensation for the temporal loss of habitat, management and monitoring to avoid indirect habitat degradation (e.g., management of invasive plant species, maintenance of required hydrology), success criteria ensuring that habitat function goals and objectives are met and target special-status species are established, performance standards to ensure success, and remedial actions if performance standards are not met. The plan will include detailed information on the habitats present within the preservation and mitigation areas, the long-term management and monitoring of these habitats, legal protection for the preservation and mitigation areas (e.g., conservation easement, declaration of restrictions), and funding mechanism information (e.g., endowment). f. If available, purchase of mitigation											

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	credits at an agency-approved mitigation bank (i.e., approved by the agency with jurisdiction over the affected species or habitat) in Yolo County, will be acceptable for compensatory mitigation for special-status species that are not covered under the Yolo HCP/ NCCP											
7.5	If the project would result in ground disturbance on sites containing waterways or other aquatic habitats, the City will require project proponent/s to complete a delineation of waters of the United States according to U.S. Army Corps of Engineers' methods, and to submit the completed delineation to the USACE for jurisdictional determination. If the project would result in fill of wetlands or other waters of the United States, the City will require project proponent/s to obtain a Section 404 Clean Water Act permit from the USACE and water quality certification from the Regional Water Quality Control Board pursuant to Section 401 of the Clean Water Act. If the project involves work in areas containing waters disclaimed by the USACE, project applicants shall obtain a Waste Discharge Requirement permit from the RWQCB pursuant to the Porter Cologne Act. Project	7.B.2 EIR Mitigation Measure 4.4- 4a		X							Ongoing	

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	applicants shall be required to obtain all needed permits prior to project implementation, to abide by the conditions of the permits, including all mitigation requirements, and to implement all requirements of the permits in the timeframes required therein											
7.6	If the project would result in fill or alteration of a waterway or any body of water supporting riparian forest habitat, the City will require project proponent/s to notify the California Department of Fish and Wildlife, obtain a Lake and Streambed Alteration Agreement if determined necessary by the California Department of Fish and Wildlife, and comply with all conditions of the Lake and Streambed Alteration Agreement	7.B.4 EIR Mitigation Measure 4.4-3a		X							Ongoing	
7.7	Provide information at City offices and through electronic media about programs operated by the Woodland Tree Foundation or other organizations that provide free trees to Woodland residents	7.B.9	X								Short term	
7.8	Evaluate and amend the existing tree preservation ordinance.	7.B.9; 7.B.10		X	X						Short term	Community Services –currently reviewing ordinance
7.9	Adopt a citywide tree palette for publicly maintained street trees that includes native, compatible non-native, and pollution absorbing species. Address soils, tree spacing,	7.B.9; 7.F.4		X	X					X	Short term	Community Services - Completed March 2019 with adoption of Urban Forest master plan. The City's Standard Specifications include tree and shrub planting details. The City has a Master Street Tree Planting List that can be found on the City's web site which

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	and planting techniques											includes tree descriptions and planting guidelines. As part of the Spring Lakes Specific Plan, a comprehensive street tree list and planting guidelines were prepared. And is continually updated
7.10	Partner with the Woodland Tree Foundation to develop and maintain an Urban Forest Management Plan. Strive to achieve a standard of one tree per single family lot	7.B.10		X	X						Medium term	Community Services –Ongoing for implementation. Completed for adoption of Urban Forest Master Plan (March 2019)
7.11	Projects that could have significant adverse impacts to potentially significant archaeological resources shall be required to assess impacts and provide feasible mitigation. The following steps, or those deemed equally effective by the City, will be followed: a. Request information from the California Native American Heritage Commission to obtain a review of the Sacred Lands File and a list of local Native American groups and individuals that may have specific knowledge of cultural resources in the area that could be affected by project implementation. Each Native American group and individual identified by the Native American Heritage Commission will be contacted to obtain any available information on cultural resources in the project area. Additional consultation with relevant tribal representatives	7.E.1; 7.E.2; 7.E.3 EIR Mitigation Measure 4.6-1b		X							Ongoing	Each project is required to Notify Native American Group and person that knowledge or are associated with the area are notified prior to ground disturbance and are given the option to comment, advise on the project or be present during construction

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	may be appropriate depending on the relatively level of cultural sensitivity. b. Request updated information from the Northwest Information Center of the California Historical Resources Information System to determine whether the project area has been previously surveyed and whether archaeological resources were identified. In the event the records indicate that no previous survey has been conducted or existing survey data is greater than five years old, the applicant will retain the services of a qualified archaeologist to assess the adequacy of the existing data (if any) and assess the archaeological sensitivity of the project area. If the survey did not meet current professional standards or regulatory guidelines, or relies on outdated information, a qualified archaeologist will make a recommendation on whether a survey is warranted based on the sensitivity of the project area for archaeological resources. c. If a survey is warranted, it will include all necessary background research in addition to an archaeological pedestrian survey. Based on findings of the survey, additional technical studies may be required, such											

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	as geoarchaeological sensitivity analysis, or other analysis scaled according to the nature of the individual project. A report will document the results of the survey and provide appropriate management recommendations, and include recordation of identified archaeological resources on appropriate California Department of Parks and Recreation site record forms and cultural resources reports. d. Management recommendations may include, but are not limited to additional studies to evaluate identified sites or archaeological monitoring at locations determined by a qualified archaeologist to be sensitive for subsurface cultural resource deposits. e. Once approved by the City, provide the Northwest Information Center with appropriate California Department of Parks and Recreation site record forms and cultural resources reports for any resources identified. Any subsequent reports completed as a result of additional technical work will likewise be submitted to the Northwest Information Center.											

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	f. If no archeological resources are identified that may be directly or indirectly impacted by project activities, mitigation is complete as there would be no adverse change to documented archeological resources. The exception would be in the event of the discovery of a previously unknown archaeological site inadvertently exposed during project implementation. In such an event, a qualified archaeologist will be retained to assess the discovery and provide management recommendations as necessary. g. When a project will impact a known archaeological site, and avoidance is not a feasible option, a qualified archaeologist shall evaluate the eligibility of the site for listing in the California Register of Historic Resources. If the archaeological site is found to be a historical resource as per CEQA Guidelines Section 15064.5 (a)(3), the qualified archaeologist shall recommend further mitigative treatment which could include preservation in place or data recovery. h. If a site to be tested is prehistoric, local tribal representatives should be afforded the opportunity to monitor the ground-disturbing activities. Appropriate mitigation											

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	may include curation of artifacts removed during subsurface testing. i. If signifcant archaeological resources that meet the definition of historical or unique archaeological resources are identified in the project area, the preferred mitigation of impacts is preservation in place. If impacts cannot be avoided through project design, appropriate and feasible treatment measures are required, which may consist of, but are not limited to actions, such as data recovery excavations. If only part of a site will be impacted by a project, data recovery will only be necessary for that portion of the site. Data recovery will not be required if the implementing agency determines prior testing and studies have adequately recovered the scientifcally consequential information from the resources. Studies and reports resulting from the data recovery shall be deposited with the Northwest Information Center. Archaeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code.											
7.12	For projects that could adversely affect a potential historic resource:	7.E.1; 7.E.2; 7.E.3		X							Ongoing	

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	a. Consult the City's Historic Resources Inventory and, as necessary, seek updated information from the North Central Information Center or other applicable data repositories to determine whether the project area has been surveyed, and whether historic built environment resources were identified. b. If a survey of the property or the area in which the property is located has not been conducted, a qualified architectural historian shall conduct a study of the project area for the presence of historic built environment resources. c. If a study is required, it will evaluate the significance of built environment resources greater than 50 years in age that may be directly or indirectly impacted by project activities. The study may include a field survey; background, archival and historic research; and consultation with local historical societies, museums or other interested parties; as necessary. d. If necessary, the qualified architectural historian's study will recommend appropriate protection or mitigated treatment, if any, and include	EIR Mitigation Measure 4.6-1c										

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	recordation of identified built environment resources on appropriate California Department of Parks and Recreation (DPR) series 523 forms. Recommended treatment for historical resources identified in the report shall be implemented. e. If no significant historic built environment resources are identified in the study or prior survey of the project area that may be directly or indirectly impacted by project activities, there is no adverse change to documented historical built environment resources and no further action is required. f. If a significant historic built environment resource could be directly or indirectly impacted by project activities, avoidance shall be considered the primary mitigation option. If avoidance is not feasible, then the maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of the historical resource, conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties will reduce impacts to an acceptable level. If adherence											

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	to the Secretary of the Interior’s Standards cannot avoid materially altering in an adverse manner the physical characteristics or historic character of the surrounding environmental setting that contribute to a resource’s historic significance, additional mitigation may be required. g. If avoidance is not feasible and minimizing impacts through adherence to the Secretary of the Interior’s Standards for the Treatment of Historic Properties is not feasible, documentation is required using, as appropriate, Historic American Buildings Survey (HABS), Historic American Engineering Record (HAER), and/or Historic American Landscapes Survey (HALS) guidelines.											
7.13	a. During ground-disturbing activities necessary to implement proposed development and infrastructure projects, if any prehistoric or historic subsurface resources are discovered, all work within 100 feet of the resources shall be halted and a qualified archaeologist shall be consulted within 24 hours to assess the significance of the find, according to CEQA Guidelines Section 15064.5, and implement, as applicable, CEQA Guidelines	7.E.1; 7.E.2; 7.E.3 <i>EIR Mitigation Measure 4.6-1d</i>		X							Ongoing	

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	Sections 15064.5(d), (e), and (f). b. If any find is determined to be a historical resource according to CEQA Guidelines Section 15064.5, representatives from the City and the archaeologist will meet to determine the appropriate avoidance measures or other appropriate mitigation. Cultural resources shall be recorded on appropriate Department of Parks and Recreation forms, and all significant cultural materials recovered shall be, as necessary and at the discretion of the qualified archaeologist and in consultation with the local Native American community if the discovery is prehistoric in age, subject to scientific analysis, professional curation, and documentation according to professional standards. If it is determined that the proposed development or infrastructure project could damage a historical resource or a unique archaeological resource (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with Section 21083.2 of the California Public Resources Code and CEQA Guidelines Section 15126.4, with a preference for preservation in place. Work may											

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is being carried out. Preservation in place may be accomplished by planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. c. If avoidance is not feasible, the qualified archaeologist shall develop and oversee the execution of a treatment plan. The treatment plan shall include, but shall not be limited to, data recovery procedures based on location and type of archaeological resources discovered and a preparation and submittal of report of findings to the Northwest Information Center of the California Historical Resources Information System. Data recovery shall be designed to recover the significant information the archaeological resource is expected to contain, based on the scientific/historical research questions that are applicable to the resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable resource											

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by project proponents' actions. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.											
7.14	a. Consistent with Health and Safety Code, Section 7050 through 7052 and Health and Safety Code Section 8010 through 8030, in the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery during construction, the City and contractor/s shall take the following steps: <i>(1) No further excavation or disturbance of the project site or any nearby area reasonably suspected to overlie adjacent human remains will occur until:</i> <i>(A) the coroner of Yolo County has been contacted to determine that no investigation of the cause of death is required, and</i> <i>(B) if the coroner determines the remains to be Native American:</i> <i>1. the coroner shall contact the Native American Heritage Commission within 24 hours;</i> <i>2. the Native American Heritage Commission shall identify the</i>	7.E.1; 7.E.2; 7.E.3 <i>EIR Mitigation Measure 4.6-2</i>		X							Ongoing	

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	person or persons it believes to be the most likely descendant from the deceased Native American; and 3. the most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, as provided in Section 5097.98 of the Public Resources Code; or (2) Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance: (A) the Native American Heritage Commission is unable to identify a most likely descendant or the most likely descendant fails to make a recommendation within 24 hours after being notified by the commission; (B) the most likely descendant identified fails to make a recommendation; or (C) the landowner or his or her authorized representative rejects the recommendation of the most likely descendant, and											

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.											
7.15	Prior to the start of earthmoving activities that would disturb 1 acre of land or more within the Riverbank or Modesto Formations, the project applicant shall inform all construction personnel involved with earthmoving activities regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered. • If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work in the vicinity of the find and notify the City of Woodland Community Development Department. • The project applicant shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan. The recovery plan may include, but is not limited to, a field survey, construction monitoring, sampling and data recovery procedures, museum curation for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are	7.E.1; 7.E.2; 7.E.3 EIR Mitigation Measure 4.7-4		X							Ongoing	

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	determined by the City to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered											
7.16	Enact standard procedures and conditions applicable to all discretionary projects to ensure compliance with State and federal requirements (including HSC Section 7050.5, GC Section 27491, PRC Section 5097.98, SB 18 (2004), and AB 52 (2014) for cultural resources including, historic, archeological, paleontological, tribal cultural, etc	7.E.2		X							Ongoing; as resources are discovered	
7.17	a. New development shall be required to demonstrate adherence with applicable YSAQMD recommended health risk thresholds involving sensitive receptors, uses that involve substantial truck trips, and large gas stations, as defined by the applicable regulations. “Substantial truck trips” is defined as more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units (TRUs) per day, or TRU unit operations that exceed 300 hours per week. A “large gas station” is one that would be anticipated to accommodate a throughput of 3.6 million gallons per year or greater	7.F.1; 7.F.3 EIR Mitigation Measure 4.3-3c		X							Short term	

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	b. Proposed uses that include sensitive receptors may demonstrate compliance with this implementation program by providing a minimum 1,000-foot buffer from existing uses that involve substantial truck trips and a minimum 50-foot buffer from existing large gas stations. c. Proposed uses that involve substantial truck trips may demonstrate compliance with this implementation program by providing a minimum 1,000-foot buffer from properties where the City's land use designation would allow sensitive receptors. d. Proposed large gas stations may demonstrate compliance with this implementation program by providing a minimum 300-foot buffer, while typical gas dispensing facilities would provide a minimum 50-foot buffer from existing sensitive receptors and from properties where the City's land use designation would allow sensitive receptors. e. Avoid siting new sensitive receptors within 500 feet of the edge of the closest travel lane of a freeway, urban roads with 100,000 vehicles per day, or rural roads with 50,000 vehicles per day. f. Avoid siting new sensitive land uses within 300 feet of any existing dry cleaning operation.											

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	g. As an alternative to these buffer distances, proposed sensitive receptors, uses that involve substantial truck trips, and large gas stations may provide a site-specific health risk assessment, using methods consistent with applicable guidance from the Office of Environmental Health Hazard Assessment, with mitigation, if necessary, to demonstrate compliance with applicable YSAQMD-recommended health risk thresholds. When health risk impacts exceed YSAQMD recommended thresholds, feasible on-site mitigation measures to reduce TAC exposure shall be implemented to mitigate health risk impacts below YSAQMD thresholds. On-site measures could include, but are not limited to providing enhanced filtration systems (e.g., MERV 13 or greater) for near-by sensitive receptor buildings, changes to the TAC emission source's operation, and positioning of exhaust and intake for ventilation systems to minimize exposure among others.											
7.18	New developments that could generate a potentially significant short-term air quality impact shall incorporate feasible construction mitigation strategies, including those listed below, those included	7.F.2 EIR Mitigation Measure 4.3-1a		X							Short term	

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	in an updated set of mitigation recommendations prepared by the Yolo-Solano Air Quality Management District, or those determined by the City to be as effective: a. Water all active construction areas at least twice daily. b. Haul trucks shall maintain at least two feet of freeboard. c. Cover all trucks hauling soil, sand, and other loose materials. d. Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut-and-fill operations and hydro-seed area. e. Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days). f. Plant tree windbreaks on the windward perimeter of construction projects if adjacent to open land. g. Plant vegetative ground cover in disturbed areas as soon as possible. h. Cover inactive storage piles. i. Sweep streets if visible soil material is carried out from the construction site. j. Treat accesses to a distance of 100 feet from the paved road with a 6 to 12 inch layer of wood chips or mulch. k. Treat accesses to a distance of											

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	100 feet from the paved road with a 6-inch layer of gravel. l. Limit all idling of vehicles and equipment that use gasoline or diesel fuel to five minutes maximum. m. Use alternative power source, such as electricity, for construction equipment or use reformulated and emulsified fuels, incorporate catalyst and filtration technologies, and generally modernize the equipment fleet with cleaner and newer engines.											
7.19	a. New development that would require the use of diesel-fueled construction equipment within 300 feet of an existing sensitive receptor shall use an equipment mix, incorporate buffering, schedule construction activities, or use other strategies to reduce potential health risk consistent with guidance from the Yolo Solano Air Quality Management District. b. Alternatively, a project applicant may prepare a site specific estimate of diesel PM emissions associated with total construction activities and evaluate for health risk impact on existing sensitive receptors in order to demonstrate that applicable YSAQMD recommended thresholds for	7.F.2 EIR Mitigation Measure 4.3-3d		X							Short term	

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	toxic air contaminants would not be exceeded or that applicable thresholds would not be exceeded with the application of alternative mitigation techniques approved by the City. The General Plan contains policies to reduce emissions associated with both construction and operational activities.											
7.20	a. The City will maintain a Climate Action Plan designed to achieve the reduction targets for land use-related emissions for the years 2020 and 2035 and put the City on a trajectory toward goals for longer-term years, such as 2050. The City's reduction targets may be revised over time, but will represent a rate of emissions that is efficient enough to provide for Woodland's share of AB 32, Executive Order B-30-15, SB 32, and Executive Order S-3-05 emissions reductions. b. The Climate Action Plan will focus on GHG emission sectors over which the City could have influence – either through entitlement authority, public investments, incentives, or other feasible means. When making the comparison between Woodland's GHG efficiency and that required for the state as a whole, the City can remove from consideration	7.F.9 EIR Mitigation Measure 4.5-1a		X							Ongoing	

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	GHG sources that are beyond local control. c. The City will monitor relevant local, regional, State, and federal legislation and regulations related to GHG emissions, land use planning, and environmental review, and will make changes to the Climate Action Plan accordingly. Future regulations may have the effect of reducing GHG emissions associated with implementation of the Proposed Project. The effect of future regulations shall be taken into account in future revisions to the Climate Action Plan. New transportation modeling tools may become available that allow revisions to emissions estimates based on the City's policies related to land use, urban design, and transportation. d. The City will revise the Climate Action Plan, as necessary, based on updated inventories and assessments of the effectiveness of reduction strategies no less than every 5 years. If, based on the City's future updated assessments, existing reduction strategies would not achieve the City's reduction targets, the City will make revisions to strategies or develop new strategies. The City will make revisions to its											

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	reduction targets, if necessary, to ensure that the target continues to demonstrate an appropriate share of the State's emission reduction goals for Woodland. The City anticipates that a Climate Action Plan update will be needed after new statewide measures are adopted to reduce GHG emissions, such as when the State updates the Air Resources Board Scoping Plan. The City will make revisions to the Climate Action Plan, if necessary, as new technology becomes available that would affect emissions in the Planning Area or the City's ability to forecast future emissions. e. In maintaining the Climate Action Plan, during the CAP updates described above, the City will consider new or revised reduction strategies that may be necessary to achieve the City's reduction targets, while also promoting other goals of the City's General Plan. The City will identify additional plans, policies, projects, mitigation measures, and regulations that are necessary to reduce GHG emissions and achieve the City's reduction targets. The City will consider regulatory changes, infrastructure investment strategies, incentives, contributions to (or local use of) carbon offset programs, and other measures, as appropriate.											

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	The City shall consider financing programs for installation and use of renewable energy infrastructure in new and/or existing development, building codes to further increase energy efficiency in new buildings, incentive programs to assist existing property owners in making energy efficiency upgrades, travel demand management programs for new nonresidential projects, and other mechanisms that would reduce GHG emissions. The City will prioritize reduction strategies that offer co-benefits, such as reducing household or business transportation costs, reducing household and business utility bills, improving local air quality, reducing energy use, reducing traffic congestion, conserving water and other resources, moderating the heat island effect, preserving natural habitat, creating local jobs, among other benefits. f. The City anticipates that State funding for GHG efficient transportation systems and other local applications of the State’s GHG reduction mandates will be important in meeting the State’s overall GHG goals. Local governments will rely on state funding to improve existing buildings and provide											

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	more energy- and GHG efficient sources of electricity. The City will monitor grant and other funding programs that could be used to implement different components of the Climate Action Plan.											
7.21	Update the Municipal Code and develop programs to implement policies and objectives contained within the Climate Action Plan. Such actions may include: - Developing a program to ensure the retrofit of existing residential units to current code, energy and water uses - Facilitating possible off-set fee for new development - Considering participation in a Community Choice Aggregation program - Developing a list of mandatory compliance options including net zero energy for new developments - Developing a program to implement the CAP and integrate it into the development review process - Inventorying public and private projects on a regular basis (every 5 years) for reductions in GHGs to assess the success of programs in achieving GHG reduction targets	7.F.9		X							Short term	
7.22	Adopt a City Fleet Policy that requires that new additions to the fleet must be low-emission vehicles (including hybrid, electric or	7.F.9	X							X	Short term	Underway – a comprehensive plan is being formulated, meanwhile fleet is taking advantage of every opportunity to purchase hybrid vehicles and has ordered hybrid and (about to order) electric heavy

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	alternative fuel vehicles), whenever feasible.											vehicles

SAFETY

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
8.1	Provide information and incentives for property owners to rehabilitate historic buildings using construction techniques to protect against seismic hazards.	8.A.1		X							Short term	Provide case by case consultation with building division
8.2	Adopt a locally preferred flood protection alternative and associated funding strategy for the Lower Cache Creek Flood Control Project	8.B.9	X	X							Short term	City is engaged with Corps and DWR to complete LCCFS and recently completed the TSP Milestone with a plan to complete study by late 2020. The TSP is the Corps project selected alternative and is supported by City and DWR. Funding is being pursued at the Federal level.
8.3	Participate in regional efforts for flood management improvements for the Yolo Bypass and support flood management improvements for the Yolo Bypass West Levee	8.B.9	X	X						X	Short term	City is engaged with County and DWR on regional flood solutions for the Yolo Bypass, including the YBWL. <i>Ongoing – City staff is working on a regional flood solution with other County stakeholders. The City is lobbying Congress for funding the proposed flood control solution</i>
8.4	Prepare a Fire Master Plan. Update on a five year cycle.	8.C.1; 8.C.2; 8.C.3; 8.C.4; 8.C.5					X				Medium term	In progress. A Standard of Cover document was received by Council in March of 2019 as a pre-cursor to a Master Plan update. The Master Plan update will likely occur over the next 12 months.

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
8.5	Conduct a Fire Station Location Assessment to ensure the most effective coverage and response time.	8.C.5; 8.F.4					X				Medium term	Completed Location identified, land acquired.
8.6	Continue to implement community programs for educating residents about fire prevention and emergency preparedness.	8.C.4; 8.F.3					X				Ongoing, annually	Ongoing. EOP was updated in Fall of 2017 and the Hazard Mitigation Plan was updated in 2018. Both documents were adopted by Council. The Prevention division is transitioning to a Community Risk Reduction model in 2019/20
8.7	Require a Recorded Overflight Notification as a condition of approval for residential projects located within the Sacramento International Airport Secondary Approach Area	8.D.3		X							As necessary	
8.8	Continue to partner with Yolo County in educating residents and businesses about the proper disposal of household hazardous wastes, while promoting the use of less toxic alternatives.	8.E.6					X			X	Ongoing, annually	Ongoing - participate in annual county-wide outreach/ education and HHW collection programs, partner with local businesses to host HHW collection locations for certain materials
8.9	Periodically update the City of Woodland Emergency Operations Plan, as necessary, to ensure that a clear and adequate plan can be activated in the event of an emergency	8.F.1	X				X		X		Short term; and ongoing as needed	Conducted in 2018. Additional information: Evacuation routes specific to zones of the city completed in 2018.
8.10	Conduct Emergency Operations Plan training exercises at the management and operational levels on an annual basis. These training exercises should be designed to coincide with the beginning of the risk period for known community	8.F.1	X				X		X		Ongoing, annually	Ongoing – PW and other City staff continue to conduct exercises and training to prepare for a variety of disaster scenarios

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	hazards.											
8.11	Update city noise control ordinances and environmental review procedures to be consistent with the General Plan	8.G.1 to 8.G.7; 8.G.11; Tables 8-5 to 8-7		X							Short term, and ongoing as proposed	
8.12	a. New development that proposes the use of piles for foundations shall include all feasible measures necessary with the goal to ensure that vibration exposure for adjacent buildings is less than 0.5 PPV and less than 80 VdB for adjacent vibration-sensitive uses and less than 0.2 PPV for adjacent historic buildings. These performance standards shall take into account the reduction in vibration exposure that would occur through coupling loss provided by each affected building structure. If it is determined necessary to avoid damage, the project applicant shall coordinate with the Chief Building Official to implement corrective actions, which may include, but is not limited to building protection or stabilization. b. New developments that would generate substantial long-term vibration shall provide analysis and mitigation, as feasible, to achieve velocity levels, as experienced at habitable structures of vibration sensitive land uses, of less than 80 vibration decibels.	8.G.5; 8.G.6 <i>EIR Mitigation Measure 4.11-3a</i>		X							Ongoing	Work with project geotechnical consultant on minimization measures and techniques

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
8.13	a. Demolition, construction, site preparation, and related activities that would generate noise perceptible at the property line of the subject property are limited to the hours between 7:00 A.M. and 6:00 P.M. on Monday through Saturday and between 9:00 A.M. and 6:00 P.M. on Sunday and federal holidays. The building inspector may issue an exception to this limitation on hours in cases of urgent necessity where the public health and safety will not be substantially impaired. b. Idling times for noise-generating equipment used in demolition, construction, site preparation, and related activities shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes. c. Demolition, construction, site preparation, and related activities that do not involve pile driving proposed within 445 feet from the edge of properties with existing, occupied noise-sensitive uses shall incorporate all feasible strategies to reduce noise exposure for noise-sensitive uses, including: Provide written notice to all known occupied noise-sensitive uses within 400 feet of the edge of the	8.G.11 <i>EIR Mitigation Measure 4.11-1</i>		X							Ongoing	Work with construction manager and geotechnical consultant on minimization measures and techniques

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	<i>project site boundary at least 2 weeks prior to the start of each construction phase of the construction schedule;</i> - Ensure that construction equipment <i>is properly maintained</i> and equipped with noise control components, such as mufflers, in accordance with manufacturers' specifications; - Re-route construction equipment away from adjacent noise-sensitive uses; - Locate noisy construction equipment away from surrounding noise-sensitive uses; - Use sound aprons or temporary noise enclosures around noise generating equipment; - Position storage of waste materials, earth, and other supplies in a manner that will function as a noise barrier for surrounding noise sensitive uses; - Use the quietest practical type of equipment; - Use electric powered equipment instead of diesel or gasoline engine powered equipment; - Use shrouding or shielding and intake and exhaust silencers/mufflers; and - Other effective and feasible strategies to reduce construction noise exposure for surrounding noise sensitive uses. <i>d. For construction of buildings that require the installation of piles, an alternative to installation of piles by hammering shall be used. This</i>											

General Plan Implementation Program		Corresponding GP Policies	Administrative Services	Community Development	Community Services	Finance	Fire	Library	Police	Public Works	Time Frame	Status
	could include the use of augured holes for cast-in-place piles, installation through vibration or hydraulic insertion, or another low-noise technique.											



TO: THE HONORABLE MAYOR AND CITY COUNCIL

AGENDA: City Council Regular Meeting

DATE: May 21, 2019

ITEM #: H.21.

SUBJECT: Receive a Report on the Status of the City's Affordable Housing Initiatives, Programs and Related Actions for Calendar Year 2018

Recommendation for Action: Staff recommends that the City Council received a report on the status of the City's affordable housing initiatives, programs and related actions for calendar year 2018.

Staff Contact

Steve Coyle, Deputy Community Development Director (530) 661-5910, Email stephen.coyle@cityofwoodland.org

Dan Sokolow, Senior Planner (530) 661-5927, dan.sokolow@cityofwoodland.org

Fiscal Impact

There is no impact to the General Fund.

Background

The City's 2018 affordable housing efforts cover a number of programs and related actions. This report is focused on the following areas: (1) regulatory changes in support of infill residential development and status of development, (2) Housing Element Annual Progress Report, (3) creation of permanent supportive housing opportunities, (4) use of affordable housing in-lieu fees and Spring Lake Off-Site Affordable Housing Fees, and (5) overview of key legislation on housing/homeless issues.

Discussion

Over the past several years the City has pursued a range of efforts to help stimulate the development of new affordable housing units.

Regulatory Changes in Support of Infill Residential Development and Status of Development

In February of 2018, the City adopted amendments to the Affordable Housing Ordinance to increase and improve the availability of affordable housing, particularly the "missing middle", in new development areas and most importantly, within infill areas. A provision, for example, that exempts new for-sale and for-rent multifamily projects of 30 units or less in infill areas from inclusionary requirements, incentivized the development of the 14-unit Downtown Suites at 3rd and Lincoln Avenue. Several additional housing projects are in the design or feasibility stage that could add as many as 200 additional new infill housing units. The Council adopted the affordable housing ordinance with a stipulation that the ordinance be revisited at the latter of 3 years or approval of 300 new residential units.

In May of 2018, the City adopted the Phase 1/Interim Zoning Ordinance that reduced the zoning constraints for infill development, from parking to setbacks. The Ordinance included an Interim Zoning Map that established higher density, mixed-use corridors from West-to-East Main at Armfield, along East Street from Sports Drive Park north to Harter Ave, at the west end of West Kentucky, and along Kentucky Ave. between West and East Streets. The ordinance also streamlined the entitlement process for infill housing projects.

In November of 2018, the City Council adopted amendments to the Development Impact Fee deferral program expanding the program to include a broader range of infill housing types and well as deferral of all impact fee categories.

On April 16, 2019 the Council unanimously approved adjustments to the Development Impact Fees that established lower fees for infill housing and smaller residential units as a means to remove an additional disincentive to building higher density and more affordable housing types.

Housing Element Annual Progress Report

The City submitted its calendar year 2018 Housing Element Annual Progress Report (APR) to the State Department of Housing and Community Development and the Governor's Office of Planning and Research in April 2019. Submittal of the report along the continued compliance of the City's Housing Element with State housing element law will allow the City to apply for an over the counter, non-competitive Senate Bill 2 planning grant in the amount of \$310,000. The grant funds will be used to support a comprehensive update of the City's zoning ordinance.

Highlights of the 2018 Housing Element APR include the following:

- *Housing Development Applications Submitted*

1. Downtown Suites (447 and 451 Third Street) – 14 condominium units (under construction)
2. Winnie Four Plex (440 College Street) – 4 attached units (under construction)
3. Idle Wheel Estates Mobile Home Park (907 Bourn Drive) – expansion to add ten spaces for manufactured homes (conditional use permit approved)
4. Parkside 3 (northwest corner of Matmor Road and Sports Park Drive) – 98 single family units (revised submittal in March 2019, application under review)
5. Darkhorse (1425 Harry Lorenzo Avenue) – 178 single family units (under review)

- *Regional Housing Needs Allocation Progress, Permitted Units Issued by Affordability*

The following table details the City's progress in permitting residential units pursuant to the regional housing needs allocation (RHNA) during the current Housing Element period of 2013 – 2021 and shows significant progress for the above moderate and moderate income levels. While only 32.1 percent of the very low and 20.8 percent of low income units have been permitted to date, it is important to note that state housing element law requires the City to demonstrate capacity to accommodate the units by income level during the current housing element period. The City has documented its capacity to accommodate its RHNA during the current housing element period to the State Department of Housing and Community Development and its housing element remains in compliance with state law.

Income Level		RHNA Allocation by Income Level	2013	2014	2015	2016	2017	2018	2019	2020	2021	Total Units to Date	Total RHNA Left by Income Level
Very Low	Deed Restricted	390	46				79					125	265
	Non-Deed Restricted												
Low	Deed Restricted	274	16		1	1		39				57	217
	Non-Deed Restricted												
Moderate	Deed Restricted	349										207	142
	Non-Deed Restricted		1	32	37	67	32	38					
Above Moderate		864	97	96	114	199	99	174				779	85
Total RHNA		1877											
Total Units			160	128	152	267	210	251				1168	709

Housing projects on the horizon that will add very low and/or low income and may be permitted during the current housing element period include the No Place Like Home Permanent Supportive Housing Development (60 very low income units) and the first phase of the Oyang North senior housing development (mix of approximately 60 low and very low units). Later this year, the Sacramento Area Council of Governments (SACOG) will issue the draft RHNA to cover the next housing element period of 2021 – 2029.

- *Status of Housing Element Implementation Programs*

The attached document details the status of the implementation programs of the City's Housing Element.

Creation of Permanent Supportive Housing Opportunities

The City formed the “Woodland Collaborative” group in 2018 to prepare a State No Place Like Home (NPLH) loan application for a permanent supportive housing (PSH) development to serve the homeless. The project partners, which include the Friends of the Mission, Yolo Wayfarer Center, Woodland Opportunity Village, and City, met on a regular basis in 2018 to structure the PSH development and put together a NPLH application. City staff obtained a number of technical studies in support of the application including preliminary title report, site appraisal, Phase I environmental site assessment, biological assessment, site appraisal, preliminary engineering plans, and preliminary cost estimate. The NPLH application was submitted in January 2019 and the collaborative is working on obtaining additional funding from private foundations to support the PSH development as well as relocation of the emergency shelter and Walter’s House (residential drug treatment) to a campus that will be shared with the PSH units.

Use of Affordable housing In-Lieu Fees and Spring Lake Off-Site Affordable Housing Fees

For calendar year 2018, the City received in-lieu and off-site fee revenues in the amounts of \$630,400 and \$666,600, respectively. Fee revenues collected in previous years and a portion of the calendar year 2018 revenues were used to disburse \$1,200,000 for the Mutual Housing 2 loan in March 2018. Construction of the 39 farm worker units for Phase 2 began in April 2018 and was completed in April 2019. The City Council approved a \$1,500,000 loan commitment for the project in June 2017. The final loan disbursement of \$300,000 is likely to occur by the end of June 2019. It should be noted that the City Council in January 2019 made a \$900,000 financial commitment (\$600,000 grant and \$300,000 loan) for the No Place Like Home Permanent Supportive Housing development to serve the homeless.

Key Legislation on Housing/Homeless Issues

Addressing the housing crisis in California has been and continues to be a top priority for the Legislature and Governor Newsom. The following is a summary of recently enacted and pending legislation at the State that attempt to tackle a range of housing related issues.

Recently Enacted Legislation/Voter Propositions

Assembly Bill 686 - Approved in 2018, AB 686 requires housing elements updated after January 2021 to incorporate an assessment of fair housing or an analysis of impediments to fair housing.

Senate Bill 2 - Approved in 2017, SB 2 will generate an estimated \$225 million annually for affordable housing through a recording fee charged on certain types of real estate documents. Starting in calendar year 2019, the state will allocate 70 percent of the revenues to local governments. Eligible use of the SB 2 allocations include but are not limited to low income housing developments, homebuyer down payment assistance, rapid rehousing, rental assistance, emergency shelters, and permanent and transitional housing.

Proposition 1 (Affordable Housing Bonds) - Approved by California voters in November 2018, Prop 1 permits the state to issue \$4 billion in new general obligation bonds for the following housing programs.

- (1) \$1.8 billion for building or renovating affordable multifamily housing (apartments)
- (2) \$450 million for infrastructure (parks, water, sewage and transportation) to support housing construction
- (3) \$450 million for down payment assistance to low and moderate income home ownership
- (4) \$300 million for farmworker housing (rental and owner-occupied)
- (5) \$1 billion for home loans to eligible veterans

Pending

Legislation

Governor's Proposed 2019/20 Budget (May Revise)

Housing/Homeless funding highlights include the following.

- (1) \$1 billion in one-time funding for homeless-related efforts which includes an allocation of \$650 million to local governments for homeless emergency aid
- (2) \$650 million in one-time funding for the construction and expansion of emergency shelters and navigation centers (\$275 million of the funds will be allocated to counties and \$100 million will be allocated to Continuums of Care based on the 2019 federal point-in-time homeless count)
- (3) \$750 million in one-time funding to partner with local governments to increase housing production through technical assistance and general purpose funding
- (4) Up to \$500 million expansion in state housing tax credit program; state tax credits would be paired with underutilized 4-percent federal tax credit program

Assembly Bill 2372 would authorize a city or county to develop a procedure (by ordinance) to grant a developer, upon request, a floor area ratio bonus in lieu of a density bonus, and prohibits an entity from imposing parking requirements on eligible housing developments in excess of stated ratios.

Senate Bill 1227 would require local governments to grant density bonuses to developers building housing where all units will be used by full-time college students. Developers must enter into an agreement with a higher learning institution, ensuring that at least 20 percent of the total units are for lower income students and priority is given to students experiencing homelessness.

Senate Bill 765 would make several technical changes to a 2017 law that implemented a streamlined

ministerial approval process for multi-family housing developers in communities that identified a housing shortage. The law would address requirements for: (1) when a qualifying development is subject to a minimum percentage of below-market rate housing, (2) the timing of the recording of affordability covenants, (3) the applicability of objective subdivision standards in the local subdivision ordinance, (4) CEQA streamlining, and (5) parking standards. The law would also make actions taken by the local government to lease, convey or encumber land owned by the locality for a shelter, during a declared shelter crisis, exempt under CEQA.

Senate Bill 1035 (Planning and Zoning Law provision) would require each city and county to identify new information on fire and flood hazards, as well as climate adaptation along with applicable resiliency strategies in its safety element. These must be reviewed and revised every three years.

Conclusion

Staff recommends that the City Council receive a report on the status of the City's affordable housing initiatives, programs and related actions for calendar year 2018.

Prepared by: Steve Coyle, Deputy Community Development Director
Dan Sokolow, Senior Planner

Reviewed by: Ken Hiatt, Assistant City Manager / Community and Economic Development Director



Paul Navazio
City Manager

Attachments:

1. APR HE Implementation Programs

Table D			
Program Implementation Status pursuant to GC Section 65583			
Housing Programs Progress Report Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
DEVELOPMENT OF HOUSING			
9.A.1 - Planned Development Overlay Zone	The City shall continue to cooperative and advise developers in the use of the P-D Planned Development Overlay Zone to reduce housing costs by utilizing various techniques such as: zero lot lines, cluster development, private streets, parking and setback innovations and other creative development approaches.	Ongoing	The Planning Commission in 2018 approved the Woodland Downtown Suites development (tentative subdivision map, site plan, and design review), a fourteen-unit condominium project in the “Mixed Use District” of the Downtown Specific Plan Area on a site approximately 20,000 square feet in size. While a P-D Overlay Zone was not used for the development, City staff worked with the developer/builder to find solutions for setbacks, off-street parking, and design. Construction of the three-story project started in late 2018 and it is the first dense condominium project constructed in Woodland and the first new residential construction to occur in the downtown area in approximately ten years. The City is in the process of preparing a Comprehensive Zoning Code update that will provide further direction for planned development criteria and intends to provide objective review criteria for qualified multi-family development.

9.A.2 - Rezoning to accommodate regional housing needs	The City has identified lands for housing that can be developed by 2021 and that could accommodate Woodland's share of the regional housing needs by income category. Since adoption of the 2013 Housing Element, the City has rezoned land to R-25 (20-25 units per acre) and shall rezone at least 5 acres to R-25 or equivalent zone that has a minimum density of 20 units per acre and meetings the requirements of California Government Code Section 65583.2, paragraphs "h" and "i". The target for rezoning of 5 acres is based on the assumption that 5 acres, developing at 80% capacity, at 20 units per acre, which would provide for approximately 80 units, exceeding the City's shortfall. This additional land to be rezoned is intended by accommodate the City's Regional Housing Needs Allocation (RHNA) of 664 units affordable to households earning 80% or less of the Yolo County median income. Within 12 months of adoption of the General Plan Update, the City will update the Zoning code to reflect increased residential densities and housing opportunities resulting from the revised General Plan.	Within 12 months following adoption of the 2035 General Plan or within two years of the adoption of the 2013 Housing Element, whichever comes first	The Woodland City Council approved the rezone of the following six parcels on May 1, 2018: assessor parcel numbers 063-071-015, 063-060-006, 005-720-027, 005-060-044, 064-170-049, and 064-010-037. As a result of the rezonings, the sites have additional capacity for 1000+ residential units. Additional information on the rezoned sites is located in Table C (Sites Identified or Rezoned to Accommodate Shortfall Housing Need).

9.A.3 - Flexibility on identification of sites for accommodating Regional Housing Needs Plan Allocation	The City shall provide flexibility on the identification of sites for accommodating its Regional Housing Needs Plan (RHNP) Allocation as part of the General Plan update and subsequent comprehensive zoning code update. A request to lower the density of a site counted towards meeting the City's RHNP Allocation shall include findings that justify the rezone and identify adequate replacement site(s) that will provide the minimum number of units by income level for accommodating the City's RHNP Allocation and is developable during the term of the Housing Element planning period.	Ongoing as needed	No action was taken on this program in 2018.
9.A.4 - Bonus Incentive Program	The City shall continue to cooperate with and advise developers in the use of the City's Bonus Incentive Program as contained in Section 25-21-25 of the Zoning Ordinance. Bonus incentives are available to developers for including lower income units in their projects. The City will provide a one-page fact sheet that summarizes the Program and options of density bonuses for distribution to developers at the City's permit counter.	Ongoing	No action was taken on this program in 2018; however, it should be noted that Woodland's 2017 General Plan Update increased residential densities significantly and this may lessen the need for bonus densities. (The Woodland Municipal Code was recodified and the Bonus Incentive Program is now located in Section 17.104.070 of the Zoning Ordinance.)
9.A.5 - Multi-family housing bonds	The City shall continue to cooperate with Yolo County, other cities in the County, and actively work with affordable housing developers interested in multi-family housing bonds.	Ongoing	The City in 2018 worked with project partners Yolo County and Woodland-based nonprofits Friends of the Mission, Fourth & Hope, and Woodland Opportunity Village on a permanent supportive housing development to house homeless individuals. With the assistance of the project partners, a No Place Like Home loan application was submitted by Yolo County for the development in January 2019.

9.A.6 - Annual meeting to review Housing Element accomplishments	The City Council shall hold a meeting each year, per Section 65400 of the Government Code, to review accomplishments in implementing the Housing Element and document these accomplishments in a staff report or memo to the City Council.	Annually	No action was taken in 2018.
9.A.7. - Financial assistance for low and moderate income units that serve special needs groups	The City shall seek funds to provide financing to assist housing construction of lower income units, and moderate income units that serve special needs groups. Funding sources may include HOME, CalHome, and other Federal and State sources.	Annually	In March 2018, the City disbursed \$1,200,000 in loan funds to assist Mutual Housing California with its Mutual Housing Phase 2 project in Woodland. Phase 2 will result in the construction of 39 farmworker rental units in a new growth area of Woodland, Spring Lake Specific Plan Area. City loan funds were generated from Spring Lake Affordable Housing Off-Site Fees and affordable housing in-lieu fees.
9.A.8 - CDBG funding for affordable housing units	The City shall allocate CDBG funds for the provision of extremely low-income units, very low-income units, low-income units, and moderate-income housing units. The City shall identify sites, establish partnerships, and pursue CDBG funds.	Annually	A CDBG allocation of \$70,000 was approved by the City in 2018 for rehabilitation of the Yolo Community Care Continuum's Safe Harbor facility. Safe Harbor provides 24/7 crisis residential services to Woodland residents who are experiencing a mental health crisis. The program is vital to very low income individuals with a mental illness from becoming homeless.
9.A.9 - Incentives for affordable housing development	The City shall continue to offer incentives to developers of affordable housing such as: 1) waiver and/or deferral of all or a portion of City development fees; 2) waiver or modification of City development standards; or 3) assistance in obtaining federal, state, or local financing and/or subsidies, as codified in Section 6A-3-30 (Affordable Housing - Incentives) of the Municipal Code.	Ongoing on a case-by-case basis	In March 2018, the City disbursed \$1,200,000 in loan funds to assist Mutual Housing California with its Mutual Housing Phase 2 project in Woodland. Phase 2 will result in the construction of 39 farmworker rental units in a new growth area of Woodland, Spring Lake Specific Plan Area. City loan funds were generated from Spring Lake Affordable Housing Off-Site Fees and affordable housing in-lieu fees.

9.A.10 - Farmworker housing	The City shall amend zoning consistent with Health and Safety Code Section 17021.5 and 17021.6 to further facilitate the development of affordable housing may include fee waivers and reduced development standards. Financial and technical assistance will be sought from HCD's Office of Migrant Services, the Joe Serna Jr. Farmworker Housing Grant Program, the California Tax Credit Allocation Committee's Farmworker Housing Assistance Program, and the USDA Rural Development Program.	Within 12 months following adoption of the updated General Plan; provide financial technical assistance annually, as needed	In March 2018, the City disbursed \$1,200,000 in loan funds to assist Mutual Housing California with its Mutual Housing Phase 2 project in Woodland. Phase 2 will result in the construction of 39 farmworker rental units in a new growth area of Woodland, Spring Lake Specific Plan Area. City loan funds were generated from Spring Lake Affordable Housing Off-Site Fees and affordable housing in-lieu fees. The City Council on March 6, 2018 deferred more than \$500,000 in development impact fees for the Phase 2 project until issuance of the certificate of occupancy. The City loan funds are being combined with loan funds through a U.S. Department of Agriculture's Section 514 program and tax credits awarded through the California Tax Credit Allocation Committee.
9.A.11 - Provision of affordable housing in market-rate projects	The City shall continue to require the provision of affordable housing as a component of market-rate projects, as codified in Chapter 6A of the Municipal Code. The City shall continue to implement the affordable housing requirements of the South East Area Specific Plan as applicable. The City shall continue to implement the affordable housing requirements of the Spring Lake Specific Plan as applicable. The City shall monitor and annually report to the City Council on the number of affordable ownership units constructed and converted to unrestricted market-rate units.	Ongoing	The City continues to implement the affordable housing provisions (inclusionary housing) of its Municipal Code and Spring Lake Affordable Housing Plan. It should be noted that the South East Area Specific Plan has been built out. In 2018, the City executed a land dedication agreement for the Oyang North project. As a result, a 4.6-acre site multi-family site will be dedicated to a affordable housing developer for the construction of a senior affordable development generating at least 112 residential units. (The Woodland Municipal Code was re-codified and the City's Inclusionary Housing Ordinance is now located at Chapter 15.16 of the code.)

9.A.12 - Emergency shelter services	The City shall continue to facilitate the provision of emergency shelter services through its participation in the countywide Homeless Coordination Project that provides services to the homeless in Yolo County. The Project includes Homeless Coordination and the Cold Weather Shelter.	Ongoing	The City continues its participation in the Countywide Homeless Coordination Project to support staffing for the Homeless Services Manager (formerly the Homeless Coordinator position) and operation of Fourth & Hope's emergency shelter. In addition, the City established a Social Services Manager position in 2018. The position provides community outreach and coordination with internal/external partners on services, programs, and projects; and referrals to address community social service needs, including at-risk youth and individuals and families that are homeless or at risk of homelessness. In 2018, the City also awarded CDBG funds to Fourth & Hope for operation of its emergency shelter and to Empower Yolo for operation of its emergency shelter that serves the homeless who are victims of domestic violence, sexual assault, stalking, and trafficking. Other efforts in this area include the operation of an interfaith winter shelter for four weeks at a local church to house homeless families and free up space at Fourth & Hope's emergency shelter to accommodate additional homeless single men. The interfaith winter shelter is a partnership of the City, Yolo County, Fourth & Hope, and Woodland's faith community. Finally, a partnership of the City, Yolo County, and Fourth & Hope opened a temporary emergency shelter for 30 homeless individuals in early December 2018. Supportive services and case manager has been provided to individuals residing in the temporary shelter.
9.A.13 - Funding for special needs housing	The City shall pursue grant and loan funding opportunities from federal, state, and other agencies and coordinate with other agencies and nonprofit organizations for the provision of different sizes, scales, and types of housing, including transitional housing, efficiency units, housing with supportive services, and other special needs housing consistent with policies in the Land Use and Community Design Element.	Ongoing	The City in partnership with Fourth & Hope applied for four grants through the 2018 Federal Continuum of Care Competition to provide permanent supportive housing for chronically homeless families and individuals. The U.S. Department of Housing and Urban Development awarded three of the four grants.
9.A.14 - Support for services of Yolo County Homeless Coordinator	The City shall continue to support the services of Yolo County's Homeless Coordinator.	Ongoing	The City continues its participation in the Countywide Homeless Coordination Project to support staffing for the Homeless Services Manager (formerly the Homeless Coordinator position) and operation of Fourth & Hope's emergency shelter. In addition, the City established a Social Services Manager position in 2018. The position provides community outreach and coordination with internal/external partners on services, programs, and projects; and referrals to address community social service needs, including at-risk youth and individuals and families that are homeless or at risk of homelessness.

9.A.15 - Zoning for Residential Care Homes	The City shall consider options to allow Residential Care Homes with more than six mentally disordered or otherwise handicapped persons or dependent and neglected children as a permitted use in the Multiple-Family Residential Zone (R-M).	Within 12 months following adoption of the updated General Plan	The 2035 General Plan update was approved on May 16, 2017. The City plans initiate a comprehensive update of its zoning code in 2019.
MAINTENANCE OF HOUSING			
9.B.1 - Funding assistance for lower income units and special needs groups	The City shall periodically review its eligibility for various federal and state programs that will provide rehabilitation and maintenance assistance for lower income units and special needs groups. The City shall submit applications for programs for which the City is eligible, as appropriate.	Annually	No action was taken on this program in 2018. However, the City disbursed \$1,200,000 in loan funds for Mutual
9.B.2 - Housing condition survey	The City shall continue to periodically gather information regarding the status of local housing conditions to determine the need for housing rehabilitation and/or removal of unsafe units. A housing condition survey that meets the criteria of the state Department of Housing and Community Development will be conducted in targeted neighborhoods.	Every 5 years	The City employs a full-time code compliance officer.
9.B.3 - Funding for code compliance and nuisance abatement programs	The City shall continue to include funds in its operating budget for code compliance and nuisance abatement programs.	Ongoing	The City employs a full-time code compliance officer.

9.B.4 - Preservation of existing housing in downtown and East Street Corridor	The City shall continue to implement the Downtown and East Street Corridor Specific Plans to encourage the preservation of existing housing in the downtown area and East Street Corridor, the conversion of underutilized upper floors of commercial buildings to housing, and construction of infill mixed-use housing, and construction of infill mixed-use housing projects with street-level commercial uses. The City shall monitor and annually report on the number of housing units constructed as part of infill and mixed-use projects in these specific plan areas.	Ongoing	The City continues to encourage conversion of underutilized upper floors of commercial buildings to residential uses. The Planning Commission in 2018 approved the Woodland Downtown Suites development (tentative subdivision map, site plan, and design review), a fourteen-unit condominium project in the "Mixed Use District" of the Downtown Specific Plan Area on an infill site approximately 20,000 square feet in size. City staff worked with the developer/builder to find solutions for setbacks, off-street parking, and design. Construction of the three-story project started in late 2018 and it is the first dense condominium project constructed in Woodland and the first new residential construction to occur in the downtown area in approximately ten years. The project is a block south of Woodland's historic downtown.
9.B.5 - Preservation of affordable housing complexes	No later than one year prior to expiration of affordability, the City will contact property owners of units at-risk converting to market rate housing to discuss the City's desire to preserve complexes as affordable housing. The City will seek participation from agencies interested in purchasing and/or managing units at-risk. Funding assistance, which can be leveraged with outside sources by the developer to either transfer ownership, or provide rent subsidies to maintain affordability, shall utilize applicable federal, state, and local financing sources. Where properties are at risk of conversion, the City will work with tenants to provide education regarding tenant rights and conversion procedures pursuant to California law.	Ongoing	No action was taken in 2018.

9.B.6 - Energy efficiency	The City shall continue to strive for greater energy conservation in existing residential development. CDBG monies are available for energy efficiency work as part of the local housing rehabilitation program. Additionally, the City will continue to provide information to residents regarding available home rehabilitation programs, and increase public awareness of self-help and rehabilitation programs through outreach.	Ongoing	In 2018, non-profit Friends of the Mission used more than \$91,000 in CDBG awarded by the City for replacing the HVAC system at its Walter's House facility. The 44-bed facility provides residential substance abuse treatment.
EQUAL OPPORTUNITY IN HOUSING			
9.C.1 - Fair housing information/resources	The City shall continue to distribute Fair Housing brochures and booklets indicating what the Fair Housing laws are and where advice, assistance and enforcement activities can be obtained. The City will provide this information to any person who feels they have been discriminated against in acquiring housing within the City and to any housing provider who requests such information. Information will be made available at the City's website and at the City's Homebuyer Education Seminars. These efforts will also focus on special needs population groups that might face housing discrimination, such as farmworkers and persons with disabilities.	Ongoing	Information such as Fair Housing brochures are published in English and Spanish and are available at the Community Development Department office and through the City's website.

9.C.2 - Support for Annual Fair Housing Open Housing	The City shall support an Annual Fair Housing Open House for rental property owners and various social services organizations and agencies to discuss mechanisms to evaluate tenant applications according to fair housing law.	Ongoing	Legal Services of Northern California organized and presented the annual Yolo County Fair Housing Workshop, in collaboration with the City of Woodland, City of Davis, and Yolo County Housing on April 12, 2018. The City of Woodland contributed to the payment for lunch and beverages and assisted with publicity. Speakers included Kevin Kish, the Director of the California Department of Fair Employment and Housing. Theresa Mulley from the U.S. Department of Housing and Urban Development provided an overview of fair housing laws and discussed HUD guidance on criminal background screening and immigration. The workshop was attended by 96 property managers and landlords and their staff.
9.C.3 - Reasonable accommodation	The City shall continue to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures that may be necessary to ensure equal access to housing pursuant to the Reasonable Accommodations for Persons with Disabilities provisions of Section 25.21.85 of the Municipal Code.	Ongoing	The City continues to follow the Reasonable Accommodation provisions of its Municipal Code. (The Woodland Municipal Code was recodified and the reasonable accommodation provisions are now located in Section 17.104.190 of the code.)
9.C.4 - Universal Design	The City shall continue to implement measures to encourage developers to apply universal design principles in new housing developments so that housing units and the neighborhoods in which they are located are as accessible as possible to all individuals, regardless of age or abilities. Such measures include density bonuses, fee reduction/deferrals, or other incentives.	Ongoing	Barrier-free design is governed by accessibility law and incorporated with all designs. All apartments are required to comply with Chapter 11B of the California Building Code. Information such as Fair Housing brochures are published in English and Spanish and are available at the Community Development Department office and through the City's website.
9.C.5 - Fair Housing outreach	The City shall increase the educational outreach efforts by providing fair housing information in English and Spanish whenever feasible. Financial and technical assistance may be sought from California Rural Legal Assistance, the Farmworker Justice Fund, the USDA Rural Development Program, and HCD's Office of Migrant Services.	Ongoing	

9.C.6 - Relocation assistance	The City shall continue to ensure that relocation assistance is provided to tenants relocated as a result of removal of housing, in compliance with the Federal Housing and Community Development Act of 1974.	Ongoing as needed	No action was taken in 2018.
9.C.7 - Affirmatively furthering Fair Housing	The City shall affirmatively further fair housing by contracting with the Fair Housing Hotline Project provided through Legal Services of Northern California.	Ongoing	For 2018, the City provided CDBG funds to Legal Services of Northern California to support the operation of the Fair Housing Hotline Project.
9.C.8 - Referrals for Fair Housing complaints	The City shall refer fair housing complaints to the Fair Housing Hotline Project provided through Legal Services of Northern California and State Department of Fair Employment and Housing for resolution.	Ongoing	Fair housing issues continue to be referred to the Fair Housing Hotline Project.
ENERGY CONSERVATION AND SUSTAINABLE HOUSING DEVELOPMENT			
9.D.1 - Energy conservation policies	The City shall consider citywide application of energy conservation policies in the Spring Lake Specific Plan. These policies include but are not limited to the use of energy efficient air conditioners, light-colored roofing materials, photovoltaic energy systems, and Energy Star appliances. The City shall monitor and report on the number of housing units constructed with energy efficiency features that exceed the requirements of the CalGreen Code.	FY 2014 / 2015. Monitor and report to the City Council every five years, as a part of the implementation of the Climate Action Plan.	For 2018, the City issued 611 building permits for rooftop solar energy systems. Most of the permits were issued for residential structures.

9.D.2 - Infill development	Through its General Plan, Zoning Code, and Climate Action Plan, the City shall promote infill development, including affordable housing, in proximity to services, transit, pedestrian and bicycle facilities, and other urban amenities; mixed use of commercial areas – including upstairs spaces in the downtown area (e.g., uses including retail, entertainment, services, and residential); and redevelopment of vacant or underutilized lots with buildings, including second stories for retail, residential, or offices uses.	FY 2014 / 2014 and ongoing	The Planning Commission in 2018 approved the Woodland Downtown Suites development (tentative subdivision map, site plan, and design review), a fourteen-unit condominium project in the “Mixed Use District” of the Downtown Specific Plan Area on an infill site approximately 20,000 square feet in size. City staff worked with the developer/builder to find solutions for setbacks, off-street parking, and design. Construction of the three-story project started in late 2018 and it is the first dense condominium project constructed in Woodland and the first new residential construction to occur in the downtown area in approximately ten years. The project is a block south of Woodland's historic downtown.
9.D.3 - Promotion of residential energy conservation practices	The City shall continue to promote residential energy conservation practices pursuant to the Title 24 provisions of the California Building Code Standards, including the provisions for sustainable construction and development practices that are contained in the CalGreen Code.	Ongoing	The City adopted the 2016 California Building Standards Code and 2016 California Green Code. For 2018, the City issued 611 building permits for rooftop solar energy systems. Most of the permits were issued for residential structures.
9.D.4 - Public education and outreach on energy conservation	The City shall coordinate with Pacific Gas & Electric, community-based organizations, and other public agencies to provide public education and outreach on energy conservation. Specific actions related to energy conservation will be coordinated through the Climate Action Plan.	Ongoing	The City joined the Valley Clean Energy (VCE) Alliance, a joint powers authority, in 2017 to empower local control of electricity procurement decisions, reduce the carbon footprint associated with their electricity services, and help support growth of local renewables. The other members of VCE include the City of Davis and Yolo County.
9.D.5 - Energy conservation in existing development	The City shall encourage the continued affordability of both rental and ownership housing by encouraging energy conservation in all existing development.	Ongoing	The City issued 611 building permits for rooftop solar energy systems in 2018. Most of the permits were issued for residential structures.



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: H.22.
SUBJECT: Consideration of Position on Selected State Legislation

Recommendation for Action: Staff recommends that the City Council consider a formal position on selected state legislation related primarily to housing policy.

Staff Contact:

Paul Navazio, City Manager, (530) 661-5800, paul.navazio@cityofwoodland.org

Fiscal Impact:

There is no direct fiscal impact of the recommendations contained in this staff report. However, among the bills currently working through the legislative process in the area of housing policy may provide additional resources for local governments to address critical housing needs or, alternatively, impose punitive measures with potentially significant fiscal implications, if adopted.

Background:

The Governor and Legislature have placed a major focus on addressing the ongoing housing crisis in California. Efforts to implement policy and programs to promote new housing starts, transit-oriented development, infill, density, affordable housing as well as housing to address the homeless crisis in the state. Several bills have the potential to greatly assist local jurisdictions in implementing their respective General Plan Housing elements, and provide tools and incentives to advance local housing goals and priorities. At the same time, several bills seek to advance statewide housing goals by eroding or pre-empting local land use and discretionary approval authority and/or implement punitive measures that threaten access to state grant funding. This staff report identifies a selected number of bills with recommended positions for Council consideration. Staff has been tracking these, as well as other bills, in coordination with the League of California Cities and the Sacramento Area Council of Governments (SACOG). Staff will provide additional updates on pending legislation as additional bills may warrant City Council attention.

Discussion:

AB 10 (Chiu) – Affordable Housing Tax Credit

This bill proposes to increase the state Low-Income Housing Tax Credit (LIHTC) Program by \$500 million and eliminates the cap on the amount of LIHTC that individual tax payers claim in a taxable year. The goal of the bill is to help leverage additional federal funds and promote the construction of more affordable housing.

Recommended position: Support

ACA 1 (Aguilar-Curry) – Financing for Affordable Housing and Public Infrastructure

This proposed constitutional amendment would lower the vote threshold for special taxes and bonds to fund affordable housing and public infrastructure projects from two-thirds to 55%. The measure could serve to

remove barriers to infill development by providing additional funding, subject to voter-approval, housing and infrastructure projects. Eligible infrastructure projects include: improvements to transit, streets and roads, flood control, water, sewer and storm drainage, parks and broadband service for under-served areas. This measure requires approval by two-thirds of both houses of the legislature and subsequent approval by the voters as a statewide ballot initiative.

Recommended position: Support

SB 5 (Beall and McGuire) – Affordable Housing and Community Development Investment Program

This bill proposes to provide a funding mechanism for affordable housing and housing-related infrastructure. A city, county or joint powers authority, would submit a plan to a state committee for projects including, construction of affordable housing, transit-oriented development, and infill development. At least 50% of the funding must be used for construction of affordable housing. Funding for approved plans would come from funds that the applying jurisdiction would otherwise have transferred to the Education Revenue Augmentation Fund (ERAF), via a reduction by the County auditor of property tax revenues currently transferred to the state. Any funds so transferred would be backfilled by the state General Fund in support of K-12 education.

Recommended position: Support

SB 128 (Beall)- Enhanced Infrastructure Financing Districts

This bill would eliminate the vote requirement for establishment of an EIFD to issue bonds and establishes a new voter-protest process. In response to the dissolution of Redevelopment, the state legislature enacted legislation allowing for the creation of EIFD's to help local governments finance infrastructure projects through tax-increment financing. EIFD's currently require a 55% voter approval to issue bonds funded through tax-increment collected within a prescribed district. If passed, this bill would replace the voter requirement with a voter-protest provision over a series of three public hearings.

Recommended position: Support

SB 50 (Wiener) – More HOMES Act (Housing Opportunity, Nobility and Stability)

This bill would allow developers of certain types of multi-family housing projects to override local adopted height, density and parking requirements and limits local design review standards.

Recommended position: Oppose Unless Amended

AB 1568 (McCarty) Housing Law Compliance - Prohibition on Applying for State Grants

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 the department of Housing and Community Development (HCD) to review the draft and report its written findings, as specified. Existing law also requires the department, in its written findings, to determine whether the draft substantially complies with the Housing Element Law. This bill would authorize the city or county to submit evidence that the city or county is no longer in violation of state law to the department and to request the department to issue a finding that the city or county is no longer in violation of state law. If the department finds that the city or county is no longer in violation of state law, the bill would require the department to notify the city or county. The bill would, on or before January 1, 2025, prohibit a city or county found to be in violation of state law, as described above, from applying for a state grant, unless the fund source of the state grant is protected by a specified provision of the California Constitution relating to state taxes and fees on motor vehicles and motor vehicle fuels or the state grant funds, if awarded to the city or county, would assist the city or county in complying with the Housing Element Law.

Recommended position: Oppose

SB 330 (Skinner) - Housing Crisis Act of 2019.

This bill declares a statewide emergency, and for a ten-year period prohibits a local jurisdiction from imposing parking requirements, imposing or adjusting impact fees on affordable housing projects. The bill further provides that a local agency that proposes to disapprove a housing development project that complies with applicable, general plan and zoning standards, or to approve it on the condition that it be developed at a lower density, to base its decision upon written findings supported by substantial evidence, or be subject to a fine of at least \$10,000 per housing unit.

Recommended position: Oppose

Conclusion:

Staff recommends that the City Council consider a formal position on selected state legislation related primarily to housing policy.



Paul Navazio
City Manager

Attachments:

1. Bill Text AB 10 (Chiu)
2. Bill Text ACA 1 (Aguiar-Curry)
3. Bill Text SB 5 (Beall and McGuire)
4. Bill Text SB 128 (Beall)
5. Bill Text SB 50 (Wiener)
6. Bill Text AB 1568 (McCarty)
7. Bill Text SB 330 (Skinner)

AMENDED IN ASSEMBLY APRIL 30, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 10

**Introduced by Assembly Members Chiu, Bonta, Maienschein, Reyes,
and Wicks**

(Principal coauthor: Assembly Member Gabriel)

(Principal coauthor: Senator Wiener)

**(Coauthors: Assembly Members Bloom, Carrillo, Choi, Chu,
Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Kalra,
McCarty, O'Donnell, Quirk-Silva, Santiago, Mark Stone, Diep,
Lackey, and Voepel)**

(Coauthors: Senators Beall, Dodd, Skinner, Allen, Hill, and Wilk)

December 3, 2018

An act to amend Sections 12206, 17058, 17561, 23610.5, and 24692 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 10, as amended, Chiu. Income taxes: credits low-income housing: farmworker housing.

(1) Existing law establishes a low-income housing tax credit program pursuant to which the California Tax Credit Allocation Committee provides procedures and requirements for the allocation, in modified conformity with federal law, of state insurance, personal income, and corporation tax credit amounts to qualified low-income housing projects that have been allocated, or qualify for, a federal low-income housing tax credit, and farmworker housing. Existing law limits the total annual amount of the state low-income housing credit for which a federal low-income housing credit is required to the sum of \$70,000,000, as

increased by any percentage increase in the Consumer Price Index for the preceding calendar year, any unused credit for the preceding calendar years, and the amount of housing credit ceiling returned in the calendar year. Existing law additionally allows a state credit, which is not dependent on receiving a federal low-income housing credit, of \$500,000 per calendar year for projects to provide farmworker housing. For purposes of determining the credit amount, existing law defines the term “applicable percentage” depending on, among other things, whether the qualified low-income building is a new building that is not federally subsidized, a new building that is federally subsidized, or is an existing building that is “at risk of conversion.”

This bill, under the law governing the taxation of insurers, the Personal Income Tax Law, and the Corporation Tax Law, ~~for calendar years beginning in 2020;~~ *the 2020 to 2024 calendar years, inclusive,* would increase the aggregate housing credit dollar amount that may be allocated among low-income housing projects by an additional \$500,000,000, as specified, and would allocate to farmworker housing projects \$25,000,000 per year of that amount. The bill, under those laws, would modify the definition of applicable percentage relating to qualified low-income buildings to depend on whether the building is a new or existing building and federally subsidized, or a building that is, among other things, at least 15 years old, serving households of very low income or extremely low income, and will complete substantial rehabilitation, as specified.

(2) Existing law requires the committee to allocate the housing credit on a regular basis, as provided, in accordance with a qualified allocation plan that includes specified provisions, including a requirement that all housing sponsors, as defined, demonstrate at the time the application is filed that the project meets specified threshold requirements.

This bill, with respect to the allocation of a credit pursuant to the Personal Income Tax Law, on or after January 1, 2020, would require that the housing sponsor demonstrate that it will invest an amount in the project at least equal to the amount of credit allocated to it.

(3) The Personal Income Tax Law and the Corporation Tax Law, in modified conformity with federal law, generally disallow passive activity loss and passive activity credits for any taxable year in computing taxable income, but, in the case of a natural person, allow an offset in the case of the low-income housing tax credit of up to \$75,000 for any taxable year for all rental real estate activities in which the individual actively participated in the taxable year, as provided.

This bill, for each taxable year beginning on or after January 1, 2020, and before January 1, 2025, would provide that the dollar limitation for the offset for rental real estate activities does not apply to the low-income housing tax credit program.

(4) *This bill would make specified findings and declarations regarding the objectives, goals, and purposes of the expanded low-income housing tax credit program provided under its provisions. In this regard, the bill would require the Legislative Analyst to review the effectiveness of this property tax assistance and authorize the Legislative Analyst to collect specified data from the Franchise Tax Board and the California Tax Credit Allocation Committee.*

(4)

(5) This bill would take effect immediately as a tax levy.

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

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

1 SECTION 1. Section 12206 of the Revenue and Taxation Code
2 is amended to read:
3 12206. (a) (1) There shall be allowed as a credit against the
4 “tax,” as described by Section 12201, a state low-income housing
5 tax credit in an amount equal to the amount determined in
6 subdivision (c), computed in accordance with Section 42 of the
7 Internal Revenue Code, relating to low-income housing credit,
8 except as otherwise provided in this section.
9 (2) “Taxpayer,” for purposes of this section, means the sole
10 owner in the case of a “C” corporation, the partners in the case of
11 a partnership, members in the case of a limited liability company,
12 and the shareholders in the case of an “S” corporation.
13 (3) “Housing sponsor,” for purposes of this section, means the
14 sole owner in the case of a “C” corporation, the partnership in the
15 case of a partnership, the limited liability company in the case of
16 a limited liability company, and the “S” corporation in the case of
17 an “S” corporation.
18 (4) “Extremely low income households” has the same meaning
19 as in Section 50053 of the Health and Safety Code.
20 (5) “Very low income households” has the same meaning as in
21 Section 50053 of the Health and Safety Code.

(b) (1) The amount of the credit allocated to any housing sponsor shall be authorized by the California Tax Credit Allocation Committee, or any successor thereof, based on a project's need for the credit for economic feasibility in accordance with the requirements of this section.

(A) Except for projects to provide farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code, that are allocated credits solely under the set-aside described in subdivision (c) of Section 50199.20 of the Health and Safety Code, the low-income housing project shall be located in California and shall meet either of the following requirements:

(i) The project's housing sponsor has been allocated by the California Tax Credit Allocation Committee a credit for federal income tax purposes under Section 42 of the Internal Revenue Code, relating to low-income housing credit.

(ii) It qualifies for a credit under Section 42(h)(4)(B) of the Internal Revenue Code, relating to special rule where 50 percent or more of building is financed with tax-exempt bonds subject to volume cap.

(B) The California Tax Credit Allocation Committee shall not require fees for the credit under this section in addition to those fees required for applications for the tax credit pursuant to Section 42 of the Internal Revenue Code, relating to low-income housing credit. The committee may require a fee if the application for the credit under this section is submitted in a calendar year after the year the application is submitted for the federal tax credit.

(C) (i) For a project that receives a preliminary reservation of the state low-income housing tax credit, allowed pursuant to subdivision (a), on or after January 1, 2009, and before January 1, 2020, the credit shall be allocated to the partners of a partnership owning the project in accordance with the partnership agreement, regardless of how the federal low-income housing tax credit with respect to the project is allocated to the partners, or whether the allocation of the credit under the terms of the agreement has substantial economic effect, within the meaning of Section 704(b) of the Internal Revenue Code, relating to determination of distributive share.

(ii) This subparagraph shall not apply to a project that receives a preliminary reservation of state low-income housing tax credits under the set-aside described in subdivision (c) of Section 50199.20

1 of the Health and Safety Code unless the project also receives a
2 preliminary reservation of federal low-income housing tax credits.

3 (2) (A) The California Tax Credit Allocation Committee shall
4 certify to the housing sponsor the amount of tax credit under this
5 section allocated to the housing sponsor for each credit period.

6 (B) In the case of a partnership or an “S” corporation, the
7 housing sponsor shall provide a copy of the California Tax Credit
8 Allocation Committee certification to the taxpayer.

9 (C) The taxpayer shall attach a copy of the certification to any
10 return upon which a tax credit is claimed under this section.

11 (D) In the case of a failure to attach a copy of the certification
12 for the year to the return in which a tax credit is claimed under this
13 section, no credit under this section shall be allowed for that year
14 until a copy of that certification is provided.

15 (E) All elections made by the taxpayer pursuant to Section 42
16 of the Internal Revenue Code, relating to low-income housing
17 credit, shall apply to this section.

18 (F) (i) Except as described in clause (ii) or (iii), for buildings
19 located in designated difficult development areas (DDAs) or
20 qualified census tracts (QCTs), as defined in Section 42(d)(5)(B)
21 of the Internal Revenue Code, relating to increase in credit for
22 buildings in high-cost areas, credits may be allocated under this
23 section in the amounts prescribed in subdivision (c), provided that
24 the amount of credit allocated under Section 42 of the Internal
25 Revenue Code, relating to low-income housing credit, is computed
26 on 100 percent of the qualified basis of the building.

27 (ii) Notwithstanding clause (i), the California Tax Credit
28 Allocation Committee may allocate the credit for buildings located
29 in DDAs or QCTs that are restricted to having 50 percent of the
30 building’s occupants be special needs households, as defined in
31 the California Code of Regulations by the California Tax Credit
32 Allocation Committee, even if the taxpayer receives federal credits
33 pursuant to Section 42(d)(5)(B) of the Internal Revenue Code,
34 relating to increase in credit for buildings in high-cost areas,
35 provided that the credit allowed under this section shall not exceed
36 30 percent of the eligible basis of the building.

37 (iii) On and after January 1, 2018, notwithstanding clause (i),
38 the California Tax Credit Allocation Committee may allocate the
39 credit pursuant to paragraph (5) of subdivision (c) even if the
40 taxpayer receives federal credits, pursuant to Section 42(d)(5)(B)

1 of the Internal Revenue Code, relating to increase in credit for
2 buildings in high-cost areas.

3 (G) (i) The California Tax Credit Allocation Committee may
4 allocate a credit under this section in exchange for a credit allocated
5 pursuant to Section 42(d)(5)(B) of the Internal Revenue Code,
6 relating to increase in credit for buildings in high-cost areas, in
7 amounts up to 30 percent of the eligible basis of a building if the
8 credits allowed under Section 42 of the Internal Revenue Code,
9 relating to low-income housing credit, are reduced by an equivalent
10 amount.

11 (ii) An equivalent amount shall be determined by the California
12 Tax Credit Allocation Committee based upon the relative amount
13 required to produce an equivalent state tax credit to the taxpayer.

14 (c) Section 42(b) of the Internal Revenue Code, relating to
15 applicable percentage: 70 percent present value credit for certain
16 new buildings; 30 percent present value credit for certain other
17 buildings, shall be modified as follows:

18 (1) In the case of any qualified low-income building that is a
19 new building, as defined in Section 42(i)(4) of the Internal Revenue
20 Code, relating to new building, and the regulations promulgated
21 thereunder, and not federally subsidized, the term “applicable
22 percentage” means the following:

23 (A) For each of the first three years, the percentage prescribed
24 by the Secretary of the Treasury for new buildings that are not
25 federally subsidized for the taxable year, determined in accordance
26 with the requirements of Section 42(b)(1) of the Internal Revenue
27 Code, relating to determination of applicable percentage.

28 (B) For the fourth year, the difference between 30 percent and
29 the sum of the applicable percentages for the first three years.

30 (2) In the case of any qualified low-income building that is a
31 new building, as defined in Section 42(i)(4) of the Internal Revenue
32 Code, relating to new building, and the regulations promulgated
33 thereunder and is federally subsidized, the term “applicable
34 percentage” means for the first three years, 15 percent of the
35 qualified basis of the building, and for the fourth year, 5 percent
36 of the qualified basis of the building.

37 (3) In the case of any qualified low-income building that is an
38 existing building, as defined in Section 42(i)(5) of the Internal
39 Revenue Code, relating to existing building, and the regulations

1 promulgated thereunder and is federally subsidized, the term
2 “applicable percentage” means the following:

3 (A) For each of the first three years, the percentage prescribed
4 by the Secretary of the Treasury for new buildings that are federally
5 subsidized for the taxable year.

6 (B) For the fourth year, the difference between 13 percent and
7 the sum of the applicable percentages for the first three years.

8 (4) In the case of any qualified low-income building that meets
9 all of the requirements of subparagraphs (A) through (D), inclusive,
10 the term “applicable percentage” means 30 percent for each of the
11 first three years and 5 percent for the fourth year. A qualified
12 low-income building receiving an allocation under this paragraph
13 is ineligible to also receive an allocation under paragraph (3).

14 (A) The qualified low-income building is at least 15 years old.

15 (B) The qualified low-income building is serving households
16 of very low income or extremely low income such that the average
17 maximum household income as restricted, pursuant to an existing
18 regulatory agreement with a federal, state, county, local, or other
19 governmental agency, is not more than 45 percent of the area
20 median gross income, as determined under Section 42 of the
21 Internal Revenue Code, relating to low-income housing credit,
22 adjusted by household size, and a tax credit regulatory agreement
23 is entered into for a period of not less than 55 years restricting the
24 average targeted household income to no more than 45 percent of
25 the area median income.

26 (C) The qualified low-income building would have insufficient
27 credits under paragraphs (2) and (3) to complete substantial
28 rehabilitation due to a low appraised value.

29 (D) The qualified low-income building will complete the
30 substantial rehabilitation in connection with the credit allocation
31 herein.

32 (5) On and after January 1, 2018, in the case of any qualified
33 low-income building that is (A) farmworker housing, as defined
34 by paragraph (2) of subdivision (h) of Section 50199.7 of the
35 Health and Safety Code, and (B) is federally subsidized, the term
36 “applicable percentage” means for each of the first three years, 20
37 percent of the qualified basis of the building, and for the fourth
38 year, 15 percent of the qualified basis of the building.

39 (d) The term “qualified low-income housing project” as defined
40 in Section 42(c)(2) of the Internal Revenue Code, relating to

1 qualified low-income building, is modified by adding the following
2 requirements:

3 (1) The taxpayer shall be entitled to receive a cash distribution
4 from the operations of the project, after funding required reserves,
5 that, at the election of the taxpayer, is equal to:

6 (A) An amount not to exceed 8 percent of the lesser of:

7 (i) The owner equity that shall include the amount of the capital
8 contributions actually paid to the housing sponsor and shall not
9 include any amounts until they are paid on an investor note.

10 (ii) Twenty percent of the adjusted basis of the building as of
11 the close of the first taxable year of the credit period.

12 (B) The amount of the cashflow from those units in the building
13 that are not low-income units. For purposes of computing cashflow
14 under this subparagraph, operating costs shall be allocated to the
15 low-income units using the “floor space fraction,” as defined in
16 Section 42 of the Internal Revenue Code, relating to low-income
17 housing credit.

18 (C) Any amount allowed to be distributed under subparagraph
19 (A) that is not available for distribution during the first five years
20 of the compliance period may be accumulated and distributed any
21 time during the first 15 years of the compliance period but not
22 thereafter.

23 (2) The limitation on return shall apply in the aggregate to the
24 partners if the housing sponsor is a partnership and in the aggregate
25 to the shareholders if the housing sponsor is an “S” corporation.

26 (3) The housing sponsor shall apply any cash available for
27 distribution in excess of the amount eligible to be distributed under
28 paragraph (1) to reduce the rent on rent-restricted units or to
29 increase the number of rent-restricted units subject to the tests of
30 Section 42(g)(1) of the Internal Revenue Code, relating to in
31 general.

32 (e) The provisions of Section 42(f) of the Internal Revenue
33 Code, relating to definition and special rules relating to credit
34 period, shall be modified as follows:

35 (1) The term “credit period” as defined in Section 42(f)(1) of
36 the Internal Revenue Code, relating to credit period defined, is
37 modified by substituting “four taxable years” for “10 taxable
38 years.”

39 (2) The special rule for the first taxable year of the credit period
40 under Section 42(f)(2) of the Internal Revenue Code, relating to

1 special rule for 1st year of credit period, shall not apply to the tax
2 credit under this section.

3 (3) Section 42(f)(3) of the Internal Revenue Code, relating to
4 determination of applicable percentage with respect to increases
5 in qualified basis after 1st year of credit period, is modified to
6 read:

7 If, as of the close of any taxable year in the compliance period,
8 after the first year of the credit period, the qualified basis of any
9 building exceeds the qualified basis of that building as of the close
10 of the first year of the credit period, the housing sponsor, to the
11 extent of its tax credit allocation, shall be eligible for a credit on
12 the excess in an amount equal to the applicable percentage
13 determined pursuant to subdivision (c) for the four-year period
14 beginning with the taxable year in which the increase in qualified
15 basis occurs.

16 (f) The provisions of Section 42(h) of the Internal Revenue
17 Code, relating to limitation on aggregate credit allowable with
18 respect to projects located in a state, shall be modified as follows:

19 (1) Section 42(h)(2) of the Internal Revenue Code, relating to
20 allocated credit amount to apply to all taxable years ending during
21 or after credit allocation year, shall not be applicable and instead
22 the following provisions shall be applicable:

23 The total amount for the four-year credit period of the housing
24 credit dollars allocated in a calendar year to any building shall
25 reduce the aggregate housing credit dollar amount of the California
26 Tax Credit Allocation Committee for the calendar year in which
27 the allocation is made.

28 (2) Paragraphs (3), (4), (5), (6)(E)(i)(I), (6)(F), (6)(G), (6)(I),
29 (7), and (8) of Section 42(h) of the Internal Revenue Code, relating
30 to limitation on aggregate credit allowable with respect to projects
31 located in a state, shall not be applicable.

32 (g) The aggregate housing credit dollar amount that may be
33 allocated annually by the California Tax Credit Allocation
34 Committee pursuant to this section, Section 17058, and Section
35 23610.5 shall be an amount equal to the sum of all the following:

36 (1) (A) Seventy million dollars (\$70,000,000) for the 2001
37 calendar year, and, for the 2002 calendar year and each calendar
38 year thereafter, seventy million dollars (\$70,000,000) increased
39 by the percentage, if any, by which the Consumer Price Index for
40 the preceding calendar year exceeds the Consumer Price Index for

1 the 2001 calendar year. For the purposes of this paragraph, the
2 term “Consumer Price Index” means the last Consumer Price Index
3 for All Urban Consumers published by the federal Department of
4 Labor.

5 (B) Five hundred million dollars (\$500,000,000) for the 2020
6 calendar year, and, for the ~~2020 calendar year and each calendar~~
7 ~~year thereafter, 2020 to 2024 calendar years, inclusive,~~ five
8 hundred million dollars (\$500,000,000) increased by the
9 percentage, if any, by which the Consumer Price Index for the
10 preceding calendar year exceeds the Consumer Price Index for the
11 2020 calendar year. For the purposes of this paragraph, the term
12 “Consumer Price Index” means the last Consumer Price Index for
13 All Urban Consumers published by the federal Department of
14 Labor. A housing sponsor receiving an allocation under paragraph
15 (1) of subdivision (c) shall not be eligible for receipt of the housing
16 credit allocated from the increased amount under this subparagraph.
17 A housing sponsor receiving an allocation under paragraph (1) of
18 subdivision (c) shall remain eligible for receipt of the housing
19 credit allocated from the credit ceiling amount under subparagraph
20 (A).

21 (2) The unused housing credit ceiling, if any, for the preceding
22 calendar years.

23 (3) The amount of housing credit ceiling returned in the calendar
24 year. For purposes of this paragraph, the amount of housing credit
25 dollar amount returned in the calendar year equals the housing
26 credit dollar amount previously allocated to any project that does
27 not become a qualified low-income housing project within the
28 period required by this section or to any project with respect to
29 which an allocation is canceled by mutual consent of the California
30 Tax Credit Allocation Committee and the allocation recipient.

31 (4) (A) ~~Of~~ *For the 2020 to 2024 calendar years, inclusive, of*
32 *the amount allocated pursuant to subparagraph (B) of paragraph*
33 *(1), twenty-five million dollars (\$25,000,000) per calendar year*
34 *for projects to provide farmworker housing, as defined in*
35 *subdivision (h) of Section 50199.7 of the Health and Safety Code.*

36 (B) The amount of any unallocated or returned credits pursuant
37 to this paragraph per calendar year shall be added to the aggregate
38 amount of credits allocated pursuant to subparagraph (B) of
39 paragraph (1).

1 (5) *For the 2025 calendar year, and each calendar year*
2 *thereafter, five hundred thousand dollars (\$500,000) per calendar*
3 *year for projects to provide farmworker housing, as defined in*
4 *subdivision (h) of Section 50199.7 of the Health and Safety Code.*

5 (5)

6 (6) The amount of any unallocated or returned credits under
7 former Sections 17053.14, 23608.2, and 23608.3, as those sections
8 read prior to January 1, 2009, until fully exhausted for projects to
9 provide farmworker housing, as defined in subdivision (h) of
10 Section 50199.7 of the Health and Safety Code.

11 (h) The term “compliance period” as defined in Section 42(i)(1)
12 of the Internal Revenue Code, relating to compliance period, is
13 modified to mean, with respect to any building, the period of 30
14 consecutive taxable years beginning with the first taxable year of
15 the credit period with respect thereto.

16 (i) (1) Section 42(j) of the Internal Revenue Code, relating to
17 recapture of credit, shall not be applicable and the provisions in
18 paragraph (2) shall be substituted in its place.

19 (2) The requirements of this section shall be set forth in a
20 regulatory agreement between the California Tax Credit Allocation
21 Committee and the housing sponsor, and the regulatory agreement
22 shall be subordinated, when required, to any lien or encumbrance
23 of any banks or other institutional lenders to the project. The
24 regulatory agreement entered into pursuant to subdivision (f) of
25 Section 50199.14 of the Health and Safety Code, shall apply,
26 provided that the agreement includes all of the following
27 provisions:

28 (A) A term not less than the compliance period.

29 (B) A requirement that the agreement be recorded in the official
30 records of the county in which the qualified low-income housing
31 project is located.

32 (C) A provision stating which state and local agencies can
33 enforce the regulatory agreement in the event the housing sponsor
34 fails to satisfy any of the requirements of this section.

35 (D) A provision that the regulatory agreement shall be deemed
36 a contract enforceable by tenants as third-party beneficiaries thereto
37 and that allows individuals, whether prospective, present, or former
38 occupants of the building, who meet the income limitation
39 applicable to the building, the right to enforce the regulatory
40 agreement in any state court.

1 (E) A provision incorporating the requirements of Section 42
2 of the Internal Revenue Code, relating to low-income housing
3 credit, as modified by this section.

4 (F) A requirement that the housing sponsor notify the California
5 Tax Credit Allocation Committee or its designee and the local
6 agency that can enforce the regulatory agreement if there is a
7 determination by the Internal Revenue Service that the project is
8 not in compliance with Section 42(g) of the Internal Revenue Code,
9 relating to qualified low-income housing project.

10 (G) A requirement that the housing sponsor, as security for the
11 performance of the housing sponsor's obligations under the
12 regulatory agreement, assign the housing sponsor's interest in rents
13 that it receives from the project, provided that until there is a
14 default under the regulatory agreement, the housing sponsor is
15 entitled to collect and retain the rents.

16 (H) A provision that the remedies available in the event of a
17 default under the regulatory agreement that is not cured within a
18 reasonable cure period include, but are not limited to, allowing
19 any of the parties designated to enforce the regulatory agreement
20 to collect all rents with respect to the project; taking possession of
21 the project and operating the project in accordance with the
22 regulatory agreement until the enforcer determines the housing
23 sponsor is in a position to operate the project in accordance with
24 the regulatory agreement; applying to any court for specific
25 performance; securing the appointment of a receiver to operate
26 the project; or any other relief as may be appropriate.

27 (j) (1) The committee shall allocate the housing credit on a
28 regular basis consisting of two or more periods in each calendar
29 year during which applications may be filed and considered. The
30 committee shall establish application filing deadlines, the maximum
31 percentage of federal and state low-income housing tax credit
32 ceiling that may be allocated by the committee in that period, and
33 the approximate date on which allocations shall be made. If the
34 enactment of federal or state law, the adoption of rules or
35 regulations, or other similar events prevent the use of two allocation
36 periods, the committee may reduce the number of periods and
37 adjust the filing deadlines, maximum percentage of credit allocated,
38 and allocation dates.

39 (2) The committee shall adopt a qualified allocation plan, as
40 provided in Section 42(m)(1) of the Internal Revenue Code, relating

1 to plans for allocation of credit among projects. In adopting this
2 plan, the committee shall comply with the provisions of Sections
3 42(m)(1)(B) and 42(m)(1)(C) of the Internal Revenue Code,
4 relating to qualified allocation plan and relating to certain selection
5 criteria must be used, respectively.

6 (3) Notwithstanding Section 42(m) of the Internal Revenue
7 Code, relating to responsibilities of housing credit agencies, the
8 California Tax Credit Allocation Committee shall allocate housing
9 credits in accordance with the qualified allocation plan and
10 regulations, which shall include the following provisions:

11 (A) All housing sponsors, as defined by paragraph (3) of
12 subdivision (a), shall demonstrate at the time the application is
13 filed with the committee that the project meets the following
14 threshold requirements:

15 (i) The housing sponsor shall demonstrate there is a need and
16 demand for low-income housing in the community or region for
17 which it is proposed.

18 (ii) The project's proposed financing, including tax credit
19 proceeds, shall be sufficient to complete the project and that the
20 proposed operating income shall be adequate to operate the project
21 for the extended use period.

22 (iii) The project shall have enforceable financing commitments,
23 either construction or permanent financing, for at least 50 percent
24 of the total estimated financing of the project.

25 (iv) The housing sponsor shall have and maintain control of the
26 site for the project.

27 (v) The housing sponsor shall demonstrate that the project
28 complies with all applicable local land use and zoning ordinances.

29 (vi) The housing sponsor shall demonstrate that the project
30 development team has the experience and the financial capacity
31 to ensure project completion and operation for the extended use
32 period.

33 (vii) The housing sponsor shall demonstrate the amount of tax
34 credit that is necessary for the financial feasibility of the project
35 and its viability as a qualified low-income housing project
36 throughout the extended use period, taking into account operating
37 expenses, a supportable debt service, reserves, funds set aside for
38 rental subsidies and required equity, and a development fee that
39 does not exceed a specified percentage of the eligible basis of the

1 project prior to inclusion of the development fee in the eligible
2 basis, as determined by the committee.

3 (B) The committee shall give a preference to those projects
4 satisfying all of the threshold requirements of subparagraph (A)
5 if both of the following apply:

6 (i) The project serves the lowest income tenants at rents
7 affordable to those tenants.

8 (ii) The project is obligated to serve qualified tenants for the
9 longest period.

10 (C) In addition to the provisions of subparagraphs (A) and (B),
11 the committee shall use the following criteria in allocating housing
12 credits:

13 (i) Projects serving large families in which a substantial number,
14 as defined by the committee, of all residential units are low-income
15 units with three or more bedrooms.

16 (ii) Projects providing single-room occupancy units serving
17 very low income tenants.

18 (iii) (I) Existing projects that are “at risk of conversion.”

19 (II) For purposes of this section, the term “at risk of conversion,”
20 with respect to an existing property means a property that satisfies
21 all of the following criteria:

22 (ia) The property is a multifamily rental housing development
23 in which at least 50 percent of the units receive governmental
24 assistance pursuant to any of the following:

25 (Ia) New construction, substantial rehabilitation, moderate
26 rehabilitation, property disposition, and loan management set-aside
27 programs, or any other program providing project-based assistance
28 pursuant to Section 8 of the United States Housing Act of 1937,
29 Section 1437f of Title 42 of the United States Code, as amended.

30 (Ib) The Below-Market-Interest-Rate Program pursuant to
31 Section 221(d)(3) of the National Housing Act, Sections 17151
32 (d)(3) and (5) of Title 12 of the United States Code.

33 (Ic) Section 236 of the National Housing Act, Section 1715z-1
34 of Title 12 of the United States Code.

35 (Id) Programs for rent supplement assistance pursuant to Section
36 101 of the Housing and Urban Development Act of 1965, Section
37 1701s of Title 12 of the United States Code, as amended.

38 (Ie) Programs pursuant to Section 515 of the Housing Act of
39 1949, Section 1485 of Title 42 of the United States Code, as
40 amended.

1 (If) The low-income housing credit program set forth in Section
2 42 of the Internal Revenue Code, relating to low-income housing
3 credit.

4 (ib) The restrictions on rent and income levels will terminate
5 or the federal insured mortgage on the property is eligible for
6 prepayment any time within five years before or after the date of
7 application to the California Tax Credit Allocation Committee.

8 (ic) The entity acquiring the property enters into a regulatory
9 agreement that requires the property to be operated in accordance
10 with the requirements of this section for a period equal to the
11 greater of 55 years or the life of the property.

12 (id) The property satisfies the requirements of Section 42(e) of
13 the Internal Revenue Code, regarding rehabilitation expenditures,
14 except that the provisions of Section 42(e)(3)(A)(ii)(I) shall not
15 apply.

16 (iv) Projects for which a public agency provides direct or indirect
17 long-term financial support for at least 15 percent of the total
18 project development costs or projects for which the owner's equity
19 constitutes at least 30 percent of the total project development
20 costs.

21 (v) Projects that provide tenant amenities not generally available
22 to residents of low-income housing projects.

23 (4) For purposes of allocating credits pursuant to this section,
24 the committee shall not give preference to any project by virtue
25 of the date of submission of its application except to break a tie
26 when two or more of the projects have an equal rating.

27 (k) Section 42(l) of the Internal Revenue Code, relating to
28 certifications and other reports to secretary, shall be modified as
29 follows:

30 The term "secretary" shall be replaced by the term "Franchise
31 Tax Board."

32 (l) In the case where the credit allowed under this section
33 exceeds the "tax," the excess may be carried over to reduce the
34 "tax" in the following year, and succeeding years if necessary,
35 until the credit has been exhausted.

36 (m) The provisions of Section 11407(a) of Public Law 101-508,
37 relating to the effective date of the extension of the low-income
38 housing credit, shall apply to calendar years after 1993.

39 (n) The provisions of Section 11407(c) of Public Law 101-508,
40 relating to election to accelerate credit, shall not apply.

(o) (1) For a project that receives a preliminary reservation under this section beginning on or after January 1, 2016, and before January 1, 2020, a taxpayer may make an irrevocable election in its application to the California Tax Credit Allocation Committee to sell all or any portion of any credit allowed under this section to one or more unrelated parties for each taxable year in which the credit is allowed subject to both of the following conditions:

(A) The credit is sold for consideration that is not less than 80 percent of the amount of the credit.

(B) The unrelated party or parties purchasing any or all of the credit pursuant to this subdivision is a taxpayer allowed the credit under this section for the taxable year of the purchase or any prior taxable year or is a taxpayer allowed the federal credit under Section 42 of the Internal Revenue Code, relating to low-income housing credit, for the taxable year of the purchase or any prior taxable year in connection with any project located in this state. For purposes of this subparagraph, “taxpayer allowed the credit under this section” means a taxpayer that is allowed the credit under this section without regard to the purchase of a credit pursuant to this subdivision.

(2) (A) The taxpayer that originally received the credit shall report to the California Tax Credit Allocation Committee within 10 days of the sale of the credit, in the form and manner specified by the California Tax Credit Allocation Committee, all required information regarding the purchase and sale of the credit, including the social security or other taxpayer identification number of the unrelated party or parties to whom the credit has been sold, the face amount of the credit sold, and the amount of consideration received by the taxpayer for the sale of the credit.

(B) The California Tax Credit Allocation Committee shall provide an annual listing to the Franchise Tax Board, in a form and manner agreed upon by the California Tax Credit Allocation Committee and the Franchise Tax Board, of the taxpayers that have sold or purchased a credit pursuant to this subdivision.

(3) (A) A credit may be sold pursuant to this subdivision to more than one unrelated party.

(B) (i) Except as provided in clause (ii), a credit shall not be resold by the unrelated party to another taxpayer or other party.

(ii) All or any portion of any credit allowed under this section may be resold once by an original purchaser to one or more

1 unrelated parties, subject to all of the requirements of this
2 subdivision.

3 (4) Notwithstanding any other law, the taxpayer that originally
4 received the credit that is sold pursuant to paragraph (1) shall
5 remain solely liable for all obligations and liabilities imposed on
6 the taxpayer by this section with respect to the credit, none of
7 which shall apply to a party to whom the credit has been sold or
8 subsequently transferred. Parties that purchase credits pursuant to
9 paragraph (1) shall be entitled to utilize the purchased credits in
10 the same manner in which the taxpayer that originally received
11 the credit could utilize them.

12 (5) A taxpayer shall not sell a credit allowed by this section if
13 the taxpayer was allowed the credit on any tax return of the
14 taxpayer.

15 (6) Notwithstanding paragraph (1), the taxpayer, with the
16 approval of the Executive Director of the California Tax Credit
17 Allocation Committee, may rescind the election to sell all or any
18 portion of the credit allowed under this section if the consideration
19 for the credit falls below 80 percent of the amount of the credit
20 after the California Tax Credit Allocation Committee reservation.

21 (p) The California Tax Credit Allocation Committee may
22 prescribe rules, guidelines, or procedures necessary or appropriate
23 to carry out the purposes of this section, including any guidelines
24 regarding the allocation of the credit allowed under this section.
25 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
26 3 of Title 2 of the Government Code shall not apply to any rule,
27 guideline, or procedure prescribed by the California Tax Credit
28 Allocation Committee pursuant to this section.

29 (q) This section shall remain in effect for as long as Section 42
30 of the Internal Revenue Code, relating to low-income housing
31 credit, remains in effect.

32 SEC. 2. Section 17058 of the Revenue and Taxation Code is
33 amended to read:

34 17058. (a) (1) There shall be allowed as a credit against the
35 “net tax,” defined in Section 17039, a state low-income housing
36 tax credit in an amount equal to the amount determined in
37 subdivision (c), computed in accordance with Section 42 of the
38 Internal Revenue Code, relating to low-income housing credit,
39 except as otherwise provided in this section.

1 (2) “Taxpayer,” for purposes of this section, means the sole
2 owner in the case of an individual, the partners in the case of a
3 partnership, members in the case of a limited liability company,
4 and the shareholders in the case of an “S” corporation.

5 (3) “Housing sponsor,” for purposes of this section, means the
6 sole owner in the case of an individual, the partnership in the case
7 of a partnership, the limited liability company in the case of a
8 limited liability company, and the “S” corporation in the case of
9 an “S” corporation.

10 (4) “Extremely low income households” has the same meaning
11 as in Section 50053 of the Health and Safety Code.

12 (5) “Very low income households” has the same meaning as in
13 Section 50053 of the Health and Safety Code.

14 (b) (1) The amount of the credit allocated to any housing
15 sponsor shall be authorized by the California Tax Credit Allocation
16 Committee, or any successor thereof, based on a project’s need
17 for the credit for economic feasibility in accordance with the
18 requirements of this section.

19 (A) The low-income housing project shall be located in
20 California and shall meet either of the following requirements:

21 (i) Except for projects to provide farmworker housing, as defined
22 in subdivision (h) of Section 50199.7 of the Health and Safety
23 Code, that are allocated credits solely under the set-aside described
24 in subdivision (c) of Section 50199.20 of the Health and Safety
25 Code, the project’s housing sponsor has been allocated by the
26 California Tax Credit Allocation Committee a credit for federal
27 income tax purposes under Section 42 of the Internal Revenue
28 Code, relating to low-income housing credit.

29 (ii) It qualifies for a credit under Section 42(h)(4)(B) of the
30 Internal Revenue Code, relating to special rule where 50 percent
31 or more of building is financed with tax-exempt bonds subject to
32 volume cap.

33 (B) The California Tax Credit Allocation Committee shall not
34 require fees for the credit under this section in addition to those
35 fees required for applications for the tax credit pursuant to Section
36 42 of the Internal Revenue Code, relating to low-income housing
37 credit. The committee may require a fee if the application for the
38 credit under this section is submitted in a calendar year after the
39 year the application is submitted for the federal tax credit.

(C) (i) For a project that receives a preliminary reservation of the state low-income housing tax credit, allowed pursuant to subdivision (a), on or after January 1, 2009, and before January 1, 2020, the credit shall be allocated to the partners of a partnership owning the project in accordance with the partnership agreement, regardless of how the federal low-income housing tax credit with respect to the project is allocated to the partners, or whether the allocation of the credit under the terms of the agreement has substantial economic effect, within the meaning of Section 704(b) of the Internal Revenue Code, relating to determination of distributive share.

(ii) To the extent the allocation of the credit to a partner under this section lacks substantial economic effect, any loss or deduction otherwise allowable under this part that is attributable to the sale or other disposition of that partner's partnership interest made prior to the expiration of the federal credit shall not be allowed in the taxable year in which the sale or other disposition occurs, but shall instead be deferred until and treated as if it occurred in the first taxable year immediately following the taxable year in which the federal credit period expires for the project described in clause (i).

(iii) This subparagraph shall not apply to a project that receives a preliminary reservation of state low-income housing tax credits under the set-aside described in subdivision (c) of Section 50199.20 of the Health and Safety Code unless the project also receives a preliminary reservation of federal low-income housing tax credits.

(2) (A) The California Tax Credit Allocation Committee shall certify to the housing sponsor the amount of tax credit under this section allocated to the housing sponsor for each credit period.

(B) In the case of a partnership, or an "S" corporation, the housing sponsor shall provide a copy of the California Tax Credit Allocation Committee certification to the taxpayer.

(C) The taxpayer shall, upon request, provide a copy of the certification to the Franchise Tax Board.

(D) All elections made by the taxpayer pursuant to Section 42 of the Internal Revenue Code, relating to low-income housing credit, shall apply to this section.

(E) (i) Except as described in clause (ii) or (iii), for buildings located in designated difficult development areas (DDAs) or qualified census tracts (QCTs), as defined in Section 42(d)(5)(B) of the Internal Revenue Code, relating to increase in credit for

1 buildings in high-cost areas, credits may be allocated under this
2 section in the amounts prescribed in subdivision (c), provided that
3 the amount of credit allocated under Section 42 of the Internal
4 Revenue Code, relating to low-income housing credit, is computed
5 on 100 percent of the qualified basis of the building.

6 (ii) Notwithstanding clause (i), the California Tax Credit
7 Allocation Committee may allocate the credit for buildings located
8 in DDAs or QCTs that are restricted to having 50 percent of the
9 building's occupants be special needs households, as defined in
10 the California Code of Regulations by the California Tax Credit
11 Allocation Committee, even if the taxpayer receives federal credits
12 pursuant to Section 42(d)(5)(B) of the Internal Revenue Code,
13 relating to increase in credit for buildings in high-cost areas,
14 provided that the credit allowed under this section shall not exceed
15 30 percent of the eligible basis of the building.

16 (iii) On and after January 1, 2018, notwithstanding clause (i),
17 the California Tax Credit Allocation Committee may allocate the
18 credit pursuant to paragraph (5) of subdivision (c) even if the
19 taxpayer receives federal credits, pursuant to Section 42(d)(5)(B)
20 of the Internal Revenue Code, relating to increase in credit for
21 buildings in high-cost areas.

22 (F) (i) The California Tax Credit Allocation Committee may
23 allocate a credit under this section in exchange for a credit allocated
24 pursuant to Section 42(d)(5)(B) of the Internal Revenue Code,
25 relating to increase in credit for buildings in high-cost areas, in
26 amounts up to 30 percent of the eligible basis of a building if the
27 credits allowed under Section 42 of the Internal Revenue Code,
28 relating to low-income housing credit, are reduced by an equivalent
29 amount.

30 (ii) An equivalent amount shall be determined by the California
31 Tax Credit Allocation Committee based upon the relative amount
32 required to produce an equivalent state tax credit to the taxpayer.

33 (c) Section 42(b) of the Internal Revenue Code, relating to
34 applicable percentage: 70 percent present value credit for certain
35 new buildings; 30 percent present value credit for certain other
36 buildings, shall be modified as follows:

37 (1) In the case of any qualified low-income building that is a
38 new building, as defined in Section 42(i)(4) of the Internal Revenue
39 Code, relating to new building, and the regulations promulgated

thereunder, and not federally subsidized, the term “applicable percentage” means the following:

(A) For each of the first three years, the percentage prescribed by the Secretary of the Treasury for new buildings that are not federally subsidized for the taxable year, determined in accordance with the requirements of Section 42(b)(1) of the Internal Revenue Code, relating to determination of applicable percentage.

(B) For the fourth year, the difference between 30 percent and the sum of the applicable percentages for the first three years.

(2) In the case of any qualified low-income building that is a new building, as defined in Section 42(i)(4) of the Internal Revenue Code, relating to new building, and the regulations promulgated thereunder and is federally subsidized, the term “applicable percentage” means for the first three years, 15 percent of the qualified basis of the building, and for the fourth year, 5 percent of the qualified basis of the building.

(3) In the case of any qualified low-income building that is an existing building, as defined in Section 42(i)(5) of the Internal Revenue Code, relating to existing building, and the regulations promulgated thereunder and is federally subsidized, the term “applicable percentage” means the following:

(A) For each of the first three years, the percentage prescribed by the Secretary of the Treasury for new buildings that are federally subsidized for the taxable year.

(B) For the fourth year, the difference between 13 percent and the sum of the applicable percentages for the first three years.

(4) In the case of any qualified low-income building that meets all of the requirements of subparagraphs (A) through (D), inclusive, the term “applicable percentage” means 30 percent for each of the first three years and 5 percent for the fourth year. A qualified low-income building receiving an allocation under this paragraph is ineligible to also receive an allocation under paragraph (3).

(A) The qualified low-income building is at least 15 years old.

(B) The qualified low-income building is serving households of very low income or extremely low income such that the average maximum household income as restricted, pursuant to an existing regulatory agreement with a federal, state, county, local, or other governmental agency, is not more than 45 percent of the area median gross income, as determined under Section 42 of the Internal Revenue Code, relating to low-income housing credit,

1 adjusted by household size, and a tax credit regulatory agreement
2 is entered into for a period of not less than 55 years restricting the
3 average targeted household income to no more than 45 percent of
4 the area median income.

5 (C) The qualified low-income building would have insufficient
6 credits under paragraphs (2) and (3) to complete substantial
7 rehabilitation due to a low appraised value.

8 (D) The qualified low-income building will complete the
9 substantial rehabilitation in connection with the credit allocation
10 herein.

11 (5) On and after January 1, 2018, in the case of any qualified
12 low-income building that is (A) farmworker housing, as defined
13 by paragraph (2) of subdivision (h) of Section 50199.7 of the
14 Health and Safety Code, and (B) is federally subsidized, the term
15 “applicable percentage” means for each of the first three years, 20
16 percent of the qualified basis of the building, and for the fourth
17 year, 15 percent of the qualified basis of the building.

18 (d) The term “qualified low-income housing project” as defined
19 in Section 42(c)(2) of the Internal Revenue Code, relating to
20 qualified low-income building, is modified by adding the following
21 requirements:

22 (1) The taxpayer shall be entitled to receive a cash distribution
23 from the operations of the project, after funding required reserves,
24 that, at the election of the taxpayer, is equal to:

25 (A) An amount not to exceed 8 percent of the lesser of:

26 (i) The owner equity that shall include the amount of the capital
27 contributions actually paid to the housing sponsor and shall not
28 include any amounts until they are paid on an investor note.

29 (ii) Twenty percent of the adjusted basis of the building as of
30 the close of the first taxable year of the credit period.

31 (B) The amount of the cashflow from those units in the building
32 that are not low-income units. For purposes of computing cashflow
33 under this subparagraph, operating costs shall be allocated to the
34 low-income units using the “floor space fraction,” as defined in
35 Section 42 of the Internal Revenue Code, relating to low-income
36 housing credit.

37 (C) Any amount allowed to be distributed under subparagraph
38 (A) that is not available for distribution during the first five years
39 of the compliance period may be accumulated and distributed any

1 time during the first 15 years of the compliance period but not
2 thereafter.

3 (2) The limitation on return shall apply in the aggregate to the
4 partners if the housing sponsor is a partnership and in the aggregate
5 to the shareholders if the housing sponsor is an “S” corporation.

6 (3) The housing sponsor shall apply any cash available for
7 distribution in excess of the amount eligible to be distributed under
8 paragraph (1) to reduce the rent on rent-restricted units or to
9 increase the number of rent-restricted units subject to the tests of
10 Section 42(g)(1) of the Internal Revenue Code, relating to in
11 general.

12 (e) The provisions of Section 42(f) of the Internal Revenue
13 Code, relating to definition and special rules relating to credit
14 period, shall be modified as follows:

15 (1) The term “credit period” as defined in Section 42(f)(1) of
16 the Internal Revenue Code, relating to credit period defined, is
17 modified by substituting “four taxable years” for “10 taxable
18 years.”

19 (2) The special rule for the first taxable year of the credit period
20 under Section 42(f)(2) of the Internal Revenue Code, relating to
21 special rule for 1st year of credit period, shall not apply to the tax
22 credit under this section.

23 (3) Section 42(f)(3) of the Internal Revenue Code, relating to
24 determination of applicable percentage with respect to increases
25 in qualified basis after 1st year of credit period, is modified to
26 read:

27 If, as of the close of any taxable year in the compliance period,
28 after the first year of the credit period, the qualified basis of any
29 building exceeds the qualified basis of that building as of the close
30 of the first year of the credit period, the housing sponsor, to the
31 extent of its tax credit allocation, shall be eligible for a credit on
32 the excess in an amount equal to the applicable percentage
33 determined pursuant to subdivision (c) for the four-year period
34 beginning with the taxable year in which the increase in qualified
35 basis occurs.

36 (f) The provisions of Section 42(h) of the Internal Revenue
37 Code, relating to limitation on aggregate credit allowable with
38 respect to projects located in a state, shall be modified as follows:

39 (1) Section 42(h)(2) of the Internal Revenue Code, relating to
40 allocated credit amount to apply to all taxable years ending during

1 or after credit allocation year, shall not be applicable, and instead
2 the following provisions shall be applicable:

3 The total amount for the four-year credit period of the housing
4 credit dollars allocated in a calendar year to any building shall
5 reduce the aggregate housing credit dollar amount of the California
6 Tax Credit Allocation Committee for the calendar year in which
7 the allocation is made.

8 (2) Paragraphs (3), (4), (5), (6)(E)(i)(I), (6)(F), (6)(G), (6)(I),
9 (7), and (8) of Section 42(h) of the Internal Revenue Code, relating
10 to limitation on aggregate credit allowable with respect to projects
11 located in a state, shall not be applicable.

12 (g) The aggregate housing credit dollar amount that may be
13 allocated annually by the California Tax Credit Allocation
14 Committee pursuant to this section, Section 12206, and Section
15 23610.5 shall be an amount equal to the sum of all the following:

16 (1) (A) Seventy million dollars (\$70,000,000) for the 2001
17 calendar year, and, for the 2002 calendar year and each calendar
18 year thereafter, seventy million dollars (\$70,000,000) increased
19 by the percentage, if any, by which the Consumer Price Index for
20 the preceding calendar year exceeds the Consumer Price Index for
21 the 2001 calendar year. For the purposes of this paragraph, the
22 term “Consumer Price Index” means the last Consumer Price Index
23 for All Urban Consumers published by the federal Department of
24 Labor.

25 (B) Five hundred million dollars (\$500,000,000) for the 2020
26 calendar year, and, for the 2021 ~~calendar year and each calendar~~
27 ~~year thereafter, to 2024 calendar years, inclusive~~, five hundred
28 million dollars (\$500,000,000) increased by the percentage, if any,
29 by which the Consumer Price Index for the preceding calendar
30 year exceeds the Consumer Price Index for the 2020 calendar year.
31 For the purposes of this paragraph, the term “Consumer Price
32 Index” means the last Consumer Price Index for All Urban
33 Consumers published by the federal Department of Labor. A
34 housing sponsor receiving an allocation under paragraph (1) of
35 subdivision (c) shall not be eligible for receipt of the housing credit
36 allocated from the increased amount under this subparagraph. A
37 housing sponsor receiving an allocation under paragraph (1) of
38 subdivision (c) shall remain eligible for receipt of the housing
39 credit allocated from the credit ceiling amount under subparagraph
40 (A).

(2) The unused housing credit ceiling, if any, for the preceding calendar years.

(3) The amount of housing credit ceiling returned in the calendar year. For purposes of this paragraph, the amount of housing credit dollar amount returned in the calendar year equals the housing credit dollar amount previously allocated to any project that does not become a qualified low-income housing project within the period required by this section or to any project with respect to which an allocation is canceled by mutual consent of the California Tax Credit Allocation Committee and the allocation recipient.

(4) (A) ~~Of~~ *For the 2020 to 2024 calendar years, inclusive, of* the amount allocated pursuant to subparagraph (B) of paragraph (1), twenty-five million dollars (\$25,000,000) per calendar year for projects to provide farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.

(B) The amount of any unallocated or returned credits pursuant to this paragraph per calendar year shall be added to the aggregate amount of credits allocated pursuant to subparagraph (B) of paragraph (1).

(5) *For the 2025 calendar year, and each calendar year thereafter, five hundred thousand dollars (\$500,000) per calendar year for projects to provide farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.*

~~(5)~~
(6) The amount of any unallocated or returned credits under former Sections 17053.14, 23608.2, and 23608.3, as those sections read prior to January 1, 2009, until fully exhausted for projects to provide farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.

(h) The term “compliance period” as defined in Section 42(i)(1) of the Internal Revenue Code, relating to compliance period, is modified to mean, with respect to any building, the period of 30 consecutive taxable years beginning with the first taxable year of the credit period with respect thereto.

(i) Section 42(j) of the Internal Revenue Code, relating to recapture of credit, shall not be applicable and the following requirements of this section shall be set forth in a regulatory agreement between the California Tax Credit Allocation Committee and the housing sponsor, and the regulatory agreement shall be subordinated, when required, to any lien or encumbrance of any

1 banks or other institutional lenders to the project. The regulatory
2 agreement entered into pursuant to subdivision (f) of Section
3 50199.14 of the Health and Safety Code shall apply, provided that
4 the agreement includes all of the following provisions:

5 (1) A term not less than the compliance period.

6 (2) A requirement that the agreement be recorded in the official
7 records of the county in which the qualified low-income housing
8 project is located.

9 (3) A provision stating which state and local agencies can
10 enforce the regulatory agreement in the event the housing sponsor
11 fails to satisfy any of the requirements of this section.

12 (4) A provision that the regulatory agreement shall be deemed
13 a contract enforceable by tenants as third-party beneficiaries thereto
14 and that allows individuals, whether prospective, present, or former
15 occupants of the building, who meet the income limitation
16 applicable to the building, the right to enforce the regulatory
17 agreement in any state court.

18 (5) A provision incorporating the requirements of Section 42
19 of the Internal Revenue Code, relating to low-income housing
20 credit, as modified by this section.

21 (6) A requirement that the housing sponsor notify the California
22 Tax Credit Allocation Committee or its designee if there is a
23 determination by the Internal Revenue Service that the project is
24 not in compliance with Section 42(g) of the Internal Revenue Code,
25 relating to qualified low-income housing project.

26 (7) A requirement that the housing sponsor, as security for the
27 performance of the housing sponsor's obligations under the
28 regulatory agreement, assign the housing sponsor's interest in rents
29 that it receives from the project, provided that until there is a
30 default under the regulatory agreement, the housing sponsor is
31 entitled to collect and retain the rents.

32 (8) A provision that the remedies available in the event of a
33 default under the regulatory agreement that is not cured within a
34 reasonable cure period include, but are not limited to, allowing
35 any of the parties designated to enforce the regulatory agreement
36 to collect all rents with respect to the project; taking possession of
37 the project and operating the project in accordance with the
38 regulatory agreement until the enforcer determines the housing
39 sponsor is in a position to operate the project in accordance with
40 the regulatory agreement; applying to any court for specific

1 performance; securing the appointment of a receiver to operate
2 the project; or any other relief as may be appropriate.

3 (j) (1) The committee shall allocate the housing credit on a
4 regular basis consisting of two or more periods in each calendar
5 year during which applications may be filed and considered. The
6 committee shall establish application filing deadlines, the maximum
7 percentage of federal and state low-income housing tax credit
8 ceiling that may be allocated by the committee in that period, and
9 the approximate date on which allocations shall be made. If the
10 enactment of federal or state law, the adoption of rules or
11 regulations, or other similar events prevent the use of two allocation
12 periods, the committee may reduce the number of periods and
13 adjust the filing deadlines, maximum percentage of credit allocated,
14 and allocation dates.

15 (2) The committee shall adopt a qualified allocation plan, as
16 provided in Section 42(m)(1) of the Internal Revenue Code, relating
17 to plans for allocation of credit among projects. In adopting this
18 plan, the committee shall comply with the provisions of Sections
19 42(m)(1)(B) and 42(m)(1)(C) of the Internal Revenue Code,
20 relating to qualified allocation plan and relating to certain selection
21 criteria must be used, respectively.

22 (3) Notwithstanding Section 42(m) of the Internal Revenue
23 Code, relating to responsibilities of housing credit agencies, the
24 California Tax Credit Allocation Committee shall allocate housing
25 credits in accordance with the qualified allocation plan and
26 regulations, which shall include the following provisions:

27 (A) All housing sponsors, as defined by paragraph (3) of
28 subdivision (a), shall demonstrate at the time the application is
29 filed with the committee that the project meets the following
30 threshold requirements:

31 (i) The housing sponsor shall demonstrate there is a need and
32 demand for low-income housing in the community or region for
33 which it is proposed.

34 (ii) The project's proposed financing, including tax credit
35 proceeds, shall be sufficient to complete the project and that the
36 proposed operating income shall be adequate to operate the project
37 for the extended use period.

38 (iii) The project shall have enforceable financing commitments,
39 either construction or permanent financing, for at least 50 percent
40 of the total estimated financing of the project.

1 (iv) The housing sponsor shall have and maintain control of the
2 site for the project.

3 (v) The housing sponsor shall demonstrate that the project
4 complies with all applicable local land use and zoning ordinances.

5 (vi) The housing sponsor shall demonstrate that the project
6 development team has the experience and the financial capacity
7 to ensure project completion and operation for the extended use
8 period.

9 (vii) The housing sponsor shall demonstrate the amount of tax
10 credit that is necessary for the financial feasibility of the project
11 and its viability as a qualified low-income housing project
12 throughout the extended use period, taking into account operating
13 expenses, a supportable debt service, reserves, funds set aside for
14 rental subsidies and required equity, and a development fee that
15 does not exceed a specified percentage of the eligible basis of the
16 project prior to inclusion of the development fee in the eligible
17 basis, as determined by the committee.

18 (viii) With respect to the allocation of a credit pursuant to this
19 section on or after January 1, 2020, the housing sponsor shall
20 demonstrate that it will invest an amount in the project at least
21 equal to the amount of credit allocated to it pursuant to this section.

22 (B) The committee shall give a preference to those projects
23 satisfying all of the threshold requirements of subparagraph (A)
24 if both of the following apply:

25 (i) The project serves the lowest income tenants at rents
26 affordable to those tenants.

27 (ii) The project is obligated to serve qualified tenants for the
28 longest period.

29 (C) In addition to the provisions of subparagraphs (A) and (B),
30 the committee shall use the following criteria in allocating housing
31 credits:

32 (i) Projects serving large families in which a substantial number,
33 as defined by the committee, of all residential units are low-income
34 units with three or more bedrooms.

35 (ii) Projects providing single-room occupancy units serving
36 very low income tenants.

37 (iii) (I) Existing projects that are “at risk of conversion.”

38 (II) For purposes of this section, the term “at risk of conversion,”
39 with respect to an existing property means a property that satisfies
40 all of the following criteria:

1 (ia) The property is a multifamily rental housing development
2 in which at least 50 percent of the units receive governmental
3 assistance pursuant to any of the following:

4 (Ia) New construction, substantial rehabilitation, moderate
5 rehabilitation, property disposition, and loan management set-aside
6 programs, or any other program providing project-based assistance
7 pursuant to Section 8 of the United States Housing Act of 1937,
8 Section 1437f of Title 42 of the United States Code, as amended.

9 (Ib) The Below-Market-Interest-Rate Program pursuant to
10 Section 221(d)(3) of the National Housing Act, Sections
11 17151(d)(3) and (5) of Title 12 of the United States Code.

12 (Ic) Section 236 of the National Housing Act, Section 1715z-1
13 of Title 12 of the United States Code.

14 (Id) Programs for rent supplement assistance pursuant to Section
15 101 of the Housing and Urban Development Act of 1965, Section
16 1701s of Title 12 of the United States Code, as amended.

17 (Ie) Programs pursuant to Section 515 of the Housing Act of
18 1949, Section 1485 of Title 42 of the United States Code, as
19 amended.

20 (If) The low-income housing credit program set forth in Section
21 42 of the Internal Revenue Code, relating to low-income housing
22 credit.

23 (ib) The restrictions on rent and income levels will terminate
24 or the federal insured mortgage on the property is eligible for
25 prepayment any time within five years before or after the date of
26 application to the California Tax Credit Allocation Committee.

27 (ic) The entity acquiring the property enters into a regulatory
28 agreement that requires the property to be operated in accordance
29 with the requirements of this section for a period equal to the
30 greater of 55 years or the life of the property.

31 (id) The property satisfies the requirements of Section 42(e) of
32 the Internal Revenue Code, regarding rehabilitation expenditures,
33 except that the provisions of Section 42(e)(3)(A)(ii)(I) shall not
34 apply.

35 (iv) Projects for which a public agency provides direct or indirect
36 long-term financial support for at least 15 percent of the total
37 project development costs or projects for which the owner's equity
38 constitutes at least 30 percent of the total project development
39 costs.

1 (v) Projects that provide tenant amenities not generally available
2 to residents of low-income housing projects.

3 (4) For purposes of allocating credits pursuant to this section,
4 the committee shall not give preference to any project by virtue
5 of the date of submission of its application.

6 (k) Section 42(l) of the Internal Revenue Code, relating to
7 certifications and other reports to secretary, shall be modified as
8 follows:

9 The term “secretary” shall be replaced by the term “Franchise
10 Tax Board.”

11 (l) In the case where the credit allowed under this section
12 exceeds the net tax, the excess may be carried over to reduce the
13 net tax in the following year, and succeeding taxable years, if
14 necessary, until the credit has been exhausted.

15 (m) A project that received an allocation of a 1989 federal
16 housing credit dollar amount shall be eligible to receive an
17 allocation of a 1990 state housing credit dollar amount, subject to
18 all of the following conditions:

19 (1) The project was not placed in service prior to 1990.

20 (2) To the extent the amendments made to this section by the
21 Statutes of 1990 conflict with any provisions existing in this section
22 prior to those amendments, the prior provisions of law shall prevail.

23 (3) Notwithstanding paragraph (2), a project applying for an
24 allocation under this subdivision shall be subject to the
25 requirements of paragraph (3) of subdivision (j).

26 (n) The credit period with respect to an allocation of credit in
27 1989 by the California Tax Credit Allocation Committee of which
28 any amount is attributable to unallocated credit from 1987 or 1988
29 shall not begin until after December 31, 1989.

30 (o) The provisions of Section 11407(a) of Public Law 101-508,
31 relating to the effective date of the extension of the low-income
32 housing credit, shall apply to calendar years after 1989.

33 (p) The provisions of Section 11407(c) of Public Law 101-508,
34 relating to election to accelerate credit, shall not apply.

35 (q) (1) For a project that receives a preliminary reservation
36 under this section beginning on or after January 1, 2016, and before
37 January 1, 2020, a taxpayer may make an irrevocable election in
38 its application to the California Tax Credit Allocation Committee
39 to sell all or any portion of any credit allowed under this section

1 to one or more unrelated parties for each taxable year in which the
2 credit is allowed subject to both of the following conditions:

3 (A) The credit is sold for consideration that is not less than 80
4 percent of the amount of the credit.

5 (B) The unrelated party or parties purchasing any or all of the
6 credit pursuant to this subdivision is a taxpayer allowed the credit
7 under this section for the taxable year of the purchase or any prior
8 taxable year or is a taxpayer allowed the federal credit under
9 Section 42 of the Internal Revenue Code, relating to low-income
10 housing credit, for the taxable year of the purchase or any prior
11 taxable year in connection with any project located in this state.
12 For purposes of this subparagraph, “taxpayer allowed the credit
13 under this section” means a taxpayer that is allowed the credit
14 under this section without regard to the purchase of a credit
15 pursuant to this subdivision.

16 (2) (A) The taxpayer that originally received the credit shall
17 report to the California Tax Credit Allocation Committee within
18 10 days of the sale of the credit, in the form and manner specified
19 by the California Tax Credit Allocation Committee, all required
20 information regarding the purchase and sale of the credit, including
21 the social security or other taxpayer identification number of the
22 unrelated party or parties to whom the credit has been sold, the
23 face amount of the credit sold, and the amount of consideration
24 received by the taxpayer for the sale of the credit.

25 (B) The California Tax Credit Allocation Committee shall
26 provide an annual listing to the Franchise Tax Board, in a form
27 and manner agreed upon by the California Tax Credit Allocation
28 Committee and the Franchise Tax Board, of the taxpayers that
29 have sold or purchased a credit pursuant to this subdivision.

30 (3) (A) A credit may be sold pursuant to this subdivision to
31 more than one unrelated party.

32 (B) (i) Except as provided in clause (ii), a credit shall not be
33 resold by the unrelated party to another taxpayer or other party.

34 (ii) All or any portion of any credit allowed under this section
35 may be resold once by an original purchaser to one or more
36 unrelated parties, subject to all of the requirements of this
37 subdivision.

38 (4) Notwithstanding any other law, the taxpayer that originally
39 received the credit that is sold pursuant to paragraph (1) shall
40 remain solely liable for all obligations and liabilities imposed on

1 the taxpayer by this section with respect to the credit, none of
2 which shall apply to a party to whom the credit has been sold or
3 subsequently transferred. Parties that purchase credits pursuant to
4 paragraph (1) shall be entitled to utilize the purchased credits in
5 the same manner in which the taxpayer that originally received
6 the credit could utilize them.

7 (5) A taxpayer shall not sell a credit allowed by this section if
8 the taxpayer was allowed the credit on any tax return of the
9 taxpayer.

10 (6) Notwithstanding paragraph (1), the taxpayer, with the
11 approval of the Executive Director of the California Tax Credit
12 Allocation Committee, may rescind the election to sell all or any
13 portion of the credit allowed under this section if the consideration
14 for the credit falls below 80 percent of the amount of the credit
15 after the California Tax Credit Allocation Committee reservation.

16 (r) The California Tax Credit Allocation Committee may
17 prescribe rules, guidelines, or procedures necessary or appropriate
18 to carry out the purposes of this section, including any guidelines
19 regarding the allocation of the credit allowed under this section.
20 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
21 3 of Title 2 of the Government Code shall not apply to any rule,
22 guideline, or procedure prescribed by the California Tax Credit
23 Allocation Committee pursuant to this section.

24 (s) Any unused credit may continue to be carried forward, as
25 provided in subdivision (l), until the credit has been exhausted.

26 (t) This section shall remain in effect on and after December 1,
27 1990, for as long as Section 42 of the Internal Revenue Code,
28 relating to low-income housing credit, remains in effect.

29 (u) The amendments to this section made by Chapter 1222 of
30 the Statutes of 1993 shall apply only to taxable years beginning
31 on or after January 1, 1994.

32 SEC. 3. Section 17561 of the Revenue and Taxation Code is
33 amended to read:

34 17561. (a) Section 469(c)(7) of the Internal Revenue Code,
35 relating to special rules for taxpayers in real property business,
36 shall not apply.

37 (b) Section 469(d)(2) of the Internal Revenue Code, relating to
38 passive activity credits, is modified to refer to the following credits:

39 (1) The credit for research expenses allowed by Section
40 17052.12.

(2) The credit for certain wages paid (targeted jobs) allowed by Section 17053.7.

(3) The credit allowed by former Section 17057 (relating to clinical testing expenses).

(4) The credit for low-income housing allowed by Section 17058.

(c) Section 469(g)(1)(A) of the Internal Revenue Code is modified to provide that if all gain or loss realized on the disposition of the taxpayer's entire interest in any passive activity (or former passive activity) is recognized, the excess of—

(1) The sum of—

(A) Any loss from that activity for that taxable year (determined after application of Section 469(b) of the Internal Revenue Code), plus

(B) Any loss realized on that disposition, over

(2) Net income or gain for the taxable year from all passive activities (determined without regard to losses described in paragraph (1)),

shall be treated as a loss which is not from a passive activity.

(d) ~~(1)~~ For purposes of applying the provisions of Section 469(i) of the Internal Revenue Code, relating to the twenty-five thousand dollars (\$25,000) offset for rental real estate activities, the dollar following shall apply:

(1) For taxable years beginning on or after January 1, 2020, and before January 1, 2025, the dollar limitation specified in Section 469(i)(2) of the Internal Revenue Code, relating to dollar limitation, for the credit allowed under Section 17058, relating to low-income housing, shall not apply.

~~(2) The amendments made to this subdivision by the act adding this paragraph shall apply to each taxable year beginning on or after January 1, 2020.~~

(2) For taxable years beginning on or after January 1, 2025, the dollar limitation for the credit allowed under Section 17058 relating to low-income housing shall be equal to seventy-five thousand dollars (\$75,000) in lieu of the amount specified in Section 469(i)(2) of the Internal Revenue Code.

(e) Section 502 of the Tax Reform Act of 1986 (P.L. 99-514) shall apply.

(f) For taxable years beginning on or after January 1, 1987, the provisions of Section 10212 of Public Law 100-203, relating to

1 treatment of publicly traded partnerships under Section 469 of the
2 Internal Revenue Code, shall be applicable.

3 SEC. 4. Section 23610.5 of the Revenue and Taxation Code
4 is amended to read:

5 23610.5. (a) (1) There shall be allowed as a credit against the
6 “tax,” defined in Section 23036, a state low-income housing tax
7 credit in an amount equal to the amount determined in subdivision
8 (c), computed in accordance with Section 42 of the Internal
9 Revenue Code, relating to low-income housing credit, except as
10 otherwise provided in this section.

11 (2) “Taxpayer,” for purposes of this section, means the sole
12 owner in the case of a “C” corporation, the partners in the case of
13 a partnership, members in the case of a limited liability company,
14 and the shareholders in the case of an “S” corporation.

15 (3) “Housing sponsor,” for purposes of this section, means the
16 sole owner in the case of a “C” corporation, the partnership in the
17 case of a partnership, the limited liability company in the case of
18 a limited liability company, and the “S” corporation in the case of
19 an “S” corporation.

20 (4) “Extremely low income households” has the same meaning
21 as in Section 50053 of the Health and Safety Code.

22 (5) “Very low income households” has the same meaning as in
23 Section 50053 of the Health and Safety Code.

24 (b) (1) The amount of the credit allocated to any housing
25 sponsor shall be authorized by the California Tax Credit Allocation
26 Committee, or any successor thereof, based on a project’s need
27 for the credit for economic feasibility in accordance with the
28 requirements of this section.

29 (A) The low-income housing project shall be located in
30 California and shall meet either of the following requirements:

31 (i) Except for projects to provide farmworker housing, as defined
32 in subdivision (h) of Section 50199.7 of the Health and Safety
33 Code, that are allocated credits solely under the set-aside described
34 in subdivision (c) of Section 50199.20 of the Health and Safety
35 Code, the project’s housing sponsor has been allocated by the
36 California Tax Credit Allocation Committee a credit for federal
37 income tax purposes under Section 42 of the Internal Revenue
38 Code, relating to low-income housing credit.

39 (ii) It qualifies for a credit under Section 42(h)(4)(B) of the
40 Internal Revenue Code, relating to special rule where 50 percent

1 or more of building is financed with tax-exempt bonds subject to
2 volume cap.

3 (B) The California Tax Credit Allocation Committee shall not
4 require fees for the credit under this section in addition to those
5 fees required for applications for the tax credit pursuant to Section
6 42 of the Internal Revenue Code, relating to low-income housing
7 credit. The committee may require a fee if the application for the
8 credit under this section is submitted in a calendar year after the
9 year the application is submitted for the federal tax credit.

10 (C) (i) For a project that receives a preliminary reservation of
11 the state low-income housing tax credit, allowed pursuant to
12 subdivision (a), on or after January 1, 2009, and before January 1,
13 2020, the credit shall be allocated to the partners of a partnership
14 owning the project in accordance with the partnership agreement,
15 regardless of how the federal low-income housing tax credit with
16 respect to the project is allocated to the partners, or whether the
17 allocation of the credit under the terms of the agreement has
18 substantial economic effect, within the meaning of Section 704(b)
19 of the Internal Revenue Code, relating to determination of
20 distributive share.

21 (ii) To the extent the allocation of the credit to a partner under
22 this section lacks substantial economic effect, any loss or deduction
23 otherwise allowable under this part that is attributable to the sale
24 or other disposition of that partner's partnership interest made prior
25 to the expiration of the federal credit shall not be allowed in the
26 taxable year in which the sale or other disposition occurs, but shall
27 instead be deferred until and treated as if it occurred in the first
28 taxable year immediately following the taxable year in which the
29 federal credit period expires for the project described in clause (i).

30 (iii) This subparagraph shall not apply to a project that receives
31 a preliminary reservation of state low-income housing tax credits
32 under the set-aside described in subdivision (c) of Section 50199.20
33 of the Health and Safety Code unless the project also receives a
34 preliminary reservation of federal low-income housing tax credits.

35 (2) (A) The California Tax Credit Allocation Committee shall
36 certify to the housing sponsor the amount of tax credit under this
37 section allocated to the housing sponsor for each credit period.

38 (B) In the case of a partnership, or an "S" corporation, the
39 housing sponsor shall provide a copy of the California Tax Credit
40 Allocation Committee certification to the taxpayer.

1 (C) The taxpayer shall, upon request, provide a copy of the
2 certification to the Franchise Tax Board.

3 (D) All elections made by the taxpayer pursuant to Section 42
4 of the Internal Revenue Code, relating to low-income housing
5 credit, shall apply to this section.

6 (E) (i) Except as described in clause (ii) or (iii), for buildings
7 located in designated difficult development areas (DDAs) or
8 qualified census tracts (QCTs), as defined in Section 42(d)(5)(B)
9 of the Internal Revenue Code, relating to increase in credit for
10 buildings in high-cost areas, credits may be allocated under this
11 section in the amounts prescribed in subdivision (c), provided that
12 the amount of credit allocated under Section 42 of the Internal
13 Revenue Code, relating to low-income housing credit, is computed
14 on 100 percent of the qualified basis of the building.

15 (ii) Notwithstanding clause (i), the California Tax Credit
16 Allocation Committee may allocate the credit for buildings located
17 in DDAs or QCTs that are restricted to having 50 percent of the
18 building's occupants be special needs households, as defined in
19 the California Code of Regulations by the California Tax Credit
20 Allocation Committee, even if the taxpayer receives federal credits
21 pursuant to Section 42(d)(5)(B) of the Internal Revenue Code,
22 relating to increase in credit for buildings in high-cost areas,
23 provided that the credit allowed under this section shall not exceed
24 30 percent of the eligible basis of the building.

25 (iii) On and after January 1, 2018, notwithstanding clause (i),
26 the California Tax Credit Allocation Committee may allocate the
27 credit pursuant to paragraph (5) of subdivision (c) even if the
28 taxpayer receives federal credits, pursuant to Section 42(d)(5)(B)
29 of the Internal Revenue Code, relating to increase in credit for
30 buildings in high-cost areas.

31 (F) (i) The California Tax Credit Allocation Committee may
32 allocate a credit under this section in exchange for a credit allocated
33 pursuant to Section 42(d)(5)(B) of the Internal Revenue Code,
34 relating to increase in credit for buildings in high-cost areas, in
35 amounts up to 30 percent of the eligible basis of a building if the
36 credits allowed under Section 42 of the Internal Revenue Code,
37 relating to low-income housing credit, are reduced by an equivalent
38 amount.

(ii) An equivalent amount shall be determined by the California Tax Credit Allocation Committee based upon the relative amount required to produce an equivalent state tax credit to the taxpayer.

(c) Section 42(b) of the Internal Revenue Code, relating to applicable percentage: 70 percent present value credit for certain new buildings; 30 percent present value credit for certain other buildings, shall be modified as follows:

(1) In the case of any qualified low-income building that is a new building, as defined in Section 42(i)(4) of the Internal Revenue Code, relating to new building, and the regulations promulgated thereunder, and not federally subsidized, the term “applicable percentage” means the following:

(A) For each of the first three years, the percentage prescribed by the Secretary of the Treasury for new buildings that are not federally subsidized for the taxable year, determined in accordance with the requirements of Section 42(b)(1) of the Internal Revenue Code, relating to determination of applicable percentage.

(B) For the fourth year, the difference between 30 percent and the sum of the applicable percentages for the first three years.

(2) In the case of any qualified low-income building that is a new building, as defined in Section 42(i)(4) of the Internal Revenue Code, relating to new building, and the regulations promulgated thereunder and is federally subsidized, the term “applicable percentage” means for the first three years, 15 percent of the qualified basis of the building, and for the fourth year, 5 percent of the qualified basis of the building.

(3) In the case of any qualified low-income building that is an existing building, as defined in Section 42(i)(5) of the Internal Revenue Code, relating to existing building, and the regulations promulgated thereunder and is federally subsidized, the term “applicable percentage” means the following:

(A) For each of the first three years, the percentage prescribed by the Secretary of the Treasury for new buildings that are federally subsidized for the taxable year.

(B) For the fourth year, the difference between 13 percent and the sum of the applicable percentages for the first three years.

(4) In the case of any qualified low-income building that meets all of the requirements of subparagraphs (A) through (D), inclusive, the term “applicable percentage” means 30 percent for each of the first three years and 5 percent for the fourth year. A qualified

1 low-income building receiving an allocation under this paragraph
2 is ineligible to also receive an allocation under paragraph (3).

3 (A) The qualified low-income building is at least 15 years old.

4 (B) The qualified low-income building is serving households
5 of very low income or extremely low income such that the average
6 maximum household income as restricted, pursuant to an existing
7 regulatory agreement with a federal, state, county, local, or other
8 governmental agency, is not more than 45 percent of the area
9 median gross income, as determined under Section 42 of the
10 Internal Revenue Code, relating to low-income housing credit,
11 adjusted by household size, and a tax credit regulatory agreement
12 is entered into for a period of not less than 55 years restricting the
13 average targeted household income to no more than 45 percent of
14 the area median income.

15 (C) The qualified low-income building would have insufficient
16 credits under paragraphs (2) and (3) to complete substantial
17 rehabilitation due to a low appraised value.

18 (D) The qualified low-income building will complete the
19 substantial rehabilitation in connection with the credit allocation
20 herein.

21 (5) On and after January 1, 2018, in the case of any qualified
22 low-income building that is (A) farmworker housing, as defined
23 by paragraph (2) of subdivision (h) of Section 50199.7 of the
24 Health and Safety Code, and (B) is federally subsidized, the term
25 “applicable percentage” means for each of the first three years, 20
26 percent of the qualified basis of the building, and for the fourth
27 year, 15 percent of the qualified basis of the building.

28 (d) The term “qualified low-income housing project” as defined
29 in Section 42(c)(2) of the Internal Revenue Code, relating to
30 qualified low-income building, is modified by adding the following
31 requirements:

32 (1) The taxpayer shall be entitled to receive a cash distribution
33 from the operations of the project, after funding required reserves,
34 that, at the election of the taxpayer, is equal to:

35 (A) An amount not to exceed 8 percent of the lesser of:

36 (i) The owner equity that shall include the amount of the capital
37 contributions actually paid to the housing sponsor and shall not
38 include any amounts until they are paid on an investor note.

39 (ii) Twenty percent of the adjusted basis of the building as of
40 the close of the first taxable year of the credit period.

(B) The amount of the cashflow from those units in the building that are not low-income units. For purposes of computing cashflow under this subparagraph, operating costs shall be allocated to the low-income units using the “floor space fraction,” as defined in Section 42 of the Internal Revenue Code, relating to low-income housing credit.

(C) Any amount allowed to be distributed under subparagraph (A) that is not available for distribution during the first five years of the compliance period may be accumulated and distributed any time during the first 15 years of the compliance period but not thereafter.

(2) The limitation on return shall apply in the aggregate to the partners if the housing sponsor is a partnership and in the aggregate to the shareholders if the housing sponsor is an “S” corporation.

(3) The housing sponsor shall apply any cash available for distribution in excess of the amount eligible to be distributed under paragraph (1) to reduce the rent on rent-restricted units or to increase the number of rent-restricted units subject to the tests of Section 42(g)(1) of the Internal Revenue Code, relating to in general.

(e) The provisions of Section 42(f) of the Internal Revenue Code, relating to definition and special rules relating to credit period, shall be modified as follows:

(1) The term “credit period” as defined in Section 42(f)(1) of the Internal Revenue Code, relating to credit period defined, is modified by substituting “four taxable years” for “10 taxable years.”

(2) The special rule for the first taxable year of the credit period under Section 42(f)(2) of the Internal Revenue Code, relating to special rule for 1st year of credit period, shall not apply to the tax credit under this section.

(3) Section 42(f)(3) of the Internal Revenue Code, relating to determination of applicable percentage with respect to increases in qualified basis after 1st year of credit period, is modified to read:

If, as of the close of any taxable year in the compliance period, after the first year of the credit period, the qualified basis of any building exceeds the qualified basis of that building as of the close of the first year of the credit period, the housing sponsor, to the extent of its tax credit allocation, shall be eligible for a credit on

1 the excess in an amount equal to the applicable percentage
2 determined pursuant to subdivision (c) for the four-year period
3 beginning with the taxable year in which the increase in qualified
4 basis occurs.

5 (f) The provisions of Section 42(h) of the Internal Revenue
6 Code, relating to limitation on aggregate credit allowable with
7 respect to projects located in a state, shall be modified as follows:

8 (1) Section 42(h)(2) of the Internal Revenue Code, relating to
9 allocated credit amount to apply to all taxable years ending during
10 or after credit allocation year, shall not be applicable and instead
11 the following provisions shall be applicable:

12 The total amount for the four-year credit period of the housing
13 credit dollars allocated in a calendar year to any building shall
14 reduce the aggregate housing credit dollar amount of the California
15 Tax Credit Allocation Committee for the calendar year in which
16 the allocation is made.

17 (2) Paragraphs (3), (4), (5), (6)(E)(i)(I), (6)(F), (6)(G), (6)(I),
18 (7), and (8) of Section 42(h) of the Internal Revenue Code, relating
19 to limitation on aggregate credit allowable with respect to projects
20 located in a state, shall not be applicable.

21 (g) The aggregate housing credit dollar amount that may be
22 allocated annually by the California Tax Credit Allocation
23 Committee pursuant to this section, Section 12206, and Section
24 17058 shall be an amount equal to the sum of all the following:

25 (1) (A) Seventy million dollars (\$70,000,000) for the 2001
26 calendar year, and, for the 2002 calendar year and each calendar
27 year thereafter, seventy million dollars (\$70,000,000) increased
28 by the percentage, if any, by which the Consumer Price Index for
29 the preceding calendar year exceeds the Consumer Price Index for
30 the 2001 calendar year. For the purposes of this paragraph, the
31 term "Consumer Price Index" means the last Consumer Price Index
32 for All Urban Consumers published by the federal Department of
33 Labor.

34 (B) Five hundred million dollars (\$500,000,000) for the 2020
35 calendar year, and, for the 2021 ~~calendar year and each calendar~~
36 ~~year thereafter, to 2024 calendar years, inclusive,~~ five hundred
37 million dollars (\$500,000,000) increased by the percentage, if any,
38 by which the Consumer Price Index for the preceding calendar
39 year exceeds the Consumer Price Index for the 2020 calendar year.
40 For the purposes of this paragraph, the term "Consumer Price

Index” means the last Consumer Price Index for All Urban Consumers published by the federal Department of Labor. A housing sponsor receiving an allocation under paragraph (1) of subdivision (c) shall not be eligible for receipt of the housing credit allocated from the increased amount under this subparagraph. A housing sponsor receiving an allocation under paragraph (1) of subdivision (c) shall remain eligible for receipt of the housing credit allocated from the credit ceiling amount under subparagraph (A).

(2) The unused housing credit ceiling, if any, for the preceding calendar years.

(3) The amount of housing credit ceiling returned in the calendar year. For purposes of this paragraph, the amount of housing credit dollar amount returned in the calendar year equals the housing credit dollar amount previously allocated to any project that does not become a qualified low-income housing project within the period required by this section or to any project with respect to which an allocation is canceled by mutual consent of the California Tax Credit Allocation Committee and the allocation recipient.

(4) (A) ~~Of~~ *For the 2020 to 2024 calendar year, inclusive, of* the amount allocated pursuant to subparagraph (B) of paragraph (1), twenty-five million dollars (\$25,000,000) per calendar year for projects to provide farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.

(B) The amount of any unallocated or returned credits pursuant to this paragraph per calendar year shall be added to the aggregate amount of credits allocated pursuant to subparagraph (B) of paragraph (1).

(5) *For the 2025 calendar year, and each calendar year thereafter, five hundred thousand dollars (\$500,000) per calendar year for projects to provide farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.*

~~(5)~~
(6) The amount of any unallocated or returned credits under former Sections 17053.14, 23608.2, and 23608.3, as those sections read prior to January 1, 2009, until fully exhausted for projects to provide farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.

(h) The term “compliance period” as defined in Section 42(i)(1) of the Internal Revenue Code, relating to compliance period, is

1 modified to mean, with respect to any building, the period of 30
2 consecutive taxable years beginning with the first taxable year of
3 the credit period with respect thereto.

4 (i) Section 42(j) of the Internal Revenue Code, relating to
5 recapture of credit, shall not be applicable and the following shall
6 be substituted in its place:

7 The requirements of this section shall be set forth in a regulatory
8 agreement between the California Tax Credit Allocation Committee
9 and the housing sponsor, and the regulatory agreement shall be
10 subordinated, when required, to any lien or encumbrance of any
11 banks or other institutional lenders to the project. The regulatory
12 agreement entered into pursuant to subdivision (f) of Section
13 50199.14 of the Health and Safety Code shall apply, provided that
14 the agreement includes all of the following provisions:

15 (1) A term not less than the compliance period.

16 (2) A requirement that the agreement be recorded in the official
17 records of the county in which the qualified low-income housing
18 project is located.

19 (3) A provision stating which state and local agencies can
20 enforce the regulatory agreement in the event the housing sponsor
21 fails to satisfy any of the requirements of this section.

22 (4) A provision that the regulatory agreement shall be deemed
23 a contract enforceable by tenants as third-party beneficiaries thereto
24 and that allows individuals, whether prospective, present, or former
25 occupants of the building, who meet the income limitation
26 applicable to the building, the right to enforce the regulatory
27 agreement in any state court.

28 (5) A provision incorporating the requirements of Section 42
29 of the Internal Revenue Code, relating to low-income housing
30 credit, as modified by this section.

31 (6) A requirement that the housing sponsor notify the California
32 Tax Credit Allocation Committee or its designee if there is a
33 determination by the Internal Revenue Service that the project is
34 not in compliance with Section 42(g) of the Internal Revenue Code,
35 relating to qualified low-income housing project.

36 (7) A requirement that the housing sponsor, as security for the
37 performance of the housing sponsor's obligations under the
38 regulatory agreement, assign the housing sponsor's interest in rents
39 that it receives from the project, provided that until there is a

1 default under the regulatory agreement, the housing sponsor is
2 entitled to collect and retain the rents.

3 (8) A provision that the remedies available in the event of a
4 default under the regulatory agreement that is not cured within a
5 reasonable cure period include, but are not limited to, allowing
6 any of the parties designated to enforce the regulatory agreement
7 to collect all rents with respect to the project; taking possession of
8 the project and operating the project in accordance with the
9 regulatory agreement until the enforcer determines the housing
10 sponsor is in a position to operate the project in accordance with
11 the regulatory agreement; applying to any court for specific
12 performance; securing the appointment of a receiver to operate
13 the project; or any other relief as may be appropriate.

14 (j) (1) The committee shall allocate the housing credit on a
15 regular basis consisting of two or more periods in each calendar
16 year during which applications may be filed and considered. The
17 committee shall establish application filing deadlines, the maximum
18 percentage of federal and state low-income housing tax credit
19 ceiling that may be allocated by the committee in that period, and
20 the approximate date on which allocations shall be made. If the
21 enactment of federal or state law, the adoption of rules or
22 regulations, or other similar events prevent the use of two allocation
23 periods, the committee may reduce the number of periods and
24 adjust the filing deadlines, maximum percentage of credit allocated,
25 and allocation dates.

26 (2) The committee shall adopt a qualified allocation plan, as
27 provided in Section 42(m)(1) of the Internal Revenue Code, relating
28 to plans for allocation of credit among projects. In adopting this
29 plan, the committee shall comply with the provisions of Sections
30 42(m)(1)(B) and 42(m)(1)(C) of the Internal Revenue Code,
31 relating to qualified allocation plan and relating to certain selection
32 criteria must be used, respectively.

33 (3) Notwithstanding Section 42(m) of the Internal Revenue
34 Code, relating to responsibilities of housing credit agencies, the
35 California Tax Credit Allocation Committee shall allocate housing
36 credits in accordance with the qualified allocation plan and
37 regulations, which shall include the following provisions:

38 (A) All housing sponsors, as defined by paragraph (3) of
39 subdivision (a), shall demonstrate at the time the application is

1 filed with the committee that the project meets the following
2 threshold requirements:

3 (i) The housing sponsor shall demonstrate there is a need and
4 demand for low-income housing in the community or region for
5 which it is proposed.

6 (ii) The project's proposed financing, including tax credit
7 proceeds, shall be sufficient to complete the project and that the
8 proposed operating income shall be adequate to operate the project
9 for the extended use period.

10 (iii) The project shall have enforceable financing commitments,
11 either construction or permanent financing, for at least 50 percent
12 of the total estimated financing of the project.

13 (iv) The housing sponsor shall have and maintain control of the
14 site for the project.

15 (v) The housing sponsor shall demonstrate that the project
16 complies with all applicable local land use and zoning ordinances.

17 (vi) The housing sponsor shall demonstrate that the project
18 development team has the experience and the financial capacity
19 to ensure project completion and operation for the extended use
20 period.

21 (vii) The housing sponsor shall demonstrate the amount of tax
22 credit that is necessary for the financial feasibility of the project
23 and its viability as a qualified low-income housing project
24 throughout the extended use period, taking into account operating
25 expenses, a supportable debt service, reserves, funds set aside for
26 rental subsidies and required equity, and a development fee that
27 does not exceed a specified percentage of the eligible basis of the
28 project prior to inclusion of the development fee in the eligible
29 basis, as determined by the committee.

30 (B) The committee shall give a preference to those projects
31 satisfying all of the threshold requirements of subparagraph (A)
32 if both of the following apply:

33 (i) The project serves the lowest income tenants at rents
34 affordable to those tenants.

35 (ii) The project is obligated to serve qualified tenants for the
36 longest period.

37 (C) In addition to the provisions of subparagraphs (A) and (B),
38 the committee shall use the following criteria in allocating housing
39 credits:

1 (i) Projects serving large families in which a substantial number,
2 as defined by the committee, of all residential units are low-income
3 units with three or more bedrooms.

4 (ii) Projects providing single-room occupancy units serving
5 very low income tenants.

6 (iii) (I) Existing projects that are “at risk of conversion,”

7 (II) For purposes of this section, the term “at risk of conversion,”
8 with respect to an existing property means a property that satisfies
9 all of the following criteria:

10 (ia) The property is a multifamily rental housing development
11 in which at least 50 percent of the units receive governmental
12 assistance pursuant to any of the following:

13 (Ia) New construction, substantial rehabilitation, moderate
14 rehabilitation, property disposition, and loan management set-aside
15 programs, or any other program providing project-based assistance
16 pursuant to Section 8 of the United States Housing Act of 1937,
17 Section 1437f of Title 42 of the United States Code, as amended.

18 (Ib) The Below-Market-Interest-Rate Program pursuant to
19 Section 221(d)(3) of the National Housing Act, Sections
20 17151(d)(3) and (5) of Title 12 of the United States Code.

21 (Ic) Section 236 of the National Housing Act, Section 1715z-1
22 of Title 12 of the United States Code.

23 (Id) Programs for rent supplement assistance pursuant to Section
24 101 of the Housing and Urban Development Act of 1965, Section
25 1701s of Title 12 of the United States Code, as amended.

26 (Ie) Programs pursuant to Section 515 of the Housing Act of
27 1949, Section 1485 of Title 42 of the United States Code, as
28 amended.

29 (If) The low-income housing credit program set forth in Section
30 42 of the Internal Revenue Code, relating to low-income housing
31 credit.

32 (ib) The restrictions on rent and income levels will terminate
33 or the federal insured mortgage on the property is eligible for
34 prepayment any time within five years before or after the date of
35 application to the California Tax Credit Allocation Committee.

36 (ic) The entity acquiring the property enters into a regulatory
37 agreement that requires the property to be operated in accordance
38 with the requirements of this section for a period equal to the
39 greater of 55 years or the life of the property.

(id) The property satisfies the requirements of Section 42(e) of the Internal Revenue Code, regarding rehabilitation expenditures, except that the provisions of Section 42(e)(3)(A)(ii)(I) shall not apply.

(iv) Projects for which a public agency provides direct or indirect long-term financial support for at least 15 percent of the total project development costs or projects for which the owner's equity constitutes at least 30 percent of the total project development costs.

(v) Projects that provide tenant amenities not generally available to residents of low-income housing projects.

(4) For purposes of allocating credits pursuant to this section, the committee shall not give preference to any project by virtue of the date of submission of its application except to break a tie when two or more of the projects have an equal rating.

(5) Not less than 20 percent of the low-income housing tax credits available annually under this section, Section 12206, and Section 17058 shall be set aside for allocation to rural areas as defined in Section 50199.21 of the Health and Safety Code. Any amount of credit set aside for rural areas remaining on or after October 31 of any calendar year shall be available for allocation to any eligible project. No amount of credit set aside for rural areas shall be considered available for any eligible project so long as there are eligible rural applications pending on October 31.

(k) Section 42(l) of the Internal Revenue Code, relating to certifications and other reports to secretary, shall be modified as follows:

The term "secretary" shall be replaced by the term "Franchise Tax Board."

(l) In the case where the credit allowed under this section exceeds the "tax," the excess may be carried over to reduce the "tax" in the following year, and succeeding taxable years if necessary, until the credit has been exhausted.

(m) A project that received an allocation of a 1989 federal housing credit dollar amount shall be eligible to receive an allocation of a 1990 state housing credit dollar amount, subject to all of the following conditions:

(1) The project was not placed in service prior to 1990.

1 (2) To the extent the amendments made to this section by the
2 Statutes of 1990 conflict with any provisions existing in this section
3 prior to those amendments, the prior provisions of law shall prevail.

4 (3) Notwithstanding paragraph (2), a project applying for an
5 allocation under this subdivision shall be subject to the
6 requirements of paragraph (3) of subdivision (j).

7 (n) The credit period with respect to an allocation of credit in
8 1989 by the California Tax Credit Allocation Committee of which
9 any amount is attributable to unallocated credit from 1987 or 1988
10 shall not begin until after December 31, 1989.

11 (o) The provisions of Section 11407(a) of Public Law 101-508,
12 relating to the effective date of the extension of the low-income
13 housing credit, shall apply to calendar years after 1989.

14 (p) The provisions of Section 11407(c) of Public Law 101-508,
15 relating to election to accelerate credit, shall not apply.

16 (q) (1) A corporation may elect to assign any portion of any
17 credit allowed under this section to one or more affiliated
18 corporations for each taxable year in which the credit is allowed.
19 For purposes of this subdivision, "affiliated corporation" has the
20 meaning provided in subdivision (b) of Section 25110, as that
21 section was amended by Chapter 881 of the Statutes of 1993, as
22 of the last day of the taxable year in which the credit is allowed,
23 except that "100 percent" is substituted for "more than 50 percent"
24 wherever it appears in the section, as that section was amended by
25 Chapter 881 of the Statutes of 1993, and "voting common stock"
26 is substituted for "voting stock" wherever it appears in the section,
27 as that section was amended by Chapter 881 of the Statutes of
28 1993.

29 (2) The election provided in paragraph (1):

30 (A) May be based on any method selected by the corporation
31 that originally receives the credit.

32 (B) Shall be irrevocable for the taxable year the credit is allowed,
33 once made.

34 (C) May be changed for any subsequent taxable year if the
35 election to make the assignment is expressly shown on each of the
36 returns of the affiliated corporations that assign and receive the
37 credits.

38 (r) (1) For a project that receives a preliminary reservation
39 under this section beginning on or after January 1, 2016, and before
40 January 1, 2020, a taxpayer may make an irrevocable election in

1 its application to the California Tax Credit Allocation Committee
2 to sell all or any portion of any credit allowed under this section
3 to one or more unrelated parties for each taxable year in which the
4 credit is allowed subject to both of the following conditions:

5 (A) The credit is sold for consideration that is not less than 80
6 percent of the amount of the credit.

7 (B) (i) The unrelated party or parties purchasing any or all of
8 the credit pursuant to this subdivision is a taxpayer allowed the
9 credit under this section for the taxable year of the purchase or any
10 prior taxable year or is a taxpayer allowed the federal credit under
11 Section 42 of the Internal Revenue Code, relating to low-income
12 housing credit, for the taxable year of the purchase or any prior
13 taxable year in connection with any project located in this state.

14 (ii) For purposes of this subparagraph, “taxpayer allowed the
15 credit under this section” means a taxpayer that is allowed the
16 credit under this section without regard to the purchase of a credit
17 pursuant to this subdivision without regard to any of the following:

18 (I) The purchase of a credit under this section pursuant to this
19 subdivision.

20 (II) The assignment of a credit under this section pursuant to
21 subdivision (q).

22 (III) The assignment of a credit under this section pursuant to
23 Section 23363.

24 (2) (A) The taxpayer that originally received the credit shall
25 report to the California Tax Credit Allocation Committee within
26 10 days of the sale of the credit, in the form and manner specified
27 by the California Tax Credit Allocation Committee, all required
28 information regarding the purchase and sale of the credit, including
29 the social security or other taxpayer identification number of the
30 unrelated party or parties to whom the credit has been sold, the
31 face amount of the credit sold, and the amount of consideration
32 received by the taxpayer for the sale of the credit.

33 (B) The California Tax Credit Allocation Committee shall
34 provide an annual listing to the Franchise Tax Board, in a form
35 and manner agreed upon by the California Tax Credit Allocation
36 Committee and the Franchise Tax Board, of the taxpayers that
37 have sold or purchased a credit pursuant to this subdivision.

38 (3) (A) A credit may be sold pursuant to this subdivision to
39 more than one unrelated party.

1 (B) (i) Except as provided in clause (ii), a credit shall not be
2 resold by the unrelated party to another taxpayer or other party.

3 (ii) All or any portion of any credit allowed under this section
4 may be resold once by an original purchaser to one or more
5 unrelated parties, subject to all of the requirements of this
6 subdivision.

7 (4) Notwithstanding any other law, the taxpayer that originally
8 received the credit that is sold pursuant to paragraph (1) shall
9 remain solely liable for all obligations and liabilities imposed on
10 the taxpayer by this section with respect to the credit, none of
11 which shall apply to a party to whom the credit has been sold or
12 subsequently transferred. Parties that purchase credits pursuant to
13 paragraph (1) shall be entitled to utilize the purchased credits in
14 the same manner in which the taxpayer that originally received
15 the credit could utilize them.

16 (5) A taxpayer shall not sell a credit allowed by this section if
17 the taxpayer was allowed the credit on any tax return of the
18 taxpayer.

19 (6) Notwithstanding paragraph (1), the taxpayer, with the
20 approval of the Executive Director of the California Tax Credit
21 Allocation Committee, may rescind the election to sell all or any
22 portion of the credit allowed under this section if the consideration
23 for the credit falls below 80 percent of the amount of the credit
24 after the California Tax Credit Allocation Committee reservation.

25 (s) The California Tax Credit Allocation Committee may
26 prescribe rules, guidelines, or procedures necessary or appropriate
27 to carry out the purposes of this section, including any guidelines
28 regarding the allocation of the credit allowed under this section.
29 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
30 3 of Title 2 of the Government Code shall not apply to any rule,
31 guideline, or procedure prescribed by the California Tax Credit
32 Allocation Committee pursuant to this section.

33 (t) Any unused credit may continue to be carried forward, as
34 provided in subdivision (l), until the credit has been exhausted.

35 (u) This section shall remain in effect on and after December
36 1, 1990, for as long as Section 42 of the Internal Revenue Code,
37 relating to low-income housing credit, remains in effect.

38 (v) The amendments to this section made by Chapter 1222 of
39 the Statutes of 1993 shall apply only to taxable years beginning
40 on or after January 1, 1994, except that paragraph (1) of subdivision

(q), as amended, shall apply to taxable years beginning on or after January 1, 1993.

SEC. 5. Section 24692 of the Revenue and Taxation Code is amended to read:

24692. (a) Section 469 of the Internal Revenue Code, relating to passive activity losses and credits limited, shall apply, except as otherwise provided.

(b) Section 469(c)(7) of the Internal Revenue Code, relating to special rules for taxpayers in real property business, shall not apply.

(c) Section 469(d)(2) of the Internal Revenue Code, relating to passive activity credits, is modified to refer to the following credits:

(1) The credit for research expenses allowed by Section 23609.

(2) The credit for clinical testing expenses allowed by Section 23609.5.

(3) The credit for low-income housing allowed by Section 23610.5.

(4) The credit for certain wages paid (targeted jobs) allowed by Section 23621.

(d) Section 469(g)(1)(A) of the Internal Revenue Code is modified to provide that if all gain or loss realized on the disposition of the taxpayer's entire interest in any passive activity (or former passive activity) is recognized, the excess of—

(1) The sum of—

(A) Any loss from that activity for that taxable year (determined after application of Section 469(b) of the Internal Revenue Code), plus

(B) Any loss realized on that disposition, over

(2) Net income or gain for the taxable year from all passive activities (determined without regard to losses described in paragraph (1)), shall be treated as a loss which is not from a passive activity.

(e) ~~(1)~~ For purposes of applying Section 469(i) of the Internal Revenue Code, relating to the twenty-five thousand dollars (\$25,000) offset for rental real estate activities, the ~~dollar~~ following shall apply:

(1) *For taxable years beginning on or after January 1, 2020, and before January 1, 2025, the dollar limitation specified in Section 469(i)(2) of the Internal Revenue Code, relating to dollar limitation, for the credit allowed under Section 23610.5, relating to low-income housing, shall not apply.*

~~(2) The amendments made to this subdivision by the act adding this paragraph shall apply to each taxable year beginning on or after January 1, 2020.~~

(2) For taxable years beginning on and after January 1, 2025, the dollar limitation for the credit allowed under Section 23610.5 relating to low-income housing shall be equal to seventy-five thousand dollars (\$75,000) in lieu of the amount specified in Section 469(i)(2) of the Internal Revenue Code.

(f) Section 502 of the Tax Reform Act of 1986 (Public Law 99-514) shall apply.

(g) For each taxable year beginning on or after January 1, 1987, Section 10212 of Public Law 100-203, relating to treatment of publicly traded partnerships under Section 469 of the Internal Revenue Code, shall apply, except as otherwise provided.

(h) The amendments to Section 469(k) of the Internal Revenue Code made by Section 2004 of Public Law 100-647, relating to separate application of section in case of publicly traded partnerships, shall apply to each taxable year beginning on or after January 1, 1990, except as otherwise provided.

SEC. 6. For purposes of complying with Section 41 of the Revenue and Taxation Code, the Legislature finds and declares the following with respect to the amendments made to Sections 12206, 17058, 17561, 23610.5, and 24694 of the Revenue and Taxation Code to expand the low-income housing tax credit program:

(a) The specific goals, purposes, and objectives that the expanded low-income housing tax credit program under this act will achieve are to increase the supply of housing units affordable to very low and low-income households and farmworker housing.

(b) Detailed performance indicators for the Legislature to use in determining whether the expansion of the low-income housing tax credit program meets the goals, purposes, and objectives described in subdivision (a) shall be the number of additional new housing units produced using the credit, as expanded by this act.

(c) The Legislative Analyst shall, on an annual basis beginning January 1, 2021, collaborate with the Franchise Tax Board and the California Tax Credit Allocation Committee to review the effectiveness of the expanded low-income housing tax credit program. The review shall include, but not be limited to, an

1 *analysis of the demand for the additional amount of tax credits*
2 *allowed by this act and the economic impact of the tax credit.*

3 *(d) The data collection requirements for determining whether*
4 *the tax exemption is meeting, failing to meet, or exceeding those*
5 *specific goals, purposes, and objectives described in subdivision*
6 *(a) are as follows:*

7 *(1) To assist the Legislature in determining whether the*
8 *expanded credit meets the goals, purposes, and objectives specified*
9 *in subdivision (a), and in carrying out their duties under*
10 *subdivision (c), the Legislative Analyst may request information*
11 *from the Franchise Tax Board and the California Tax Credit*
12 *Allocation Committee.*

13 *(2) The Franchise Tax Board and the California Tax Credit*
14 *Allocation Committee shall each provide any data requested by*
15 *the Legislative Analyst pursuant to this subdivision.*

16 ~~SEC. 6.~~

17 *SEC. 7.* This act provides for a tax levy within the meaning of
18 Article IV of the California Constitution and shall go into
19 immediate effect.

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AMENDED IN ASSEMBLY MARCH 18, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

Assembly Constitutional Amendment

No. 1

Introduced by Assembly Member Aguiar-Curry

(Principal coauthor: Assembly Member Chiu)

(Principal coauthor: Senator Wiener)

(Coauthors: Assembly Members ~~Chiu~~, Berman, Bloom, Bonta, Burke, Cooper, Eggman, Frazier, Eduardo Garcia, Gipson, Gloria, Gonzalez, Grayson, Holden, Jones-Sawyer, Kalra, Levine, Low, McCarty, Mullin, Nazarian, Quirk, Luz Rivas, Robert Rivas, Blanca Rubio, Santiago, and Ting Mark Stone, Ting, Weber, Wicks, Wood, and Chu)

(Coauthors: Senators Beall, Hill, and Skinner)

December 3, 2018

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1 and 4 of Article XIII A thereof, by amending Section 2 of, and by adding Section 2.5 to, Article XIII C thereof, by amending Section 3 of Article XIII D thereof, and by amending Section 18 of Article XVI thereof, relating to local finance.

LEGISLATIVE COUNSEL’S DIGEST

ACA 1, as amended, Aguiar-Curry. Local government financing: affordable housing and public infrastructure: voter approval.

(1) The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions.

This measure would create an additional exception to the 1% limit that would authorize a city, county, ~~or city and county~~ *city and county*,

or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public ~~infrastructure or infrastructure~~, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements. *The measure would specify that these provisions apply to any city, county, city and county, or special district measure imposing an ad valorem tax to pay the interest and redemption charges on bonded indebtedness for these purposes that is submitted at the same election as this measure.*

(2) The California Constitution conditions the imposition of a special tax by a local government upon the approval of $\frac{2}{3}$ of the voters of the local government voting on that tax, and prohibits these entities from imposing an ad valorem tax on real property or a transactions or sales tax on the sale of real property.

This measure would authorize a local government to impose, extend, or increase a sales and use tax or transactions and use tax imposed in accordance with specified law or a parcel tax, as defined, for the purposes of funding the construction, rehabilitation, or replacement of public ~~infrastructure or infrastructure~~, affordable housing, or permanent supportive housing if the proposition proposing that tax is approved by 55% of its voters voting on the proposition and the proposition includes specified accountability requirements. This measure would also make conforming changes to related provisions. *The measure would specify that these provisions apply to any local measure imposing, extending, or increasing a sales and use tax, transactions and use tax, or parcel tax for these purposes that is submitted at the same election as this measure.*

(3) The California Constitution prohibits specified local government agencies from incurring any indebtedness exceeding in any year the income and revenue provided in that year, without the assent of $\frac{2}{3}$ of the voters and subject to other conditions. In the case of a school district, community college district, or county office of education, the California Constitution permits a proposition for the incurrence of indebtedness in the form of general obligation bonds for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, to be adopted

upon the approval of 55% of the voters of the district or county, as appropriate, voting on the proposition at an election.

This measure would *expressly prohibit a special district, other than a board of education or school district, from incurring any indebtedness or liability exceeding any applicable statutory limit, as prescribed by the statutes governing the special district. The measure would also similarly lower to 55% the voter approval threshold for a require the approval of 55% of the voters of the city, county, or city and county city and county, or special district, as applicable, to incur bonded indebtedness, exceeding in any year the income and revenue provided in that year, that is in the form of general obligation bonds issued to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or infrastructure, affordable housing housing, or permanent supportive housing projects, if the proposition proposing that bond includes specified accountability requirements. The measure would specify that this 55% threshold applies to any proposition for the incurrence of indebtedness by a city, county, city and county, or special district for these purposes that is submitted at the same election as this measure.*

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring, That the*
2 *Legislature of the State of California at its 2017-18 2019-20*
3 *Regular Session commencing on the fifth third day of December*
4 *2016, 2018, two-thirds of the membership of each house*
5 *concurring, hereby proposes to the people of the State of California,*
6 *that the Constitution of the State be amended as follows:*

7 First—That Section 1 of Article XIII A thereof is amended to
8 read:

9 SECTION 1. (a) The maximum amount of any ad valorem
10 tax on real property shall not exceed 1 percent of the full cash
11 value of that property. The 1 percent tax shall be collected by the
12 counties and apportioned according to law to the districts within
13 the counties.

14 (b) The limitation provided for in subdivision (a) shall not apply
15 to ad valorem taxes or special assessments to pay the interest and
16 redemption charges on any of the following:

17 (1) Indebtedness approved by the voters before July 1, 1978.

(2) Bonded indebtedness to fund the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by the voters voting on the proposition.

(3) Bonded indebtedness incurred by a school district, community college district, or county office of education for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, approved by 55 percent of the voters of the district or county, as appropriate, voting on the proposition on or after November 8, 2000. This paragraph shall apply only if the proposition approved by the voters and resulting in the bonded indebtedness includes all of the following accountability requirements:

(A) A requirement that the proceeds from the sale of the bonds be used only for the purposes specified in this paragraph, and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

(B) A list of the specific school facilities projects to be funded and certification that the school district board, community college board, or county office of education has evaluated safety, class size reduction, and information technology needs in developing that list.

(C) A requirement that the school district board, community college board, or county office of education conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed.

(D) A requirement that the school district board, community college board, or county office of education conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.

(4) (A) Bonded indebtedness incurred by a city, county, ~~or city and county~~ *city and county, or special district* for the construction, reconstruction, rehabilitation, or replacement of public ~~infrastructure or infrastructure~~, affordable housing, *or permanent supportive housing for persons at risk of chronic homelessness, including persons with mental illness*, or the acquisition or lease of real property for public ~~infrastructure or infrastructure~~, affordable housing, *or permanent supportive housing for persons*

1 *at risk of chronic homelessness, including persons with mental*
 2 *illness, approved by 55 percent of the voters of the city, county,*
 3 ~~*or city and county*~~ *city and county, or special district, as*
 4 *appropriate, voting on the proposition on or after the effective date*
 5 *of the measure adding this paragraph. This paragraph shall apply*
 6 *only if the proposition approved by the voters and resulting in the*
 7 *bonded indebtedness includes all of the following accountability*
 8 *requirements:*

9 (i) A requirement that the proceeds from the sale of the bonds
 10 be used only for the purposes specified in this paragraph, and not
 11 for any other purpose, including city, county, ~~or city and county~~
 12 *city and county, or special district* employee salaries and other
 13 operating expenses.

14 (ii) A list of the specific projects to be funded, and a certification
 15 that the city, county, ~~or city and county~~ *city and county, or special*
 16 *district* has evaluated alternative funding sources.

17 (iii) A requirement that the city, county, ~~or city and county~~ *city*
 18 *and county, or special district* conduct an annual, independent
 19 performance audit to ensure that the funds have been expended
 20 only on the specific projects listed.

21 (iv) A requirement that the city, county, ~~or city and county~~ *city*
 22 *and county, or special district* conduct an annual, independent
 23 financial audit of the proceeds from the sale of the bonds until all
 24 of those proceeds have been expended for the public infrastructure
 25 or affordable housing projects, as applicable.

26 (v) A requirement that the city, county, ~~or city and county~~ *city*
 27 *and county, or special district* post the audits required by clauses
 28 (iii) and (iv) in a manner that is easily accessible to the public.

29 (vi) A requirement that the city, county, ~~or city and county~~ *city*
 30 *and county, or special district* appoint a citizens' oversight
 31 committee to ensure that bond proceeds are expended only for the
 32 purposes described in the measure approved by the voters.

33 (B) For purposes of this paragraph, ~~"affordable paragraph:~~

34 (i) "Affordable housing" shall include housing developments,
 35 or portions of housing developments, that provide workforce
 36 housing affordable to households earning up to 150 percent of
 37 countywide median income, and housing developments, or portions
 38 of housing developments, that provide housing affordable to lower,
 39 low-, or very low income households, as those terms are defined
 40 in state law.

(ii) “At risk of chronic homelessness” includes, but is not limited to, persons who are at high risk of long-term or intermittent homelessness, including persons with mental illness exiting institutionalized settings, including, but not limited to, jail and mental health facilities, who were homeless prior to admission, transition age youth experiencing homelessness or with significant barriers to housing stability, and others, as defined in program guidelines.

(iii) “Permanent supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. “Permanent supportive housing” includes associated facilities, if those facilities are used to provide services to housing residents.

~~(C) For purposes of this paragraph, “public~~

(iv) “Public infrastructure” shall include, but is not limited to, projects that provide any of the following:

(i)

(I) Water or protect water quality.

(ii)

(II) Sanitary sewer.

(iii)

(III) Treatment of wastewater or reduction of pollution from stormwater runoff.

(iv)

(IV) Protection of property from impacts of sea level rise.

~~(v) Parks.~~

(V) Parks and recreation facilities.

~~(vi)~~

(VI) Open space and recreation facilities: space.

(vii)

(VII) Improvements to transit and streets and highways.

~~(viii)~~

(VIII) Flood control.

~~(ix)~~

(IX) Broadband-Internet internet access service expansion in underserved areas.

~~(x)~~

1 (X) Local hospital construction.

2 (XI) *Public safety buildings or facilities, equipment related to*
3 *fire suppression, emergency response equipment, or interoperable*
4 *communications equipment for direct and exclusive use by fire,*
5 *emergency response, police or sheriff personnel.*

6 (XII) *Public library facilities.*

7 (v) *“Special district” has the same meaning as provided in*
8 *subdivision (c) of Section 1 of Article XIII C and specifically*
9 *includes a transit district, except that “special district” does not*
10 *include a school district, redevelopment agency, or successor*
11 *agency to a dissolved redevelopment agency.*

12 (C) *This paragraph shall apply to any city, county, city and*
13 *county, or special district measure imposing an ad valorem tax to*
14 *pay the interest and redemption charges on bonded indebtedness*
15 *for those purposes described in this paragraph that is submitted*
16 *at the same election as the measure adding this paragraph.*

17 (c) (1) Notwithstanding any other provisions of law or of this
18 Constitution, a school district, community college district, or
19 county office of education may levy a ~~55-percent~~ 55-percent vote
20 ad valorem tax pursuant to paragraph (3) of subdivision (b).

21 (2) Notwithstanding any other provisions of law or this
22 Constitution, a city, county, ~~or city and county~~ city and county, or
23 special district may levy a ~~55-percent~~ 55-percent vote ad valorem
24 tax pursuant to paragraph (4) of subdivision (b).

25 ~~Second—That Section 4 of Article XIII A thereof is amended~~
26 ~~to read:~~

27 ~~SEC. 4. Except as provided by Section 2.5 of Article XIII C,~~
28 ~~a city, county, or special district, by a two-thirds vote of its voters~~
29 ~~voting on the proposition, may impose a special tax within that~~
30 ~~city, county, or special district, except an ad valorem tax on real~~
31 ~~property or a transactions tax or sales tax on the sale of real~~
32 ~~property within that city, county, or special district.~~

33 ~~Second—That Section 4 of Article XIII A thereof is amended to~~
34 ~~read:~~

35 ~~Section 4.~~

36 ~~SEC. 4. Cities, Counties and special districts, Except as~~
37 ~~provided by Section 2.5 of Article XIII C, a city, county, or special~~
38 ~~district, by a two-thirds vote of the qualified electors of such~~
39 ~~district, its voters voting on the proposition, may impose special~~
40 ~~taxes on such district, a special tax within that city, county, or~~

1 *special district*, except *an ad valorem-taxes tax* on real property
2 or a ~~transaction~~ *transactions* tax or sales tax on the sale of real
3 property within ~~such City, County~~ *that city, county*, or special
4 district.

5 Third—That Section 2 of Article XIII C thereof is amended to
6 read:

7 SEC. 2. Notwithstanding any other provision of this
8 Constitution:

9 (a) Any tax imposed by a local government is either a general
10 tax or a special tax. A special district or agency, including a school
11 district, has no authority to levy a general tax.

12 (b) A local government may not impose, extend, or increase
13 any general tax unless and until that tax is submitted to the
14 electorate and approved by a majority vote. A general tax is not
15 deemed to have been increased if it is imposed at a rate not higher
16 than the maximum rate so approved. The election required by this
17 subdivision shall be consolidated with a regularly scheduled general
18 election for members of the governing body of the local
19 government, except in cases of emergency declared by a unanimous
20 vote of the governing body.

21 (c) Any general tax imposed, extended, or increased, without
22 voter approval, by any local government on or after January 1,
23 1995, and before the effective date of this article, may continue to
24 be imposed only if that general tax is approved by a majority vote
25 of the voters voting in an election on the issue of the imposition,
26 which election shall be held no later than November 6, 1996, and
27 in compliance with subdivision (b).

28 (d) Except as provided by Section 2.5, a local government may
29 not impose, extend, or increase any special tax unless and until
30 that tax is submitted to the electorate and approved by a two-thirds
31 vote. A special tax is not deemed to have been increased if it is
32 imposed at a rate not higher than the maximum rate so approved.

33 Fourth—That Section 2.5 is added to Article XIII C thereof, to
34 read:

35 SEC. 2.5. (a) The imposition, extension, or increase of a sales
36 and use tax imposed in accordance with the Bradley-Burns Uniform
37 Local Sales and Use Tax Law (Part 1.5 (commencing with Section
38 7200) of Division 2 of the Revenue and Taxation Code) or a
39 successor law, a transactions and use tax imposed in accordance
40 with the Transactions and Use Tax Law (Part 1.6 (commencing

with Section 7251) of Division 2 of the Revenue and Taxation Code) or a successor law, or a parcel tax imposed by a local government for the purpose of funding the construction, reconstruction, rehabilitation, or replacement of public ~~infrastructure or infrastructure~~, affordable housing, *or permanent supportive housing for persons at risk of chronic homelessness, including persons with mental illness*, or the acquisition or lease of real property for public ~~infrastructure or infrastructure~~, affordable housing, *or permanent supportive housing for persons at risk of chronic homelessness, including persons with mental illness*, is subject to approval by 55 percent of the voters in the local government voting on the proposition, if both of the following conditions are met:

(1) The proposition is approved by a majority vote of the membership of the governing board of the local government.

(2) The proposition contains all of the following accountability requirements:

(A) A requirement that the proceeds of the tax only be used for the purposes specified in the proposition, and not for any other purpose, including general employee salaries and other operating expenses of the local government.

(B) A list of the specific projects that are to be funded by the tax, and a certification that the local government has evaluated alternative funding sources.

(C) A requirement that the local government conduct an annual, independent performance audit to ensure that the proceeds of the special tax have been expended only on the specific projects listed in the proposition.

(D) A requirement that the local government conduct an annual, independent financial audit of the proceeds from the tax during the lifetime of that tax.

(E) A requirement that the local government post the audits required by subparagraphs (C) and (D) in a manner that is easily accessible to the public.

(F) A requirement that the local government appoint a citizens' oversight committee to ensure the proceeds of the special tax are expended only for the purposes described in the measure approved by the voters.

(b) For purposes of this section, the following terms have the following meanings:

(1) “Affordable housing” shall include housing developments, or portions of housing developments, that provide workforce housing affordable to households earning up to 150 percent of countywide median income, and housing developments, or portions of housing developments, that provide housing affordable to lower, low-, or very low income households, as those terms are defined in state law.

(2) *“At risk of chronic homelessness” includes, but is not limited to, persons who are at high risk of long-term or intermittent homelessness, including persons with mental illness exiting institutionalized settings, including, but not limited to, jail and mental health facilities, who were homeless prior to admission, transition age youth experiencing homelessness or with significant barriers to housing stability, and others, as defined in program guidelines.*

~~(2)~~

(3) “Parcel tax” means a special tax imposed upon a parcel of real property at a rate that is determined without regard to that property’s value and that applies uniformly to all taxpayers or all real property within the jurisdiction of the local government. “Parcel tax” does not include a tax imposed on a particular class of property or taxpayers.

(4) *“Permanent supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. “Permanent supportive housing” includes associated facilities, if those facilities are used to provide services to housing residents.*

~~(3)~~

(5) “Public infrastructure” shall include, but is not limited to, the projects that provide any of the following:

(A) Water or protect water quality.

(B) Sanitary sewer.

(C) Treatment of wastewater or reduction of pollution from stormwater runoff.

(D) Protection of property from impacts of sea level rise.

~~(E) Parks.~~

(E) *Parks and recreation facilities.*

1 (F) ~~Open-space and recreation facilities.~~ *space.*

2 (G) Improvements to transit and streets and highways.

3 (H) Flood control.

4 (I) ~~Broadband-Internet~~ *internet* access service expansion in
5 underserved areas.

6 (J) Local hospital construction.

7 (K) *Public safety buildings or facilities, equipment related to*
8 *fire suppression, emergency response equipment, or interoperable*
9 *communications equipment for direct and exclusive use by fire,*
10 *emergency response, policy or sheriff personnel.*

11 (L) *Public library facilities.*

12 (c) *This section shall apply to any local measure imposing,*
13 *extending, or increasing a sales and use tax imposed pursuant to*
14 *the Bradley-Burns Uniform Local Sales and Use Tax Law, a*
15 *transactions and use tax imposed in accordance with the*
16 *Transactions and Use Tax Law, or a parcel tax imposed by a local*
17 *government for those purposes described in subdivision (a) that*
18 *is submitted at the same election as the measure adding this*
19 *section.*

20 Fifth—That Section 3 of Article XIII D thereof is amended to
21 read:

22 SEC. 3. (a) An agency shall not assess a tax, assessment, fee,
23 or charge upon any parcel of property or upon any person as an
24 incident of property ownership except:

25 (1) The ad valorem property tax imposed pursuant to Article
26 XIII and Article XIII A.

27 (2) Any special tax receiving a two-thirds vote pursuant to
28 Section 4 of Article XIII A or *receiving a 55-percent approval*
29 *pursuant to* Section 2.5 of Article XIII C.

30 (3) Assessments as provided by this article.

31 (4) Fees or charges for property-related services as provided by
32 this article.

33 (b) For purposes of this article, fees for the provision of electrical
34 or gas service are not deemed charges or fees imposed as an
35 incident of property ownership.

36 Sixth—That Section 18 of Article XVI thereof is amended to
37 read:

38 SEC. 18. (a) A county, city, town, township, board of
39 education, or school district, shall not incur any indebtedness or
40 liability in any manner or for any purpose exceeding in any year

1 the income and revenue provided for that year, without the assent
2 of two-thirds of the voters of the public entity voting at an election
3 to be held for that purpose, except that with respect to any such
4 public entity ~~which~~ *that* is authorized to incur indebtedness for
5 public school purposes, any proposition for the incurrence of
6 indebtedness in the form of general obligation bonds for the
7 purpose of repairing, ~~reconstructing~~ *reconstructing*, or replacing
8 public school buildings determined, in the manner prescribed by
9 law, to be structurally unsafe for school use, shall be adopted upon
10 the approval of a majority of the voters of the public entity voting
11 on the proposition at ~~such~~ *the* election; nor unless before or at the
12 time of incurring such indebtedness provision shall be made for
13 the collection of an annual tax sufficient to pay the interest on such
14 indebtedness as it falls due, and to provide for a sinking fund for
15 the payment of the principal thereof, on or before maturity, which
16 shall not exceed forty years from the time of contracting the
17 indebtedness. *A special district, other than a board of education
18 or school district, shall not incur any indebtedness or liability
19 exceeding any applicable statutory limit, as prescribed by the
20 statutes governing the special district as they currently read or
21 may thereafter be amended by the Legislature.*

22 (b) (1) Notwithstanding subdivision (a), any proposition for
23 the incurrence of indebtedness in the form of general obligation
24 bonds for the purposes described in paragraph (3) or (4) of
25 subdivision (b) of Section 1 of Article XIII A shall be adopted
26 upon the approval of 55 percent of the voters of the school district,
27 community college district, county office of education, city, county,
28 ~~or city and county~~, *city and county, or other special district*, as
29 appropriate, voting on the proposition at an election. This
30 subdivision shall apply to a proposition for the incurrence of
31 indebtedness in the form of general obligation bonds for the
32 purposes specified in this subdivision only if the proposition meets
33 all of the accountability requirements of paragraph (3) or (4) of
34 subdivision (b), as appropriate, of Section 1 of Article XIII A.

35 (2) *The amendments made to this subdivision by the measure
36 adding this paragraph shall apply to any proposition for the
37 incurrence of indebtedness in the form of general obligation bonds
38 pursuant to this subdivision for the purposes described in
39 paragraph (4) of subdivision (b) of Section 1 of Article XIII A that*

1 *is submitted at the same election as the measure adding this*
2 *paragraph.*

3 (c) When two or more propositions for incurring any
4 indebtedness or liability are submitted at the same election, the
5 votes cast for and against each proposition shall be counted
6 separately, and if two-thirds or a majority or 55 percent of the
7 voters, as the case may be, voting on any one of those propositions,
8 vote in favor thereof, the proposition shall be deemed adopted.

9

10

11 **REVISIONS:**

12 **Heading—Line 5.**

13

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AMENDED IN SENATE APRIL 23, 2019

AMENDED IN SENATE APRIL 8, 2019

AMENDED IN SENATE MARCH 21, 2019

AMENDED IN SENATE MARCH 18, 2019

SENATE BILL

No. 5

**Introduced by Senators Beall and McGuire
(Principal coauthor: Senator Roth)
(Coauthors: Senators Caballero and Hueso)**

December 3, 2018

An act to add Section 41202.6 to the Education Code, to add Part 4 (commencing with Section 55900) to Division 2 of Title 5 ~~of~~ *of, and to add Division 6 (commencing with Section 62300) to Title 6 of*, the Government Code, and to add Section 97.68.1 to the Revenue and Taxation Code, relating to local government finance.

LEGISLATIVE COUNSEL'S DIGEST

SB 5, as amended, Beall. Affordable Housing and Community Development Investment Program.

Existing property tax law requires the county auditor, in each fiscal year, to allocate property tax revenue to local jurisdictions in accordance with specified formulas and procedures, subject to certain modifications. Existing law requires an annual reallocation of property tax revenue from local agencies in each county to the Educational Revenue Augmentation Fund (ERAF) in that county for allocation to specified educational entities.

Existing law authorizes certain local agencies to form an enhanced infrastructure financing district, affordable housing authority, transit village development district, or community revitalization and investment

authority for purposes of, among other things, infrastructure, affordable housing, and economic revitalization.

This bill would establish in state government the Affordable Housing and Community Development Investment Program, which would be administered by the Affordable Housing and Community Development Investment Committee. The bill would authorize a city, county, city and county, joint powers agency, enhanced infrastructure financing district, affordable housing authority, community revitalization and investment authority, transit village development district, or a combination of those entities, to apply to the Affordable Housing and Community Development Investment Committee to participate in the program and would authorize the committee to approve or deny plans for projects meeting specific criteria. *The bill would also authorize certain local agencies to establish an affordable housing and community development investment agency and authorize an agency to apply for funding under the program and issue bonds, as provided, to carry out a project under the program.*

The bill would require the Affordable Housing and Community Development Investment Committee to adopt guidelines for plans and approve no more than \$200,000,000 per year from July 1, 2020, to June 30, 2025, and \$250,000,000 per year from July 1, 2025, to June 30, 2029, ~~in reductions in annual ERAF contributions~~ *transfers from a county's ERAF* for applicants for plans approved pursuant to this program. This bill would provide that eligible projects include, among other things, the predevelopment, development, acquisition, rehabilitation, and preservation of workforce and affordable housing, ~~certain transit-oriented~~ *transit-oriented* development, and projects promoting strong neighborhoods.

The bill would require the Affordable Housing and Community Development Investment Committee, upon approval of a plan, to issue an order directing the county auditor to ~~reduce the total amount of transfer~~ ad valorem property tax revenue ~~otherwise required to be contributed to~~ *from the county's ERAF from the applicant by the annual reduction amount approved.* The bill would require a county auditor to deposit the total annual reduction amount approved within a county into the Affordable Housing and Community Development Investment Fund, which is created by this bill in the treasury of each county, and allocate moneys in that fund as directed by the committee, as specified. The bill would require the auditor, if the applicant is an enhanced infrastructure financing district, affordable housing authority, *affordable*

housing and community development investment agency, transit village development district, or community revitalization investment authority, to transfer to the city or county that created the authority or district an amount of property tax revenue equal to the ~~reduction~~ amount approved by the Affordable Housing and Community Development Investment Committee for that authority or district. The bill would require the city or county that created the district to, upon receipt, transfer those funds to the authority or district in an amount equal to the affordable housing and community development investment amount for that authority or district. By imposing additional duties on local officials, the bill would impose a state-mandated local program. The bill would authorize applicants to use approved amounts to incur debt or issue bonds or other financing to support an approved project.

The bill also would require each applicant that has received funding to submit annual reports, as specified, and would require the Affordable Housing and Community Development Investment *Committee* to provide a report to the Joint Legislative Budget Committee that includes certain project information.

Section 8 of Article XVI of the California Constitution sets forth a formula for computing the minimum amount of revenues that the state is required to appropriate for the support of school districts and community college districts for each fiscal year.

This bill would require the Director of Finance to adjust the percentage of General Fund revenues appropriated for school districts and community college districts for these purposes in a manner that ensures that the ~~reductions in contributions to~~ *transfers from* a county's ERAF pursuant to the Affordable Housing and Community Development Investment Program have no net fiscal impact upon the total amount of the General Fund revenue and local property tax revenue allocated to school districts and community college districts pursuant to Section 8 of Article XVI of the California Constitution, as specified.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) In recent years the Legislature has created several new
4 opportunities to use tax increment financing, which include the
5 formation of enhanced infrastructure financing districts, affordable
6 housing authorities, and community revitalization investment
7 authorities. While these new tools can be useful to local agencies,
8 they are widely viewed as lacking sufficient financial capacity
9 compared to what existed under the former tax increment financing
10 tool utilized by community redevelopment agencies.

11 (1) Under redevelopment, all of the growth in property tax (tax
12 increment) within a project area over a base year, net of mandatory
13 pass-through payments, that would otherwise be allocated to cities,
14 counties, special districts and school districts was dedicated to
15 redevelopment purposes. Under the new tax increment tools,
16 however, property tax increment from affected taxing agencies
17 other than the initiating city or county can only be dedicated with
18 the approval of the affected local agencies.

19 (2) While potential local partnerships between cities, counties,
20 and special districts involving new economic development tools
21 continue to be explored by the state and local governments, a reality
22 is that the state and local governments often have other policy and
23 budget priorities, and lack incentives to participate.

24 (3) The language in the new tax increment laws currently
25 prohibit school districts from participating, largely reflecting state
26 concerns over potential backfill requirements for school funding
27 under the requirements of Proposition 98 of 1988.

28 (b) The state shares many policy priorities with local
29 governments, including affordable housing and economic
30 development, that can be advanced by creating a new infrastructure
31 financing tool that would focus on the following:

32 (1) Increasing the production of affordable housing available
33 to very low, low-, and moderate-income families.

34 (2) Expanding transit-oriented development at higher densities.

35 (3) Reducing jobs-housing imbalances in areas with high job
36 growth.

1 (4) Increasing the availability of high-quality jobs through the
2 rehabilitation, construction, and maintenance of housing and
3 infrastructure.

4 (5) Improving the quality of life in neighborhoods and
5 disadvantaged communities.

6 (6) Incentivizing growth in urban areas, thereby reducing sprawl
7 and ensuring that open space is preserved throughout the state.

8 (7) Reducing poverty and caseloads of state and county safety
9 net support programs by incentivizing the training and hiring of
10 affected individuals to jobs where they can be self-supporting.

11 (8) Protecting communities dealing with the effects of sea level
12 rise, which is one of the most significant threats of climate change.

13 (c) The Legislature has declared that the policy priorities listed
14 in subdivision (b) are matters of statewide concern. It is therefore
15 appropriate that the state and local governments contribute
16 financially to the realization of these priorities.

17 (d) By allowing local agencies to reduce their contributions to
18 their county's Educational Revenue Augmentation Fund (ERAF)
19 to fund affordable housing projects and related infrastructure, the
20 state can advance its policy priorities while also protecting funding
21 for schools and limiting effects on the state budget. The state's
22 interests can be ensured and protected in the following manner:

23 (1) Requiring approval of the newly created Affordable Housing
24 and Community Development Investment Committee, to ensure
25 that the investment of property taxes otherwise allocated to schools
26 through a county's ~~educational revenue augmentation fund~~ ERAF
27 are used only for projects that maximize state policy benefits while
28 ensuring that an economic analysis projects increased property tax
29 revenues for schools in the affected territory upon project
30 completion.

31 (2) Offering additional incentives to participating counties and
32 special districts.

33 (3) Establishing an annual cap on the total affordable housing
34 and community development investment amount that may be
35 approved to be allocated by the Affordable Housing and
36 Community Development Investment Committee, as follows:

37 (A) Not to exceed two hundred million dollars (\$200,000,000)
38 annually between July 1, 2020, and June 30, 2025.

39 (B) Not to exceed two hundred fifty million dollars
40 (\$250,000,000) annually between July 1, 2025, and June 30, 2029.

1 (4) Requiring annual reports to the Legislature on the status of
2 all projects funded through this program.

3 (e) It is the intent of the Legislature that schools and community
4 colleges receive no less total funding from General Fund and local
5 property tax revenue as a result of the bill.

6 (f) It is the intent of the Legislature to have the state provide
7 increased funding in an amount that equals reductions in local
8 ERAF funds to the point necessary for schools to meet their
9 minimum funding guarantee pursuant to existing law.

10 (g) It is the intent of the Legislature that local agencies receive
11 the same amount of excess ERAF as they would have if the
12 program established by this bill were not in effect.

13 SEC. 2. Section 41202.6 is added to the Education Code, to
14 read:

15 41202.6. (a) It is the intent of the Legislature to ensure that
16 the program authorized by the Affordable Housing and Community
17 Development Investment Program established by Part 4
18 (commencing with Section 55900) of Division 2 of Title 5 of the
19 Government Code does not affect the amount of funding required
20 to be applied for the support of school districts and community
21 college districts pursuant to Section 8 of Article XVI of the
22 California Constitution.

23 (b) The Director of Finance shall adjust “the percentage of
24 General Fund revenues appropriated for school districts and
25 community college districts” for the purpose of applying paragraph
26 (1) of subdivision (b) of Section 8 of Article XVI of the California
27 Constitution in a manner that ensures that ~~reductions in~~
28 ~~contributions to transfers from~~ a county’s Educational Revenue
29 Augmentation Fund authorized by Section 97.68.1 of the Revenue
30 and Taxation Code shall have no net fiscal impact upon the total
31 amount of General Fund revenue and local property tax revenue
32 allocated to school districts and community college districts
33 pursuant to Section 8 of Article XVI of the California Constitution.
34 The Director of Finance shall make this adjustment effective with
35 the 2020–21 fiscal year, consistent with the start of the grant
36 program pursuant to paragraph (1) of subdivision (a) of Section
37 55906 of the Government Code. The Director of Finance shall
38 update the adjustment for subsequent increases or decreases in the
39 amount of ~~reductions~~ *transfers* authorized by *the* Affordable
40 Housing and Community Development Investment Program.

SEC. 3. Part 4 (commencing with Section 55900) is added to Division 2 of Title 5 of the Government Code, to read:

PART 4. AFFORDABLE HOUSING AND COMMUNITY
DEVELOPMENT INVESTMENT PROGRAM

55900. This part is known and may be cited as the Affordable Housing and Community Development Investment Program.

55901. The Affordable Housing and Community Development Investment Program is hereby established to create a local-state partnership to reduce poverty and advance other state priorities financed, in part, by property tax increment.

55902. As used in this part, the following terms have the following meanings:

(a) “Affordable housing and community development investment amount” is the amount of property tax revenue allocated pursuant to Section 97.68.1 of the Revenue and Taxation Code.

(b) “Applicant” means any entity identified in ~~paragraph~~ *subdivision* (a) of Section 55905 that has submitted a plan to the committee pursuant to that section.

(c) “Committee” means the Affordable Housing and Community Development Investment Committee established by Section 55904.

(d) “Plan” means an application for one or more projects that is submitted to the committee.

(e) “Program” means the Affordable Housing and Community Development Investment Program established by this part.

(f) “Project” shall include:

(1) A project undertaken by a city, county, city or county, joint powers authority, enhanced infrastructure financing district, affordable housing authority, community revitalization and investment authority, *affordable housing and community development investment agency*, or a transit village development district.

(2) A transit priority project that meets the requirements of subdivision (d) of Section 65470.

(g) “Skilled and trained workforce” has the same meaning as set forth in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.

(h) “Transit Priority Project Program” has the same meaning as contained in Section 65470.

1 55903. (a) (1) Funding allocated to the program shall be used
2 to support a plan that includes affordable housing. Subject to
3 paragraph (2), eligible uses of this funding include:

4 (A) Predevelopment, development, acquisition, rehabilitation,
5 and preservation of affordable ~~housing~~; *housing, as provided in*
6 *subdivision (b)*. For purposes of this section, the term “affordable
7 housing” means housing affordable to households earning under
8 120 percent of area median income.

9 (B) Transit-oriented development for the purpose of developing
10 or facilitating the development of higher density uses within close
11 proximity to transit stations that will increase public transit
12 ridership and contribute to the reduction of vehicle miles traveled
13 and greenhouse gas emissions. Fiscal incentives shall be offered
14 to offset local community impacts associated with greater densities.

15 (C) Infill development to assist in the new construction and
16 rehabilitation of infrastructure that supports high-density,
17 affordable, and mixed-income housing in locations designated as
18 infill, including, but not limited to, any of the following:

19 (i) Park creation, development, or rehabilitation to encourage
20 infill development.

21 (ii) Water, sewer, or other public infrastructure costs associated
22 with infill development.

23 (iii) Transportation improvements related to infill development
24 projects.

25 (iv) Traffic mitigation.

26 (D) Promoting strong neighborhoods through support of local
27 community planning and engagement efforts to revitalize and
28 restore neighborhoods, including repairing infrastructure and parks,
29 rehabilitating and building housing, promoting public-private
30 partnerships, supporting small businesses and job growth for
31 affected residents.

32 (E) Protecting communities dealing with the effects of sea level
33 rise, which is one of the most significant threats of climate change,
34 including the construction, repair, replacement, and maintenance
35 infrastructure related to protecting communities from sea level
36 rise.

37 (F) The acquisition, construction, or rehabilitation of land or
38 property pursuant to eligible uses of funding specified in
39 subparagraphs (A) to (E), inclusive.

(2) Eligible uses allocated to an applicant under the program shall be limited to those uses described in subparagraphs (A) to (C), inclusive, of paragraph (1) if the applicant has taken any action, whether by the legislative body of the applicant or the electorate exercising its local initiative or referendum power, that has any of the following effects:

(A) Established or implemented any provision that:

(i) Limits the number of land use approvals or permits necessary for the approval and construction of housing that will be issued or allocated within all or a portion of the applicant.

(ii) Acts as a cap on the number of housing units that can be approved or constructed either annually or for some other time period.

(iii) Limits the population of the applicant.

(B) Imposes a moratorium or enforces an existing moratorium on housing development, including mixed-use development, within all or a portion of the jurisdiction of the applicant, except pursuant to a zoning ordinance that complies with the requirements of Section 65858.

(C) Requires voter approval of any updates to the applicant's housing element to comply with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7, or any rezoning of sites or general plan amendment to comply with an updated housing element or Section 65863.

(D) Changes the zoning of a parcel or parcels of property to a less intensive use or reduces the intensity of land use within an existing zoning district below what was allowed under the general plan land use designation and zoning ordinances of the applicant in effect on January 1, 2018. For purposes of this subparagraph, "less intensive use" includes, but is not limited to, reductions to height, density, floor area ratio, or new or increased open space or lot size requirements, for property zoned for residential use in the applicant's general plan or other planning document.

(b) At least 50 percent of the funding provided pursuant to the program and at least 50 percent of the funding of each ~~project included in the plan~~ shall be allocated according to *subparagraph (A) of paragraph (1) of subdivision (a)*; *(a), to be used as follows:*

(1) At least 80 percent of the funds subject to this subdivision shall be used to provide rental and owner-occupied housing for low-income households with an annual income equal to or less

1 than 80 percent of the area median income, subject to the
2 following:

3 (A) Funds used for rental housing shall have average
4 property-level affordability at or below the maximum level
5 established by the California Tax Credit Allocation Committee to
6 be eligible for low-income housing tax credits at the percentage
7 prescribed in accordance with Section 42(b)(1)(B)(ii) of the Title
8 26 of the United States Code, relating to method of prescribing
9 percentages.

10 (B) Funds used for owner-occupied housing shall not exceed
11 20 percent of the funds used for purposes of this paragraph.

12 (2) No more than 20 percent of the funds subject to this
13 subdivision may be used for the production of moderate-income
14 housing for households with an annual income greater than 80
15 percent, but no more than 120 percent, of the area median income.

16 (3) The rent or sales price of any housing assisted with funds
17 subject to this subdivision shall be in the following amounts:

18 (A) For housing for low-income households with an annual
19 income equal to or less than 80 percent of the area median income,
20 an amount that is at least 10 percent below the prevailing rent or
21 sales price for the region.

22 (B) For housing for moderate-income households with greater
23 than 80 percent, but no more than 120 percent, of the area median
24 income, an amount that is at least 20 percent below the prevailing
25 rent or sales price for the region.

26 (4) (A) Except as otherwise provided in subparagraph (B),
27 housing assisted with funds subject to this subdivision shall be
28 subject to a recorded affordability restriction for the following
29 time periods:

30 (i) For rental housing, at least 55 years, except as otherwise
31 provided

32 (ii) For owner-occupied housing, at least 45 years.

33 (B) Notwithstanding subparagraph (A), self-help housing
34 assisted with funds subject to this subdivision shall be subject to
35 a recorded affordability restriction for at least 15 years.

36 (c) (1) Except as provided in paragraph (2), any plan approved
37 pursuant to the program shall be subject to a recorded affordability
38 restriction that requires the project or projects to include a
39 minimum of 30 percent of the total number of housing units to be
40 available at an affordable rent or affordable housing cost to, and

1 occupied by, households earning below 120 percent of the area
2 median income for at least 55 years.

3 (2) If the local agency has adopted a local ordinance that requires
4 that greater than 30 percent of the units in a project be dedicated
5 to housing affordable to households making below 120 percent of
6 the area median income, that ordinance shall apply.

7 (d) The affordable housing and community development
8 investment amount shall not be used to subsidize the construction
9 of market rate units. It is the intent of the Legislature to preserve
10 the incentives for affordable housing provided by existing density
11 bonus law.

12 (e) (1) At least 12 percent of the overall funding for the program
13 shall be set aside for counties with populations of less than 200,000.
14 Of this amount, 2 percent shall be set aside to provide technical
15 assistance for counties with populations of less than 200,000, which
16 shall not be considered administrative costs for purposes of a plan.

17 (2) Notwithstanding subdivision (a) of Section 55906, to the
18 extent that all funds set aside in one year for counties with
19 populations of less than 200,000 are not dedicated to plans
20 approved by the committee, the amount of funds not dedicated
21 shall be available to counties with populations of less than 200,000
22 residents in the following year pursuant to this program.

23 (f) All projects approved pursuant to the program shall be
24 considered public work for purposes of Chapter 1 (commencing
25 with Section 1720) of Part 7 of Division 2 of the Labor Code.

26 55904. (a) The Affordable Housing and Community
27 Development Investment Committee is hereby established and
28 shall be comprised of the following:

29 (1) The Chair of the Strategic Growth Council, or the chair's
30 designee.

31 (2) The Chair of the California Infrastructure and Economic
32 Development Bank, or the chair's designee.

33 (3) The Chair of California Workforce Investment Board, or
34 the chair's designee.

35 (4) The Director of Housing and Community Development, or
36 the director's designee.

37 (5) Two people appointed by the Speaker of the Assembly.

38 (6) Two people appointed by the Senate Committee on Rules.

39 (7) One public member appointed by the Joint Legislative
40 Budget Committee who has expertise in education finance.

1 (b) The committee shall review and approve or deny plans
2 received pursuant to Section 55905.

3 (c) The Department of Housing and Community Development
4 shall provide the technical assistance and administrative support
5 necessary for the committee to consider plans.

6 55905. (a) A plan for the affordable housing and community
7 development investment amount may be submitted by any of the
8 following:

9 (1) A city, county, or city and county.

10 (2) A joint powers authority formed pursuant to Chapter 5
11 (commencing with Section 6500) of Division 7 of Title 1 that is
12 composed of entities that may submit a plan pursuant to this
13 subdivision.

14 (3) An enhanced infrastructure financing district established
15 pursuant to Chapter 2.99 (commencing with Section 53398.50) of
16 Part 1 of Division 2 of Title 5.

17 (4) An affordable housing authority established pursuant to
18 Division 5 (commencing with Section 62250) of Title 6.

19 (5) A community revitalization and investment authority
20 established pursuant to Division 4 (commencing with Section
21 62000) of Title 6.

22 (6) *An affordable housing and community development*
23 *investment agency established pursuant to Division 6 (commencing*
24 *with Section 62300) of Title 6.*

25 ~~(6)~~

26 (7) A transit village development district established pursuant
27 to Article 8.5 (commencing with Section 65460) of Chapter 3 of
28 Division 1 of Title 7.

29 (b) A plan to participate in the program may be submitted to
30 the committee and shall include all of the following information:

31 (1) A description of the proposed project or projects to be
32 completed by the applicant pursuant to the plan and the funding
33 amount necessary for each year the applicant requests funding
34 pursuant to the program. The applicant may request funding for
35 no more than 30 years for each project included in the plan.

36 (2) Information necessary to demonstrate that each project
37 proposed by the plan complies with all of the statutory requirements
38 of any statutory authorization pursuant to which the project is
39 proposed.

1 (3) Certification that any low- and moderate-income housing
2 or other projects or portions of other projects that receive funding
3 from the program will comply with paragraph (8) of subdivision
4 (a) of Section 65913.4.

5 (4) A strategy for outreach to, and retention of, women, minority,
6 disadvantaged youth, formerly incarcerated, and other
7 underrepresented subgroups in coordination with the California
8 Workforce Investment Board and local boards, to increase their
9 representation and employment opportunities in the building and
10 construction trades.

11 (5) For each project identified in the plan, a requirement that
12 no eviction has been made on any project site within the last 10
13 years, and protections to avoid displacement of individuals affected
14 by the project.

15 (6) A requirement that any project included in the plan would
16 not require the demolition of any of the following types of housing:

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

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

22 (C) Housing that has been occupied by tenants within the past
23 10 years.

24 (7) A requirement that the site was not previously used for
25 housing that was occupied by tenants that was demolished within
26 10 years before the applicant submits a plan pursuant to this
27 section.

28 (8) A requirement that the development of the project or projects
29 included in the plan would not require the demolition of a historic
30 structure that was placed on a national, state, or local historic
31 register.

32 (9) A requirement that the project or projects included in the
33 plan would not contain present or former tenant-occupied housing
34 units that ~~are~~ will be, or were, subsequently offered for sale to
35 the general public by the subdivider or subsequent owner of the
36 property.

37 (10) An economic and fiscal analysis, paid for by the applicant
38 and prepared by the applicant or an individual or entity approved
39 by the committee that includes the following information as it
40 pertains to the plan:

1 (A) The estimated cost of providing services or facilities for
2 each project included in the plan.

3 (B) The estimated revenue available to provide services or
4 facilities by each project included in the plan.

5 (C) Identification of the taxing entities that are participating in
6 the financing of each project included in the plan through the
7 pledge of an amount equal to the entity's incremental share of the
8 property tax or other means.

9 (D) Identification of the property tax, sales tax, and other public
10 funding available to invest in each project included in the plan or
11 the services or facilities needed by each project included in the
12 plan, as proposed, including, but not limited to, information from
13 the county auditor describing how the county or counties where
14 the applicant is from has historically distributed its educational
15 revenue augmentation fund revenue to schools and local agencies.

16 (E) Identification of the funding and financing methods that
17 will be used by each project included in the plan, including whether
18 the applicant intends to issue bonds that will be repaid from
19 property tax increment.

20 (F) The affordable housing and community development
21 investment amount requested by the applicant to complete each
22 project included in the plan or the services or facilities needed by
23 each project included in the plan, as proposed, and the proposed
24 date on which the annual allocation of the affordable housing and
25 community development investment amount will terminate.

26 (G) The amount of administrative costs associated with the plan.
27 The plan may set aside not more than 5 percent of the total
28 affordable housing and community development investment
29 amount requested in the plan for administrative costs.

30 (c) (1) The applicant shall certify that a skilled and trained
31 workforce will be used to complete the project if the plan is
32 approved.

33 (2) If the applicant has certified that a skilled and trained
34 workforce will be used to complete the project or projects and the
35 plan is approved, the following shall apply:

36 (A) The applicant shall require every contractor and
37 subcontractor at every tier performing work on the project to
38 provide the applicant with an enforceable commitment that the
39 contractor or subcontractor will individually use a skilled and
40 trained workforce to complete the project.

1 (B) Every contractor and subcontractor shall individually use
2 a skilled and trained workforce to complete the project.

3 (C) The applicant shall be considered an awarding body for
4 purposes of Section 2602 of the Public Contract Code.

5 (3) This subdivision shall not apply to projects that meet the
6 following criteria ____.

7 (d) (1) Within 30 days of receipt of a plan pursuant to this
8 section, the committee shall provide the applicant with a written
9 statement identifying any questions about the plan.

10 (2) If the committee denies approval of the plan, the committee
11 shall, not more than 30 days following the date the committee has
12 issued a decision, provide the applicant with a written statement
13 explaining the reasons why the plan was denied.

14 (3) Subject to subdivision (e), the committee shall develop a
15 rubric to determine which plan to approve. The rubric shall give
16 priority to plans based on, but not limited to, the following factors:

17 (A) The number of housing units created.

18 (B) The share of housing units to be constructed that are
19 available to individuals with an area median income below 120
20 percent.

21 (C) The share of housing units to be constructed that are
22 available to individuals with an area median income below 80
23 percent.

24 (D) The share of housing units to be constructed that are
25 available to individuals with an area median income below 50
26 percent.

27 (E) The level of local, state, and federal funds that will be
28 dedicated toward the projects included in the plan, ~~including~~
29 *including*, but not limited to, tax credits, in-kind transfers,
30 personnel costs and services, and land.

31 (F) Whether the applicant adopts plans that streamline
32 development, including the following:

33 (i) Plans adopted through a ~~Workforce Housing Opportunity~~
34 ~~Zone~~ *workforce housing opportunity zone* (Article 10.10
35 (commencing with Section 65620) of Chapter 3 of Division 1 of
36 Title 7) or a ~~Housing Sustainability District~~ *housing sustainability*
37 *district* (Chapter 11 (commencing with Section 66200) of Division
38 1 of Title 7).

(ii) Plans to streamline development funded by the Building Homes and Jobs Act (Chapter 2.5 (commencing with Section 50470) of Part 2 of Division 31 of the Health and Safety Code).

(iii) Other local measures adopted to reduce development costs, including, but not limited to, accelerating housing approvals, reducing the average time for issuing a conditional use or other development permit to less than one year, reducing fees imposed in connection with the approval of accessory dwelling units, and increasing density near transit.

(e) Notwithstanding any other provision of this part, the committee may approve a plan submitted to it pursuant to this section only if it finds all of the following:

(1) (A) Except as otherwise provided in subparagraph (B), the applicant will provide matching resources, including, but not limited to, financial, in-kind land dedication, or public-private funds, for the state investment in the program.

(B) This paragraph shall not apply in the case of an applicant located in a rural area of the state.

(2) (A) If applicable, the applicant has a housing element that the Department of Housing and Community Development has determined to be in substantial compliance with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7, pursuant to Section 65585.

(B) An applicant subject to this paragraph shall annually submit its housing element to the Department of Housing and Community Development for review to ensure that its housing element remains in substantial compliance with state law. The Department of Housing and Community Development shall certify to the committee whether the housing element is in substantial compliance and whether any rezoning of sites required by law, including, but not limited to, Sections 65583, 65583.2, and 65863, have been completed.

(3) If applicable, the applicant has not been found to have violated the Housing Accountability Act (Section 65589.5) or the Density Bonus Law (Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7) within the following time periods:

(A) Until January 1, 2023, *the applicant has not been found to have violated the provisions specified in this paragraph* on or after January 1, 2018.

1 (B) On and after January 1, 2023, *the applicant has not been*
2 *found to have violated the provisions specified in this paragraph*
3 within the five years preceding the date of the submission of the
4 applicant's plan pursuant to this section.

5 55906. (a) The committee shall adopt annual priorities
6 consistent with the objectives set forth in Section 55903 and shall
7 adhere to the following funding schedule:

8 (1) For the five-year period commencing July 1, 2020, and
9 ending June 30, 2025, the committee may approve no more than
10 two hundred million dollars (\$200,000,000) in funding in any year
11 for plans approved pursuant to the program.

12 (2) For the four-year period commencing July 1, 2025, and
13 ending June 30, 2029, the committee may approve no more than
14 two hundred fifty million dollars (\$250,000,000) in funding in any
15 year for plans approved pursuant to the program.

16 (3) The Legislature may direct the committee to suspend
17 consideration of plans submitted pursuant to Section 55903 in any
18 fiscal year in which the Legislature passes a bill described in
19 Section 22 of Article XVI of the California Constitution. Nothing
20 in this paragraph shall affect or have any financial impact upon
21 previously approved funding pursuant to this program.

22 (4) The Legislature may direct the committee to suspend
23 consideration of plans submitted pursuant to Section 55903 in any
24 fiscal year in which the Legislature passes a bill described in
25 Section 8 of Article XVI of the California Constitution. Nothing
26 in this paragraph shall affect or have any financial impact upon
27 previously approved funding pursuant to this program.

28 (b) The annual amounts dedicated to individual approved
29 projects shall be allocated based on the schedule of funding
30 included in the plan that includes the project, unless the committee
31 decides to allocate a different level of funding or change the
32 number of years that the project is to receive funding pursuant to
33 the program in accordance with the plan approved pursuant to
34 subdivision (d).

35 (c) The committee shall adopt guidelines to explain how
36 geographic equity will be maintained in the approval of plans
37 pursuant to this program.

38 (d) (1) The committee shall approve or deny a plan submitted
39 pursuant to Section 55905 upon both of the following:

1 (A) Receipt of the information required to be submitted pursuant
2 to paragraphs (1) through (4) of subdivision (b) of Section 55905.

3 (B) A determination that the affordable housing and community
4 development investment amount requested is consistent with the
5 guidelines adopted pursuant to subdivision (b).

6 (2) The approval shall state the amount of the affordable housing
7 and community development investment amount approved and
8 the date upon which the affordable housing and community
9 development investment amount terminates.

10 (e) The committee may require the applicant to reimburse it for
11 the reasonable cost incurred to review the plan to participate in
12 the program.

13 (f) The committee shall review, and may approve or deny, any
14 changes to a plan submitted by the applicant.

15 55907. (a) Upon approval of a plan pursuant to subdivision
16 (d) of Section 55906, the committee shall issue an order directing
17 the county auditor to ~~reduce the transfer~~ *transfer an* amount of ad valorem
18 property tax revenue pursuant to Section 97.68.1 of the Revenue
19 and Taxation Code ~~by~~ *in an amount equal to* the annual affordable
20 housing and community development investment amount approved
21 by the committee.

22 (b) The revenues allocated to an applicant pursuant to Section
23 97.68.1 of the Revenue and Taxation Code may be used for the
24 purposes set forth in Section 55903.

25 (c) The applicant may use the additional revenue received
26 pursuant to Section 97.68.1 of the Revenue and Taxation Code to
27 incur debt or issue bonds or other financing to support the project
28 or projects included in the plan.

29 55908. (a) On or before July 1, 2021, and annually thereafter,
30 each applicant that has received financing pursuant to the program
31 for any fiscal year shall provide a report to the committee that
32 includes all of the following information for the previous fiscal
33 year:

34 (1) The affordable housing and community development
35 investment amount that the county auditor reallocated to the
36 applicant pursuant to Section 97.68.1 of the Revenue and Taxation
37 Code.

38 (2) The purposes for which that reallocated money was used,
39 including the number of housing units constructed and at which
40 income level.

1 (3) The actions taken during the prior fiscal year to implement
2 the project.

3 (4) The total amount of funds expended for planning and general
4 administrative costs.

5 (b) Notwithstanding Section 10231.5, on or before March 1,
6 2020, and annually thereafter, the committee shall provide a report
7 to the Joint Legislative Budget Committee that includes all of the
8 following information for the preceding fiscal year:

9 (1) The name, location, and general description, including the
10 number of housing units constructed and at which income level,
11 of each project that received an affordable housing and community
12 development investment amount pursuant to this program.

13 (2) The total amount of money that county auditors reallocated
14 from affordable housing and community development investment
15 funds pursuant to the program in the previous fiscal year.

16 (3) An evaluation of the value of the state's investment through
17 the funding provided by this program as measured by a net revenue
18 increase to the General Fund and progress towards achieving the
19 purposes and intent of the program.

20 (c) The committee shall develop a corrective action plan for
21 noncompliance with the requirement of this part.

22 55909. (a) If, based on annual reports submitted to the
23 committee pursuant to Section 55908, the committee determines
24 that any of the following has occurred, the committee shall direct
25 the applicant to develop a corrective action plan based on
26 recommendations made by the committee:

27 (1) The applicant is not on track to produce the number of
28 housing units included in the plan.

29 (2) The applicant is not on track to spend at least 50 percent of
30 plan funds on affordable ~~housing~~; *housing, as required by*
31 *subdivision (b) of Section 55903.*

32 (3) The applicant is on track to exceed 5 percent of the
33 administrative limit.

34 (4) The applicant is found to have used funding provided by the
35 program for purposes not authorized by the act.

36 (5) The applicant is found to have used funds to subsidize market
37 rate housing.

38 (6) The applicant has violated antidisplacement provisions
39 pursuant to paragraph (6), (7), (8), or (9) of subdivision (a) of
40 Section 55905.

(7) The applicant is not on track to complete all of the projects included in the plan according to the timeline included in the plan.

(b) The applicant shall have one year from the date that the committee directed the applicant to develop a corrective action plan.

(c) The committee shall issue a finding that the applicant is out of compliance with the program if the committee finds either of the following apply:

(1) The applicant has not provided an adequate corrective action plan to the committee within one year of the date the committee directed the applicant to develop a corrective action plan.

(2) The annual report provided to the committee pursuant to Section 55908 does not demonstrate that the applicant has taken adequate steps to implement the corrective action plan that was provided to the committee within one year of the date the committee directed the applicant to develop a corrective action plan.

(d) If the committee finds that the applicant is out of compliance with the program, the committee shall direct the auditor to stop ~~reducing ERAF contributions approved~~ *transferring moneys from the county's ERAF* pursuant to the program under Section 97.68.1 of the Revenue and Taxation Code, and prohibit the applicant from applying for additional funds for this program for a period of five years.

(e) If an applicant is found to be out of compliance with the program, the applicant shall be ineligible to apply for other state grant programs for a period of five years.

SEC. 4. Division 6 (commencing with Section 62300) is added to Title 6 of the Government Code, to read:

*DIVISION 6. AFFORDABLE HOUSING AND COMMUNITY
DEVELOPMENT INVESTMENT AGENCIES*

62300. As used in this division:

(a) "Agency" means an affordable housing and community development investment agency created pursuant to this division.

(b) "Affordable housing and community development investment amount" means the amount approved by the Affordable Housing and Community Development Investment Committee pursuant to Part 4 (commencing with Section 55900) of Division 2 of Title 5

1 and allocated to an agency pursuant to Section 97.68.1 of the
2 Revenue and Taxation Code.

3 (c) “Program” means the Affordable Housing and Community
4 Development Investment Program established pursuant to Part 4
5 (commencing with Section 55900) of Division 2 of Title 5.

6 (d) “Project” has the same meaning as defined in Section 55902.

7 (e) “Plan area” means the area that includes the territory
8 described in any plan submitted by an agency pursuant to
9 subdivision (b) of Section 55905.

10 62302. (a) An affordable housing and community development
11 investment agency created pursuant to this division shall be a
12 public body, corporate and politic, with jurisdiction to carry out
13 one or more projects within a project area. The agency shall have
14 only those powers and duties specifically set forth in Section 62304.

15 (b) (1) Subject to paragraphs (2) and (3), an agency may be
16 created in any one of the following ways:

17 (A) A city, county, or city and county may adopt a resolution
18 creating an agency. The composition of the governing board shall
19 be comprised as set forth in subdivision (c).

20 (B) Any of the following entities may create an authority by
21 entering into a joint powers agreement pursuant to Chapter 5
22 (commencing with Section 6500) of Division 7 of Title 1:

23 (i) A city.

24 (ii) A county.

25 (iii) A city and county.

26 (iv) A special district, as that term is defined in subdivision (m)
27 of Section 95 of the Revenue and Taxation Code.

28 (v) Any combination of entities described in clauses (i) through
29 (iv), inclusive.

30 (2) (A) A school entity, as defined in subdivision (f) of Section
31 95 of the Revenue and Taxation Code, shall not participate in an
32 agency created pursuant to this division.

33 (B) A successor agency, as defined in subdivision (j) of Section
34 34171 of the Health and Safety Code, shall not participate in an
35 agency created pursuant to this division, and an agency created
36 pursuant to this division shall not receive any portion of the
37 property tax revenues or other moneys distributed pursuant to
38 Section 34188 of the Health and Safety Code.

39 (3) An agency created by a city or county that created a
40 redevelopment agency that was dissolved pursuant to Part 1.85

1 (commencing with Section 34170) of Division 24 of the Health
2 and Safety Code shall not become effective until the successor
3 agency or designated local authority for the former redevelopment
4 agency has adopted findings of fact stating all of the following:

5 (A) The successor agency has received a finding of completion
6 from the Department of Finance pursuant to Section 34179.7 of
7 the Health and Safety Code.

8 (B) Former redevelopment agency assets that are the subject
9 of litigation against the state, where the city or county or its
10 successor agency or designated local authority are a named
11 plaintiff, have not been or will not be used to benefit any efforts
12 of an agency created under this division unless the litigation has
13 been resolved by entry of a final judgment by any court of
14 competent jurisdiction and any appeals have been exhausted.

15 (C) The successor agency has complied with all orders of the
16 Controller pursuant to Section 34167.5 of the Health and Safety
17 Code.

18 (c) (1) The governing board of an agency created pursuant to
19 subparagraph (A) of paragraph (1) of subdivision (b) shall be
20 appointed by the legislative body of the city, county, or city and
21 county that created the agency and shall include three members
22 of the legislative body of the city, county, or city and county that
23 created the agency and two public members. The appointment of
24 the two public members shall be subject to Section 54974. The two
25 public members shall live or work within the plan area.

26 (2) The governing body of an agency created pursuant to
27 subparagraph (B) of paragraph (1) of subdivision (b) shall be
28 comprised of a majority of members from the legislative bodies of
29 the public agencies that created the agency and a minimum of two
30 public members who live or work within the plan area. The
31 majority of the board shall appoint the public members to the
32 governing body. The appointment of the public members shall be
33 subject to Section 54974.

34 62304. An agency may do all of the following in order to carry
35 out a project:

36 (a) Apply for funding to carry out the project pursuant to the
37 program.

38 (b) Accept an allocation of property tax revenues, in the form
39 of an affordable housing and community development investment

1 *amount allocated under the program pursuant to Section 97.68.1*
2 *of the Revenue and Taxation Code.*

3 *(c) Issue bonds in accordance with Article 4.5 (commencing*
4 *with Section 53506) and Article 5 (commencing with Section*
5 *53510) of Chapter 3 of Part 1 of Division 2 of Title 5.*

6 *(d) Borrow money, receive grants, or accept financial or other*
7 *assistance or investment from the state or the federal government*
8 *or any other public agency or private lending institution for any*
9 *project within its area of operation. The agency may comply with*
10 *any conditions of a loan or grant received pursuant to this*
11 *subdivision.*

12 *(e) Receive funds allocated to it pursuant to a resolution adopted*
13 *by a city, county, or special district to transfer these funds from a*
14 *source described in subdivision (d), (e), or (f) of Section 53398.75,*
15 *subject to any requirements upon, or imposed by, the city, county,*
16 *or special district as to the use of these funds.*

17 *(f) Acquire and transfer real property.*

18 *(g) Any other act that is necessary to carry out a project in*
19 *accordance with the requirements of the program and the agency's*
20 *plan submitted pursuant to subdivision (b) of Section 55905.*

21 ~~SEC. 4.~~

22 *SEC. 5.* Section 97.68.1 is added to the Revenue and Taxation
23 Code, to read:

24 97.68.1. Notwithstanding any other provision of law, for each
25 fiscal year for which funding for a plan for the county is approved
26 under Part 4 (commencing with Section 55900) of Division 2 of
27 Title 5 of the Government Code, in allocating ad valorem property
28 tax revenue, all of the following shall apply:

29 ~~(a) The auditor shall reduce the total amount of ad valorem~~
30 ~~property tax revenue otherwise required to be allocated to a~~
31 ~~county's Educational Revenue Augmentation Fund by the~~
32 ~~countywide affordable housing and community development~~
33 ~~investment amount.~~

34 *(a) The county auditor shall transfer an amount, equal to the*
35 *countywide affordable housing and community development*
36 *investment amount, from the county's Educational Revenue*
37 *Augmentation Fund to the county's Affordable Housing and*
38 *Community Development Investment Fund established pursuant*
39 *to subdivision (b).*

(b) (1) The *county* auditor shall, except as provided in paragraph (2), deposit the countywide affordable housing and community development investment amount into the Affordable Housing and Community Development Investment Fund, which shall be established in the treasury of each county. Moneys in the Affordable Housing and Community Development Investment Fund shall only be used for plans approved pursuant to Part 4 (commencing with Section 55900) of Division 2 of Title 5 of the Government Code, and shall be allocated to the applicant as directed by the committee.

(2) In the case of an applicant that is an enhanced infrastructure financing district, affordable housing authority, community revitalization investment authority, *affordable housing and community development investment agency*, or transit village development district, the auditor shall allocate an amount *from the county's Educational Revenue Augmentation Fund* equal to the enhanced infrastructure financing district's, affordable housing authority's, community revitalization investment authority's, *affordable housing and community development investment agency's*, or transit village development district's affordable housing and community development investment amount to the city or county that created the enhanced infrastructure financing district, affordable housing authority, community revitalization investment authority, *affordable housing and community development investment agency*, or transit village development district. The city or county shall, upon receipt, transfer those funds to that enhanced infrastructure financing district, affordable housing authority, community revitalization investment authority, *affordable housing and community development investment agency*, or transit village development district. The city or county shall, upon receipt, transfer those funds to that enhanced infrastructure financing district, affordable housing authority, community revitalization investment authority, *affordable housing and community development investment agency*, or transit village development district.

(3) The *county* auditor shall allocate one-half of an amount specified in paragraph (1) or (2) on or before January 31 of each fiscal year, and the other one-half on or before May 31 of each fiscal year.

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

(1) “Affordable housing and community development investment amount” for a particular city, county, or city and county means the amount approved by the Affordable Housing and Community Development Committee pursuant to Part 4 (commencing with Section 55900) of Division 2 of Title 5 of the Government Code.

(2) “Countywide affordable housing and community development investment amount” means, for any fiscal year, the total sum of the amounts described in paragraph (1) for a county or a city and county, and each city and county.

(d) This section shall not be construed to do any of the following:

(1) Reduce any allocations of excess, additional, or remaining funds that would otherwise have been allocated to county superintendents of schools, cities, counties, and cities and counties pursuant to clause (i) of subparagraph (B) of paragraph (4) of subdivision (d) of Sections 97.2 and ~~97.3~~ or 97.3, *Section 97.70*, and Article 4 (commencing with Section 98) had this section not been enacted. The allocations required by this section shall be adjusted to comply with this paragraph.

(2) Require an increased ad valorem property tax revenue allocation or increased tax increment allocation to a community redevelopment agency.

(3) Alter the manner in which ad valorem property tax revenue growth from fiscal year to fiscal year is otherwise determined or allocated in a county.

(4) Reduce ad valorem property tax revenue allocations required under Article 4 (commencing with Section 98).

(e) If, for the fiscal year, after complying with ~~Section 97.68~~, *subparagraph (B) of paragraph (1) of subdivision (a) of Section 97.70*, there is not enough ad valorem property tax revenue that is otherwise required to be allocated to a county Educational Revenue Augmentation Fund for the county auditor to complete the ~~allocation reduction transfer~~ required by subdivision (a), the county auditor shall ~~additionally~~ reduce the total amount of ad valorem property tax revenue that is otherwise required to be allocated to all school districts and community college districts in the county for that fiscal year by an amount equal to the difference between the countywide affordable housing and community development investment amount and the amount of ad valorem property tax

1 revenue that is otherwise required to be allocated to the county
2 Educational Revenue Augmentation Fund for that fiscal year. This
3 reduction for each school district and community college district
4 in the county shall be the percentage share of the total reduction
5 that is equal to the proportion that the total amount of ad valorem
6 property tax revenue that is otherwise required to be allocated to
7 the school district or community college district bears to the total
8 amount of ad valorem property tax revenue that is otherwise
9 required to be allocated to all school districts and community
10 college districts in a county. For purposes of this subdivision,
11 “school districts” and “community college districts” do not include
12 any districts that are excess tax school entities, as defined in Section
13 95.

14 (f) Any ~~reduction in the amount~~ *transfer* of ad valorem property
15 tax revenues deposited in the county’s Educational Revenue
16 Augmentation Fund as a result of ~~subparagraph (A)~~ *subdivision*
17 (a) shall be applied exclusively to reduce the amounts that are
18 allocated from that fund to school districts and county offices of
19 education, and shall not be applied to reduce the amounts of ad
20 valorem property tax revenues that are otherwise required to be
21 allocated from that fund to community college districts.

22 (g) (1) A property tax revenue allocation ~~reduction or property~~
23 ~~tax revenue or transfer~~ made pursuant to subdivision (a) or (b)
24 shall not be considered for purposes of determining under Section
25 96.1 the amount of property tax revenue allocated to a jurisdiction
26 in the prior fiscal year.

27 ~~(2) The auditor may include the cost of workload related to~~
28 ~~calculating reductions pursuant to subdivision (a) for the purposes~~
29 ~~of Section 95.3.~~

30 *(2) The county auditor may deduct its administrative costs*
31 *related to this section from the affordable housing and community*
32 *development investment amount before depositing that amount*
33 *into the county’s Affordable Housing and Community Development*
34 *Investment Fund pursuant to subdivision (a).*

35 ~~SEC. 5.~~

36 SEC. 6. If the Commission on State Mandates determines that
37 this act contains costs mandated by the state, reimbursement to
38 local agencies and school districts for those costs shall be made
39 pursuant to Part 7 (commencing with Section 17500) of Division
40 4 of Title 2 of the Government Code.

1 ~~SEC. 6.~~

2 *SEC. 7.* Each provision of this act is a material and integral
3 part of the act, and the provisions of this act are not severable. If
4 any provision of this act or its application is held invalid, the entire
5 act shall be null and void.

O

AMENDED IN SENATE MARCH 21, 2019

SENATE BILL

No. 128

Introduced by Senator Beall
(Coauthor: Assembly Member Mullin)

January 10, 2019

An act to amend Sections 53398.58, 53398.63, 53398.66, 53398.69, 53398.77, and 53398.88 of, to amend and renumber Section 53398.80.5 of, and to repeal Sections 53398.67, 53398.78, 53398.79, 53398.80, 53398.81, and 53398.82 of, the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 128, as amended, Beall. Enhanced infrastructure financing districts: bonds: issuance.

Existing law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district, with a governing body referred to as a public financing authority, to finance public capital facilities or other specified projects of communitywide significance. *Existing law requires a public financing authority to adopt an infrastructure financing plan and hold a public hearing on the plan, as specified.* Existing law authorizes the public financing authority to issue bonds for these purposes upon approval by 55% of the voters voting on a proposal to issue the bonds. Existing law requires the proposal submitted to the voters by the public financing authority and the resolution for the issuance of bonds following approval by the voters to include specified information regarding the bond issuance.

This bill would instead authorize the public financing authority to issue bonds for these purposes without submitting a proposal to the voters. The bill would require the resolution to issue bonds to contain

specified information related to the issuance of the bonds. *The bill would also require the public financing authority to hold three public hearings on an enhanced infrastructure financing plan, as specified.* The bill would also make conforming changes.

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

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

1 SECTION 1. Section 53398.58 of the Government Code is
2 amended to read:

3 53398.58. An action to determine the validity of the issuance
4 of bonds pursuant to this chapter may be brought pursuant to
5 Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of
6 the Code of Civil Procedure. However, notwithstanding the time
7 limits specified in Section 860 of the Code of Civil Procedure, the
8 action shall be commenced within 30 days after adoption of the
9 resolution pursuant to Section 53398.77 providing for issuance of
10 the bonds if the action is brought by an interested person pursuant
11 to Section 863 of the Code of Civil Procedure. Any appeal from
12 a judgment in that action or proceeding shall be commenced within
13 30 days after entry of judgment.

14 SEC. 2. Section 53398.63 of the Government Code is amended
15 to read:

16 53398.63. After receipt of a copy of the resolution of intention
17 to establish a district, the official designated pursuant to Section
18 53395.62 shall prepare a proposed infrastructure financing plan.
19 The infrastructure financing plan shall be consistent with the
20 general plan of the city or county within which the district is
21 located and shall include all of the following:

22 (a) A map and legal description of the proposed district, which
23 may include all or a portion of the district designated by the
24 legislative body in its resolution of intention.

25 (b) A description of the public facilities and other forms of
26 development or financial assistance that is proposed in the area of
27 the district, including those to be provided by the private sector,
28 those to be provided by governmental entities without assistance
29 under this chapter, those public improvements and facilities to be
30 financed with assistance from the proposed district, and those to
31 be provided jointly. The description shall include the proposed

1 location, timing, and costs of the development and financial
2 assistance.

3 (c) If funding from affected taxing entities is incorporated into
4 the financing plan, a finding that the development and financial
5 assistance are of communitywide significance and provide
6 significant benefits to an area larger than the area of the district.

7 (d) A financing section, which shall contain all of the following
8 information:

9 (1) A specification of the maximum portion of the incremental
10 tax revenue of the city or county and of each affected taxing entity
11 proposed to be committed to the district for each year during which
12 the district will receive incremental tax revenue. The portion need
13 not be the same for all affected taxing entities. The portion may
14 change over time.

15 (2) A projection of the amount of tax revenues expected to be
16 received by the district in each year during which the district will
17 receive tax revenues, including an estimate of the amount of tax
18 revenues attributable to each affected taxing entity for each year.

19 (3) A plan for financing the public facilities to be assisted by
20 the district, including a detailed description of any intention to
21 incur debt.

22 (4) A limit on the total number of dollars of taxes that may be
23 allocated to the district pursuant to the plan.

24 (5) A date on which the district will cease to exist, by which
25 time all tax allocation to the district will end. The date shall not
26 be more than 45 years from the date on which the issuance of bonds
27 is approved pursuant to Section 53398.77, or the issuance of a loan
28 is approved by the governing board of a local agency pursuant to
29 Section 53398.87.

30 (6) An analysis of the costs to the city or county of providing
31 facilities and services to the area of the district while the area is
32 being developed and after the area is developed. The plan shall
33 also include an analysis of the tax, fee, charge, and other revenues
34 expected to be received by the city or county as a result of expected
35 development in the area of the district.

36 (7) An analysis of the projected fiscal impact of the district and
37 the associated development upon each affected taxing entity.

38 (8) A plan for financing any potential costs that may be incurred
39 by reimbursing a developer of a project that is both located entirely
40 within the boundaries of that district and qualifies for the Transit

1 Priority Project Program, pursuant to Section 65470, including
2 any permit and affordable housing expenses related to the project.

3 (e) If any dwelling units within the territory of the district are
4 proposed to be removed or destroyed in the course of public works
5 construction within the area of the district or private development
6 within the area of the district that is subject to a written agreement
7 with the district or that is financed in whole or in part by the
8 district, a plan providing for replacement of those units and
9 relocation of those persons or families consistent with the
10 requirements of Section 53398.56.

11 (f) The goals the district proposes to achieve for each project
12 financed pursuant to Section 53398.52.

13 *SEC. 3. Section 53398.66 of the Government Code is amended*
14 *to read:*

15 53398.66. (a) (1) The public financing authority shall ~~conduct~~
16 ~~a public hearing prior to adopting the proposed infrastructure~~
17 ~~financing plan. The public hearing shall be called no sooner than~~
18 ~~60 days after the plan has been sent to each affected taxing entity.~~
19 *consider adoption of the enhanced infrastructure financing plan*
20 *at three public hearings that shall take place at least 30 days apart.*
21 In addition to the notice given to landowners and affected taxing
22 entities pursuant to Sections 53398.60 and 53398.61, notice of the
23 ~~each public hearing shall be given by publication not less than~~
24 ~~once a week for four successive weeks in a newspaper of general~~
25 ~~circulation published in the city or county in which the proposed~~
26 ~~district is located. The notice shall state that the district will be~~
27 ~~used to finance public facilities or development, briefly describe~~
28 ~~the public facilities or development, briefly describe the proposed~~
29 ~~financial arrangements, including the proposed commitment of~~
30 ~~incremental tax revenue, describe the boundaries of the proposed~~
31 ~~district and state the day, hour, and place when and where any~~
32 ~~persons having any objections to the proposed infrastructure~~
33 ~~financing plan, or the regularity of any of the prior proceedings,~~
34 ~~may appear before the public financing authority and object to the~~
35 ~~adoption of the proposed plan by the public financing authority.~~
36 *in accordance with subdivision (i).*

37 (2) *At the first public hearing, the public financing authority*
38 *shall hear all written and oral comments, but take no action.*

39 (3) *At the second public hearing, the public financing authority*
40 *shall consider any additional written and oral comments and take*

1 action to modify or reject the enhanced infrastructure financing
2 plan. If the enhanced infrastructure financing plan is not rejected
3 at the second public hearing, then the public financing authority
4 shall conduct a protest proceeding at the third public hearing to
5 consider whether the landowners and residents within the enhanced
6 infrastructure financing plan area wish to present oral or written
7 protests against the adoption of the enhanced infrastructure
8 financing plan.

9 (b) The draft-enhanced infrastructure financing plan shall be
10 made available to the public and to each landowner within the
11 area at a meeting held at least 30 days prior to the notice given
12 for the first public hearing. The purposes of the meeting shall be
13 to allow the staff of the public financing authority to present the
14 draft-enhanced infrastructure financing plan, answer questions
15 about the enhanced infrastructure financing plan, and consider
16 comments about the enhanced infrastructure financing plan.

17 (c) (1) Notice of the meeting required by subdivision (b) and
18 the public hearings required by subdivision (a) shall be given in
19 accordance with subdivision (i). The notice shall do the following,
20 as applicable:

21 (A) Describe specifically the boundaries of the proposed area.

22 (B) Describe the purpose of the enhanced infrastructure
23 financing plan.

24 (C) State the day, hour, and place when and where any and all
25 persons having any comments on the proposed enhanced
26 infrastructure financing plan may appear to provide written or
27 oral comments to the enhanced infrastructure financing district.

28 (D) Notice of the second public hearing shall include a summary
29 of the changes made to the enhanced infrastructure financing plan
30 as a result of the oral and written testimony received at or before
31 the public hearing and shall identify a location accessible to the
32 public where the enhanced infrastructure financing plan proposed
33 to be presented at the second public hearing can be reviewed.

34 (E) Notice of the third public hearing to consider any written
35 or oral protests shall contain a copy of the enhanced infrastructure
36 financing plan, and shall inform the landowner and resident of
37 their right to submit an oral or written protest before the close of
38 the public hearing. The protest may state that the landowner or
39 resident objects to the public financing authority taking action to
40 implement the enhanced infrastructure financing plan.

(2) At the third public hearing, the public financing authority shall consider all written and oral protests received prior to the close of the public hearing along with the recommendations, if any, of affected taxing entities, and shall terminate the proceedings or adopt the enhanced infrastructure financing plan subject to confirmation by the voters at an election called for that purpose.

The public financing authority shall terminate the proceedings if there is a majority protest. A majority protest exists if protests have been filed representing over 50 percent of the combined number of landowners and residents in the area who are at least 18 years of age. An election shall be called if between 25 percent and 50 percent of the combined number of landowners and residents in the area who are at least 18 years of age file a protest.

(d) An election required pursuant to paragraph (2) of subdivision (c) shall be held within 90 days of the public hearing and may be held by mail-in ballot. The public financing authority shall adopt, at a duly noticed public hearing, procedures for this election.

(e) If a majority of the landowners and residents vote against the enhanced infrastructure financing plan, then the public financing authority shall not take any further action to implement the proposed enhanced infrastructure financing plan. The public financing authority shall not propose a new or revised enhanced infrastructure financing plan to the affected landowners and residents for at least one year following the date of an election in which the enhanced infrastructure financing plan was rejected.

(f) At the hour set in the notices required by subdivision (a), the public financing authority shall consider all written and oral comments.

(g) If less than 25 percent of the combined number of landowners and residents in the area who are at least 18 years of age file a protest, the public financing authority may adopt the enhanced infrastructure financing plan at the conclusion of the third public hearing by ordinance. The ordinance adopting the enhanced infrastructure financing plan shall be subject to referendum as prescribed by law.

(h) The public financing authority shall consider and adopt an amendment or amendments to an enhanced infrastructure financing plan in accordance with the provisions of this section.

1 (i) The public financing authority shall post notice of each
2 meeting or public hearing required by this section in an easily
3 identifiable and accessible location on the enhanced infrastructure
4 financing district's internet website and shall mail a written notice
5 of the meeting or public hearing to each landowner, each resident,
6 and each taxing entity at least 10 days prior to the meeting or
7 public hearing.

8 (1) Notice of the first public hearing shall also be published not
9 less than once a week for four successive weeks prior to the first
10 public hearing in a newspaper of general circulation published in
11 the county in which the area lies. The notice shall state that the
12 district will be used to finance public facilities or development,
13 briefly describe the public facilities or development, briefly
14 describe the proposed financial arrangements, including the
15 proposed commitment of incremental tax revenue, describe the
16 boundaries of the proposed district, and state the day, hour, and
17 place when and where any persons having any objections to the
18 proposed infrastructure financing plan, or the regularity of any
19 of the prior proceedings, may appear before the public financing
20 authority and object to the adoption of the proposed plan by the
21 public financing authority.

22 (2) Notice of the second public hearing shall also be published
23 not less than 10 days prior to the second public hearing in a
24 newspaper of general circulation in the county in which the area
25 lies. The notice shall state that the district will be used to finance
26 public facilities or development, briefly describe the public
27 facilities or development, briefly describe the proposed financial
28 arrangements, describe the boundaries of the proposed district,
29 and state the day, hour, and place when and where any persons
30 having any objections to the proposed infrastructure financing
31 plan, or the regularity of any of the prior proceedings, may appear
32 before the public financing authority and object to the adoption
33 of the proposed plan by the public financing authority.

34 (3) Notice of the third public hearing shall also be published
35 not less than 10 days prior to the third public hearing in a
36 newspaper of general circulation in the county in which the area
37 lies. The notice shall state that the district will be used to finance
38 public facilities or development, briefly describe the public
39 facilities or development, briefly describe the proposed financial
40 arrangements, describe the boundaries of the proposed district,

1 and state the day, hour, and place when and where any persons
2 having any objections to the proposed infrastructure financing
3 plan, or the regularity of any of the prior proceedings, may appear
4 before the public financing authority and object to the adoption
5 of the proposed plan by the public financing authority.

6 (j) (1) The public financing authority shall review the enhanced
7 infrastructure financing plan at least annually and make any
8 amendments that are necessary and appropriate and shall require
9 the preparation of an annual independent financial audit paid for
10 from revenues of the enhanced infrastructure financing district.

11 (2) A public financing authority shall adopt an annual report
12 on or before June 30 of each year after holding a public hearing.
13 Written copies of the draft report shall be made available to the
14 public 30 days prior to the public hearing. The public financing
15 authority shall cause the draft report to be posted in an easily
16 identifiable and accessible location on the enhanced infrastructure
17 financing district's internet website and shall mail a written notice
18 of the availability of the draft report on the internet website to
19 each owner of land and each resident within the area covered by
20 the enhanced infrastructure financing plan and to each taxing
21 entity that has adopted a resolution pursuant to Section 53398.68.
22 The notice shall be mailed by first-class mail, but may be addressed
23 to "occupant."

24 (3) The annual report shall contain all of the following:

25 (A) A description of the projects undertaken in the fiscal year,
26 including any rehabilitation of structures, and a comparison of
27 the progress expected to be made on those projects compared to
28 the actual progress.

29 (B) A chart comparing the actual revenues and expenses,
30 including administrative costs, of the public financing authority
31 to the budgeted revenues and expenses.

32 (C) The amount of tax increment revenues received.

33 (D) An assessment of the status regarding completion of the
34 enhanced infrastructure financing district's projects.

35 (E) The amount of revenues expended to assist private
36 businesses.

37 (4) If the public financing authority fails to provide the annual
38 report required by paragraph (3), the public financing authority
39 shall not spend any funds received pursuant to a resolution adopted

1 pursuant to this chapter until the public financing authority has
2 provided the report.

3 SEC. 4. Section 53398.67 of the Government Code is repealed.

4 53398.67. ~~At the hour set in the required notices, the public~~
5 ~~financing authority shall proceed to hear and pass upon all written~~
6 ~~and oral objections. The hearing may be continued from time to~~
7 ~~time. The public financing authority shall consider the~~
8 ~~recommendations, if any, of affected taxing entities, and all~~
9 ~~evidence and testimony for and against the adoption of the plan.~~
10 ~~The public financing authority may modify the plan by eliminating~~
11 ~~or reducing the size and cost of proposed facilities or development,~~
12 ~~by reducing the amount of proposed debt, or by reducing the~~
13 ~~portion, amount, or duration of incremental tax revenues to be~~
14 ~~committed to the district.~~

15 SEC. 3.

16 SEC. 5. Section 53398.69 of the Government Code, as amended
17 by Chapter 599 of the Statutes of 2017, is amended to read:

18 53398.69. (a) (1) ~~At the conclusion of the hearing,~~ *hearings*
19 *pursuant to Section 53398.66*, the public financing authority may
20 adopt a resolution proposing adoption of the infrastructure
21 financing plan, as modified, and formation of the enhanced
22 infrastructure financing district in a manner consistent with Section
23 53398.68, or it may adopt a resolution abandoning the proceedings.
24 If the proceedings are abandoned, then the public financing
25 authority shall cease to exist by operation of this section with no
26 further action required of the legislative body and the legislative
27 body may not enact a resolution of intention to establish a district
28 that includes the same geographic area within one year of the date
29 of the resolution abandoning the proceedings.

30 (2) In the case of an infrastructure financing plan adopted
31 pursuant to Section 53398.75.7, the proceedings set forth in
32 subdivision (e) of that section shall govern the adoption of the
33 infrastructure financing plan.

34 (b) The infrastructure financing plan shall take effect upon the
35 adoption of the resolution. The infrastructure financing plan shall
36 specify if the district shall be funded solely through the district's
37 share of tax increment, governmental or private loans, grants,
38 bonds, assessments, fees, or some combination thereof. However,
39 the public financing authority shall not issue bonds or levy

1 assessments or fees that may be included in the infrastructure
2 financing plan before one or more of the following:

3 (1) The adoption of a resolution meeting the requirements of
4 Section 53398.77, and, if applicable, subdivision (c) of Section
5 53398.78, to issue bonds to finance the infrastructure financing
6 plan.

7 (2) Compliance with the procedures required in subdivision (f)
8 of Section 53398.75, to levy assessments or fees to finance the
9 infrastructure financing plan.

10 (c) In addition, the district may expend up to 10 percent of any
11 accrued tax increment in the first two years of the effective date
12 of the enhanced infrastructure financing district on planning and
13 dissemination of information to the residents within the district's
14 boundaries about the infrastructure financing plan and planned
15 activities to be funded by the district.

16 ~~SEC. 4.~~

17 *SEC. 6.* Section 53398.77 of the Government Code is amended
18 to read:

19 53398.77. The public financing authority may, by majority
20 vote, issue bonds pursuant to this chapter by adopting a resolution
21 that includes all of the following:

22 (a) A description of the facilities or developments to be financed
23 with the proceeds of the proposed bond issue.

24 (b) The estimated cost of the facilities or developments, the
25 estimated cost of preparing and issuing the bonds, and the principal
26 amount of the bond issuance.

27 (c) The maximum interest rate and discount on the bond
28 issuance.

29 (d) A determination of the amount of tax revenue available or
30 estimated to be available, for the payment of the principal of, and
31 interest on, the bonds.

32 (e) A finding that the amount necessary to pay the principal of,
33 and interest on, the bond issuance will be less than, or equal to,
34 the amount determined pursuant to subdivision (d).

35 (f) The issuance of the bonds in one or more series.

36 (g) The principal amount of the bonds that shall be consistent
37 with the amount specified in subdivision (b).

38 (h) The date the bonds will bear.

39 (i) The date of maturity of the bonds.

40 (j) The denomination of the bonds.

- 1 (k) The form of the bonds.
- 2 (l) The manner of execution of the bonds.
- 3 (m) The medium of payment in which the bonds are payable.
- 4 (n) The place or manner of payment and any requirements for
- 5 registration of the bonds.
- 6 (o) The terms of call or redemption, with or without premium.
- 7 ~~SEC. 5.~~
- 8 *SEC. 7.* Section 53398.78 of the Government Code is repealed.
- 9 ~~SEC. 6.~~
- 10 *SEC. 8.* Section 53398.79 of the Government Code is repealed.
- 11 ~~SEC. 7.~~
- 12 *SEC. 9.* Section 53398.80 of the Government Code is repealed.
- 13 ~~SEC. 8.~~
- 14 *SEC. 10.* Section 53398.80.5 of the Government Code is
- 15 amended and renumbered to read:
- 16 53398.78 (a) If the public financing authority adopts a
- 17 resolution to issue bonds pursuant to Section 53398.77 for port or
- 18 harbor infrastructure, it shall, before issuing the bonds, submit the
- 19 resolution to issue bonds to the affected harbor agency pursuant
- 20 to Section 1713 of the Harbors and Navigation Code for its
- 21 preliminary approval.
- 22 (b) If the harbor agency grants preliminary approval, the
- 23 proposal shall be considered by the State Lands Commission for
- 24 final approval pursuant to Section 1714 of the Harbors and
- 25 Navigation Code.
- 26 (c) If the State Lands Commission votes in favor of the issuance
- 27 of the bonds as provided in Section 1714 of the Harbors and
- 28 Navigation Code, the public financing authority may issue bonds
- 29 pursuant to Section 53398.77.
- 30 ~~SEC. 9.~~
- 31 *SEC. 11.* Section 53398.81 of the Government Code is repealed.
- 32 ~~SEC. 10.~~
- 33 *SEC. 12.* Section 53398.82 of the Government Code is repealed.
- 34 ~~SEC. 11.~~
- 35 *SEC. 13.* Section 53398.88 of the Government Code is amended
- 36 to read:
- 37 53398.88. (a) Every two years after the issuance of debt
- 38 pursuant to Section 53398.77, the district shall contract for an
- 39 independent financial and performance audit. The audit shall be
- 40 conducted according to guidelines established by the Controller.

1 A copy of the completed audit shall be provided to the Controller,
2 the Director of Finance, and to the Joint Legislative Budget
3 Committee.

4 (b) Upon the request of the Governor or of the Legislature, the
5 Bureau of State Audits shall be authorized to conduct financial
6 and performance audits of districts. The results of the audits shall
7 be provided to the district, the Controller, the Director of Finance,
8 and the Joint Legislative Budget Committee.

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AMENDED IN SENATE MAY 1, 2019

AMENDED IN SENATE MARCH 11, 2019

SENATE BILL

No. 50

Introduced by Senator Wiener

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

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

December 3, 2018

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

LEGISLATIVE COUNSEL'S DIGEST

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

~~Existing~~

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

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

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

This bill would require a local agency to notify the development proponent in writing if the local agency determines that the development conflicts with any of the requirements provided for streamlined ministerial approval; otherwise, the development is deemed to comply with those requirements. The bill would limit the authority of a local agency to impose parking standards or requirements on a streamlined development approved pursuant to these provisions, as provided. The bill would provide that the approval of a project under these provisions expires automatically after 3 years, unless that project qualifies for a one-time, one-year extension of that approval. The bill would provide that approval pursuant to its provisions would remain valid for 3 years and remain valid thereafter, so long as vertical construction of the development has begun and is in progress, and would authorize a discretionary one-year extension, as provided. The bill would prohibit a local agency from adopting any requirement that applies to a project solely or partially on the basis that the project receives ministerial or streamlined approval pursuant to these provisions.

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

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the

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

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

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

This bill would require a city, county, or city and county to grant upon request an equitable communities incentive when a development proponent seeks and agrees to construct a residential development, as defined, that satisfies specified criteria, including, among other things, that the residential development is either a job-rich housing project or a transit-rich housing project, as those terms are defined; the site does not contain, or has not contained, housing occupied by tenants or accommodations withdrawn from rent or lease in accordance with specified law within specified time periods; and the residential development complies with specified additional requirements under existing law. *The bill would impose additional requirements on a residential development located within a county with a population equal to or less than 600,000. The bill would require that a residential development within a county with a population greater than 600,000 that is eligible for an equitable communities incentive receive receive, upon request, waivers from maximum controls on density and minimum controls on automobile parking requirements greater than 0.5 parking spots per unit, up to 3 additional incentives or concessions under the Density Bonus Law, and unit. The bill would require that a residential development also receive specified additional waivers if the residential development is located within a ½-mile or ¼-mile radius of a major transit stop, as defined. For a residential development within a county with a population equal to or less than 600,000, the bill would instead require that the incentive provide waivers from maximum controls on density, subject to certain limitations; maximum height limitations less than or equal to one story, or 15 feet, above the highest allowable height for mixed use or residential use; maximum floor area ratio requirements*

less than 0.6 times the number of stories in the proposed project; and minimum automobile parking requirements, as provided. The bill would require a local government to grant an equitable communities incentive unless it makes a specified finding regarding the effects of the incentive on any real property or historic district that is listed on a federal or state register of historical resources. The bill would authorize a local government to modify or expand the terms of an equitable communities incentive, provided that the equitable communities incentive is consistent with these provisions.

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

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

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

This bill would additionally provide that the receipt of an equitable communities incentive is not a valid basis on which to find a proposed housing development is inconsistent, not in compliance, or not in

conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision of that act.

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

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

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

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

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

1 SECTION 1. Section 65589.5 of the Government Code is
2 amended to read:

3 65589.5. (a) (1) The Legislature finds and declares all of the
4 following:

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

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

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

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

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

1 (A) California has a housing supply and affordability crisis of
2 historic proportions. The consequences of failing to effectively
3 and aggressively confront this crisis are hurting millions of
4 Californians, robbing future generations of the chance to call
5 California home, stifling economic opportunities for workers and
6 businesses, worsening poverty and homelessness, and undermining
7 the state's environmental and climate objectives.

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

12 (C) The crisis has grown so acute in California that supply,
13 demand, and affordability fundamentals are characterized in the
14 negative: underserved demands, constrained supply, and protracted
15 unaffordability.

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

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

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

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

31 (H) When Californians have access to safe and affordable
32 housing, they have more money for food and health care; they are
33 less likely to become homeless and in need of
34 government-subsidized services; their children do better in school;
35 and businesses have an easier time recruiting and retaining
36 employees.

37 (I) An additional consequence of the state's cumulative housing
38 shortage is a significant increase in greenhouse gas emissions
39 caused by the displacement and redirection of populations to states
40 with greater housing opportunities, particularly working- and

1 middle-class households. California's cumulative housing shortfall
2 therefore has not only national but international environmental
3 consequences.

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

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

16 (L) It is the policy of the state that this section should be
17 interpreted and implemented in a manner to afford the fullest
18 possible weight to the interest of, and the approval and provision
19 of, housing.

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

24 (b) It is the policy of the state that a local government not reject
25 or make infeasible housing development projects, including
26 emergency shelters, that contribute to meeting the need determined
27 pursuant to this article without a thorough analysis of the economic,
28 social, and environmental effects of the action and without
29 complying with subdivision (d).

30 (c) The Legislature also recognizes that premature and
31 unnecessary development of agricultural lands for urban uses
32 continues to have adverse effects on the availability of those lands
33 for food and fiber production and on the economy of the state.
34 Furthermore, it is the policy of the state that development should
35 be guided away from prime agricultural lands; therefore, in
36 implementing this section, local jurisdictions should encourage,
37 to the maximum extent practicable, in filling existing urban areas.

38 (d) A local agency shall not disapprove a housing development
39 project, including farmworker housing as defined in subdivision
40 (h) of Section 50199.7 of the Health and Safety Code, for very

low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the housing development project infeasible for development for the use of very low, low-, or moderate-income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record, as to one of the following:

(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the housing development project. The share of the regional housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

(2) The housing development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the ~~specific~~ *specific*, adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use

1 designation shall not constitute a specific, adverse impact upon
2 the public health or safety.

3 (3) The denial of the housing development project or imposition
4 of conditions is required in order to comply with specific state or
5 federal law, and there is no feasible method to comply without
6 rendering the development unaffordable to low- and
7 moderate-income households or rendering the development of the
8 emergency shelter financially infeasible.

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

14 (5) The housing development project or emergency shelter is
15 inconsistent with both the jurisdiction's zoning ordinance and
16 general plan land use designation as specified in any element of
17 the general plan as it existed on the date the application was
18 deemed complete, and the jurisdiction has adopted a revised
19 housing element in accordance with Section 65588 that is in
20 substantial compliance with this article. For purposes of this
21 section, a change to the zoning ordinance or general plan land use
22 designation subsequent to the date the application was deemed
23 complete shall not constitute a valid basis to disapprove or
24 condition approval of the housing development project or
25 emergency shelter.

26 (A) This paragraph cannot be utilized to disapprove or
27 conditionally approve a housing development project if the housing
28 development project is proposed on a site that is identified as
29 suitable or available for very low, low-, or moderate-income
30 households in the jurisdiction's housing element, and consistent
31 with the density specified in the housing element, even though it
32 is inconsistent with both the jurisdiction's zoning ordinance and
33 general plan land use designation.

34 (B) If the local agency has failed to identify in the inventory of
35 land in its housing element sites that can be developed for housing
36 within the planning period and are sufficient to provide for the
37 jurisdiction's share of the regional housing need for all income
38 levels pursuant to Section 65584, then this paragraph shall not be
39 utilized to disapprove or conditionally approve a housing
40 development project proposed for a site designated in any element

1 of the general plan for residential uses or designated in any element
2 of the general plan for commercial uses if residential uses are
3 permitted or conditionally permitted within commercial
4 designations. In any action in court, the burden of proof shall be
5 on the local agency to show that its housing element does identify
6 adequate sites with appropriate zoning and development standards
7 and with services and facilities to accommodate the local agency's
8 share of the regional housing need for the very low, low-, and
9 moderate-income categories.

10 (C) If the local agency has failed to identify a zone or zones
11 where emergency shelters are allowed as a permitted use without
12 a conditional use or other discretionary permit, has failed to
13 demonstrate that the identified zone or zones include sufficient
14 capacity to accommodate the need for emergency shelter identified
15 in paragraph (7) of subdivision (a) of Section 65583, or has failed
16 to demonstrate that the identified zone or zones can accommodate
17 at least one emergency shelter, as required by paragraph (4) of
18 subdivision (a) of Section 65583, then this paragraph shall not be
19 utilized to disapprove or conditionally approve an emergency
20 shelter proposed for a site designated in any element of the general
21 plan for industrial, commercial, or multifamily residential uses. In
22 any action in court, the burden of proof shall be on the local agency
23 to show that its housing element does satisfy the requirements of
24 paragraph (4) of subdivision (a) of Section 65583.

25 (e) Nothing in this section shall be construed to relieve the local
26 agency from complying with the congestion management program
27 required by Chapter 2.6 (commencing with Section 65088) of
28 Division 1 of Title 7 or the California Coastal Act of 1976
29 (Division 20 (commencing with Section 30000) of the Public
30 Resources Code). ~~Neither shall anything~~ *Nothing* in this section
31 *shall* be construed to relieve the local agency from making one or
32 more of the findings required pursuant to Section 21081 of the
33 Public Resources Code or otherwise complying with the California
34 Environmental Quality Act (Division 13 (commencing with Section
35 21000) of the Public Resources Code).

36 (f) (1) Nothing in this section shall be construed to prohibit a
37 local agency from requiring the housing development project to
38 comply with objective, quantifiable, written development standards,
39 conditions, and policies appropriate to, and consistent with, meeting
40 the jurisdiction's share of the regional housing need pursuant to

Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development.

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

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

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

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

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

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

(2) "Housing development project" means a use consisting of any of the following:

(A) Residential units only.

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

(C) Transitional housing or supportive housing.

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

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

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

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

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

(i) If any city, county, or city and county denies approval or imposes conditions, including design changes, lower density, or a reduction of the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time the application is deemed complete pursuant to

Section 65943, that have a substantial adverse effect on the viability or affordability of a housing development for very low, low-, or moderate-income households, and the denial of the development or the imposition of conditions on the development is the subject of a court action which challenges the denial or the imposition of conditions, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d) and that the findings are supported by a preponderance of the evidence in the record. For purposes of this section, “lower density” includes any conditions that have the same effect or impact on the ability of the project to provide housing.

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

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

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

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

1 explanation of the reason or reasons it considers the housing
2 development to be inconsistent, not in compliance, or not in
3 conformity as follows:

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

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

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

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

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

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

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

1 If, in any action brought to enforce this section, a court finds that
2 either (i) the local agency, in violation of subdivision (d),
3 disapproved a housing development project or conditioned its
4 approval in a manner rendering it infeasible for the development
5 of an emergency shelter, or housing for very low, low-, or
6 moderate-income households, including farmworker housing,
7 without making the findings required by this section or without
8 making findings supported by a preponderance of the evidence,
9 or (ii) the local agency, in violation of subdivision (j), disapproved
10 a housing development project complying with applicable,
11 objective general plan and zoning standards and criteria, or imposed
12 a condition that the project be developed at a lower density, without
13 making the findings required by this section or without making
14 findings supported by a preponderance of the evidence, the court
15 shall issue an order or judgment compelling compliance with this
16 section within 60 days, including, but not limited to, an order that
17 the local agency take action on the housing development project
18 or emergency shelter. The court may issue an order or judgment
19 directing the local agency to approve the housing development
20 project or emergency shelter if the court finds that the local agency
21 acted in bad faith when it disapproved or conditionally approved
22 the housing development or emergency shelter in violation of this
23 section. The court shall retain jurisdiction to ensure that its order
24 or judgment is carried out and shall award reasonable attorney's
25 fees and costs of suit to the plaintiff or petitioner, except under
26 extraordinary circumstances in which the court finds that awarding
27 fees would not further the purposes of this section. For purposes
28 of this section, "lower density" includes conditions that have the
29 same effect or impact on the ability of the project to provide
30 housing.

31 (B) (i) Upon a determination that the local agency has failed
32 to comply with the order or judgment compelling compliance with
33 this section within 60 days issued pursuant to subparagraph (A),
34 the court shall impose fines on a local agency that has violated this
35 section and require the local agency to deposit any fine levied
36 pursuant to this subdivision into a local housing trust fund. The
37 local agency may elect to instead deposit the fine into the Building
38 Homes and Jobs *Trust* Fund, if Senate Bill 2 of the 2017–18
39 Regular Session is enacted, or otherwise in the Housing
40 Rehabilitation Loan Fund. The fine shall be in a minimum amount

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

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

28 (C) If the court determines that its order or judgment has not
29 been carried out within 60 days, the court may issue further orders
30 as provided by law to ensure that the purposes and policies of this
31 section are fulfilled, including, but not limited to, an order to vacate
32 the decision of the local agency and to approve the housing
33 development project, in which case the application for the housing
34 development project, as proposed by the applicant at the time the
35 local agency took the initial action determined to be in violation
36 of this section, along with any standard conditions determined by
37 the court to be generally imposed by the local agency on similar
38 projects, shall be deemed to be approved unless the applicant
39 consents to a different decision or action by the local agency.

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

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

(m) Any action brought to enforce the provisions of this section shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure, and the local agency shall prepare and certify the record of proceedings in accordance with subdivision (c) of Section 1094.6 of the Code of Civil Procedure no later than 30 days after the petition is served, provided that the cost of preparation of the record shall be borne by the local agency, unless the petitioner elects to prepare the record as provided in subdivision (n) of this section. A petition to enforce the provisions of this section shall be filed and served no later than 90 days from the later of (1) the effective date of a decision of the local agency imposing conditions on, disapproving, or any other final action on a housing development project or (2) the expiration of the time periods specified in subparagraph (B) of paragraph (5) of subdivision (h). Upon entry of the trial court’s order, a party may, in order to obtain appellate review of the order, file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court

1 may for good cause allow, or may appeal the judgment or order
2 of the trial court under Section 904.1 of the Code of Civil
3 Procedure. If the local agency appeals the judgment of the trial
4 court, the local agency shall post a bond, in an amount to be
5 determined by the court, to the benefit of the plaintiff if the plaintiff
6 is the project applicant.

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

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

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

21 *65913.5. For purposes of this section and Section 65913.6, the*
22 *following definitions shall apply:*

23 (a) *"Development proponent" means the developer who submits*
24 *an application for streamlined approval pursuant to Section*
25 *65913.6.*

26 (b) *"Eligible parcel" means a parcel that meets all of the*
27 *following requirements:*

28 (1) *The parcel satisfies the requirements specified in paragraphs*
29 *(2) and (6) of subdivision (a) of Section 65913.4.*

30 (2) *The development of the project on the proposed parcel would*
31 *not require the demolition or alteration of any of the following*
32 *types of housing:*

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

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

38 (C) *Housing that has been occupied by tenants within the past*
39 *10 years.*

1 (3) The site was not previously used for housing that was
2 occupied by tenants that was demolished within 10 years before
3 the development proponent submits an application under this
4 section.

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

8 (5) The proposed parcel does not contain housing units that are
9 occupied by tenants, and units at the property are, or were,
10 subsequently offered for sale to the general public by the subdivider
11 or subsequent owner of the property.

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

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

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

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

22 (B) The project is a conversion of an existing structure that does
23 not require substantial exterior alteration. For the purposes of
24 this subparagraph, a project requires “substantial exterior
25 alteration” if the project would require either of the following:

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

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

30 (2) (A) The neighborhood multifamily project meets all objective
31 zoning standards and objective design review standards that do
32 not conflict with this section or Section 65913.6. If, on or after
33 July 1, 2019, a local agency adopts an ordinance that eliminates
34 residential zoning designations or decreases residential zoning
35 development capacity within an existing zoning district in which
36 the development is located than what was authorized on July 1,
37 2019, then that development shall be deemed to be consistent with
38 any applicable requirement of this section and Section 65913.6 if
39 it complies with zoning designations not in conflict with this section
40 and Section 65913.6 that were authorized as of July 1, 2019.

1 (B) For purposes of this paragraph, “objective zoning
2 standards” and “objective design review standards” means
3 standards that involve no personal or subjective judgment by a
4 public official and are uniformly verifiable by reference to an
5 external and uniform benchmark or criterion available and
6 knowable by both the development proponent and the public official
7 before the development proponent submits an application pursuant
8 to this section. These standards include, but are not limited to,
9 height, setbacks, floor area ratio, and lot coverage.

10 (3) The project provides at least 0.5 parking spaces per unit.

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

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

13 (2) A property that contains at least one existing structure, but
14 the structure or structures have been unoccupied for at least five
15 years and are considered substandard as defined by Section
16 17920.3 of the Health and Safety Code.

17 SEC. 3. Section 65913.6 is added to the Government Code, to
18 read:

19 65913.6. (a) For purposes of this section, the definitions
20 provided in Section 65913.5 shall apply.

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

28 (c) (1) If a local agency determines that a development
29 submitted pursuant to this section is in conflict with any of the
30 requirements specified in this section or Section 65913.5, it shall
31 provide the development proponent written documentation of which
32 requirement or requirements the development conflicts with, and
33 an explanation for the reason or reasons the development conflicts
34 with that requirement or requirements, as follows:

35 (A) Within 60 days of submission of the development to the local
36 agency pursuant to this section if the development contains 150
37 or fewer housing units.

38 (B) Within 90 days of submission of the development to the local
39 agency pursuant to this section if the development contains more
40 than 150 housing units.

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

(d) Any design review or public oversight of the development may be conducted by the local agency's planning commission or any equivalent board or commission responsible for review and approval of development projects, or the city council or board of supervisors, as appropriate. That design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local agency before submission of a development application, and shall be broadly applicable to development within the local agency. That design review or public oversight shall be completed as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

(1) Within 90 days of submission of the development to the local agency pursuant to this section if the development contains 150 or fewer housing units.

(2) Within 180 days of submission of the development to the local agency pursuant to this section if the development contains more than 150 housing units.

(e) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing automobile parking requirements in multifamily developments, shall not impose automobile parking standards for a streamlined development that was approved pursuant to this section beyond those provided in the minimum requirements of Section 65913.5.

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

(2) If a local agency approves a development pursuant to this section, that approval shall remain valid for three years from the date of the final action establishing that approval and shall remain

1 valid thereafter for a project so long as vertical construction of
2 the development has begun and is in progress. Additionally, the
3 development proponent may request, and the local agency shall
4 have discretion to grant, an additional one-year extension to the
5 original three-year period. The local agency's action and
6 discretion in determining whether to grant the foregoing extension
7 shall be limited to considerations and process set forth in this
8 section.

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

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

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

32 ~~SEC. 2:~~

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

35
36 CHAPTER 4.35. EQUITABLE COMMUNITIES INCENTIVES

37
38 65918.50. For purposes of this chapter:

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

(b) “Eligible applicant” means a development proponent who receives an equitable communities incentive.

(c) “FAR” means floor area ratio.

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

(1) It has average service intervals *for each line and in each direction* of no more than ~~15~~ 10 minutes during the three peak hours between 6 a.m. to 10 a.m., inclusive, and the three peak hours between 3 p.m. ~~and~~ to 7 p.m., inclusive, on Monday through Friday.

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

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

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

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

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

(i) New housing sited in the tract would enable residents to live ~~in or near a jobs-rich area, as measured by employment density and job totals.~~ *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, ~~compared to existing commute levels.~~ *relative to existing commute patterns for people of all income levels.*

(2) The Department of Housing and Community Development shall, commencing on January 1, 2020, publish and update, every

1 five years thereafter, a map of the state showing the areas identified
2 by the department as “jobs-rich areas.”

3 (f) “Job-rich housing project” means a residential development
4 ~~within an area identified as a jobs-rich area by the Department of~~
5 ~~Housing and Community Development in consultation with the~~
6 ~~Office of Planning and Research, based on indicators such as~~
7 ~~proximity to jobs, high area median income relative to the relevant~~
8 ~~region, and high-quality public schools, as an area of high~~
9 ~~opportunity close to jobs.~~ *area.* A residential development shall
10 be deemed to be within an area designated as job-rich *a jobs-rich*
11 *area* if both of the following apply:

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

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

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

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

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

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

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

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

31 (4) *It is the intent of the Legislature to consider all of the*
32 *following:*

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

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

40 (i)

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

(j)

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

~~(1) Except as provided in paragraph (2), an area identified by the Department of Housing and Community Development, which identification shall be updated every five years, in consultation with local community-based organizations in each metropolitan planning region, as an area where both of the following apply:~~

~~(A) Thirty percent or more of the census tract lives below the poverty line, provided that college students do not compose at least 25 percent of the population.~~

~~(B) The location quotient of residential racial segregation in the census tract is at least 1.25 as defined by the Department of Housing and Community Development.~~

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

(2) In the Counties of Alameda, Contra Costa, Marin, Napa, Santa Clara, San Francisco, San Mateo, Solano, and Sonoma, areas designated by the Metropolitan Transportation Commission on December 19, 2018, as the intersection of disadvantaged and vulnerable communities as defined by the Metropolitan Transportation Commission and the San Francisco Bay Conservation and Development Commission, which identification of a sensitive community shall be updated at least every five years by the Department of Housing and Community Development.

(k)

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

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

(2) A single-room occupancy unit.

(3) An accessory dwelling unit that is not subject to, or does not have a valid permit in accordance with, an ordinance adopted by a local agency pursuant to Section 65852.22.

(4) A residential motel.

(5) A mobilehome park, as governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of

1 Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational
2 Vehicle Park Occupancy Law (Chapter 2.6 (commencing with
3 Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code),
4 the Mobilehome Parks Act (Part 2.1 (commencing with Section
5 18200) of Division 13 of the Health and Safety Code), or the
6 Special Occupancy Parks Act (Part 2.3 (commencing with Section
7 18860) of Division 13 of the Health and Safety Code).

8 (6) Any other type of residential property that is not owned by
9 the person or a member of the person's household, for which the
10 person or a member of the person's household provides payments
11 on a regular schedule in exchange for the right to occupy the
12 residential property.

13 (†)

14 (m) "Transit-rich housing project" means a residential
15 ~~development~~ *development*, the parcels of which are all within a
16 one-half mile radius of a major transit stop or a one-quarter mile
17 radius of a stop on a high-quality bus corridor. A project shall be
18 deemed to be within the radius if both of the following apply:

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

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

27 65918.51. A local government shall, upon request of a
28 development proponent, grant an equitable communities incentive,
29 as specified in Section 65918.53, when the development proponent
30 seeks and agrees to construct a residential development that
31 satisfies the requirements specified in Section 65918.52.

32 65918.52. In order to be eligible for an equitable communities
33 incentive pursuant to this chapter, a residential development shall
34 meet all of the following criteria:

35 (a) The residential development is either a job-rich housing
36 project or transit-rich housing project.

37 (b) The residential development is located on a site ~~that, at that~~
38 *meets the following requirements:*

39 (1) *At the time of application, the site* is zoned to allow housing
40 as an underlying use in the zone, including, but not limited to, a

residential, mixed-use, or commercial zone, as defined and allowed by the local government.

(2) If the residential development is located within a coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code, the site satisfies the requirements specified in paragraph (2) of subdivision (a) of Section 65913.4.

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

(A) A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code, within a city with a population of less than 50,000.

(B) A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a 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. A parcel is not ineligible within the meaning of this paragraph if it is either of the following:

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

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

(C) A parcel that is a contributing parcel within a historic district established by an ordinance of the local government that was in effect as of December 31, 2010.

(c) If the residential development is located within a county that has a population equal to or less than 600,000, the residential development satisfies all of the following additional requirements:

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

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

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

(B) A flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

1 (3) *The residential development has a minimum density of 30*
2 *dwelling units per acre in jurisdictions considered metropolitan,*
3 *as defined in subdivision (f) of Section 65583.2, or a minimum*
4 *density of 20 dwelling units per acre in jurisdictions considered*
5 *suburban, as defined in subdivision (e) of Section 65583.2.*

6 (4) *The residential development is located within a one-half*
7 *mile radius of a major transit stop and within a city with a*
8 *population greater than 50,000.*

9 (e)

10 (d) (1) If the local government has adopted an inclusionary
11 housing ordinance requiring that the development include a certain
12 number of units affordable to households with incomes that do not
13 exceed the limits for ~~moderate-income~~, *moderate income*, lower
14 income, very low income, or extremely low income specified in
15 Sections 50079.5, 50093, 50105, and 50106 of the Health and
16 Safety Code, and that ordinance requires that a new development
17 include levels of affordable housing in excess of the requirements
18 specified in paragraph (2), the residential development complies
19 with that ordinance. The ordinance may provide alternative means
20 of compliance that may include, but are not limited to, in-lieu fees,
21 land dedication, offsite construction, or acquisition and
22 rehabilitation of existing units.

23 (2) (A) If the local government has not adopted an inclusionary
24 housing ordinance, as described in paragraph (1), the residential
25 development includes an affordable housing contribution for
26 households with incomes that do not exceed the limits for
27 extremely low income, very low income, and low income specified
28 in Sections 50093, 50105, and 50106 of the Health and Safety
29 Code.

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

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

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

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

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

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

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

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

~~(i) The local government collecting the in-lieu fee payment shall make every effort to ensure that future affordable housing will be sited within one-half mile of the original project location within the boundaries of the local government by designating an existing housing opportunity site within a one-half mile radius of the project site for affordable housing. To the extent practicable, local housing~~

1 ~~funding shall be prioritized at the first opportunity to build~~
2 ~~affordable housing on that site.~~

3 ~~(ii) If no housing opportunity sites that satisfy clause (i) are~~
4 ~~available, the local government shall designate a site for affordable~~
5 ~~housing within the boundaries of the local government and make~~
6 ~~findings that the site for the affordable housing development~~
7 ~~affirmatively furthers fair housing, as defined in Section 8899.50.~~

8 *(ii) For the purposes of this subparagraph, “comparable*
9 *affordability contribution” means either a dedication of land or*
10 *direct in-lieu fee payment to a housing provider that proposes to*
11 *build a residential development in which 100 percent of the units,*
12 *excluding manager’s units, are sold or rented at affordable housing*
13 *cost, as defined in Section 50052.5 of the Health and Safety Code,*
14 *or affordable rent, as defined in Section 50053 of the Health and*
15 *Safety Code, subject to all of the following conditions:*

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

18 *(II) The site, and if applicable, the dedicated land, is eligible*
19 *for an equitable communities incentive.*

20 *(III) The residential development that receives a dedication of*
21 *land or in-lieu fee payment pursuant to this paragraph provides*
22 *the same number of affordable units at the same income category,*
23 *which would have been required onsite for the qualifying project*
24 *pursuant to subclause (II) of clause (iii) of subparagraph (B) of*
25 *paragraph (2).*

26 *(IV) The value of the dedicated land or in-lieu fee payment must*
27 *be at least equal to the capitalized value of the forgone revenue*
28 *that the development proponent would have incurred if the*
29 *qualifying project had provided the required number and type of*
30 *affordable units onsite.*

31 *(V) The comparable affordability contribution is subject to a*
32 *recorded covenant with the local jurisdiction. A copy of the*
33 *covenant shall be provided to the Department of Housing and*
34 *Community Development.*

35 *(iii) For the purposes of this subparagraph, “qualifying project”*
36 *means a project that receives an equitable communities incentive*
37 *by providing a comparable affordability contribution.*

38 *(iv) The qualifying development shall not be issued a certificate*
39 *of occupancy before the residential development receiving a*

1 *dedication of land or direct in-lieu fee payment pursuant to this*
2 *subparagraph receives a building permit.*

3 (D) Affordability of units pursuant to this paragraph shall be
4 restricted by deed for a period of 55 years for rental units or 45
5 years for units offered for sale.

6 ~~(d)~~

7 (e) The site does not contain, or has not contained, either of the
8 following:

9 (1) Housing occupied by tenants within the seven years
10 preceding the date of the application, including housing that has
11 been demolished or that tenants have vacated prior to the
12 application for a development permit.

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

19 ~~(e)~~

20 (f) The residential development complies with all applicable
21 labor, construction employment, and wage standards otherwise
22 required by law and any other generally applicable requirement
23 regarding the approval of a development project, including, but
24 not limited to, the local government's conditional use or other
25 discretionary permit approval process, the California
26 Environmental Quality Act (Division 13 (commencing with Section
27 21000) of the Public Resources Code), or a streamlined approval
28 process that includes labor protections.

29 ~~(f)~~

30 (g) The residential development complies with all other relevant
31 standards, requirements, and prohibitions imposed by the local
32 government regarding architectural design, restrictions on or
33 oversight of demolition, impact fees, and community benefits
34 agreements.

35 ~~(g)~~

36 (h) The equitable communities incentive shall not be used to
37 undermine the economic feasibility of delivering low-income
38 housing under the state density bonus program or a local
39 implementation of the state density bonus program, or any locally
40 adopted program that puts conditions on new development

1 applications on the basis of receiving a zone change or general
2 plan amendment in exchange for benefits such as increased
3 affordable housing, local hire, or payment of prevailing wages.

4 65918.53. (a) ~~(1)~~ Any transit-rich or ~~jobs-rich~~ *job-rich* housing
5 project *within a county that has a population greater than 600,000*
6 that meets the criteria specified in Section 65918.52 shall receive,
7 upon request, an equitable communities incentive as follows:

8 ~~(1)~~

9 (A) A waiver from maximum controls on density.

10 ~~(2)~~

11 (B) A waiver from minimum automobile parking requirements
12 greater than 0.5 automobile parking spots per unit.

13 ~~(3) Up to three incentives and concessions pursuant to~~
14 ~~subdivision (d) of Section 65915.~~

15 ~~(b)~~

16 (2) An eligible applicant proposing a residential development
17 *within a county that has a population greater than 600,000* that
18 is located within a one-half mile radius, but outside a one-quarter
19 mile radius, of a major transit stop shall receive, in addition to the
20 incentives specified in ~~subdivision (a); paragraph (1)~~, waivers
21 from all of the following:

22 ~~(1)~~

23 (A) Maximum height requirements less than 45 feet.

24 ~~(2)~~

25 (B) Maximum FAR requirements less than 2.5.

26 ~~(3)~~

27 (C) Notwithstanding subparagraph (B) of paragraph (1), any
28 ~~maximum~~ *minimum* automobile parking requirement.

29 ~~(c)~~

30 (3) An eligible applicant proposing a residential development
31 *within a county that has a population greater than 600,000* that
32 is located within a one-quarter mile radius of a major transit stop
33 shall receive, in addition to the incentives specified in ~~subdivision~~
34 ~~(a); paragraph (1)~~, waivers from all of the following:

35 ~~(1)~~

36 (A) Maximum height requirements less than 55 feet.

37 ~~(2)~~

38 (B) Maximum FAR requirements less than 3.25.

39 ~~(3)~~

(C) Notwithstanding paragraph ~~(1)~~ (2) of subdivision ~~(b)~~, (a), any minimum automobile parking requirement.

(b) A residential development within a county that has a population less than or equal to 600,000 that meets the criteria specified in Section 65918.52 shall receive, upon request, an equitable communities incentive as follows:

(1) A waiver from maximum controls on density, subject to paragraph (3) of subdivision (c) of Section 65918.52.

(2) A waiver from maximum height limitations less than or equal to one story, or 15 feet, above the highest allowable height for mixed use or residential use. For purposes of this paragraph, “highest allowable height” means the tallest height, including heights that require conditional approval, allowable pursuant to zoning and any specific or area plan that covers the parcel.

(3) Maximum FAR requirements less than 0.6 times the number of stories proposed for the project.

(4) A waiver from minimum automobile parking requirements, as follows:

(A) If the residential development is located within a one-quarter mile radius of a rail transit station in a city with a population of greater than 100,000, the residential development project shall receive a waiver from any minimum automobile parking requirement.

(B) If the residential development does not meet the criteria specified in clause (i), the residential development project shall receive a waiver from minimum automobile parking requirements of less than 0.5 parking spaces per unit.

~~(d)~~

(c) Notwithstanding any other law, ~~for purposes of calculating any additional incentive or concession~~ a project that qualifies for an equitable communities incentive may also apply for a density bonus, incentives or concessions, and parking ratios in accordance with subdivision (b) of Section ~~65915~~, 65915. To calculate a density bonus for a project that receives an equitable communities incentive, the “otherwise maximum allowable gross residential density” as described in subdivision (f) of Section 65915 shall be equal to the proposed number of units ~~in~~ in, or the proposed square footage of, the residential development after applying the equitable communities incentive received pursuant to this chapter ~~shall be used as the base density for calculating the incentive or concession~~

~~under that section.~~ chapter. In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of this chapter and subdivision (b) of Section 65915 at the unit count or square footage or with the concessions or incentives permitted by this chapter and as may be increased under Section 65915 in accordance with this subdivision, but no additional waivers or reductions of development standards, as described in subdivision (e) of Section 65915 shall be permitted.

(d) The local government shall grant an incentive requested by an eligible applicant pursuant to this chapter unless the local government makes a written finding, based on substantial evidence, that the incentive would have a specific, adverse impact on any real property or historic district that is listed on a federal or state 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.

(e) An eligible applicant proposing a project that meets all of the requirements under Section 65913.4 may submit an application for streamlined, ministerial approval in accordance with that section.

(f) The local government may modify or expand the terms of an equitable communities incentive provided pursuant to this chapter, provided that the equitable communities incentive is consistent with, and meets the minimum standards specified in, this chapter.

65918.54. The Legislature finds and declares that this chapter addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities.

~~65918.55. (a) Implementation of this chapter shall be delayed in sensitive communities until July 1, 2020.~~

~~(b) Between January 1, 2020, and _____, a local government, in lieu of the requirements of this chapter, may opt for a community-led planning process in sensitive communities aimed toward increasing residential density and multifamily housing choices near transit stops, as follows:~~

~~(1) Sensitive communities that pursue a community-led planning process at the neighborhood level shall, on or before January 1,~~

2025, produce a community plan that may include zoning and any other policies that encourage multifamily housing development at a range of income levels to meet unmet needs, protect vulnerable residents from displacement, and address other locally identified priorities.

(2) Community plans shall, at a minimum, be consistent with the overall residential development capacity and the minimum affordability standards set forth in this chapter within the boundaries of the community plan.

(3) The provisions of this chapter shall apply on January 1, 2025, to sensitive communities that have not adopted community plans that meet the minimum standards described in paragraph (2), whether those plans were adopted prior to or after enactment of this chapter.

65918.55. (a) On or before July 1, 2020, Sections 65918.51 to 65918.54, inclusive, shall not apply to a potentially sensitive community. After July 1, 2020, Sections 65918.51 to 65918.54, inclusive, shall apply in any potentially sensitive community that is not identified as a sensitive community pursuant to subdivision (b).

(b) On or before July 1, 2020, sensitive communities in each county shall be identified and mapped in accordance with the following:

(1) The council of governments, or the county board of supervisors in a county without a council of governments, shall establish a working group comprised of residents of potentially sensitive communities within the county, ensuring equitable representation of vulnerable populations, including, but not limited to, renters, low-income people, and members of classes protected under the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2).

(2) The working group shall develop a map of sensitive communities within the county, which shall include some or all of the areas identified as potentially sensitive communities pursuant to subdivision (i) of Section 65918.50. The working group shall prioritize the input of residents from each potentially sensitive community in making a determination about that community.

(3) Each board of supervisors or council of governments shall adopt the sensitive communities map for the county, along with an explanation of the composition and function of the working

1 group and the community process and methodology used to create
2 the maps, at a public hearing held on or before July 1, 2020.

3 (c) Sections 65918.51 to 65918.54, inclusive, shall apply in a
4 sensitive community on and after January 1, 2026, unless the city
5 or county in which the sensitive community is located has adopted
6 a community plan for an area that includes the sensitive community
7 that is aimed toward increasing residential density and multifamily
8 housing choices near transit stops and meets all of the following:

9 (1) The community plan is not in conflict with the goals of this
10 chapter.

11 (2) The community plan permits increased density and
12 multifamily development near transit, with all upzoning linked to
13 onsite affordable housing requirements that meet or exceed the
14 affordable housing requirements in Sections 65918.51 to 65918.54,
15 inclusive. Community plans shall, at a minimum, be consistent
16 with the overall residential development capacity and the minimum
17 affordability standards set forth in Sections 65918.51 to 65918.54,
18 inclusive, within the boundaries of the community plan.

19 (3) The community plan includes provisions to protect
20 vulnerable residents from displacement.

21 (4) The community plan promotes economic justice for workers
22 and residents.

23 (5) The community plan was developed in partnership with at
24 least one of the following:

25 (A) A nonprofit or community organization that focuses on
26 organizing low-income residents in the sensitive community.

27 (B) A nonprofit or community organization that focuses on
28 organizing low-income residents in the jurisdiction.

29 (C) If there are no nonprofit or community organizations
30 working within the sensitive community or the jurisdiction, a
31 nonprofit with demonstrated experience conducting outreach to
32 low-income communities.

33 (6) Residents of the sensitive community are engaged throughout
34 the planning process, including through at least three community
35 meetings that are held at times and locations accessible to
36 low-income residents.

37 (7) All public documents and meetings related to the planning
38 process are translated into all languages spoken by at least 25
39 percent of residents of the sensitive community.

40 (8) The community plan is adopted before July 1, 2025.

1 (d) Each city and each county shall make reasonable efforts to
2 develop a community plan for any sensitive communities within
3 its jurisdiction. A community plan may address other locally
4 identified priorities, provided they are not in conflict with the intent
5 of this chapter or any other law. A city or county may designate
6 a community plan adopted before July 1, 2020, as the plan that
7 meets the requirements of this paragraph, provided that the plan
8 meets all criteria in this section.

9 (e) Notwithstanding any other provision of this section, Sections
10 65918.51 to 65918.54, inclusive, shall apply in any sensitive
11 community if all of the following apply:

12 (1) At least 20 percent of adult residents of the sensitive
13 community sign a petition attesting that the community desires to
14 make the provisions of Sections 65918.51 to 65918.54, inclusive,
15 applicable in the area. The petition shall describe in plain language
16 the planning standards set forth in Sections 65918.51 to 65918.54,
17 inclusive; be translated into all languages spoken by at least 25
18 percent of residents in the affected area; and collect contact
19 information from signatories to the petition, including first, middle,
20 and last name, mailing address, and phone number and email
21 address if available.

22 (2) The local government has verified the petition to ensure
23 compliance with paragraph (1).

24 (3) Following signature verification, the local government
25 provides public notice and opportunity to comment to residents of
26 the affected area and holds a minimum of three public hearings
27 in the affected area at a time and in a place and manner accessible
28 to low-income residents and other vulnerable populations.

29 (4) The governing body for the city or county in which the
30 sensitive community is located determines, by majority vote, to
31 apply this chapter in the affected area.

32 (f) It is the intent of the Legislature to consider all of the
33 following:

34 (1) Tasking local government entities with greater community
35 connection with convening and administering the process for
36 identifying sensitive communities.

37 (2) Requiring review by the Department of Housing and
38 Community Development of the designation of sensitive
39 communities.

1 ~~SEC. 3.~~

2 *SEC. 5.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 a local agency or school district has the authority to levy service
5 charges, fees, or assessments sufficient to pay for the program or
6 level of service mandated by this act, within the meaning of Section
7 17556 of the Government Code.

O

AMENDED IN ASSEMBLY APRIL 11, 2019

AMENDED IN ASSEMBLY APRIL 8, 2019

AMENDED IN ASSEMBLY APRIL 1, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1568

Introduced by Assembly Member McCarty
(Coauthor: Senator Wiener)

February 22, 2019

An act to amend Section 65585 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1568, as amended, McCarty. Housing law compliance: prohibition on applying for state grants.

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, the Housing Element Law, prescribes requirements for the preparation of the housing element, including a requirement that a planning agency submit a draft of the element or draft amendment to the element to the Department of Housing and Community Development prior to the adoption of the element or amendment to the element. Existing law requires the department to review the draft and report its written findings, as specified. Existing law also requires the department, in its written findings, to determine whether the draft substantially complies with the Housing Element Law.

Existing law also requires the department to review any action or failure to act by the city or county that it determines is inconsistent with

an adopted housing element or a specified provision of the Housing Element Law and to issue written findings, as specified, whether the action or failure to act substantially complies with the Housing Element Law. If the department finds that the action or failure to act by the city or county does not substantially comply with the Housing Element Law, and if it has issued findings as described above that an amendment to the housing element substantially complies with the Housing Element Law, existing law authorizes the department, after allowing no more than 30 days for a local agency response, to revoke its findings until it determines that the city or county has come into compliance with the Housing Element Law. Existing law also requires the department to notify the city or county that the city or county is in violation of state law if the department makes certain findings of noncompliance or a violation of specified provisions related to housing.

This bill would authorize the city or county to submit evidence that the city or county is no longer in violation of state law to the department and to request the department to issue a finding that the city or county is no longer in violation of state law. If the department finds that the city or county is no longer in violation of state law, the bill would require the department to notify the city or county. The bill would, on or before January 1, 2025, prohibit a city or county found to be in violation of state law, as described above, from applying for a state grant, unless ~~the eligibility of the city or county to apply for~~ *fund source of the state grant is constitutionally required protected by a specified provision of the California Constitution relating to state taxes and fees on motor vehicles and motor vehicle fuels* or the state grant funds, if awarded to the city or county, would assist the city or county in complying with the Housing Element Law.

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

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

- 1 SECTION 1. Section 65585 of the Government Code is
- 2 amended to read:
- 3 65585. (a) In the preparation of its housing element, each city
- 4 and county shall consider the guidelines adopted by the department
- 5 pursuant to Section 50459 of the Health and Safety Code. Those
- 6 guidelines shall be advisory to each city or county in the
- 7 preparation of its housing element.

1 (b) (1) At least 90 days before adoption of its housing element,
2 or at least 60 days before the adoption of an amendment to this
3 element, the planning agency shall submit a draft element or draft
4 amendment to the department.

5 (2) The planning agency staff shall collect and compile the
6 public comments regarding the housing element received by the
7 city, county, or city and county, and provide these comments to
8 each member of the legislative body before it adopts the housing
9 element.

10 (3) The department shall review the draft and report its written
11 findings to the planning agency within 90 days of its receipt of the
12 draft in the case of an adoption or within 60 days of its receipt in
13 the case of a draft amendment.

14 (c) In the preparation of its findings, the department may consult
15 with any public agency, group, or person. The department shall
16 receive and consider any written comments from any public
17 agency, group, or person regarding the draft or adopted element
18 or amendment under review.

19 (d) In its written findings, the department shall determine
20 whether the draft element or draft amendment substantially
21 complies with this article.

22 (e) Prior to the adoption of its draft element or draft amendment,
23 the legislative body shall consider the findings made by the
24 department. If the department's findings are not available within
25 the time limits set by this section, the legislative body may act
26 without them.

27 (f) If the department finds that the draft element or draft
28 amendment does not substantially comply with this article, the
29 legislative body shall take one of the following actions:

30 (1) Change the draft element or draft amendment to substantially
31 comply with this article.

32 (2) Adopt the draft element or draft amendment without changes.
33 The legislative body shall include in its resolution of adoption
34 written findings which explain the reasons the legislative body
35 believes that the draft element or draft amendment substantially
36 complies with this article despite the findings of the department.

37 (g) Promptly following the adoption of its element or
38 amendment, the planning agency shall submit a copy to the
39 department.

1 (h) The department shall, within 90 days, review adopted
2 housing elements or amendments and report its findings to the
3 planning agency.

4 (i) (1) (A) The department shall review any action or failure
5 to act by the city, county, or city and county that it determines is
6 inconsistent with an adopted housing element or Section 65583,
7 including any failure to implement any program actions included
8 in the housing element pursuant to Section 65583. The department
9 shall issue written findings to the city, county, or city and county
10 as to whether the action or failure to act substantially complies
11 with this article, and provide a reasonable time no longer than 30
12 days for the city, county, or city and county to respond to the
13 findings before taking any other action authorized by this section,
14 including the action authorized by subparagraph (B).

15 (B) If the department finds that the action or failure to act by
16 the city, county, or city and county does not substantially comply
17 with this article, and if it has issued findings pursuant to this section
18 that an amendment to the housing element substantially complies
19 with this article, the department may revoke its findings until it
20 determines that the city, county, or city and county has come into
21 compliance with this article.

22 (2) The department may consult with any local government,
23 public agency, group, or person, and shall receive and consider
24 any written comments from any public agency, group, or person,
25 regarding the action or failure to act by the city, county, or city
26 and county described in paragraph (1), in determining whether the
27 housing element substantially complies with this article.

28 (j) The department shall notify the city, county, or city and
29 county and may notify the Office of the Attorney General that the
30 city, county, or city and county is in violation of state law if the
31 department finds that the housing element or an amendment to this
32 element, or any action or failure to act described in subdivision
33 (i), does not substantially comply with this article or that any local
34 government has taken an action in violation of the following:

35 (1) Housing Accountability Act (Section 65589.5 of the
36 Government Code).

37 (2) Section 65863 of the Government Code.

38 (3) Chapter 4.3 (commencing with Section 65915) of Division
39 1 of Title 7 of the Government Code.

40 (4) Section 65008 of the Government Code.

(k) (1) A city or county that the department has found to be in violation of state law pursuant to subdivision (j) may, in a form and manner prescribed by the department, submit evidence that the city or county is no longer in violation of state law to the department and may request the department to issue a written finding that the city or county is no longer in violation of state law.

(2) If the department finds that the city or county is no longer in violation of state law, the department shall notify the city or county.

(l) Notwithstanding any other law, on or before January 1, 2025, a city or county found to be in violation of state law pursuant to this section shall not apply for a state grant unless either of the following conditions is met:

(1) ~~The eligibility of the city or county to apply for fund source of the state grant is constitutionally required.~~ *protected by Article XIX of the California Constitution.*

(2) The state grant funds, if awarded to the city or county, would assist the city or county in complying with this article.

O

AMENDED IN SENATE MAY 7, 2019
AMENDED IN SENATE APRIL 24, 2019
AMENDED IN SENATE APRIL 4, 2019
AMENDED IN SENATE MARCH 25, 2019

SENATE BILL

No. 330

Introduced by Senator Skinner

February 19, 2019

An act to amend Section 65589.5 of, to amend, repeal, and add ~~Section 65943~~ *Sections 65943 and 65950* of, to add and repeal Sections 65905.5, 65913.3, 65913.10, 65941.1, and 65950.2 of, and to add and repeal Chapter 12 (commencing with Section 66300) of Division 1 of Title 7 of, the Government Code, and to add and repeal ~~Section 17921.8~~ *17980.12* of the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 330, as amended, Skinner. Housing Crisis Act of 2019.

(1) The Housing Accountability Act, which is part of the Planning and Zoning Law, prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based on a preponderance of the evidence in the record. The act specifies that one way to satisfy that requirement is to make findings that the housing development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete. The act requires a local agency that proposes to disapprove a housing

development project that complies with applicable, objective general plan and zoning standards and criteria that were in effect at the time the application was deemed to be complete, or to approve it on the condition that it be developed at a lower density, to base its decision upon written findings supported by substantial evidence on the record that specified conditions exist, and places the burden of proof on the local agency to that effect. The act requires a court to impose a fine on a local agency under certain circumstances and requires that the fine be at least \$10,000 per housing unit in the housing development project on the date the application was deemed complete.

This bill, until January 1, 2030, would specify that an application is deemed complete for these purposes if a ~~complete initial~~ *preliminary* application was submitted, as described below.

Existing law authorizes the applicant, a person who would be eligible to apply for residency in the development or emergency shelter, or a housing organization to bring an action to enforce the Housing Accountability Act. If, in that action, a court finds that a local agency failed to satisfy the requirement to make the specified findings described above, existing law requires the court to issue an order or judgment compelling compliance with the act within 60 days, as specified.

This bill, until January 1, 2030, would additionally require a court to issue the order or judgment previously described if the local agency required or attempted to require certain housing development projects to comply with an ordinance, policy, or standard not adopted and in effect when a ~~complete initial~~ *preliminary* application was submitted.

Existing law authorizes a local agency to require a housing development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need, as specified.

This bill, until January 1, 2030, would, notwithstanding those provisions or any other law and with certain exceptions, require that a housing development project only be subject to the ordinances, policies, and standards adopted and in effect when a ~~complete initial~~ *preliminary* application is submitted, except as specified.

(2) The Planning and Zoning Law, except as provided, requires that a public hearing be held on an application for a variance from the requirements of a zoning ordinance, an application for a conditional use permit or equivalent development permit, a proposed revocation or modification of a variance or use permit or equivalent development

permit, or an appeal from the action taken on any of those applications. That law requires that notice of a public hearing be provided in accordance with specified procedures.

This bill, until January 1, 2030, would prohibit a city or county from conducting more than 5 ~~de novo hearings~~ *hearings, as defined*, held pursuant to these provisions, or any other law, ordinance, or regulation requiring a public hearing, if a proposed housing development project complies with the applicable, objective general plan and zoning standards in effect at the time ~~a complete initial application was submitted, as described below.~~ *an application is deemed complete, as defined*. The bill would require the city or county to consider and either approve or disapprove the housing development project at any of the 5 hearings consistent with the applicable timelines under the Permit Streamlining Act, ~~but would require the city or county to either approve or disapprove the permit within 12 months from when the date on which the application is deemed complete, as provided.~~ *Act and prohibit a city or county from continuing a hearing to another date.*

(3) The Planning and Zoning Law requires a county or city to designate and zone sufficient vacant land for residential use with appropriate standards, as provided. That law also authorizes a development proponent to submit an application for a development that is subject to a specified streamlined, ministerial approval process and not subject to a conditional use permit if the development satisfies certain objective planning standards.

This bill, until January 1, 2030, with respect to land where housing is an allowable ~~use~~, *use on or after January 1, 2018*, would prohibit a county or city in which specified conditions ~~exist~~ *exist, determined by the Department of Housing and Community Development as provided*, from (A) imposing any new, increasing or enforcing any existing, requirement that a proposed housing development include parking in excess of specified amounts or (B) charging fees, as defined, for the approval of a housing development project in excess of specified amounts, or charging any fee in connection with the approval of units within the housing development that meet specified affordability ~~criteria.~~ *criteria, subject to certain exceptions and limitations*. If the city or county grants a conditional use permit approving a proposed housing development project and that project would have been eligible for a higher density under the city's or county's general plan land use designation and zoning ordinances as in effect on January 1, 2018, the bill would also require the city or county to allow the project at that

higher density. The bill would require a project that requires the demolition of certain types of housing to comply with specified requirements, including the provision of relocation assistance and a right of first refusal in the new housing to displaced occupants. *The bill would require that any units for which a developer provides relocation assistance or a right of first refusal be considered in determining whether the housing development project satisfies the requirements, if applicable, of an inclusionary housing ordinance of the county or city.*

The bill would state that these provisions would prevail over any conflicting provision of the Planning and Zoning Law or other law regulating housing development in this state, except as specifically provided. The bill would also require that any exception to these provisions, including an exception for the health and safety of occupants of a housing development project, be construed narrowly.

(4) The Permit Streamlining Act, which is part of the Planning and Zoning Law, requires each state agency and each local agency to compile one or more lists that specify in detail the information that will be required from any applicant for a development project. That law requires the state or local agency to ~~provide~~ *make* copies of this information available to all applicants for development projects and to any persons who request the information.

The bill, until January 1, 2030, for purposes of any state or local law, ordinance, or regulation that requires a city or county to determine whether the site of a proposed housing development *project* is a historic site, would require the city or county to make that determination, which would remain valid for the pendency of the housing development, at the time the application is deemed complete. The bill, until January 1, 2030, would also require that each local agency make copies of any above-described list with respect to information required from an applicant for a housing development project available both (A) in writing to those persons to whom the agency is required to make information available and (B) publicly available on the internet website of the local agency.

~~(5) The~~

The Permit Streamlining Act requires public agencies to approve or disapprove of a development project within certain timeframes, as specified. The act requires a public agency, upon its determination that an application for a development project is incomplete, to include a list and a thorough description of the specific information needed to complete the application. Existing law authorizes the applicant to submit

the additional material to the public agency, requires the public agency to determine whether the submission of the application together with the submitted materials is complete within 30 days of receipt, and provides for an appeal process from the public agency's determination. Existing law requires a final written determination by the agency on the appeal no later than 60 days after receipt of the applicant's written appeal.

This bill, until January 1, 2030, would provide that a housing development project, as defined, shall be deemed to have submitted a ~~complete initial~~ *preliminary* application upon providing specified information about the proposed project to the city or county from which approval for the project is being sought and would require the Department of Housing and Community Development to adopt a standardized form that applicants for housing development projects may use for that purpose, as specified. ~~The After the submittal of a preliminary application, the bill would provide that a housing development project would not be deemed to have submitted a complete initial application under these provisions if, following the initial application being deemed complete, if the development proponent revises the project such that the number of residential units or square footage of construction changes by 20% or more, except as specified. more until the development proponent resubmits the information required by the bill so that it reflects the revisions.~~

The bill, until January 1, 2030, would require the lead agency, as defined, if the application is determined to be incomplete, to provide the applicant with an exhaustive list of items that were not complete, as specified.

The bill, until January 1, 2030, would also provide that all deadlines in the Permit Streamlining Act are mandatory.

The Permit Streamlining Act generally requires that a public agency that is the lead agency for a development project approve or disapprove a project within 120 days from the date of certification by the lead agency of an environmental impact report prepared for certain development projects, but reduces this time period to 90 days from the certification of an environmental impact report for development projects meeting certain additional conditions relating to affordability. Existing law defines "development project" for these purposes to mean a use consisting of either residential units only or mixed-use developments consisting of residential and nonresidential uses that satisfy certain other requirements.

This bill, until January 1, 2030, would reduce the time period in which a lead agency under these provisions is required to approve or disapprove a project from 120 days to 90 days, for a development project generally described above, and from 90 days to 60 days, for a development project that meets the above-described affordability conditions. The bill would recast the definition of “development project” for these purposes to mean a housing development project, as defined in the Housing Accountability Act.

(6)

(5) The Planning and Zoning Law, among other things, requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries that relates to its planning. That law authorizes the legislative body, if it deems it to be in the public interest, to amend all or part of an adopted general plan, as provided. That law also 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, until January 1, 2030, with respect to land where housing is an allowable use, ~~use~~, *use on or after January 1, 2018*, except as specified, would prohibit a county or city, including the electorate exercising its local initiative or referendum power, in which specified conditions exist, *determined by the Department of Housing and Community Development as provided*, from enacting a development policy, standard, or condition, as defined, that would have the effect of (A) changing the land use designation or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing zoning district below what was allowed under the general plan or specific plan land use designation and zoning ordinances of the county or city as in effect on January 1, 2018; (B) imposing or enforcing a moratorium on housing development within all or a portion of the jurisdiction of the county or city, except as provided; (C) imposing or enforcing new design standards established on or after January 1, 2018, that are not objective design standards, as defined; or (D) establishing or implementing certain limits on the number of permits issued by, or the population of, the county or city, unless the limit was approved prior to January 1, 2005, in a predominantly agricultural county, as defined. The bill would, notwithstanding these prohibitions, allow a city or county to prohibit the commercial use of land zoned for residential use

consistent with the authority of the city or county conferred by other law. The bill would state that these prohibitions would apply to any zoning ordinance adopted or amended on or after January 1, 2018, and that any ~~zoning ordinance adopted, or amendment to an existing ordinance or to an adopted general plan or specific plan, development policy, standard, or condition~~ on or after that date that does not comply would be deemed void.

The bill would state that these prohibitions would prevail over any conflicting provision of the Planning and Zoning Law or other law regulating housing development in this state, except as specifically provided. The bill would also require that any exception to these provisions, including an exception for the health and safety of occupants of a housing development project, be construed narrowly. The bill would also declare any requirement to obtain local voter approval *or supermajority approval of any body of the county or city* for specified purposes related to housing development against public policy and void.

(7)

(6) The State Housing Law, among other things, requires the Department of Housing and Community Development to propose the adoption, amendment, or repeal of building standards to the California Building Standards Commission, and to adopt, amend, and repeal other rules and regulations for the protection of the public health, safety, and general welfare of the occupant and the public, governing hotels, motels, lodging houses, apartment houses, and dwellings, and buildings and structures accessory thereto. That law specifies that the provisions of the State Housing Law and the building standards and rules and regulations adopted pursuant to that law apply in all parts of the state and requires specified entities within each city, county, or city and county to enforce within its jurisdiction those pertaining to the maintenance, sanitation, ventilation, use, or occupancy of apartment houses, hotels, or dwellings. *That law authorizes an enforcement agency to institute an appropriate action or proceeding to prevent, restrain, correct, or abate violations of that law, or building standards, rules, or regulations adopted pursuant to that law, after providing 30 days' notice, or a shorter period of time under certain circumstances.* A violation of the State Housing Law, or any building standard, rule, or regulation adopted pursuant to that law, is a misdemeanor.

~~This bill would require the department to propose the adoption, amendment, or repeal of building standards to the California Building Standards Commission, and to adopt, amend, or repeal other rules and~~

~~regulations for the protection of the public health, safety, and general welfare of the occupant and the public, applicable to occupied substandard buildings, as defined, in lieu of the above-described building standards, rules, and regulations. The bill would provide that an occupied substandard building that complies with these alternative building standards, rules, and regulations is deemed to be in compliance with the State Housing Law, and the building standards, rules, and regulations adopted pursuant to that law, for a period of 7 years following the date on which the enforcement agency finds a violation of the State Housing Law or a related building standard, rule, or regulation. The bill would make these provisions inoperative, except as specified, on January 1, 2030, and repeal these provisions on January 1, 2037.~~

This bill would authorize the owner of an occupied substandard building or unit in a zone where residential use is a permitted use that receives a notice to correct a violation of a building standard under the State Housing Law or abate a nuisance to submit an application to the enforcement agency requesting that enforcement of the violation or nuisance be delayed for up to 7 years. The bill would require the enforcement agency to grant a request to delay enforcement if it determines that correcting the violation or abating the nuisance is not necessary to protect health and safety. The bill would repeal these provisions as of January 1, 2030.

(8)

(7) This bill would include findings that the 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.

(9)

(8) By imposing various new requirements and duties on local planning officials with respect to housing development, and by changing the scope of a crime under the State Housing Law, this 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(10)

(9) This bill would provide that ~~the~~ its provisions ~~of the act~~ are severable.

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

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 Housing Crisis Act of 2019.

3 SEC. 2. (a) The Legislature finds and declares the following:

4 (1) California is experiencing a housing supply crisis, with
5 housing demand far outstripping supply. In 2018, California ranked
6 49th out of the 50 states in housing units per capita.

7 (2) Consequently, existing housing in this state, especially in
8 its largest cities, has become very expensive. Seven of the 10 most
9 expensive real estate markets in the United States are in California.
10 In San Francisco, the median home ~~prices~~ price is \$1.6 million.

11 (3) California is also experiencing rapid year-over-year rent
12 growth with three cities in the state having had overall rent growth
13 of 10 percent or more year-over-year, and of the 50 United States
14 cities with the highest United States rents, 33 are cities in
15 California.

16 (4) California needs an estimated 180,000 additional homes
17 annually to keep up with population growth, and the Governor has
18 called for 3.5 million new homes to be built over the next 7 years.

19 (5) The housing crisis has particularly exacerbated the need for
20 affordable homes at prices below market rates.

21 (6) The housing crisis harms families across California and has
22 resulted in all of the following:

23 (A) Increased poverty and homelessness, especially first-time
24 homelessness.

25 (B) Forced lower income residents into crowded and unsafe
26 housing in urban areas.

27 (C) Forced families into lower cost new housing in greenfields
28 at the urban-rural interface with longer commute times and a higher
29 exposure to fire hazard.

30 (D) Forced public employees, health care providers, teachers,
31 and others, including critical safety personnel, into more affordable
32 housing farther from the communities they serve, which will

1 exacerbate future disaster response challenges in high-cost,
2 high-congestion areas and increase risk to life.

3 (E) Driven families out of the state or into communities away
4 from good schools and services, making the ZIP Code where one
5 grew up the largest determinate of later access to opportunities
6 and social mobility, disrupting family life, and increasing health
7 problems due to long commutes that may exceed three hours per
8 day.

9 (7) The housing crisis has been exacerbated by the additional
10 loss of units due to wildfires in 2017 and 2018, which impacts all
11 regions of the state. The Carr Fire in 2017 alone burned over 1,000
12 homes, and over 50,000 people have been displaced by the Camp
13 Fire and the Woolsey Fire in 2018. This temporary and permanent
14 displacement has placed additional demand on the housing market
15 and has resulted in fewer housing units available for rent by
16 low-income individuals.

17 (8) Individuals who lose their housing due to fire or the sale of
18 the property cannot find affordable homes or rental units and are
19 pushed into cars and tents.

20 (9) Costs for construction of new housing continue to increase.
21 According to the Turner Center for Housing Innovation at the
22 University of California, Berkeley, the cost of building a 100-unit
23 affordable housing project in the state was almost \$425,000 per
24 unit in 2016, up from \$265,000 per unit in 2000.

25 (10) Lengthy permitting processes and approval times, fees and
26 costs for parking, and other requirements further exacerbate cost
27 of residential construction.

28 (11) The housing crisis is severely impacting the state's
29 economy as follows:

30 (A) Employers face increasing difficulty in securing and
31 retaining a workforce.

32 (B) Schools, universities, nonprofits, and governments have
33 difficulty attracting and retaining teachers, students, and employees,
34 and our schools and critical services are suffering.

35 (C) According to analysts at McKinsey and Company, the
36 housing crisis is costing California \$140 billion a year in lost
37 economic output.

38 (12) The housing crisis also harms the environment by doing
39 both of the following:

1 (A) Increasing pressure to develop the state's farm lands, open
2 space, and rural interface areas to build affordable housing, and
3 increasing fire hazards that generate massive greenhouse gas
4 emissions.

5 (B) Increasing greenhouse gas emissions from longer commutes
6 to affordable homes far from growing job centers.

7 (13) Homes, lots, and structures near good jobs, schools, and
8 transportation remain underutilized throughout the state and could
9 be rapidly remodeled or developed to add affordable homes without
10 subsidy where they are needed with state assistance.

11 (14) Reusing existing infrastructure and developed properties,
12 and building more smaller homes with good access to schools,
13 parks, and services, will provide the most immediate help with the
14 lowest greenhouse gas footprint to state residents.

15 (b) In light of the foregoing, the Legislature hereby declares a
16 statewide housing emergency, to be in effect until January 1, 2030.

17 (c) It is the intent of the Legislature, in enacting the Housing
18 Crisis Act of 2019, to do both of the following:

19 (1) Suspend certain restrictions on the development of new
20 housing during the period of the statewide emergency described
21 in subdivisions (a) and (b).

22 (2) Work with local governments to expedite the permitting of
23 housing in regions suffering the worst housing shortages and
24 highest rates of displacement.

25 SEC. 3. Section 65589.5 of the Government Code is amended
26 to read:

27 65589.5. (a) (1) The Legislature finds and declares all of the
28 following:

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

32 (B) California housing has become the most expensive in the
33 nation. The excessive cost of the state's housing supply is partially
34 caused by activities and policies of many local governments that
35 limit the approval of housing, increase the cost of land for housing,
36 and require that high fees and exactions be paid by producers of
37 housing.

38 (C) Among the consequences of those actions are discrimination
39 against low-income and minority households, lack of housing to
40 support employment growth, imbalance in jobs and housing,

1 reduced mobility, urban sprawl, excessive commuting, and air
2 quality deterioration.

3 (D) Many local governments do not give adequate attention to
4 the economic, environmental, and social costs of decisions that
5 result in disapproval of housing development projects, reduction
6 in density of housing projects, and excessive standards for housing
7 development projects.

8 (2) In enacting the amendments made to this section by the act
9 adding this paragraph, the Legislature further finds and declares
10 the following:

11 (A) California has a housing supply and affordability crisis of
12 historic proportions. The consequences of failing to effectively
13 and aggressively confront this crisis are hurting millions of
14 Californians, robbing future generations of the chance to call
15 California home, stifling economic opportunities for workers and
16 businesses, worsening poverty and homelessness, and undermining
17 the state's environmental and climate objectives.

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

22 (C) The crisis has grown so acute in California that supply,
23 demand, and affordability fundamentals are characterized in the
24 negative: underserved demands, constrained supply, and protracted
25 unaffordability.

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

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

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

37 (G) The majority of California renters, more than 3,000,000
38 households, pay more than 30 percent of their income toward rent
39 and nearly one-third, more than 1,500,000 households, pay more
40 than 50 percent of their income toward rent.

1 (H) When Californians have access to safe and affordable
2 housing, they have more money for food and health care; they are
3 less likely to become homeless and in need of
4 government-subsidized services; their children do better in school;
5 and businesses have an easier time recruiting and retaining
6 employees.

7 (I) An additional consequence of the state's cumulative housing
8 shortage is a significant increase in greenhouse gas emissions
9 caused by the displacement and redirection of populations to states
10 with greater housing opportunities, particularly working- and
11 middle-class households. California's cumulative housing shortfall
12 therefore has not only national but international environmental
13 consequences.

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

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

26 (L) It is the policy of the state that this section should be
27 interpreted and implemented in a manner to afford the fullest
28 possible weight to the interest of, and the approval and provision
29 of, housing.

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

34 (b) It is the policy of the state that a local government not reject
35 or make infeasible housing development projects, including
36 emergency shelters, that contribute to meeting the need determined
37 pursuant to this article without a thorough analysis of the economic,
38 social, and environmental effects of the action and without
39 complying with subdivision (d).

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

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

(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the housing development project. The share of the regional housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

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

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

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

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

(A) This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the housing development project is proposed on a site that is identified as

1 suitable or available for very low, low-, or moderate-income
2 households in the jurisdiction's housing element, and consistent
3 with the density specified in the housing element, even though it
4 is inconsistent with both the jurisdiction's zoning ordinance and
5 general plan land use designation.

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

22 (C) If the local agency has failed to identify a zone or zones
23 where emergency shelters are allowed as a permitted use without
24 a conditional use or other discretionary permit, has failed to
25 demonstrate that the identified zone or zones include sufficient
26 capacity to accommodate the need for emergency shelter identified
27 in paragraph (7) of subdivision (a) of Section 65583, or has failed
28 to demonstrate that the identified zone or zones can accommodate
29 at least one emergency shelter, as required by paragraph (4) of
30 subdivision (a) of Section 65583, then this paragraph shall not be
31 utilized to disapprove or conditionally approve an emergency
32 shelter proposed for a site designated in any element of the general
33 plan for industrial, commercial, or multifamily residential uses. In
34 any action in court, the burden of proof shall be on the local agency
35 to show that its housing element does satisfy the requirements of
36 paragraph (4) of subdivision (a) of Section 65583.

37 (e) Nothing in this section shall be construed to relieve the local
38 agency from complying with the congestion management program
39 required by Chapter 2.6 (commencing with Section 65088) of
40 Division 1 of Title 7 or the California Coastal Act of 1976

(Division 20 (commencing with Section 30000) of the Public Resources Code). Neither shall anything in this section be construed to relieve the local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

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

(2) Except as provided in subdivision (o), nothing in this section shall be construed to prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.

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

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

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

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

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

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

(A) Residential units only.

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

(C) Transitional housing or supportive housing.

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

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

1 (5) Notwithstanding any other law, until January 1, 2030,
2 “deemed complete” means that the applicant has submitted a
3 ~~complete initial~~ *preliminary* application pursuant to Section
4 65941.1.

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

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

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

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

17 (8) Until January 1, 2030, “objective standard or criteria” means
18 one that involves no personal or subjective judgment by a public
19 official and is uniformly verifiable by reference to an external and
20 uniform benchmark or criterion available and knowable by both
21 the development applicant or proponent and the public official
22 before submittal of an application.

23 (i) If any city, county, or city and county denies approval or
24 imposes conditions, including design changes, lower density, or
25 a reduction of the percentage of a lot that may be occupied by a
26 building or structure under the applicable planning and zoning in
27 force at the time the housing development project’s application is
28 deemed complete, that have a substantial adverse effect on the
29 viability or affordability of a housing development for very low,
30 low-, or moderate-income households, and the denial of the
31 development or the imposition of conditions on the development
32 is the subject of a court action which challenges the denial or the
33 imposition of conditions, then the burden of proof shall be on the
34 local legislative body to show that its decision is consistent with
35 the findings as described in subdivision ~~(d)~~ (d), and that the
36 findings are supported by a preponderance of the evidence in the
37 ~~record~~ *record, and with the requirements of subdivision (o)*.

38 (j) (1) When a proposed housing development project complies
39 with applicable, objective general plan, zoning, and subdivision
40 standards and criteria, including design review standards, in effect

1 at the time that ~~a complete initial application was submitted~~
2 ~~pursuant to Section 65941.1, the application was deemed complete,~~
3 but the local agency proposes to disapprove the project or to impose
4 a condition that the project be developed at a lower density, the
5 local agency shall base its decision regarding the proposed housing
6 development project upon written findings supported by a
7 preponderance of the evidence on the record that both of the
8 following conditions exist:

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

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

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

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

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

37 (B) If the local agency fails to provide the required
38 documentation pursuant to subparagraph (A), the housing
39 development project shall be deemed consistent, compliant, and

1 in conformity with the applicable plan, program, policy, ordinance,
2 standard, requirement, or other similar provision.

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

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

22 (k) (1) (A) (i) The applicant, a person who would be eligible
23 to apply for residency in the development or emergency shelter,
24 or a housing organization may bring an action to enforce this
25 section. If, in any action brought to enforce this section, a court
26 finds that any of the following are met, the court shall issue an
27 order pursuant to clause (ii):

28 (I) The local agency, in violation of subdivision (d), disapproved
29 a housing development project or conditioned its approval in a
30 manner rendering it infeasible for the development of an emergency
31 shelter, or housing for very low, low-, or moderate-income
32 households, including farmworker housing, without making the
33 findings required by this section or without making findings
34 supported by a preponderance of the evidence.

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

1 (III) (ia) Subject to sub-subclause (ib), the local agency, in
2 violation of subdivision (o), required or attempted to require a
3 housing development project to comply with an ordinance, policy,
4 or standard not adopted and in effect when a ~~complete initial~~
5 *preliminary* application was submitted.

6 (ib) This subclause shall become inoperative on January 1, 2030.

7 (ii) If the court finds that one of the conditions in clause (i) is
8 met, the court shall issue an order or judgment compelling
9 compliance with this section within 60 days, including, but not
10 limited to, an order that the local agency take action on the housing
11 development project or emergency shelter. The court may issue
12 an order or judgment directing the local agency to approve the
13 housing development project or emergency shelter if the court
14 finds that the local agency acted in bad faith when it disapproved
15 or conditionally approved the housing development or emergency
16 shelter in violation of this section. The court shall retain jurisdiction
17 to ensure that its order or judgment is carried out and shall award
18 reasonable attorney's fees and costs of suit to the plaintiff or
19 petitioner, except under extraordinary circumstances in which the
20 court finds that awarding fees would not further the purposes of
21 this section.

22 (B) (i) Upon a determination that the local agency has failed
23 to comply with the order or judgment compelling compliance with
24 this section within 60 days issued pursuant to subparagraph (A),
25 the court shall impose fines on a local agency that has violated this
26 section and require the local agency to deposit any fine levied
27 pursuant to this subdivision into a local housing trust fund. The
28 local agency may elect to instead deposit the fine into the Building
29 Homes and Jobs Fund, if Senate Bill 2 of the 2017–18 Regular
30 Session is enacted, or otherwise in the Housing Rehabilitation
31 Loan Fund. The fine shall be in a minimum amount of ten thousand
32 dollars (\$10,000) per housing unit in the housing development
33 project on the date the application was deemed complete pursuant
34 to Section 65943. In determining the amount of fine to impose,
35 the court shall consider the local agency's progress in attaining its
36 target allocation of the regional housing need pursuant to Section
37 65584 and any prior violations of this section. Fines shall not be
38 paid out of funds already dedicated to affordable housing,
39 including, but not limited to, Low and Moderate Income Housing
40 Asset Funds, funds dedicated to housing for very low, low-, and

1 moderate-income households, and federal HOME Investment
 2 Partnerships Program and Community Development Block Grant
 3 Program funds. The local agency shall commit and expend the
 4 money in the local housing trust fund within five years for the sole
 5 purpose of financing newly constructed housing units affordable
 6 to extremely low, very low, or low-income households. After five
 7 years, if the funds have not been expended, the money shall revert
 8 to the state and be deposited in the Building Homes and Jobs Fund,
 9 if Senate Bill 2 of the 2017–18 Regular Session is enacted, or
 10 otherwise in the Housing Rehabilitation Loan Fund, for the sole
 11 purpose of financing newly constructed housing units affordable
 12 to extremely low, very low, or low-income households.

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

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

30 (2) For purposes of this subdivision, “housing organization”
 31 means a trade or industry group whose local members are primarily
 32 engaged in the construction or management of housing units or a
 33 nonprofit organization whose mission includes providing or
 34 advocating for increased access to housing for low-income
 35 households and have filed written or oral comments with the local
 36 agency prior to action on the housing development project. A
 37 housing organization may only file an action pursuant to this
 38 section to challenge the disapproval of a housing development by
 39 a local agency. A housing organization shall be entitled to

1 reasonable attorney's fees and costs if it is the prevailing party in
2 an action to enforce this section.

3 (l) If the court finds that the local agency (1) acted in bad faith
4 when it disapproved or conditionally approved the housing
5 development or emergency shelter in violation of this section and
6 (2) failed to carry out the court's order or judgment within 60 days
7 as described in subdivision (k), the court, in addition to any other
8 remedies provided by this section, shall multiply the fine
9 determined pursuant to subparagraph (B) of paragraph (1) of
10 subdivision (k) by a factor of five. For purposes of this section,
11 "bad faith" includes, but is not limited to, an action that is frivolous
12 or otherwise entirely without merit.

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

37 (n) In any action, the record of the proceedings before the local
38 agency shall be filed as expeditiously as possible and,
39 notwithstanding Section 1094.6 of the Code of Civil Procedure or
40 subdivision (m) of this section, all or part of the record may be

1 prepared (1) by the petitioner with the petition or petitioner's points
2 and authorities, (2) by the respondent with respondent's points and
3 authorities, (3) after payment of costs by the petitioner, or (4) as
4 otherwise directed by the court. If the expense of preparing the
5 record has been borne by the petitioner and the petitioner is the
6 prevailing party, the expense shall be taxable as costs.

7 (o) (1) Subject to paragraphs (2) and ~~(5)~~, (6), a housing
8 development project shall be subject only to the ordinances,
9 policies, and standards adopted and in effect when a ~~complete~~
10 ~~initial preliminary~~ application ~~is was~~ submitted pursuant to Section
11 65941.1.

12 (2) Paragraph (1) shall not prohibit a housing development
13 project from being subject to ordinances, policies, and standards
14 adopted after the ~~initial preliminary~~ application ~~is was~~ submitted
15 pursuant to Section 65941.1 in the following circumstances:

16 (A) In the case of a fee, charge, or other monetary exaction, to
17 an increase resulting from an automatic annual adjustment based
18 on an independently published cost index that is referenced in the
19 ordinance or resolution establishing the fee or other monetary
20 exaction.

21 (B) A preponderance of the evidence in the record establishes
22 that subjecting the housing development project to an ordinance,
23 policy, or standard beyond those in effect when a ~~complete initial~~
24 ~~preliminary~~ application ~~is was~~ submitted is necessary to mitigate
25 or avoid a specific, adverse impact upon the public health or safety,
26 as defined in subparagraph (A) of paragraph (1) of subdivision (j),
27 and there is no feasible alternative method to satisfactorily mitigate
28 or avoid the adverse impact.

29 (C) Subjecting the housing development project to an ordinance,
30 policy, or standard beyond those in effect when a ~~complete initial~~
31 ~~preliminary~~ application ~~is was~~ submitted is necessary to mitigate
32 an impact of the project to a less than significant level pursuant to
33 the California Environmental Quality Act (Division 13
34 (commencing with Section 21000) of the Public Resources Code).

35 (D) The housing development project has not commenced
36 construction within three years following the date that the project
37 received final approval. For purposes of this subparagraph, "final
38 approval" means that the housing development project has received
39 all necessary approvals to be eligible to apply for, and obtain, a
40 building permit or permits and either of the following is met:

1 (i) The expiration of all applicable appeal periods, petition
2 periods, reconsideration periods, or statute of limitations for
3 challenging that final approval without an appeal, petition, request
4 for reconsideration, or legal challenge having been filed.

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

7 (E) The housing development project is revised following
8 submittal of a ~~complete initial~~ *preliminary* application pursuant to
9 Section 65941.1 such that the number of residential units or square
10 footage of construction changes by 20 percent or more, exclusive
11 of any increase resulting from the receipt of a density bonus,
12 incentive, concession, waiver or similar provision. *For purposes*
13 *of this subdivision, “square footage of construction” means the*
14 *building area, as defined by the California Building Standards*
15 *Code (Title 24 of the California Code of Regulations).*

16 (3) This subdivision does not prevent a local agency from
17 subjecting *the* additional units or square footage of construction
18 that result from project revisions occurring after a ~~complete initial~~
19 *preliminary* application is submitted pursuant to Section 65941.1
20 to the ordinances, policies, and standards adopted and in effect
21 when the complete initial application was submitted.

22 (4) For purposes of this subdivision, “ordinances, policies, and
23 standards” ~~means~~ *includes* general plan, *community plan, specific*
24 *plan, zoning, and design review standards and criteria*, subdivision
25 standards and criteria, and any other rules, regulations,
26 requirements, and policies of a local agency, as defined in Section
27 66000, including those relating to development impact fees,
28 capacity or connection fees or charges, permit or processing fees,
29 and other exactions.

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

35 (5)

36 (6) This subdivision shall become inoperative on January 1,
37 2030.

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

SEC. 4. Section 65905.5 is added to the Government Code, to read:

65905.5. (a) ~~(1)–~~Notwithstanding any other law, if a proposed housing development project complies with the applicable, objective general plan and zoning standards in effect at the time ~~a complete initial application was submitted pursuant to Section 65941.1,~~ *an application is deemed complete*, a city or county shall not conduct more than five de novo hearings pursuant to Section 65905, or any other law, ordinance, or regulation requiring a public ~~hearing.~~ *hearing in connection with the approval of that housing development project.* The city or county shall consider and either approve or disapprove the application at any of the five hearings allowed under this section consistent with the applicable timelines under the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)), ~~except that, subject to paragraph (2), the city or county shall act to either approve or disapprove the permit within 12 months from when the date on which the application is deemed complete.~~ *65920)). The city or county shall schedule each hearing to occur within 30 days following the request by the applicant, or an earlier date if otherwise required by law. The city or county shall not continue any hearing subject to this section to another date.*

~~(2) Notwithstanding paragraph (1), the 12-month period shall be extended for a time period equal to the amount of time that elapses after a public agency has transmitted a determination regarding the sufficiency of an application until the applicant submits revised materials.~~

(b) For purposes of this section:

(1) “Deemed complete” means that the application has met all of the requirements specified in the relevant list compiled pursuant to Section 65940 that was available at the time when the application was submitted.

(2) “Hearing” includes any public ~~hearing~~ *hearing, workshop, or similar meeting* conducted by the city or county with respect to the housing development project, whether by the legislative body of the city or county, the planning agency established pursuant to Section 65100, or any other agency, department, board, or commission of the city or county or any committee or subcommittee thereof.

1 (3) “Housing development project” has the same meaning as
2 defined in paragraph (2) of subdivision (h) of Section 65589.5.

3 (c) (1) For purposes of this section, a housing development
4 project shall be deemed consistent, compliant, and in conformity
5 with an applicable plan, program, policy, ordinance, standard,
6 requirement, or other similar provision if there is substantial
7 evidence that would allow a reasonable person to conclude that
8 the housing development project is consistent, compliant, or in
9 conformity.

10 (e)
11 (2) A proposed housing development project is not inconsistent
12 with the applicable zoning standards and criteria, and shall not
13 require a rezoning, if the housing development project is consistent
14 with the objective general plan standards and criteria, but the
15 zoning for the project site is inconsistent with the general plan. If
16 the local agency complies with the written documentation
17 requirements of paragraph (2) of subdivision (j) of Section 65589.5,
18 the local agency may require the proposed housing development
19 project to comply with the objective standards and criteria of the
20 zoning that is consistent with the general plan, ~~plan~~; however, the
21 standards and criteria shall be applied to facilitate and
22 accommodate development at the density allowed on the site by
23 the general plan and proposed by the proposed housing
24 development project.

25 (d) Nothing in this section supersedes, limits, or otherwise
26 modifies the requirements of, or the standards of review pursuant
27 to, Division 13 (commencing with Section 21000) of the Public
28 Resources Code.

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

31 SEC. 5. Section 65913.3 is added to the Government Code, to
32 read:

33 65913.3. (a) ~~(1)~~—As used in this section:

34 (A)
35 (1) (A) Except as otherwise provided in subparagraph (B),
36 “affected city” means a city, including a charter city, for which
37 the Department of Housing and Community Development
38 determines, ~~in any calendar year, pursuant to subdivision (f), that~~
39 the average of both of the following amounts ~~exceeds _____~~: is
40 greater than zero:

(i) The percentage by which the city's average rate of rent exceeded 130 percent of the national median rent in 2017, based on the federal-2013-2017 2013–2017 American Community Survey 5-year Estimates.

(ii) The percentage by which the vacancy rate for residential rental units is less than the national vacancy rate, based on the federal-2013-2017 2013–2017 American Community Survey 5-year Estimates.

(B) Notwithstanding subparagraph (A), “affected city” does not include any city that has a population of 5,000 or less and is not located within an urban core.

(2) “Affected county” means a county in which at least 50 percent of the cities located within the territorial boundaries of the county are affected cities.

(3) Notwithstanding any other law, for purposes of any action that this section prohibits an affected county or an affected city from doing, “~~affected county or affected county~~” and “*affected city*” includes the electorate of the affected county or affected city, as applicable, exercising its local initiative or referendum power with respect to any act that is subject to that power by other law, whether that power is derived from the California Constitution, statute, or the charter or ordinances of the affected county or affected city.

(4) “*Housing development project*” has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(b) Notwithstanding any other law, with respect to land where housing is an allowable ~~use~~, use on or after January 1, 2018, an affected county or an affected city, as applicable, shall not do either of the following:

(1) Impose any new, or increase or enforce any existing, requirement that a proposed housing development include parking, as applicable:

(A) A minimum parking requirement if the proposed housing development is within one-quarter mile of a rail stop in an affected city that meets either of the following:

(i) The affected city is located in a county with a population of greater than 700,000.

(ii) The affected ~~cities~~ city has a population of 100,000 or greater and is located in a county with a population of 700,000 or less.

1 (B) A minimum parking requirement in excess of 0.5 spaces
2 per unit in affected cities that are not subject to subparagraph (A).

3 (2) (A) Subject to subparagraphs (B) and (C), charge any fee,
4 as that term is defined in subdivision (b) of Section 66000, or
5 impose any other exaction imposed in connection with the approval
6 of a development project for the approval of a housing development
7 project in excess of the amount of fees or other exactions that
8 would have applied to the proposed housing development project
9 as of January 1, 2018. For purposes of this subparagraph, “other
10 exaction” includes, but is not limited to, sewer and water
11 connection charges, community benefit charges, and requirements
12 that the project include public art.

13 (B) Notwithstanding subparagraph (A) and except as otherwise
14 provided in subparagraph (C), the affected county or affected city
15 shall not charge any fee, as that term is defined in subdivision (b)
16 of Section 66000, in connection with the approval of any unit
17 within a housing development that meets the following criteria:

18 (i) The unit is affordable to persons and families with a
19 household income equal to or less than 80 percent of the area
20 median income.

21 (ii) The unit is subject to a recorded affordability restriction for
22 at least 55 years.

23 (C) Notwithstanding subparagraph (A), an affected city or
24 affected county may impose an increase in a fee, charge, or other
25 monetary exaction resulting from an automatic annual adjustment
26 based on an independently published cost index that is referenced
27 in the ordinance or resolution establishing the fee, charge, or other
28 monetary exaction.

29 (D) (i) Notwithstanding any provision of this paragraph to the
30 contrary, an affected county or affected city may charge a fee that
31 is in lieu of a housing development’s compliance with any
32 requirement imposed by the affected county or affected city, as
33 applicable, to include a certain percentage of affordable units.

34 (ii) *Nothing in this section prevents an affected county or an*
35 *affected city from charging a fee that is in lieu of a housing*
36 *development’s compliance with any requirement imposed by the*
37 *affected county or affected city, as applicable, to include a certain*
38 *percentage of affordable units.*

39 (E) An affected county or affected city shall not deny or refuse
40 to approve a housing development project on the basis of an

applicant's failure or refusal to pay an amount of fee or other exaction that exceeds the amount allowed under subparagraph (A) or any fee that the affected county or affected city is prohibited from charging pursuant to subparagraph (B).

(c) A proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria in effect as of January 1, 2018, but the zoning for the project site is inconsistent with the general plan. If the local agency complies with the written documentation requirements of paragraph (2) of subdivision (j) of Section 65589.5, the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning that is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.

(d) If the affected county or affected city approves an application for a conditional use permit for a proposed housing development project and that project would have been eligible for a higher density under the affected county's or affected city's general plan land use designation and zoning ordinances as in effect prior to January 1, 2018, the affected county or affected city shall allow the project at that higher density.

(e) (1) Notwithstanding any other provision of this section, if a proposed housing development project subject to this section would require the demolition of residential property as described in paragraph (2), an affected county or an affected city may only approve that housing development if all of the following apply:

(A) *There is no net loss of units being rented at an affordable rent, as defined in Section 50053 of the Health and Safety Code, to lower income households, as defined in Section 50079.5 of the Health and Safety Code.*

(A)
(B) ~~The proposed housing development project is at least as dense as increases density above the density of the existing residential use of the property.~~ *property, including an increased number of deed-restricted low-income units.*

1 (C) Existing residents are allowed to occupy their units until
2 six months before the start of construction activities with proper
3 notice, subject to Chapter 16 (commencing with Section 7260) of
4 Division 7 of Title 1.

5 ~~(B)~~

6 (D) The developer agrees to provide both of the following:

7 (i) Relocation benefits to the occupants of those affordable
8 residential rental ~~units~~, subject to Chapter 16 (commencing
9 with Section 7260) of Division 7 of Title 1.

10 (ii) A right of first refusal for units available in the new housing
11 development project at rents commensurate with the occupants'
12 previous rent or compensation to previous occupants who will be
13 displaced, affordable to the household at an affordable rent, as
14 defined in Section 50053 of the Health and Safety Code.

15 ~~(C)~~

16 (E) The affected county or city is not otherwise prohibited from
17 approving the demolition of the affordable rental units pursuant
18 to subparagraph ~~(A)~~. (B).

19 (2) For purposes of this subdivision, "residential property"
20 means:

21 (A) Residential rental units that are any of the following:

22 (i) Assisted pursuant to Section 8 of the United States Housing
23 Act of 1937.

24 (ii) Subject to any form of rent or price control through a public
25 entity's valid exercise of its police power.

26 (iii) Affordable to persons with a household income equal to or
27 less than 80 percent of the area median income.

28 (B) A residential structure containing residential dwelling units
29 currently occupied by tenants, or were previously occupied by
30 tenants if those dwelling units were withdrawn from rent or lease
31 in accordance with Chapter 12.75 (commencing with Section 7060)
32 of Division 7 of Title 1 and subsequently offered for sale by the
33 subdivider or subsequent owner of the property.

34 (3) Any units for which a developer provides relocation
35 assistance or a right of first refusal pursuant to subparagraph (D)
36 of paragraph (1) shall be considered in determining whether the
37 housing development project satisfies the requirements, if
38 applicable, of an inclusionary housing ordinance of the affected
39 county or affected city requiring that the development include a

1 *certain number of units affordable at the applicable household*
2 *income levels of the household.*

3 *(f) The Department of Housing and Community Development*
4 *shall determine those cities and counties in this state that are*
5 *affected cities and affected counties, in accordance with subdivision*
6 *(a), within the following time periods:*

7 *(1) The department shall make an initial determination pursuant*
8 *to this subdivision no later than June 30, 2020. The department's*
9 *determination shall remain valid until the department's second*
10 *determination pursuant to paragraph (2).*

11 *(2) The department shall review its initial determination and*
12 *make a second determination pursuant to this subdivision no later*
13 *than June 30, 2025. The department's determination shall remain*
14 *valid until January 1, 2030.*

15 ~~(f)~~

16 *(g) (1) Except as provided in paragraphs (3) and ~~(4)~~, (4) and*
17 *in subdivision (h), this section shall prevail over any conflicting*
18 *provision of this title or other law regulating housing development*
19 *in this ~~state~~ state to the extent that this section more fully advances*
20 *the intent specified in paragraph (2).*

21 *(2) It is the intent of the Legislature that this section be construed*
22 *so as to maximize the development of housing within this state.*
23 *Any exception to the requirements of this section, including an*
24 *exception for the health and safety of occupants of a housing*
25 *development project, shall be construed narrowly.*

26 *(3) This section shall not be construed as prohibiting planning*
27 *standards that allow greater density in or reduce the costs to a*
28 *housing development project or mitigation measures that are*
29 *necessary to comply with the California Environmental Quality*
30 *Act (Division 13 (commencing with Section 21000) of the Public*
31 *Resources Code).*

32 *(4) This section shall not apply to a housing development project*
33 *located within a very high fire hazard severity zone. For purposes*
34 *of this paragraph, "very high fire hazard severity zone" has the*
35 *same meaning as provided in Section 51177.*

36 ~~(g)~~

37 *(h) (1) Nothing in this section supersedes, limits, or otherwise*
38 *modifies the requirements of, or the standards of review pursuant*
39 *to, Division 13 (commencing with Section 21000) of the Public*
40 *Resources Code.*

(2) Nothing in this section supersedes, limits, or otherwise modifies the requirements of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(h)

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

SEC. 6. Section 65913.10 is added to the Government Code, to read:

65913.10. (a) For purposes of any state or local law, ordinance, or regulation that requires the city or county to determine whether the site of a proposed housing development project is a historic site, the city or county shall make that determination at the time the application for the housing development project is deemed complete. A determination as to whether a parcel of property is a historic site shall remain valid during the pendency of the housing development project for which the application was made.

(b) For purposes of this section, ~~“deemed section:~~

(1) “Deemed complete” means that the application has met all of the requirements specified in the relevant list compiled pursuant to Section 65940 that was available at the time when the application was submitted.

(2) “Housing development project” has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(c) (1) Nothing in this section supersedes, limits, or otherwise modifies the requirements of, or the standards of review pursuant to, Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) Nothing in this section supersedes, limits, or otherwise modifies the requirements of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

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

SEC. 7. Section 65941.1 is added to the Government Code, to read:

65941.1. (a) A housing development project, as defined in paragraph (2) of subdivision (h) of Section 65589.5, shall be deemed to have submitted a ~~complete initial~~ preliminary application upon providing the following information about the

proposed project to the city, county, or city and county from which approval for the project is being sought:

(1) The specific location.

(2) The major physical alterations to the property on which the project is to be located.

(3) A site plan showing the location on the property, as well as the massing, height, and approximate square footage, of each building that is to be occupied.

(4) The proposed land uses by number of units or square feet using the categories in the applicable zoning ordinance.

(5) The proposed number of parking spaces.

(6) Any proposed point sources of air or water pollutants.

(7) Any species of special concern known to occur on the property.

(8) Any historic or cultural resources known to exist on the property.

(9) The number of below market rate units and their affordability levels.

(b) The Department of Housing and Community Development shall adopt a standardized form that applicants for housing development projects may use for the purpose of satisfying the requirements for submittal of a ~~complete initial~~ *preliminary* application. Adoption of the standardized form shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) ~~A housing development project shall not be deemed as having submitted a completed initial application if, following the initial application being deemed complete, After submittal of a preliminary application, if~~ the development proponent revises the project such that the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar ~~provision~~. *provision, the housing development project shall not be deemed to have submitted a preliminary application until the development proponent resubmits the information required by subdivision (a) so that it reflects the revisions. For purposes of this subdivision, "square footage of construction" means the building area, as defined by the California Building Standards Code (Title 24 of the California Code of Regulations).*

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

SEC. 8. Section 65943 of the Government Code is amended to read:

65943. (a) Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. If the application is determined to be incomplete, the lead agency shall provide the applicant with an exhaustive list of items that were not complete. That list shall be limited to those items actually required on the lead agency's submittal requirement checklist. In any subsequent review of the application determined to be incomplete, the local agency shall not request the applicant to provide any new information that was not stated in the initial list of items that were not complete. If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application. If the application is determined not to be complete, the agency's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description.

(b) Not later than 30 calendar days after receipt of the submitted materials described in subdivision (a), the public agency shall determine in writing whether the application as supplemented or amended by the submitted materials is complete and shall immediately transmit that determination to the applicant. In making this determination, the public agency is limited to determining whether the application as supplemented or amended includes the information required by the list and a thorough description of the specific information needed to complete the application required by subdivision (a). If the written determination is not made within

1 that 30-day period, the application together with the submitted
2 materials shall be deemed complete for purposes of this chapter.

3 (c) If the application together with the submitted materials are
4 determined not to be complete pursuant to subdivision (b), the
5 public agency shall provide a process for the applicant to appeal
6 that decision in writing to the governing body of the agency or, if
7 there is no governing body, to the director of the agency, as
8 provided by that agency. A city or county shall provide that the
9 right of appeal is to the governing body or, at their option, the
10 planning commission, or both.

11 There shall be a final written determination by the agency on
12 the appeal not later than 60 calendar days after receipt of the
13 applicant's written appeal. The fact that an appeal is permitted to
14 both the planning commission and to the governing body does not
15 extend the 60-day period. Notwithstanding a decision pursuant to
16 subdivision (b) that the application and submitted materials are
17 not complete, if the final written determination on the appeal is
18 not made within that 60-day period, the application with the
19 submitted materials shall be deemed complete for the purposes of
20 this chapter.

21 (d) Nothing in this section precludes an applicant and a public
22 agency from mutually agreeing to an extension of any time limit
23 provided by this section.

24 (e) A public agency may charge applicants a fee not to exceed
25 the amount reasonably necessary to provide the service required
26 by this section. If a fee is charged pursuant to this section, the fee
27 shall be collected as part of the application fee charged for the
28 development permit.

29 (f) Each city and each county shall make copies of any list
30 compiled pursuant to Section 65940 with respect to information
31 required from an applicant for a housing development-~~project~~
32 *project, as that term is defined in paragraph (2) of subdivision (h)*
33 *of Section 65589.5*, available both (1) in writing to those persons
34 to whom the agency is required to make information available
35 under subdivision (a) of that section, and (2) publicly available on
36 the internet website of the city or county.

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

39 SEC. 9. Section 65943 is added to the Government Code, to
40 read:

65943. (a) Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application. If the application is determined not to be complete, the agency's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description.

(b) Not later than 30 calendar days after receipt of the submitted materials, the public agency shall determine in writing whether they are complete and shall immediately transmit that determination to the applicant. If the written determination is not made within that 30-day period, the application together with the submitted materials shall be deemed complete for purposes of this chapter.

(c) If the application together with the submitted materials are determined not to be complete pursuant to subdivision (b), the public agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both.

There shall be a final written determination by the agency on the appeal not later than 60 calendar days after receipt of the applicant's written appeal. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the 60-day period. Notwithstanding a decision pursuant to subdivision (b) that the application and submitted materials are not complete, if the final written determination on the appeal is not made within that 60-day period, the application with the

submitted materials shall be deemed complete for the purposes of this chapter.

(d) Nothing in this section precludes an applicant and a public agency from mutually agreeing to an extension of any time limit provided by this section.

(e) A public agency may charge applicants a fee not to exceed the amount reasonably necessary to provide the service required by this section. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit.

(f) This section shall become operative on January 1, 2030.

SEC. 10. Section 65950 of the Government Code is amended to read:

65950. (a) A public agency that is the lead agency for a development project shall approve or disapprove the project within whichever of the following periods is applicable:

(1) One hundred eighty days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for the development project.

(2) ~~One hundred twenty~~ *Ninety* days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for a development project defined in subdivision (c).

(3) ~~Ninety~~ *Sixty* days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for a development project defined in subdivision (c) and all of the following conditions are met:

(A) At least 49 percent of the units in the development project are affordable to very low or low-income households, as defined by Sections 50105 and 50079.5 of the Health and Safety Code, respectively. Rents for the lower income units shall be set at an affordable rent, as that term is defined in Section 50053 of the Health and Safety Code, for at least 30 years. Owner-occupied units shall be available at an affordable housing cost, as that term is defined in Section 50052.5 of the Health and Safety Code.

(B) Prior to the application being deemed complete for the development project pursuant to Article 3 (commencing with

1 Section 65940), the lead agency received written notice from the
2 project applicant that an application has been made or will be made
3 for an allocation or commitment of financing, tax credits, bond
4 authority, or other financial assistance from a public agency or
5 federal agency, and the notice specifies the financial assistance
6 that has been applied for or will be applied for and the deadline
7 for application for that assistance, the requirement that one of the
8 approvals of the development project by the lead agency is a
9 prerequisite to the application for or approval of the application
10 for financial assistance, and that the financial assistance is
11 necessary for the project to be affordable as required pursuant to
12 subparagraph (A).

13 (C) There is confirmation that the application has been made
14 to the public agency or federal agency prior to certification of the
15 environmental impact report.

16 (4) Sixty days from the date of adoption by the lead agency of
17 the negative declaration, if a negative declaration is completed and
18 adopted for the development project.

19 (5) Sixty days from the determination by the lead agency that
20 the project is exempt from the California Environmental Quality
21 Act (Division 13 (commencing with Section 21000) of the Public
22 Resources Code), if the project is exempt from that act.

23 (b) This section does not preclude a project applicant and a
24 public agency from mutually agreeing in writing to an extension
25 of any time limit provided by this section pursuant to Section
26 65957.

27 (c) For purposes of paragraphs (2) and (3) of subdivision (a)
28 and Section 65952, “development project” means a ~~use consisting~~
29 ~~of either of the following:~~ *housing development project, as that*
30 *term is defined in paragraph (2) of subdivision (h) of Section*
31 *65589.5.*

32 ~~(1) Residential units only.~~

33 ~~(2) Mixed-use developments consisting of residential and~~
34 ~~nonresidential uses in which the nonresidential uses are less than~~
35 ~~50 percent of the total square footage of the development and are~~
36 ~~limited to neighborhood commercial uses and to the first floor of~~
37 ~~buildings that are two or more stories. As used in this paragraph,~~
38 ~~“neighborhood commercial” means small-scale general or specialty~~
39 ~~stores that furnish goods and services primarily to residents of the~~
40 ~~neighborhood.~~

1 (d) For purposes of this section, “lead agency” and “negative
2 declaration” have the same meaning as defined in Sections 21067
3 and 21064 of the Public Resources Code, respectively.

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

6 SEC. 11. Section 65950 is added to the Government Code, to
7 read:

8 65950. (a) A public agency that is the lead agency for a
9 development project shall approve or disapprove the project within
10 whichever of the following periods is applicable:

11 (1) One hundred eighty days from the date of certification by
12 the lead agency of the environmental impact report, if an
13 environmental impact report is prepared pursuant to Section 21100
14 or 21151 of the Public Resources Code for the development project.

15 (2) One hundred twenty days from the date of certification by
16 the lead agency of the environmental impact report, if an
17 environmental impact report is prepared pursuant to Section 21100
18 or 21151 of the Public Resources Code for a development project
19 defined in subdivision (c).

20 (3) Ninety days from the date of certification by the lead agency
21 of the environmental impact report, if an environmental impact
22 report is prepared pursuant to Section 21100 or 21151 of the
23 Public Resources Code for a development project defined in
24 subdivision (c) and all of the following conditions are met:

25 (A) At least 49 percent of the units in the development project
26 are affordable to very low or low-income households, as defined
27 by Sections 50105 and 50079.5 of the Health and Safety Code,
28 respectively. Rents for the lower income units shall be set at an
29 affordable rent, as that term is defined in Section 50053 of the
30 Health and Safety Code, for at least 30 years. Owner-occupied
31 units shall be available at an affordable housing cost, as that term
32 is defined in Section 50052.5 of the Health and Safety Code.

33 (B) Prior to the application being deemed complete for the
34 development project pursuant to Article 3 (commencing with
35 Section 65940), the lead agency received written notice from the
36 project applicant that an application has been made or will be
37 made for an allocation or commitment of financing, tax credits,
38 bond authority, or other financial assistance from a public agency
39 or federal agency, and the notice specifies the financial assistance
40 that has been applied for or will be applied for and the deadline

1 for application for that assistance, the requirement that one of the
2 approvals of the development project by the lead agency is a
3 prerequisite to the application for or approval of the application
4 for financial assistance, and that the financial assistance is
5 necessary for the project to be affordable as required pursuant to
6 subparagraph (A).

7 (C) There is confirmation that the application has been made
8 to the public agency or federal agency prior to certification of the
9 environmental impact report.

10 (4) Sixty days from the date of adoption by the lead agency of
11 the negative declaration, if a negative declaration is completed
12 and adopted for the development project.

13 (5) Sixty days from the determination by the lead agency that
14 the project is exempt from the California Environmental Quality
15 Act (Division 13 (commencing with Section 21000) of the Public
16 Resources Code), if the project is exempt from that act.

17 (b) This section does not preclude a project applicant and a
18 public agency from mutually agreeing in writing to an extension
19 of any time limit provided by this section pursuant to Section
20 65957.

21 (c) For purposes of paragraphs (2) and (3) of subdivision (a)
22 and Section 65952, “development project” means a use consisting
23 of either of the following:

24 (1) Residential units only.

25 (2) Mixed-use developments consisting of residential and
26 nonresidential uses in which the nonresidential uses are less than
27 50 percent of the total square footage of the development and are
28 limited to neighborhood commercial uses and to the first floor of
29 buildings that are two or more stories. As used in this paragraph,
30 “neighborhood commercial” means small-scale general or
31 specialty stores that furnish goods and services primarily to
32 residents of the neighborhood.

33 (d) For purposes of this section, “lead agency” and “negative
34 declaration” have the same meaning as defined in Sections 21067
35 and 21064 of the Public Resources Code, respectively.

36 (e) This section shall become operative on January 1, 2030.

37 ~~SEC. 10.~~

38 SEC. 12. Section 65950.2 is added to the Government Code,
39 to read:

1 65950.2. (a) Notwithstanding any other law, the deadlines
2 specified in this article are mandatory.

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

5 ~~SEC. 11.~~

6 SEC. 13. Chapter 12 (commencing with Section 66300) is
7 added to Division 1 of Title 7 of the Government Code, to read:

8
9 CHAPTER 12. HOUSING CRISIS ACT OF 2019

10
11 66300. (a) As used in this section:

12 (1) (A) Except as otherwise provided in subparagraph (B),
13 “affected city” means a city, including a charter city, for which
14 ~~the department~~ *Department of Housing and Community*
15 *Development* determines, ~~in any calendar year, pursuant to~~
16 *subdivision (d)*, that the average of both of the following amounts
17 ~~exceeds —; is greater than zero:~~

18 (i) The percentage by which the city’s average rate of rent
19 exceeded 130 percent of the national median rent in 2017, based
20 on the federal ~~2013-2017~~ *2013–2017* American Community Survey
21 5-year Estimates.

22 (ii) The percentage by which the vacancy rate for residential
23 rental units is less than the national vacancy rate, based on the
24 federal 2013-2017 American Community Survey 5-year Estimates.

25 (B) Notwithstanding subparagraph (A), “affected city” does not
26 include any city that has a population of 5,000 or less and is not
27 located within an urban core.

28 (2) “Affected county” means a county in which at least 50
29 percent of the cities located within the territorial boundaries of the
30 county are affected cities.

31 (3) Notwithstanding any other law, “affected county” and
32 “affected city” includes the electorate of an affected county or city
33 exercising its local initiative or referendum power, whether that
34 power is derived from the California Constitution, statute, or the
35 charter or ordinances of the affected county or city.

36 (4) “Department” means the Department of Housing and
37 Community Development.

38 (5) “Development policy, standard, or condition” means any of
39 the following:

40 (A) A provision of, or amendment to, a general plan.

1 (B) A provision of, or amendment to, a specific plan.

2 (C) A provision of, or amendment to, a zoning ordinance.

3 (D) A subdivision standard or criterion.

4 (6) *“Housing development project” has the same meaning as*
5 *defined in paragraph (2) of subdivision (h) of Section 65589.5.*

6 ~~(6)~~

7 (7) “Objective design standard” means a design standard that
8 involve no personal or subjective judgment by a public official
9 and is uniformly verifiable by reference to an external and uniform
10 benchmark or criterion available and knowable by both the
11 development applicant or proponent and the public official before
12 submittal of an application.

13 (b) (1) Notwithstanding any other law, with respect to land
14 where housing is an allowable use, ~~use on or after January 1, 2018,~~
15 an affected county or an affected city shall not enact a development
16 police, standard, or condition that would have any of the following
17 effects:

18 (A) Changing the general plan land use designation, specific
19 plan land use designation, or zoning of a parcel or parcels of
20 property to a less intensive use or reducing the intensity of land
21 use within an existing general plan land use designation, specific
22 plan land use designation, or zoning district below what was
23 allowed under the land use designation and zoning ordinances of
24 the affected county or affected city, as applicable, as in effect on
25 January 1, 2018, except as otherwise provided in clause (ii) of
26 subparagraph (B). For purposes of this subparagraph, “less
27 intensive use” includes, but is not limited to, reductions to height,
28 density, or floor area ratio, new or increased open space or lot size
29 requirements, or new or increased setback requirements, minimum
30 frontage requirements, or maximum lot coverage limitations, ~~for~~
31 ~~property zoned for residential use in the affected county’s or city’s~~
32 ~~zoning ordinance; or anything that would lessen the intensity of~~
33 ~~housing, as defined in paragraph (1) of subdivision (f).~~

34 (B) (i) Imposing a moratorium or similar restriction or limitation
35 on housing development, including mixed-use development, within
36 all or a portion of the jurisdiction of the affected county or city,
37 other than to specifically protect against an imminent threat to the
38 health and safety of persons residing in, or within the immediate
39 vicinity of, the area subject to the moratorium or for projects
40 specifically identified as existing restricted affordable housing.

1 (ii) The affected county or affected city, as applicable, shall not
2 enforce a zoning ordinance imposing a moratorium or other similar
3 restriction on or limitation of housing development until it has
4 submitted the ordinance to, and received approval from, the
5 department. The department shall approve a zoning ordinance
6 submitted to it pursuant to this subparagraph only if it determines
7 that the zoning ordinance satisfies the requirements of this
8 subparagraph. If the department denies approval of a zoning
9 ordinance imposing a moratorium or similar restriction or limitation
10 on housing development as inconsistent with this subparagraph,
11 that ordinance shall be deemed void.

12 (C) Imposing or enforcing design standards established on or
13 after January 1, 2018, that are not objective design standards.

14 (D) Except as provided in subparagraph (E), establishing or
15 implementing any provision that:

16 (i) Limits the number of land use approvals or permits necessary
17 for the approval and construction of housing that will be issued or
18 allocated within all or a portion of the affected county or affected
19 city, as applicable.

20 (ii) Acts as a cap on the number of housing units that can be
21 approved or constructed either annually or for some other time
22 period.

23 (iii) Limits the population of the affected county or affected
24 city, as applicable.

25 (E) Notwithstanding subparagraph (D), an affected city or
26 county may enforce a limit on the number of approvals or permits
27 or a cap on the number of housing units that can be approved or
28 constructed if the provision of law imposing the limit was approved
29 by voters prior to January 1, 2005, and the affected city or county
30 is located in a predominantly agricultural county. For the purposes
31 of this subparagraph, “predominantly agricultural county” means
32 a county that meets both of the following, as determined by the
33 most recent California Farmland Conversion Report produced by
34 the Department of Conservation:

35 (i) Has more than 550,000 acres of agricultural land.

36 (ii) At least one-half of the county area is agricultural land.

37 (2) Any development policy, standard, or condition enacted on
38 or after January 1, 2018, that does not comply with this section
39 shall be deemed void.

(c) Notwithstanding subdivisions (b) and ~~(d)~~, (e), an affected county or affected city may enact a development policy, standard, or condition to prohibit the commercial use of land that is designated for residential use, including, but not limited to, short-term occupancy of a residence, consistent with the authority conferred on the county or city by other law.

(d) *The Department of Housing and Community Development shall determine those cities and counties in this state that are affected cities and affected counties, in accordance with subdivision (a), within the following time periods:*

(1) *The department shall make an initial determination pursuant to this subdivision no later than June 30, 2020. The department's determination shall remain valid until the department's second determination pursuant to paragraph (2).*

(2) *The department shall review its initial determination and make a second determination pursuant to this subdivision no later than June 30, 2025. The department's determination shall remain valid until January 1, 2030.*

~~(d)~~

(e) (1) Except as provided in paragraphs (3) and ~~(4)~~, (4) and in subdivision (g), this section shall prevail over any conflicting provision of this title or other law regulating housing development in this ~~state~~. *state to the extent that this section more fully advances the intent specified in paragraph (2).*

(2) It is the intent of the Legislature that this section be broadly construed so as to maximize the development of housing within this state. Any exception to the requirements of this section, including an exception for the health and safety of occupants of a housing development project, shall be construed narrowly.

(3) This section shall not be construed as prohibiting the adoption or amendment of a ~~zoning ordinance~~ *development policy, standard, or condition* in a manner that:

(A) Allows greater density.

(B) Facilitates the development of housing.

(C) Reduces the costs to a housing development project.

(D) Imposes or implements mitigation measures as necessary to comply with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(4) This section shall not apply to a housing development project located within a very high fire hazard severity zone. For purposes of this paragraph, “very high fire hazard severity zone” has the same meaning as provided in Section 51177.

(e)

(f) (1) Notwithstanding Section 9215, 9217, or 9323 of the Elections Code or any other provision of law, except the California Constitution, *Constitution and as provided in paragraph (2), any requirement that local voter approval approval, or the approval of a supermajority of any body of the affected county or the affected city, be obtained to increase the allowable intensity of housing, to establish housing as an allowable use, or to provide services and infrastructure necessary to develop housing, is hereby declared against public policy and void. For purposes of this subdivision, “intensity of housing” is broadly defined to include, but is not limited to, height, density, or floor area ratio, or open space or lot size requirements, or setback requirements, minimum frontage requirements, or maximum lot coverage limitations. limitations, or anything that would be a less intensive use or reduction in the intensity of land use as defined in this subdivision.*

(2) *This section shall not be construed to void a height limit, urban growth boundary, or urban limit established by the electorate of an affected county or an affected city on or before January 1, 2018.*

(f)

(g) (1) Nothing in this section supersedes, limits, or otherwise modifies the requirements of, or the standards of review pursuant to, Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) Nothing in this section supersedes, limits, or otherwise modifies the requirements of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(g)

(h) This section does not prohibit an affected county or an affected city from changing a land use designation or zoning ordinance to a less intensive use if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity.

66301. This chapter shall remain in effect only until January 1, 2030, and as of that date is repealed.

SEC. 12. ~~Section 17921.8 is added to the Health and Safety Code, to read:~~

17921.8. (a) As used in this section, “occupied substandard building” means a building in which one or more persons reside that an enforcement agency finds is in violation of any provision of this part, any building standards published in the State Building Standards Code, or any other rule or regulation adopted pursuant to this part, other than the building standards and rules and regulations adopted pursuant to this section.

(b) (1) (A) Except as provided in paragraph (2), the department shall propose the adoption, amendment, or repeal of building standards to the California Building Standards Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and shall adopt, amend, or repeal other rules and regulations for the protection of the public health, safety, and general welfare of the occupant and the public, applicable to occupied substandard buildings in lieu of those building standards, rules, and regulations adopted pursuant to Section 17921.

(B) The building standards proposed, and the rules and regulations adopted or amended, pursuant to this paragraph shall establish minimum health and safety standards for occupied substandard buildings, as follows:

(i) The building standards, rules, and regulations shall require that an occupied substandard building include adequate sanitation and exit facilities and comply with seismic safety standards.

(ii) The building standards, rules, and regulations shall permit those conditions proscribed by Section 17920.3 which do not endanger the life, limb, health, property, safety, or welfare of the public or the occupant.

(iii) Notwithstanding Section 17922, the building standards, rules, and regulations need not be substantially the same as those contained in the most recent editions of the international or uniform industry codes specified by that section.

(2) Notwithstanding paragraph (1), the building standards proposed to be adopted or amended, and the rules and regulations adopted or amended, by the State Fire Marshal pursuant to subdivision (b) of Section 17921 shall apply to an occupied substandard building.

~~(c) Notwithstanding any other law, an occupied substandard building that complies with the building standards, rules, and regulations adopted pursuant to this section shall be deemed to be in compliance with this part, the building standards published in the State Building Standards Code relating to this part, or any other rule or regulation promulgated pursuant to this part, for a period of seven years following the date on which an enforcement agency finds that the occupied substandard building is otherwise in violation of this part or any building standard, rule, or regulation adopted pursuant to this part. If, at the end of this seven-year period, the enforcement agency finds that the occupied substandard building is still in violation of any provision of this part, any building standards published in the State Building Standards Code, or any other rule or regulation adopted pursuant to this part, the occupied substandard building shall be subject to enforcement as provided in this part.~~

~~(d) (1) This section, other than subdivision (c), shall become inoperative on January 1, 2030.~~

~~(2) This section shall remain in effect only until January 1, 2037, and as of that date is repealed.~~

SEC. 14. Section 17980.12 is added to the Health and Safety Code, to read:

17980.12. (a) As used in this section, “occupied substandard building or unit” means a building or unit in which one or more persons reside that an enforcement agency finds is in violation of any provision of this part, any building standards published in the California Building Standards Code, or any other rule or regulation adopted pursuant to this part.

(b) (1) An enforcement agency that issues to an owner of an occupied substandard building or unit in a zone where residential use is a permitted use, including areas zoned for mixed use, a notice to correct a violation of any provision of any building standard adopted pursuant to this part, or to abate a nuisance pursuant to this part, shall include in that notice a statement that the owner of the occupied substandard building or unit has the right to request a delay in enforcement of up to seven years.

(2) The owner of an occupied substandard building or unit that receives a notice to correct a violation or abate a nuisance, as described in paragraph (1), may submit an application to the enforcement agency, in the form and manner prescribed by the

1 enforcement agency, requesting that the enforcement of the
2 violation be delayed for up to seven years on the basis that
3 correcting the violation or abating the nuisance is not necessary
4 to protect health and safety.

5 (3) The enforcement agency shall grant an application submitted
6 pursuant to paragraph (2) and delay enforcement if it determines
7 that correcting the violation or abating the nuisance is not
8 necessary to protect health and safety. An enforcement agency
9 may require violations or nuisances that impact health and safety
10 to be corrected or abated earlier than seven years.

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

13 ~~SEC. 13.~~

14 SEC. 15. The Legislature finds and declares that the provision
15 of adequate housing, in light of the severe shortage of housing at
16 all income levels in this state, is a matter of statewide concern and
17 is not a municipal affair as that term is used in Section 5 of Article
18 XI of the California Constitution. Therefore, the provisions of this
19 act apply to all cities, including charter cities.

20 ~~SEC. 14.~~

21 SEC. 16. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution for certain
23 costs that may be incurred by a local agency or school district
24 because, in that regard, this act creates a new crime or infraction,
25 eliminates a crime or infraction, or changes the penalty for a crime
26 or infraction, within the meaning of Section 17556 of the
27 Government Code, or changes the definition of a crime within the
28 meaning of Section 6 of Article XIII B of the California
29 Constitution.

30 However, if the Commission on State Mandates determines that
31 this act contains other costs mandated by the state, reimbursement
32 to local agencies and school districts for those costs shall be made
33 pursuant to Part 7 (commencing with Section 17500) of Division
34 4 of Title 2 of the Government Code.

35 ~~SEC. 15.~~

36 SEC. 17. The provisions of this act are severable. If any
37 provision of this act or its application is held invalid, that invalidity

- 1 shall not affect other provisions or applications that can be given
- 2 effect without the invalid provision or application.

O



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: H.23.
SUBJECT: Urgency Ordinance Establishing a Moratorium on Mini-Storage/
Warehouse Facilities in the Industrial Zone

Recommendation for Action: Staff recommends that the City Council 1) Receive information about the proposed Urgency Ordinance; and 2) Adopt an urgency ordinance prohibiting the processing and/or approval of any and all mini-storage/warehouse facilities in the Industrial Zone in the City of Woodland; and 3) Direct staff to prepare necessary zoning amendments to address mini-storage uses in the Industrial district.

Staff Contact:

Cindy Norris, Principal Planner, (530) 661-5911, cindy.norris@cityofwoodland.org

Background:

Existing City Zoning Code Provisions for Mini-Storage in the Industrial District

The City's existing Zoning Code regulates the location of mini-storage facilities in the Industrial District, which are allowed as a permitted use. A "mini-storage/warehouse facility" is defined in Section 25-3-10 of the Woodland Municipal Code as *"a building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of customer's goods or wares."*

Interim Zoning Provisions for Mini-Storage

Assessment of Mini-storage facilities were the subject of a prior Moratorium citywide (Ordinance 1617 and 1628), and addressed in the Interim Zoning Ordinance (IZO), adopted by City Council on May 1, 2018. The interim Zoning Ordinance is a non-codified document that will remain active until April 2020. The Interim Zoning Ordinance, covers a portion of the City, other than Industrial properties. Personal/Self Storage (Mini-Storage) as defined in the Interim Zoning Ordinance as follows:

A storage facility that is characterized by individual separate spaces accessible by customers for the storing and retrieval of personal effects and household goods. This classification excludes manufacturing, retail or wholesale selling, office or other business services with the spaces and human habitation.

Personal/Self Storage may be considered in the **Community Commercial** district with a Conditional Use Permit and subject to the following special criteria:

L13: Requires a master plan in which 50% shall be commercial or uses other than mini-storage and all necessary access and utility easements and improvements are identified and installed as necessary to ensure adequate service to the site and master plan areas; mini-storage portions shall be set back from a street frontage and no closer than 300-feet from an arterial, buildings shall be a minimum of two stories where adjacent to a freeway or major arterial to screen views; buildings shall exhibit exemplary architectural design

and facilitate a lively and vibrant street/active street frontage. The project shall incorporate conservation and sustainability features to achieve net zero energy use, shall provide a lighting and security plan, and shall demonstrate measure community benefit in a manner agreed upon by the City and memorialized in a documented agreement.

Personal/Self Storage may be considered in the **Industrial/Light Industrial Flex Overlay** in limited circumstances subject to the following criteria:

L27: New mini-storage is not permitted, except the expansion of a previously approved and constructed mini-storage facility subject to a Conditional Use Permit. The new buildings shall be a minimum of two-stories in height. The project shall incorporate conservation and sustainability features to achieve net zero energy use; shall provide a security and lighting plan; and shall demonstrate measurable community benefit in a manner agreed upon by the City and memorialized in a documented agreement.

Existing Conditions

The City currently has eighteen existing and operational mini-storage/warehouse facilities. Ten of the existing facilities are located within the Industrial or Industrial/Light Industrial Overlay districts with five in the Corridor Mixed Use area, two in the Regional Commercial district. Two of those facilities have been constructed in the last year, on Cannery Road and Tide Court. More recently, a new mini-storage facility has proposed on an existing property and building in the Industrial District at the corner of northeast corner of Tide Court and Pioneer Avenue. Added to that is a new mini-storage facility which is currently under construction within Yolo County, in the City's Urban Limit Line, on County Road 102. Further, the City is currently processing an application that was previously submitted for a new mini-storage facility in the Community Commercial District at the southeast of Main Street and Matmor Road. This application would be subject to the regulations concerning mini-storage (Personal Storage) facilities approved in Interim Zoning Ordinance. (Map Exhibit B)

Mini-storage facilities in the Industrial Zone are currently allowed as a by right use only subject to design review. However, there is now increasing concern about the over-saturation of mini-storage/warehouse facilities and about the increasing interest in locating even more mini-storage/warehouse facilities on land and in existing buildings in the Industrial Zone. There are multiple concerns regarding mini-storage facilities. The City already has a large concentration of such facilities. These facilities take up large amounts of valuable land area that is often located in areas that have higher base tax rate. This use generally has very low employment and generates no sales tax. Therefore, it is felt that such use does not promote the City's goals of achieving aesthetic, fiscal health, or foster economic growth, in the community. Large land areas are required for these types of uses that might be better developed following principles of complete neighborhoods, active living, or economic development.

The proliferation of mini-storage uses in Woodland, particularly in the Industrial Zone, poses a threat to the public health, safety and welfare in that expansion of such uses depreciates the potential tax base, presents a negative image to existing and prospective desirable business, and damages the vitality and synergistic opportunities in the industrial district thereby harming the overall development potential in the community.

The City did not anticipate the large influx of applications proposed to be submitted in the Industrial Zone for mini-storage/warehouse facilities or the conversion of existing buildings into mini-storage facilities, and the City Council finds that there are new circumstances previously unanticipated by the City during the

development of the Interim Zoning Ordinance and that this Interim Urgency Ordinance is necessary to protect the public health, safety, and welfare from an event separate and distinct from the circumstances that give rise to the interim zoning ordinance imposing a moratorium on all mini-storage facilities Citywide.

At this time, staff is recommending that the City Council consider a moratorium in the form of an urgency ordinance that prohibits mini-storage/warehouse facilities from locating in the Industrial District of the City of Woodland until staff is able to modify the Zoning Ordinance for the Industrial Zone to limit or prohibit mini-storage facilities.

Discussion:

Urgency Ordinance

The City Council may adopt an urgency ordinance, which would go into effect immediately and remain in effect for 45 days unless extended within those 45 days. An interim urgency ordinance requires a 4/5 vote for adoption and requires the City Council to make findings that the interim ordinance is being adopted for the immediate protection of the public health, safety, and welfare. The intent of such an urgency ordinance would be for it to remain in effect only until the City Council adopts an ordinance to regulate mini-storage/warehouse facilities within the City of Woodland to prevent further over-saturation of mini-storage/warehouse facilities

The proposed ordinance would go into effect immediately and would be in effect for 45 days, unless further extended by the City Council of the City of Woodland following a noticed public hearing.

Conclusion:

Staff recommends that City Council 1) Receive information about the proposed Urgency Ordinance; and 2) Adopt an urgency ordinance prohibiting the processing and/or approval of any and all mini-storage/warehouse facilities in the Industrial Zone in the City of Woodland; and 3) Direct staff to prepare necessary zoning amendments to address mini-storage uses in the Industrial district.

Prepared By: Cindy Norris, Principal Planner

Reviewed By: Ken Hiatt, Assistant City Manager and Community and Economic Development Director



Paul Navazio
City Manager

Attachments:

1. New Urgency Ord Mini Storage Industrial 5.21.19
2. Self Storage Location and Zoning

URGENCY ORDINANCE NO. _____

**AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF WOODLAND ESTABLISHING A MORATORIUM ON ANY AND ALL
MINI-STORAGE/WAREHOUSE FACILITIES IN THE INDUSTRIAL DISTRICT
OF THE CITY OF WOODLAND, TO TAKE EFFECT IMMEDIATELY, AND
DECLARING THE URGENCY THEREOF**

WHEREAS, the City of Woodland has been experiencing a proliferation of mini-storage/warehouse facility construction both within the City and immediately adjacent to the City; and

WHEREAS, the City Council of the City of Woodland adopted an interim urgency ordinance (Ordinance No. 1617) on June 6, 2017, and extended the interim ordinance on July 18, 2017 by Ordinance No. 1628 under the authority of Government Code section 65858. These Ordinances imposed a moratorium on land use approvals for mini-storage/warehouse facilities in all zones of the City of Woodland; and

WHEREAS, during the pendency of that moratorium, the City drafted an interim urgency zoning ordinance to be consistent with the City Council's then recent approval of the 2035 City of Woodland General Plan; and

WHEREAS, the City Council adopted the Interim Zoning Ordinance on May 1, 2018 (Ordinance No. 1634), in which new mini-storage/warehouse facilities were either restricted or require a conditional use permit in most zoning districts of the City; and

WHEREAS, the Interim Zoning Ordinance permits mini-storage/warehouse facilities in the Industrial Zone as the City did not address development of these types of facilities within this zone; and

WHEREAS, the City now anticipates receiving applications for new mini-storage facilities proposed to be located within the Industrial Zone, an area in which the City would like used for traditional industrial purposes such as manufacturing and other mass production uses; and

WHEREAS, mini-storage facilities in the Industrial Zone do not further the purpose and intent of the Industrial Zone, create a negative aesthetic image, and use valuable land that hinders vital and synergistic development within the Industrial Zone; and

WHEREAS, the City did not anticipate the large influx of applications proposed to be submitted in the Industrial Zone for mini-storage/warehouse facilities or the conversion of existing buildings into mini-storage facilities, and the City Council finds that there are new circumstances previously unanticipated by the City during the development of the Interim Zoning Ordinance and that this Interim Urgency Ordinance is necessary to protect the public health, safety, and welfare from an event separate and distinct from the circumstances that give rise to the interim zoning ordinance imposing a moratorium on all mini-storage facilities Citywide. The City Council further finds that this Interim Urgency Ordinance is appropriate under Government Code section 65858(f) due to these changed circumstances; and

WHEREAS, the anticipated proliferation of mini-storage uses in Woodland in the Industrial Zone, through conversion of limited valuable existing facilities or construction of new mini-storage uses, poses a threat to the public health, safety and welfare in that expansion of such uses depreciates the potential tax base, presents a negative image to existing and prospective desirable business, and damages the vitality and synergistic opportunities in the industrial district thereby harming the overall development potential in the community; and

WHEREAS, mini-storage/warehouse facilities in the Industrial Zone do not promote the City's goals of achieving either aesthetic or fiscal health of the community, do not foster economic growth, do not promote the City's agricultural heritage or an environmentally sustainable community, and the City is becoming increasingly concerned about the over-saturation of mini-storage/warehouse facilities in the City and the increased interest in locating even more mini-storage/warehouse facilities within the City's Industrial Zone in existing buildings; and

WHEREAS, the City needs additional time to draft appropriate Zoning regulations for mini-storage uses in the Industrial Zone and will do so while this Interim Urgency Ordinance is in effect; and

WHEREAS, the City Council now desires to adopt a moratorium that prohibits mini-storage/warehouse facilities from locating in the Industrial Zone of the City of Woodland; and

WHEREAS, during the pendency of this moratorium, the City Council directs City staff to prepare a proposal to regulate mini-storage/warehouse facilities within the Industrial Zone of the City of Woodland to prevent further over-saturation of mini-storage/warehouse facilities; and

WHEREAS, this urgency ordinance is adopted pursuant to the requirements of Government Code section 65858 and shall be in effect for 45 days unless further extended by the City Council of the City of Woodland.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Mini-Storage/Warehouse Facility, Defined in the Existing Zoning Code:

A "mini-storage/warehouse facility" has the same definition in this Ordinance as set forth in Section 25-3-10 of the Woodland Municipal Code, which defines "mini-storage/warehouse facility" as "a building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of customer's goods or wares."

Section 2. Findings.

The City Council of the City of Woodland hereby makes the following findings in support of the immediate adoption and application of this urgency interim Ordinance regulating mini-storage/warehouse facilities in the Industrial Zone in the City of Woodland:

A. The City currently has an over-concentration of mini-storage/warehouse facilities within its borders and has recently seen an increase in applications and inquiries to locate even

more mini-storage/warehouse facilities within the Industrial Zones. The interim Woodland Zoning Code recently adopted by the City Council permits mini-storage/warehouse facilities in the Industrial Zone as it was not anticipated the Industrial Zone would be a desirable place for this type of use to locate. This Interim Urgency Ordinance imposing a moratorium on mini-storage/warehouse facilities in the Industrial Zone is authorized pursuant to Government Code section 65858(f) because of the changed circumstances of the unanticipated proposals to convert existing buildings into mini-storage facilities and the anticipated new applications for mini-storage facilities in the Industrial Zone.

B. The Land Use Element of the City's 2035 General Plan includes specific goals and policies that aim to minimize land use conflicts and develop a logical pattern of land use as well as to upgrade the City's appearance and establish a strong economic base. Specifically, Goal 2.A of the City's General Plan provides that the City will support sustainable growth through orderly, well planned development that provides for economic growth, strong social ties, protection of the environment, an enhanced quality of life, and preservation of Woodland's community character and agricultural heritage. The General Plan includes a policy that the City should maintain high expectations for development as land is a finite resource, especially given the City's Urban Limit Line. The City Council finds that construction of new storage/warehouse facilities within the Industrial Zone is inconsistent with the General Plan's goals of economic growth and high expectations for development.

C. The City of Woodland is a small city with a focus on industrial and agricultural uses. The potential proliferation of mini-storage/warehouse facilities in the Industrial Zone has the potential to adversely affect the City's economy as well as its aesthetic environment by oversaturating the City with mini-storage/warehouse facilities for storage purposes rather than with traditional industrial uses that the City is endeavoring to promote.

D. The potentially large number of mini-storage/warehouse facilities within the Industrial Zone would contribute to an overall negative aesthetic image, and by removing land that could be used for industrial uses does not promote economic development.

E. Adoption of a moratorium on mini-storage/warehouse facilities in the Industrial Zone will provide the City with an opportunity to review and revise its Zoning Ordinance in order to adequately address the siting of mini-storage/warehouse facilities in the Industrial Zone.

F. Due to the City's need to update its Zoning Ordinance, it is urgent that the City study and evaluate the options available to it regarding regulation of mini-storage/warehouse facilities in the Industrial Zone to prevent the adverse impacts that may result from continued approvals and conditional approvals of mini-storage/warehouse facilities in the Industrial Zone of the City.

G. Based on the above findings and all evidence in the record, there is a need to enact an urgency interim ordinance establishing a moratorium on all new mini-storage/warehouse facilities within the Industrial Zone in the City of Woodland. This Ordinance is necessary for the preservation of the public health, safety, and welfare. It is the intent of the City Council that this Ordinance take effect immediately pursuant to Section 65858 of the Government Code.

Section 3. Moratorium. Based on the facts and findings set forth in the recitals and Section 2 of this Ordinance, the City of Woodland hereby establishes a moratorium on the establishment of new mini-storage/warehouse facilities in the Industrial Zone of the City of Woodland. No new application for a building permit, business permit, conditional use permit, or any entitlement for the establishment or expansion of a mini-storage/warehouse facility shall be processed or approved in the Industrial Zone during the term of the moratorium established by this Ordinance received after May 21, 2019, unless already in review.

Section 4. Moratorium Term. This Ordinance shall expire, and the moratorium established herein shall terminate, 45 days after the date of its adoption unless extended by the City Council, at a regularly noticed public hearing, pursuant to California Government Code section 65858.

Section 5. Planning Study. The Community Development Director shall promptly commence the review of the Zoning Ordinance and shall prepare all items necessary and appropriate in order to recommend to the City Council the appropriate Zoning Ordinance amendments and criteria for further regulation of mini-storage/warehouse facilities in the Industrial Zone.

Section 6. CEQA Finding. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance and establishment of a moratorium on mini-storage/warehouse facilities in the Industrial Zone will have a significant effect on the environment because the Ordinance will maintain current levels of development and will not permit any mini-storage/warehouse facility that may have a significant impact on aesthetics or traffic levels. It is therefore exempt from any California Environmental Quality Act (CEQA) review pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

Section 7. Certification and Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published once in an adjudicated newspaper in the City of Woodland.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Woodland City Council this 21st day of May, 2019 by the following vote.:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Ana B. Gonzalez, City Clerk

Xochitl Rodriguez, Mayor

Approved as to Form

Kara K. Ueda
City Attorney

URGENCY ORDINANCE NO. _____

**AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF WOODLAND ESTABLISHING A MORATORIUM ON ANY AND ALL
MINI-STORAGE/WAREHOUSE FACILITIES IN THE INDUSTRIAL DISTRICT
OF THE CITY OF WOODLAND, TO TAKE EFFECT IMMEDIATELY, AND
DECLARING THE URGENCY THEREOF**

WHEREAS, the City of Woodland currently has eighteen existing and operational mini-storage/warehouse facilities, one permitted and under construction in Yolo County on CR 102 but within the City's Urban Limit Line and Sphere of Influence, one previously submitted application for a new mini-storage facility in the Community Commercial district which requires a Conditional Use Permit; and

WHEREAS, the existing mini-storage/warehouse facilities located in the City and have been allowed under the City's previous Zoning Code to operate in the industrial zone and in some commercial zones as a conditionally permitted use; and

WHEREAS, the City Council recently approved the 2035 General Plan, which envisions a prosperous and fiscally sound community that offers abundant employment opportunities to its residents as well as a destination for visitors desiring to experience the City's unique agricultural, historical, recreational, cultural, and entertainment amenities; and

WHEREAS, the City Council previously approved a moratorium on mini-storage facilities during the development of the City's Interim Zoning Code, which was approved on May 1, 2018 (Resolution No.1634) in which new such facilities were either restricted from or require conditional review with findings; and

WHEREAS, the Interim Zoning Code did not address areas that are zoned Industrial, where mini-storage facilities are allowed as a permitted, by-right use and further, the previous moratorium did not contemplate the possible conversion of existing buildings to mini-storage uses; and

WHEREAS, the proliferation of mini-storage uses in Woodland, particularly in the Industrial Zone, through conversion of limited valuable existing facilities or construction of new, poses a threat to the public health, safety and welfare in that expansion of such uses depreciates the potential tax base, presents a negative image to existing and prospective desirable business, and damages the vitality and synergistic opportunities in the industrial district thereby harming the overall development potential in the community; and

WHEREAS, mini-storage/warehouse facilities do not promote the City's goals of achieving either aesthetic or fiscal health of the community, do not foster economic growth, do not promote the City's agricultural heritage or an environmentally sustainable community, and the City is becoming increasingly concerned about the over-saturation of mini-storage/warehouse facilities in the City and the increased interest in locating even more mini-storage/warehouse facilities within the City's Industrial Zone in existing buildings; and

WHEREAS, the City is embarking on the development of a Comprehensive Zoning Code

Update in which consideration of potential mini-storage facilities will be evaluated in a wide-ranging analysis that will address Industrial and other land use designations; and

WHEREAS, the City Council now desires to adopt a moratorium that prohibits mini-storage/warehouse facilities from locating in the Industrial Zone of the City of Woodland; and

WHEREAS, during the pendency of this moratorium, the City Council has directed City staff to prepare a proposal to regulate mini-storage/warehouse facilities within the Industrial Zone of the City of Woodland to prevent further over-saturation of mini-storage/warehouse facilities; and

WHEREAS, this urgency ordinance is adopted pursuant to the requirements of Government Code section 65858 and shall be in effect for 45 days unless further extended by the City Council of the City of Woodland.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Mini-Storage/Warehouse Facility, Defined in the Existing Zoning Code:

A “mini-storage/warehouse facility” has the same definition in this Ordinance as set forth in Section 25-3-10 of the Woodland Municipal Code, which defines “mini-storage/warehouse facility” as “a building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of customer's goods or wares.”

Section 2. Findings.

The City Council of the City of Woodland hereby makes the following findings in support of the immediate adoption and application of this urgency interim Ordinance regulating mini-storage/warehouse facilities in the City of Woodland:

A. The City currently has an over-concentration of mini-storage/warehouse facilities within its borders and has recently seen an increase in applications and inquiries to locate even more mini-storage/warehouse facilities within the City. The Woodland Zoning Code permits mini-storage/warehouse facilities in industrial zones and conditionally permits them in some commercial zones, leading to this over-concentration.

B. The Land Use Element of the City’s 2035 General Plan includes specific goals and policies that aim to minimize land use conflicts and develop a logical pattern of land use as well as to upgrade the City’s appearance and establish a strong economic base. Specifically, Goal 2.A of the City’s General Plan provides that the City will support sustainable growth through orderly, well planned development that provides for economic growth, strong social ties, protection of the environment, an enhanced quality of life, and preservation of Woodland’s community character and agricultural heritage. The General Plan includes a policy that the City should maintain high expectations for development as land is a finite resource, especially given the City’s Urban Limit Line. The City Council finds that the large number of existing mini-storage/warehouse facilities and the potential for additional facilities is inconsistent with the General Plan’s goals of economic

growth and high expectations for development.

C. The City of Woodland is a small city. Due to its small size, the proliferation of mini-storage/warehouse facilities in the City has the potential to adversely affect the City's economic and aesthetic environments by over-saturating the City with mini-storage/warehouse facilities for storage purposes rather than with traditional retail, commercial, manufacturing, and industrial uses that the City is endeavoring to promote.

D. The large number of mini-storage/warehouse facilities within and around the City of Woodland contribute to an overall negative aesthetic image and do not promote complete neighborhoods, active living, neighborhood interaction, or economic development.

E. Adoption of a moratorium on mini-storage/warehouse facilities will provide the City with an opportunity to review and revise its Zoning Ordinance in order to prevent the current over-proliferation of mini-storage/warehouse facilities in the City from further expanding.

F. Due to the City's need to study and review its Zoning Ordinance, it is urgent that the City study and evaluate the options available to it regarding regulation of mini-storage/warehouse facilities to prevent the adverse impacts that may result from continued approvals and conditional approvals of mini-storage/warehouse facilities in the Industrial zone of the City.

G. Based on the above findings and all evidence in the record, there is a need to enact an urgency interim ordinance establishing a moratorium on all new mini-storage/warehouse facilities within the Industrial Zone in the City of Woodland. This Ordinance is necessary for the preservation of the public health, safety, and welfare. It is the intent of the City Council that this Ordinance take effect immediately pursuant to Section 65858 of the Government Code.

Section 3. Moratorium. Based on the facts and findings set forth in the recitals and Section 2 of this Ordinance, the City of Woodland hereby establishes a moratorium on the establishment of new mini-storage/warehouse facilities in the Industrial Zone of the City of Woodland. No new application for a building permit, business permit, conditional use permit, or any entitlement for the establishment or expansion of a mini-storage/warehouse facility shall be processed or approved in the Industrial Zone during the term of the moratorium established by this Ordinance received after May 21, 2019, unless already in review.

Section 4. Moratorium Term. This Ordinance shall expire, and the moratorium established herein shall terminate, 45 days after the date of its adoption unless extended by the City Council, at a regularly noticed public hearing, pursuant to California Government Code section 65858.

Section 5. Planning Study. The Community Development Director shall promptly commence the review of the Zoning Ordinance and shall prepare all items necessary and appropriate in order to recommend to the City Council the appropriate Zoning Ordinance amendments and criteria for further regulation of mini-storage/warehouse facilities.

Section 6. CEQA Finding. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance and establishment of a moratorium on mini-storage/warehouse facilities will have a significant effect on the environment because the

Ordinance will maintain current levels of development and will not permit any mini-storage/warehouse facility that may have a significant impact on aesthetics or traffic levels. It is therefore exempt from any California Environmental Quality Act (CEQA) review pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

Section 7. Certification and Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published once in an adjudicated newspaper in the City of Woodland.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Woodland City Council this 21st Day of May 2019 by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Xochitl Rodrigues, Mayor

Ana B. Gonzalez, City Clerk

Approved as to Form

Kara K. Ueda
City Attorney



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: City Council Regular Meeting
DATE: May 21, 2019
ITEM #: H.24.
SUBJECT: Presentation of FY2019/20 Budget

Recommendation for Action: Staff recommends that the City Council receive a presentation related to the FY2019/20 Proposed Budget funding recommendations.

Staff Contact:

Evis Morales, Senior Management Analyst, (530) 661-5923, evis.morales@cityofwoodland.org

Report in Brief:

Tonight's presentation provides a preview of the FY2019/20 Proposed Budget, including proposed funding recommendations for the city's General Fund, Internal Service funds, Utility Enterprise funds, Gas Tax Fund, Measure F, Lighting & Landscape District funds, other smaller city funds, and the updated Capital Improvement budget.

The recommendations included in the budget proposal have been informed by Council input, most recently at the Spring Budget Workshop held on March 26th.

Staff will provide an overview of the updated General Fund Five-Year Forecast to ensure that the overall budget framework and specific recommendations continue to support City Council goals related to long-term fiscal stability, adopting a balanced budget and maintain prudent reserves. Funding allocation of available resources in support to programs and services addressing City Council and community priorities will be outlined in the presentation.

While the short-term budget outlook is somewhat improved, thanks to improving tax revenues, the long-term forecast continues to project revenue growth that lags expenditure projections, resulting in growing operating deficits through the five-year planning horizon. A major factor in this regard continues to be the impact of projected increases in the city's cost of CalPERS retirement benefits.

Overall, staff again anticipates limited budget flexibility within the upcoming budget with funding recommendations largely limited to priority needs, some of which are able to be addressed as a result of the voter-approved sales tax measures (Measure J and Measure F). In addition, limited one-time funding allocations are being proposed from available reserve funds in excess of the City's established reserve policy levels.

Following the presentation, Council will have an opportunity to provide feedback on the specific budget recommendations. It is anticipated that a Proposed FY2019/20 Budget will be formally presented to City Council on June 4th, with adoption scheduled for the Council meeting of June 18th. The adopted budget would then become effective with the beginning of the new fiscal year, on July 1, 2019.

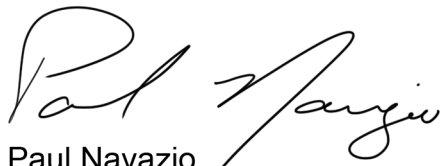
Conclusion:

Staff recommends that the City Council receive a presentation related to the FY2019/20 Proposed Budget

funding recommendations.

Prepared By: Evis Morales, Senior Management Analyst

Reviewed By: Kimberly McKinney, Finance Officer



Paul Navazio
City Manager

Attachments:

None