



REGULAR CITY COUNCIL MEETING AGENDA

City Hall - Council Chambers
4381 Broadway St., Suite 201, American Canyon

April 4, 2023

6:30 PM

Mayor: Leon Garcia
Vice Mayor: Pierre Washington
Councilmembers: Mariam Aboudamous, Mark Joseph, David Oro

City Council and other public meetings will be conducted in person at City Hall, 4381 Broadway, Suite 201. This meeting is also available via Zoom Teleconferencing as a convenience for public participation. Should technical issues with Zoom occur, please select another viewing option, such as a live broadcast to residents on Napa Valley TV, on our website [here](#) and on YouTube [here](#).

PUBLIC PARTICIPATION

Oral comments, during the meeting: Oral comments can be made in person during Open and Closed Session. A Zoom Webinar has been established for public comments made via zoom, during Open Session only. To give your public comment via zoom, connect via the below Zoom link and use the “raise your hand” tool, or call into the zoom meeting at 408-638-0968 and press *9 to “raise your hand” when the item is called. To avoid confusion, all hands raised outside of Public Comment periods will be lowered.

Written comments, via eComments: Please submit written comments through the eComments link, located on the Meetings & Agendas page of our website [here](#). Comments will be available to council members in real time. To allow for review of comments, eComments will close at 3:00 pm on the day of the meeting. All comments received will be posted online and become part of the meeting record.

Zoom Meeting Link: [Click here.](#)

Webinar ID: 883 0140 0554 **Passcode:** 123456

The above-identified measures exceed all legal requirements for participation in public comment, including those imposed by the Ralph M. Brown Act. For more information, please call the Office of the City Clerk at (707) 647-4369 or email cityclerk@cityofamericancanyon.org.

AGENDA MATERIALS: City Council agenda materials are published 72 hours prior to the meeting and are available to the public via the City’s website at www.cityofamericancanyon.org.

AMERICANS WITH DISABILITIES ACT: The City Council will provide materials in appropriate alternative formats to comply with the Americans with Disabilities Act. Please send a written request to City Clerk at 4381 Broadway, Suite 201, American Canyon, CA 94503 or by email to cityclerk@cityofamericancanyon.org. Include your name, address, phone number and brief description of the requested materials, as well as your preferred alternative format or auxiliary aid, at least three calendar days before the meeting.

5:30 P.M. – CLOSED SESSION

The Mayor will call the meeting to order and conduct role call. Council will immediately convene into Closed Session after hearing any public comment on Closed Session items. At 6:30 p.m. the Council will reconvene into Open Session and then resume Closed Session at the end of the meeting to address outstanding items, if necessary.

CALL TO ORDER - CLOSED SESSION

ROLL CALL - CLOSED SESSION

PUBLIC COMMENTS - CLOSED SESSION ITEMS

This time is reserved for members of the public to address the City Council on Closed Session Items only. Comments must be made in person and are limited to 3 minutes. Comments for items on the Open Session agenda will be taken when the item is called in Open Session. Comments for Items not on the Closed Session or Open Session agenda will be heard during the Open Session Public Comment period.

MEETING RECESS - COUNCIL TO CONVENE IN CLOSED SESSION

5:30 P.M. CLOSED SESSION ITEMS

1. **Conference with Legal Counsel – Anticipated Litigation Authorized pursuant to Government Code Section 54956.9 (d)(2).
Two Matters.**
2. **Conference with Legal Counsel - Existing Litigation. Pursuant to Government Code Section 54956.9(d)(1):**
 - a. ***American Canyon I , LLC vs. Napa Unified School District* (Napa Superior Court Case No. 22CV001145).**
 - b. ***City of American Canyon v. City of Vallejo, et al.* (Sacramento Superior Court Case No. 34-2022-00327471).**
 - c. ***City of American Canyon v. Leon Dale Schmidt , Napa County Superior Court Case No. 22CV001041***

6:30 P.M. OPEN SESSION - REGULAR MEETING

CALL TO ORDER - COUNCIL TO RECONVENE IN OPEN SESSION

PLEDGE OF ALLEGIANCE

ROLL CALL - OPEN SESSION

REPORT ON CLOSED SESSION/CONFIRMATION OF REPORTABLE ACTION

PROCLAMATIONS AND PRESENTATIONS

3. **Proclamation - National Fair Housing Month**

4. **Proclamation - Sexual Assault Awareness Month**
5. **Proclamation - Recognizing April as Arts Month**

PUBLIC COMMENTS - ITEMS NOT ON CLOSED SESSION OR OPEN SESSION AGENDA

This time is reserved for members of the public to address the City Council on items that are not on the Closed Session or Open Session agenda and are within the subject matter jurisdiction of the City Council. Comments are limited to 3 minutes. Comments for items on the Open Session agenda will be taken when the item is called in Open Session. The City Council is prohibited by law from taking any action on matters discussed that are not on the agenda, and no adverse conclusions should be drawn if the City Council does not respond to public comment at this time.

AGENDA CHANGES

The Mayor and Council may change the order of the Agenda or request discussion of a Consent Item. A member of the Public may request discussion of a Consent Item by making that request during Public Comment.

CONSENT CALENDAR

6. **Minutes of Regular City Council Meeting of March 21, 2023**
Recommendation: Approve the minutes of the City Council Meeting of March 21, 2023.
7. **Minutes of Special City Council Meeting of March 24, 2023**
Recommendation: Approve the minutes of the Special City Council Meeting of March 24, 2023.
8. **Report Upon Return from Closed Session**
Recommendation: Approve the Report Upon Return from Closed Session from the Regular City Council Meeting of March 21, 2023.
9. **2023 Military Equipment Inventory and Equipment Use Policy**
Recommendation: Adopt by Minute Order the 2023 Military Equipment Inventory and Equipment Use Policy.

PUBLIC HEARINGS

10. **6th Cycle Housing Element Municipal Code and General Plan Amendment Implementation**
Recommendation: Take the following actions related to Growth Control Policies and Emergency Shelters:
 1. Adopt a Resolution of the City Council of the City of American Canyon to delete General Plan Goal 1B Growth Control Policies consistent with current State Law.
 2. Waive first reading, read by title only, and adopt an Ordinance by the City Council of the City of American Canyon amending the American Canyon Municipal Code Chapter 19.38 "Emergency Shelters"; and Chapter 19.39 "Accessory Dwelling Units" consistent with current State Law.

BUSINESS

11. **American Canyon Police Department's 2022 Annual Report**

Recommendation: Receive and file the American Canyon Police Department's 2022 Annual Report.

MANAGEMENT AND STAFF ORAL REPORTS

12. **2023 City Council Strategic Planning Session Report**

MAYOR/COUNCIL COMMENTS, COMMITTEE REPORTS, AND FUTURE AGENDA ITEMS

The Mayor and Council may comment on matters of public concern and announce matters of public interest; no collective council action will be taken.

13. **City Council Committee Report - Councilmember Joseph**

14. **Future Agenda Items of Note:**

April 18, 2023

Volunteer Week

Earth Day

National Building Safety Month

Speed Survey

Parks and Recreation User Fees

Communications Annual Report

May 2, 2023

Municipal Clerk Week

Older Americans Month

Mental Health Month

Bike Month

Secondhand Smoke Prohibition

Kids Commerce Business License Fee Waiver

Facility Rental Insurance

Proposed Fiscal Year 2023/2024 Budget

May 16, 2023

Memorial Day

Public Works Week

National Building Safety Month

Safe Gun Storage Ordinance

Water Presentation

LLAD Draft Engineers Report

ADJOURNMENT

CERTIFICATION

I, Taresa Geilfuss, CMC, City Clerk for the City of American Canyon, do hereby declare that the foregoing agenda of the City Council was posted in compliance with the Brown Act prior to the meeting date.

Taresa Geilfuss, CMC, City Clerk

CITY OF AMERICAN CANYON

PROCLAMATION



NATIONAL FAIR HOUSING MONTH

WHEREAS, on April 11, 1968, President Lyndon B. Johnson signed the Fair Housing Act into federal law to eliminate racial segregation and housing discrimination in the United States; and

WHEREAS, the Fair Housing Act prohibits housing discrimination based on race, color, religion, gender, familial status, national origin, and disability, and commits federal funding recipients to affirmatively further fair housing in their communities; and

WHEREAS, the City of American Canyon is committed to the mission and intent the Fair Housing Act to provide fair and equal housing opportunities for all; and

WHEREAS, our social fabric, economy, health, and environment are strengthened by our diverse and inclusive community; and

WHEREAS, unfortunately, more than fifty years after the passage of the Fair Housing Act, housing discrimination persists; and

WHEREAS, acts of housing discrimination and barriers to equal housing opportunities are repugnant to our common sense of decency and fairness; and

WHEREAS, the City of American Canyon supports and advocates Fair Housing in our community by adopting policies to Affirmatively Affirm Fair Housing in the 6th Cycle General Plan Housing Element and partnering with Fair Housing Napa Valley, the Housing Authority of the City of Napa, and the Napa County Continuum of Care.

NOW, THEREFORE, BE IT PROCLAIMED that the City of American Canyon joins the Nation in recognizing the Month of April 2023 as National Fair Housing Month.

Dated: April 4, 2023

Leon Garcia, Mayor

CITY OF AMERICAN CANYON PROCLAMATION



Acknowledging Sexual Assault Awareness Month

WHEREAS, NEWS, Domestic Violence and Sexual Abuse Services is commemorating 42 years of service to survivors of domestic violence and sexual abuse in Napa County, and having opened as the county's Rape Crisis Center in 2010 to provide safety to those experiencing sexual abuse; and

WHEREAS, in 2001 the National Sexual Violence Resource Center launched the first Sexual Assault Awareness Month campaign and in 2009 the Obama Administration officially recognized April as National Sexual Assault Awareness Month; and

WHEREAS, Sexual Assault Awareness Month is about promoting safety, respect and equality, and standing up and speaking out against harmful cultural norms that allow sexual violence to persist.

WHEREAS, rape, sexual assault, and sexual harassment harm our community. Statistics from the U.S. Center of Disease Control shows that over half of women and almost 1 in 3 men have experienced sexual violence involving physical contact during their lifetimes; and, that 1 in 4 women and about 1 in 26 men have experienced completed or attempted rape; and

WHEREAS, by observing April as Sexual Assault Awareness Month we show that our community is committed to supporting survivors and the prevention of sexual violence across generations; and

WHEREAS, in Fiscal Year 2021/2022 NEWS provided services to over 1,700 of our Napa County community members—of which 232 were survivors of sexual abuse, and half of those were minors; and

WHEREAS, in Fiscal Year 2021/2022, NEWS served 118 clients from the city of American Canyon, including children, 25 of which experienced sexual assault. The NEWS Help Line received 236 calls for assistance from American Canyon residents. Clients from American Canyon received emergency assistance and crisis intervention services; court advocacy and accompaniment, including help preparing and filing restraining orders; and support from our Sexual Assault Victim Services (SAVS) program.

NOW, THEREFORE I, Leon Garcia, Mayor of the City of American Canyon, on behalf of the American Canyon City Council, join NEWS, advocates, and communities across the country to take action to prevent sexual violence. I hereby proclaim **April 2023 as Sexual Assault Awareness Month in American Canyon**, and ask the entire community, not only in April, but all year long, to help end sexual violence.

Dated: April 4, 2023

Leon Garcia, Mayor

CITY OF AMERICAN CANYON PROCLAMATION



APRIL AS ARTS MONTH **April 2023**

WHEREAS, the month of April has been recognized as a celebration of the arts and cultural community in Napa County, known as Arts in April. This countywide celebration fosters the unique, identifiable sense of place through locally produced and presented arts and cultural programs and events, highlighting the creative talent, inspiring locals, and enriching visitor's experience of authentic Napa County culture; and

WHEREAS, the arts and culture embody much of the accumulated wisdom, intellect, and imagination of humankind; and

WHEREAS, the arts and culture enhance and enrich the lives of every resident; and

WHEREAS, in 2008, hundreds of residents from each town and city came together to create the County of Napa's adopted Community Cultural Plan, and endorse the following cultural core values for all of Napa County:

- Self-expression is everyone's birthright;
- The arts serve as a common language;
- The arts are critical to a healthy economy;
- The arts allow us access to our past, to ourselves, and to each other;
- And, the arts give us a sense of place and of home; and

WHEREAS, The American Canyon Arts Foundation, one of the oldest community organizations in American Canyon, continues to maintain, enhance, and support the role of arts in our community by bringing artists and community members together through recreational, cultural, and economic art events, programs, and shows.

NOW, THEREFORE, BE IT RESOLVED, that we, the City Council of the City of American Canyon, do hereby proclaim April as Arts Month in the City of American Canyon and call upon our citizens to celebrate and promote arts and culture in our county and to specifically encourage everyone to enjoy arts and culture in their towns and cities.

Dated: April 04, 2023

Mayor Leon Garcia

**CITY OF AMERICAN CANYON
REGULAR CITY COUNCIL MEETING**

ACTION MINUTES

March 21, 2023

5:30 P.M. – CLOSED SESSION

CALL TO ORDER - CLOSED SESSION

The Closed Session was called to order at 5:33 p.m.

ROLL CALL - CLOSED SESSION

Present: Councilmember Mariam Aboudamous, Councilmember Mark Joseph, Councilmember David Oro, Vice Mayor Pierre Washington, Mayor Leon Garcia

Absent: None

Excused: None

PUBLIC COMMENTS - CLOSED SESSION ITEMS

Mayor Garcia opened public comments. Written: none. Oral: none. The Public Comments period was closed.

MEETING RECESS - COUNCIL TO CONVENE IN CLOSED SESSION

5:30 P.M. CLOSED SESSION ITEMS

1. Conference with Legal Counsel – Anticipated Litigation Authorized pursuant to Government Code Section 54956.9 (d)(2). Two Matters.
2. Conference with Legal Counsel - Existing Litigation. Pursuant to Government Code Section 54956.9(d)(1):
American Canyon I, LLC vs. Napa Unified School District (Napa Superior Court Case No. 22CV001145).
City of American Canyon v. City of Vallejo, et al. (Sacramento Superior Court Case No. 34-2022-00327471).
City of American Canyon v. Leon Dale Schmidt, Napa County Superior Court Case No. 22CV001041

6:30 P.M. OPEN SESSION - REGULAR MEETING

CALL TO ORDER - COUNCIL TO RECONVENE IN OPEN SESSION

The meeting was called to order at 6:34 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL - OPEN SESSION

Present: Councilmember Mariam Aboudamous, Councilmember Mark Joseph, Councilmember David Oro, Vice Mayor Pierre Washington, Mayor Leon Garcia

Absent: None

Excused: None

REPORT ON CLOSED SESSION/CONFIRMATION OF REPORTABLE ACTION

City Attorney William Ross provided an oral report upon return from closed session. AB2449 Councilmember David Oro is participating remotely. Closed session commenced at 5:33 p.m. Closed session adjourned at 6:17 p.m. A written report will be provided.

PROCLAMATIONS AND PRESENTATIONS

3. Recognizing Fran Lemos as Congressman Thompson's Napa County Woman of the Year

Mayor Leon Garcia and all Councilmembers recognized Fran Lemos as Congressman Mike Thompson's Napa County Woman of the Year.

4. Proclamation Acknowledging Ramadan

Mayor Garcia announced the proclamation. It was accepted by Amal Ahmad.

5. Juneteenth Presentation

Council received a presentation on the Juneteenth Event from Brenda Knight and Clarence Mamaril.

PUBLIC COMMENTS - ITEMS NOT ON CLOSED SESSION OR OPEN SESSION AGENDA

Mayor Garcia called for public comments. Arvind Nischal and Eva Garcia were called to speak; Valerie Zizak-Morais was called to speak; Jason Kishineff was called to speak; Natalie Aliga was called to speak; Harold Collins was called to speak; Russell Charpentier was called to speak; William Baker was called to speak; Yvonne Baginski was called to speak; Victor was called to speak; Justin Hamilton Hole was called to speak. The public comments period was closed.

AGENDA CHANGES

There were no changes to the agenda.

CONSENT CALENDAR

Action: Motion to adopt CONSENT CALENDAR made by Councilmember Mark Joseph, seconded by Vice Mayor Pierre Washington, and CARRIED by roll call vote.

Ayes: Councilmember Mariam Aboudamous, Councilmember Mark Joseph, Councilmember David Oro, Vice Mayor Pierre Washington, Mayor Leon Garcia

Nays: None

Abstain: None

Absent: None

Excused: None

6. Minutes of Special Joint City Council/Planning Commission Meeting

Action: Approved the minutes of the Special Joint City Council/Planning Commission Meeting of January 31, 2023.

7. Minutes of March 7, 2023

Action: Approved the minutes for the City Council meeting of March 7, 2023.

8. Report Upon Return from Closed Session

Action: Approved the Report Upon Return from Closed Session from the Regular City Council Meeting of March 7, 2022.

9. Development Impact Fee Nexus Study and Levying a Fire Capital Facilities Fee on New Construction and Development

Action: Waived second reading, read by title only, and adopted Ordinance 2023-02 of the City Council of the City of American Canyon accepting the Development Impact Fee Nexus Study and Levying a Fire Capital Facilities Fee on New Construction and Development to Fund Fire Protection Services.

PUBLIC HEARINGS

10. 2022 Calendar Year Housing Element Progress Report

Council received a staff report from Senior Planner William He. Mayor Garcia opened the public hearing and called for public comments. Written comments: none. Oral comments: Beth Marcus was called to speak; Jason Kishineff was called to speak. Public comments and the public hearing were closed.

11. Giovannoni Logistics Center Warehouse Project

This item was continued from February 21, 2023. City Attorney William Ross summarized the meeting proceedings prior to the continuation. Council received a staff report from Community Development Director Brent Cooper with the applicant and consultants.

Action: Motion to adopt Resolution 2023-22 of the City Council of the City of American Canyon (i) Approving a Water Supply Assessment, (ii) Certifying the Final Environmental Impact Report (SCH #2021010104), (iii) Adopting CEQA Findings of Fact, (iv) Adopting a Statement of Overriding Considerations, and (v) Adopting a Mitigation Monitoring and Reporting Program for the Giovannoni Logistics Center Project located north of Green Island Road and bisected by Devlin Road, APN 057-090-008, 057-130-034, 057-130-036 (File No. PL 20-0042) made by Councilmember Mark Joseph, seconded by Vice Mayor Pierre Washington, and CARRIED by roll call vote.

Ayes: Councilmember Mariam Aboudamous, Councilmember Mark Joseph, Councilmember David Oro, Vice Mayor Pierre Washington, Mayor Leon Garcia

Nays: None

Abstain: None

Absent: None

Excused: None

Action: Motion to adopt Resolution 2023-23 of the City Council of the City of American Canyon approving the Giovannoni Logistics Center Phase 1 Design Permit to allow up to 1,069,904 square feet of High Cube Warehouse Uses on 70.2 acres, located north of Green Island Road and east of Devlin Road, APN 057-090-008, 057-130-034, 057-130-036 (File No. PL 20-0042) made by Councilmember Mariam Aboudamous, seconded by Vice Mayor Pierre Washington, and CARRIED by roll call vote.

Ayes: Councilmember Mariam Aboudamous, Councilmember Mark Joseph, Councilmember David Oro, Vice Mayor Pierre Washington, Mayor Leon Garcia

Nays: None

Abstain: None

Absent: None

Excused: None

Action: Motion to adopt Resolution 2023-24 of the City Council of the City of American Canyon approving the Giovannoni Logistics Center Tentative Parcel Map to create a Two-Lot Subdivision for up to 1,069,904 square feet of High Cube Warehouse Uses on 70.2 acres, located north of Green Island Road and east of Devlin Road, APN 057-090-008, 057-130-034, 057-130-036 (File No. PL 20-0043) made by Councilmember Mariam Aboudamous, seconded by Councilmember Mark Joseph, and CARRIED by roll call vote.

Ayes: Councilmember Mariam Aboudamous, Councilmember Mark Joseph, Councilmember David Oro, Vice Mayor Pierre Washington, Mayor Leon Garcia

Nays: None

Abstain: None

Absent: None

Excused: None

Councilmember David Oro left the meeting at 8:18 p.m.

BUSINESS

12. Annual Comprehensive Financial Report

Council received a staff report from Finance Director Juan Gomez with consultant Brian Nash available for questions. Mayor Garcia called for public comments. Written comments: none. Oral comments: none. The public comments period was closed.

MANAGEMENT AND STAFF ORAL REPORTS

13. Maintenance and Utilities Department, Sewer/Wastewater Division Update

Council received oral updates from Parks & Recreation Director Alexandra Ikeda.

MAYOR/COUNCIL COMMENTS, COMMITTEE REPORTS, AND FUTURE AGENDA ITEMS

14. City Council Committee Report - Councilmember Joseph

Mayor and Councilmembers commented on items of interest.

15. Future Agenda Items of Note:

March 24, 2023
Council Workshop

April 4, 2023
National Fair Housing Month
Arts in April Month
American Canyon Police Department Annual Report
Communications Annual Report

April 18, 2023
Volunteer Week
Speed Survey
Utility Rate Study (Informational)
Parks and Recreation Fee Schedule

May 2, 2023
Municipal Clerk Week
Older Americans Month

Mental Health Month
Bike Month
Secondhand Smoke Prohibition
Kids Commerce Business License Fee Waiver
Proposed Fiscal Year 2023/2024 Budget

May 16, 2023
Memorial Day
Public Works Week
National Building Safety Month
Safe Gun Storage Ordinance
Water Presentation
LLAD Draft Engineers Report

ADJOURNMENT

The meeting was adjourned at 9:21 p.m.

CERTIFICATION

Respectfully Submitted,

Taresa Geilfuss, CMC, City Clerk

**CITY OF AMERICAN CANYON
REGULAR CITY COUNCIL MEETING**

ACTION MINUTES

March 24, 2023

9:00 A.M. SPECIAL CITY COUNCIL WORKSHOP

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present: Councilmember Mark Joseph, Vice Mayor Pierre Washington, Mayor Leon Garcia.

Excused: Councilmember Mariam Aboudamous, Councilmember David Oro

WORKSHOP ITEMS

1) Short Range Financial Workshop

Council received a presentation from Finance Director Juan Gomez.

2) Strategic Planning

Council participated in a strategic planning session.

PUBLIC COMMENT

Mayor Garcia called for public comments. Written Comments: none. Oral comments: none. The public comment period was closed.

ADJOURNMENT

The meeting was adjourned at 3:45 p.m.

CERTIFICATION

Respectfully Submitted,

Taresa Geilfuss, CMC, City Clerk

William D. Ross
David Schwarz
Kypros G. Hostetter

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File No: 199/6

March 23, 2023

VIA E-MAIL

The Honorable Leon Garcia, Mayor
and Members of the City Council
City of American Canyon
4381 Broadway, Suite 201
American Canyon, CA 94503

Re: Report Upon Return from Closed Session; Virtual Regular City Council Closed Session Meeting of the American Canyon City Council; March 21, 2023

Dear Mayor Garcia and Members of the City Council:

This communication sets forth reportable action, if any, of the City Council (“Council”) of the City of American Canyon (“City”), consistent with provisions of the Ralph M. Brown Opening Meeting Act (Government Code Section 54950, *et seq.*) resulting from the Closed Session of the Virtual Regular City Council Closed Session Meeting of March 7, 2023, consistent with Government Code Section 54957.1.

Mayor Leon Garcia called the meeting to order in Open Session at 5:33 p.m. with all Council Members present (Council Member David Oro participating virtually, consistent with AB 2449 just cause provision) and ascertained that there were no public comments on matters agendized for Closed Session consideration, and then adjourned to Closed Session at 5:33 p.m.

There were two matters agendized for City Closed Session consideration.

1. Conference with Legal Counsel - Anticipated Litigation
Authorized pursuant to Government Code Section 54956.9(d)(2)
Two Matters
2. Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9(d)(1):
 - a. *American Canyon I, LLC v. Napa Valley Unified School District* (Napa County Superior Court Case No 22CV001145).

The Honorable Leon Garcia, Mayor
and Members of the City Council
March 23, 2023
Page 2

- b. *City of American Canyon v. City of Vallejo, et al.* (Sacramento Superior Court Case No. 34-2022-00327471).
- c. *City of American Canyon v. Leon Dale Schmidt*, (Napa County Superior Court Case No. 22CV001041).

With respect to the first matter considered under Closed Session Agenda Item No. 1., although there was direction concerning a future Council Closed Session and the specific criteria to be used for that Closed Session, there was no reportable action under the common law attorney-client privilege and that provided by Government Code Section 54956.9(d)(2).

With respect to the second matter considered under Closed Session Agenda Item No. 1., there was reportable action in the form of direction (5-0) to authorize a proposed staged settlement with California Trenchless, Inc., under specific terms and conditions. Except as indicated, there was no other reportable action under the common law attorney-client privilege and that provided by Government Code Section 54956.9(d)(2).

With respect to Closed Session Agenda Item No. 2.a., there was no reportable action under the common law attorney-client privilege and that provided by Government Code Section 54956.9(d)(1).

With respect to Closed Session Agenda Item No. 2.b., there was no reportable action under the common law attorney-client privilege and that provided by Government Code Section 54956.9(d)(1).

With respect to Closed Session Agenda Item No. 2.c., there was no reportable action under the common law attorney-client privilege and that provided by Government Code Section 54956.9(d)(1).

Your Council concluded the Closed Session at 6:21 p.m.

In Open Session, it was indicated that a written report upon return from Closed Session consistent with Government Code Section 54957.1, would be prepared concerning the matters agendaized for Closed Session consideration.

This communication should be reviewed under the Consent portion of the Agenda of your next Regular or Special City Council Meeting.

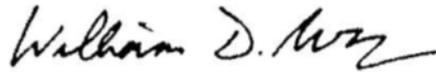
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The Honorable Leon Garcia, Mayor
and Members of the City Council
March 23, 2023
Page 3

Should you have questions concerning this Report, it may be taken off the Consent calendar when agendized in the future, or our office may be contacted in the interim.

Very truly yours,

A handwritten signature in black ink, appearing to read "William D. Ross". The signature is fluid and cursive, with the first name "William" being the most prominent.

William D. Ross
City Attorney

WDR:jf

cc: Jason B. Holley, City Manager
Maria Ojeda, Assistant City Manager
Taresa Geilfuss, City Clerk
Cherri Walton, Deputy City Clerk



TITLE

2023 Military Equipment Inventory and Equipment Use Policy

RECOMMENDATION

Adopt by Minute Order the 2023 Military Equipment Inventory and Equipment Use Policy.

CONTACT

Rick Greenberg, Chief of Police

BACKGROUND & ANALYSIS

Assembly Bill Number 481 (AB 481), codified at Government Code sections 7070 through 7075, requires the American Canyon Police Department (ACPD) to obtain approval from City Council of its military equipment use policy by ordinance by April 30, 2022, in order to continue the use of this previously acquired equipment effective May 1, 2022; which was adopted by City Council on April 19, 2022. As well as obtain approval from City Council on an annual basis, with any changes to the policy or the equipment inventory.

The only change for equipment in 2023, on page 29, Tactical Bolt-Action Rifles (various calibers/configurations). No policy changes for 2023.

The term “military equipment”, as used in AB 481, does not necessarily indicate equipment used by the military. Items deemed to be “military equipment” include, but are not limited to, unmanned aerial or ground vehicles, armored vehicles, command and control vehicles, pepper balls, less lethal shotguns, less lethal 40mm projectile launchers, long range acoustic devices, and flashbangs. The list of items considered “military equipment” by AB 481 are employed by many law enforcement agencies across the country as best practices to enhance citizen and officer safety.

Provided as an attachment is the 2023 inventory list of military equipment that the Napa County Sheriff Department (NSD) maintains. Also attached is the ACPD and NSD’s military Equipment use policy. The use of the military equipment identified on the inventory list is vital to ACPD’s mission and will continue to be strictly regulated through internal processes and oversight.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Public Safety: "Ensure American Canyon remains a safe community."

FISCAL IMPACT

The cost of the current equipment is included in the existing contract with the Napa County Sheriff Department.

ENVIRONMENTAL REVIEW

None.

ATTACHMENTS:

1. [Military Equipment Policy](#)
2. [2023 AB 481 Equipment List](#)

Military Equipment

706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072). While the Legislatures defines our equipment as military equipment, this Office defines this equipment as law enforcement equipment.

706.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Office.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

Napa County Sheriff's Office

Napa County SO Policy Manual

Military Equipment

706.2 POLICY

It is the policy of the Napa County Sheriff's Office that members of this office comply with the provisions of Government Code § 7071 with respect to military equipment.

706.3 MILITARY EQUIPMENT COORDINATOR

The Sheriff should designate a member of this office to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying office equipment that qualifies as military equipment in the current possession of the Office, or the equipment the Office intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Napa County Sheriff's Office (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the office's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Sheriff and ensuring that the report is made available on the office website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Office will respond in a timely manner.

706.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Office:

[Insert attachment here]

706.5 APPROVAL

The Sheriff or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Sheriff or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the office website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

Military Equipment

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this office.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

706.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with this Office's policy. Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid.

706.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Sheriff or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Sheriff or the authorized designee should also make each annual military equipment report publicly available on the office website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in office inventory.

706.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Office shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Office should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.



Commitment to
Community

NAPA COUNTY OFFICE OF SHERIFF-CORONER

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OSCAR ORTIZ
Sheriff - Coroner

Napa County Sheriff

AB 481 Equipment Report

2023



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

Considerations:

The AB481-reportable equipment inventory sheets contained within this document were compiled during Q1 2023.

With respect to costs, funding, annual upkeep expenses and estimated effective lifespan, every effort has been made to be as accurate as possible while at the same time acknowledging that many factors directly affecting those aforementioned values are unpredictable.

Costs associated with the following items represent the best estimates at the time this document was prepared. Many of these items are not purchased from manufacturers, but from dealers, who adjust costs in accordance with market factors beyond the predictive abilities or control of Napa SO.

Due to the unpredictable nature of the law enforcement profession, many of the item estimated upkeep costs and effective lifespans are best estimates and may vary greatly on a year-to-year basis, due to the availability of training, type of operational incidents or other factors.

“Annual Allocation” refers to the quantity needed “on hand” over the course of a calendar year to meet all reasonably-anticipated operational and training needs. Some items may be carried over in inventory year to year depending on operational/training tempo.

With respect to terminology, “expendable equipment” items are items that typically have a one-time use and then cannot be used again, such as chemical agents or smoke grenades.

In an effort to be as efficient as possible, many items, both “expendable” and otherwise have operational applications across a diverse set of Napa SO missions. For example, “40mm launcher (single and multi-shot capability)” is an item that is utilized by Napa SO Patrol, SWAT, Mobile Field Force and other auxiliary assignments. The cost and unit allocation estimates that state “across all divisions” represents the best estimation of the requirements for those items to fill all needs for Napa SO.

Additionally, there are costs for non-AB481 equipment that are intrinsically tied to the costs for the following items. For example, slings, carrying cases, magazines, sighting systems, flashlights, cleaning supplies, batteries and other non-AB481 reportable items are not included in the cost estimations, unit allocation or upkeep portions of this report.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

12-Gauge Muzzle Bang/Launching Cartridge (1370 Launching Cup)

Description:

The 12-Gauge Muzzle Bang / Launching Cartridge incorporates an opaque shell and utilizes black powder as the propellant. It has the ability to be used alone as a Muzzle Bang for crowd management during unruly or riot behavior as well as tactical deployment situations against or for propelling grenades (Chemical Agent/Smoke) when using the 1370 Launching Cup.

Purpose & Use:

The 12-Gauge Muzzle Bang / Launching Cartridge used alone produces 170 dB of sound output. It is designed to be aimed at the floor or wall at a 45° angle. This round should not be direct fired at personnel. It is used as a crowd management tool in crowd control situations as a means of warning, intimidation or diversion. It may be deployed in the air over crowds or to the side for dissuading movement in a given direction. It may also be deployed to the far side of buildings to divert the attention away from an approach or entry.

Launching Cartridge application: The 12-Gauge Muzzle Bang / Launching Cartridge used in conjunction with the 1370 Launching Cup provides the operator with the ability of projecting the Pocket Tactical family of hand delivered grenades. The use of the Launching Cup will project the grenades further than can be hand delivered. This increases the distance between operators and crowds, reducing the chance for injuries to both parties

Cost & Quantity Allocation:

This expendable equipment has no unique or temporary funding source. Unit cost of \$7/ea. Annual estimated training and operational allocation of approximately 300 units.

Training Requirements:

Deputies must successfully complete department-approved training to be authorized to use the 12-Gauge Muzzle Bang / Launching Cartridge.

Compliance Protocols:

Use of the 12-Gauge Muzzle Bang / Launching Cartridge shall conform to all relevant NSO policies, including but not limited to NSO Policy 302.9, 404, 407 and 431. Must also maintain compliance with local, state and federal storage, transportation and handling regulations and all relevant local, state and federal use of force legislation.

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

40 mm launcher (single and multi-shot capability)

Description:

The 40 mm less lethal launcher is device that has the ability to shoot multiple types of 40 mm projectiles.

Purpose & Use:

A 40 mm launcher is used to deploy less lethal munitions and chemical agents for a variety of missions

Cost & Quantity Allocation:

This piece of equipment has no unique or temporary funding source. Unit cost of \$800. Annual estimated training and operational allocation of approximately 30 units across all divisions. Estimated effective lifespan 10+ years.

SWAT procedural rules that govern use:

The 40 mm launcher shall be used by SWAT team members under the direction of the SWAT team Commander.

Training Requirements:

Must complete annual SWAT firearms qualification and regularly required refresher training.

Compliance Protocols:

Use of the 40 mm launcher shall conform to all relevant NSO policies, including but not limited to NSO Policy 300,302,303,305,404, as well as all local, state and federal use of force laws.

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

40MM Muzzle Blast Round

Description:

The 40mm Muzzle Blast Rounds incorporate an aluminum shell and utilize smokeless powder as the propellant. The 40mm Muzzle Blast Rounds are designed to deliver chemical agents in the immediate area (30 feet) of the grenadier. The 40mm Muzzle Blast Round is available in OC (Oleoresin Capsicum) or CS (Chlorobenzylidenemalononitrile). 40mm Muzzle Blast is deployed from a 40mm launcher.

Purpose & Use:

The 40mm Muzzle Blast Rounds are widely used as a crowd management solution for the immediate and close deployment of chemical agent in crowd control management during unruly or riot behavior. However, it has proven successful during tactical operations. As a pain compliance round for crowd management, the 40mm Muzzle Blast Rounds are an excellent device for deploying chemical laden powder at close ranges for indoor or outdoor operations. The 40mm Muzzle Blast provides instantaneous emission of chemical agent directly at or on riotous, non-compliant subjects close to the police line or within confined spaces. As a tactical round, the Muzzle Blast Rounds have been used in operations such as barricaded subjects, room clearing, space denial, and a means of contaminating crawl spaces and attics. The purpose of the Muzzle Blast Round is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects.

Cost & Quantity Allocation:

This expendable equipment has no unique or temporary funding source. Unit cost of \$28.00. Annual estimated training and operational allocation of approximately 10 units.

Training Requirements:

Deputies must successfully complete department-approved training to be authorized to use the 40mm Muzzle Blast Rounds.

Compliance Protocols:

Use of the 40mm Muzzle Blast Rounds shall conform to all relevant NSO policies, including but not limited to NSO Policy 404, 407 and 431. Must also maintain compliance with local, state and federal storage, transportation and handling regulations and all relevant local, state and federal use of force legislation.

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

NONEL (NONELECTIC DELAY DETONATOR) –Various lengths of orange shock tube

Description:

NONEL nonelectric delay detonator consist of a length of orange shock tube with a High Strength detonator attached to one end. They are available in various lengths.

Purpose & Use:

Nonel is an energetic material component in explosive breaching charge construction.

Cost & Quantity Allocation:

This expendable equipment has no unique or temporary funding source. Unit cost of \$10/ea. Annual estimated training and operational allocation of approximately 700 units across all divisions.

SWAT procedural rules that govern use:

Nonel shall be handled only by Explosive Breaching trained deputies or under their direct supervision and direction while constructing explosive breaching charges. Grain weights, measurement lengths and all calculations shall be verified by a trained Explosive Breacher. All Nonel shall be stored in compliance with ATF regulations and handled in accordance with best practices as established by Explosive Breaching training standards.

Training Requirements:

Deputies must successfully complete FETT Basic/Intermediate or higher-level Explosive Breacher Course. Must complete required FETT Explosive Breacher re-certification courses at regularly required intervals.

Must maintain compliance with local, state and federal storage, transportation and handling regulations.

Compliance Protocols:

Use of Nonel as part of SWAT Operations shall conform to all relevant NSO policies, including but not limited to NSO Policy 404, 407, 408 as well as all local, state and federal use of force legislation.

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

Armor Piercing (AP) projectiles (various calibers)

Description:

AP rounds is designed to penetrate through hardened material that other rounds are unable to.

Purpose & Use:

For the designated marksman (DM) to have the capability to stop various types of vehicles and penetrate harden objects.

Cost & Quantity Allocation:

This expendable piece of equipment has no unique or temporary funding source. Unit cost of \$2.50/round. Annual estimated training and operational allocation of approximately 500 units.

SWAT procedural rules that govern use:

AP rounds shall be used by SWAT team members under the direction of the SWAT team Commander.

Use of AP rounds shall conform to all relevant local, state and federal use of force legislation.

Training Requirements:

Must complete annual SWAT rifle qualification and regularly required firearms training.

Compliance Protocols:

Use of the AP round shall conform to all relevant NSO policies, including but not limited to NSO Policy 305,404

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

BALLISTIC BREACHING ROUND (HOLLOW POINT CUTTER ROUND)

Description:

The Ballistic Breaching Cutter Round is designed to work in correlation with a Ballistic Breaching Shot gun. The Ballistic Breaching Cutter Round is encased in a 12-gauge shotgun casing and usually consists of a hardened steel slug.

Purpose & Use:

A Ballistic Breaching Cutter Round is a shotgun shell specially made to be fired through hardened barriers, cut through concrete re-bar, penetrate security glass, car doors and punch into automotive engine blocks.

Cost & Quantity Allocation:

This expendable piece of equipment has no unique or temporary funding source. Unit cost of \$30/box. Annual estimated training and operational allocation of approximately 5 units.

SWAT procedural rules that govern use:

The Ballistic Breaching Cutter Round shall be handled only by ballistic breaching trained deputies or under their direct supervision and direction. The firearm shall be handled in accordance with best practices as established by ballistic breaching standards.

Training Requirements:

Deputies must successfully complete a basic or higher-level Ballistic Breaching Course taught by an appropriate training company.

Must maintain compliance with local, state and federal use of force requirements.

Compliance Protocols:

Use of the Ballistic Breaching Round or Slug as part of SWAT Operations shall conform to all relevant NSO policies, including but not limited to NSO Policy 404, 407, 408.

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

BALLISTIC BREACHING ROUND (various material components)

Description:

The Ballistic Breaching Round is designed to work in correlation with a Ballistic Breaching Shotgun. The Ballistic Breaching Round is encased in a 12-gauge shotgun casing and usually consists a variety of different materials allows for versatility of use based on target analysis.

Purpose & Use:

When properly utilized for a ballistic breaching task, it is designed to impact and structurally weaken the object it hits (thereby weakening the structure enough to allow successful tactical breaching) and then disperse into a relatively harmless powder.

Cost & Quantity Allocation:

This expendable piece of equipment has no unique or temporary funding source. Unit cost of \$25/box. Annual estimated training and operational allocation of approximately 10 units.

SWAT procedural rules that govern use:

The Ballistic Breaching Round or Slug shall be handled only by ballistic breaching trained deputies or under their direct supervision and direction. They shall be handled in accordance with best practices as established by ballistic breaching standards.

Training Requirements:

Deputies must successfully complete a basic or higher-level Ballistic Breaching Course. Must maintain compliance with local, state and federal use of force requirements.

Compliance Protocols:

Use of the Ballistic Breaching Round or Slug as part of SWAT Operations shall conform to all relevant NSO policies, including but not limited to NSO Policy 404, 407, 408.

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

BALLISTIC BREACHING SHOTGUN

Description:

A short-barrel pistol-gripped 12-gauge pump action shotgun that has been modified to best perform ballistic breaching tasks. The breaching shotgun is designed to work in correlation with specific breaching rounds or slugs.

Purpose & Use:

When it is properly employed, a breaching shotgun can provide teams with safe and fast door breaching. Ballistic breach may also be employed to breach non-traditional barriers.

Cost & Quantity Allocation:

This piece of equipment has no unique or temporary funding source. Unit cost of \$800/ea. Annual estimated training and operational allocation of approximately 2 units. Annual estimated upkeep costs dependent on rounds fired and preventative maintenance. Estimated effective lifespan 10+ years.

SWAT procedural rules that govern use:

The Breaching Shotgun shall be handled only by ballistic breaching trained deputies or under their direct supervision and direction. The firearm shall be handled in accordance with best practices as established by ballistic breaching standards.

Training Requirements:

Deputies must successfully complete a basic or higher-level Ballistic Breaching Course and receive regular refresher training.

Must maintain compliance with local, state and federal use of force requirements.

Compliance Protocols:

Use of the Ballistic Breaching Shotgun as part of SWAT Operations shall conform to all relevant NSO policies, including but not limited to NSO Policy 404, 407, 408.

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

12-Gauge-Drag-Stabilized Munition

Description:

The 12-Gauge Drag Stabilized Munition is comprised of a translucent 12-Gauge shell loaded with a 40 gram, tear shaped bag made from a cotton and ballistic material blend and filled with #9 shot. The rounds are also available as green marking powder.

Purpose & Use:

12-Gauge Drag Stabilized Munition is a point-of-aim, point-of-impact, direct-fire munition that is most commonly used in situations where greater accuracy and deliverable energy is desired for the incapacitation of an aggressive, non-complaint subject at longer distances. These are considered Less Lethal Impact Munitions (LLIM). The munition is deployed from a designated and clearly marked less lethal 12-gauge shotgun.

Cost & Quantity Allocation:

This expendable equipment has no unique or temporary funding source. Unit cost of \$7.00. Annual estimated training and operational allocation of approximately 250 units.

Training Requirements:

Deputies must successfully complete department-approved training to be able to use 12-Gauge Drag Stabilized Munitions.

Compliance Protocols:

Use of 12-Gauge Drag Stabilized Munitions shall conform to all relevant NSO policies, including but not limited to NSO Policy 302.9, 404, 407 and 431.

Must also maintain compliance with local, state and federal storage, transportation and handling regulations and all relevant local, state and federal use of force legislation.

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

Chemical Agents- handheld delivered grenade devices

Description:

The Chemical Agents handheld grenade devices utilizes an M201A1 Fuze with enclosed canister that come in a variety of sizes, configurations and irritant payloads. In the OC (Oleoresin Capsicum) or CS (Chlorobenzylidenemalonitrile) configurations, pelletized chemical agent is discharged through a gas port(s) from the canister.

Purpose & Use:

Chemical Agents handheld grenade devices can be used to conceal tactical movement. They can be used in crowd control management during unruly or riot behavior as well as tactical deployment situations to detect and/or dislodge barricaded subjects. The purpose of Chemical Agents handheld grenade devices is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The different configurations allows for indoor or outdoor deployments.

Cost & Quantity Allocation:

This expendable equipment has no unique or temporary funding source. Unit cost of \$45. Annual estimated training and operational allocation of approximately 15 units.

Training Requirements:

Deputies must successfully complete department-approved training to be authorized to use Chemical Agents handheld grenade devices.

Compliance Protocols:

Use of Chemical Agents handheld grenade devices shall conform to all relevant NSO policies, including but not limited to NSO Policy 404, 407 and 431. Must also maintain compliance with local, state and federal storage, transportation and handling regulations and all relevant local, state and federal use of force legislation.

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

DETONATING CORD (DET CORD) (AKA – PRIMACORD) –Various grain weights per linear foot

Description:

PRIMACORD detonating cords (Det Cord) are flexible linear explosives with a core of PETN explosive encased in a textile outer jacket. They are available in various grain weights per linear foot.

Purpose & Use:

PRIMACORD is an energetic material component in explosive breaching charge construction.

Cost & Quantity Allocation:

This expendable equipment has no unique or temporary funding source. Unit cost of \$0.60/linear foot. Annual estimated training and operational allocation of approximately 4000 linear feet across all divisions.

SWAT procedural rules that govern use:

Det Cord shall be handled only by Explosive Breaching trained deputies or under their direct supervision and direction while constructing explosive breaching charges. Grain weights, measurement lengths and all calculations shall be verified by a trained Explosive Breacher. All Det Cord shall be stored in compliance with ATF regulations and handled in accordance with best practices as established by Explosive Breaching training standards.

Training Requirements:

Deputies must successfully complete FETT Basic/Intermediate or higher-level Explosive Breacher Course. Must complete required FETT Explosive Breacher re-certification courses at regularly required intervals.

Must maintain compliance with local, state and federal storage, transportation and handling regulations.

Compliance Protocols:

Use of Det Cord as part of SWAT Operations shall conform to all relevant NSO policies, including but not limited to NSO Policy 404, 407, 408 as well as all local, state and federal use of force legislation.

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

Exact/Direct Impact 40MM Sponge Munitions

Description:

The Exact Impact 40 MM Sponge Munition is a lightweight, high-speed projectile consisting of a plastic body and sponge nose. The round utilizes smokeless powder as the propellant, and, therefore, have velocities that are extremely consistent.

The Direct Impact 40 MM Foam Munition is a lightweight projectile that consists of a plastic body and a crushable foam nose that contains a powder payload. This payload area can hold inert, marking, OC (Oleoresin Capsicum) or CS (Chlorobenzylidenemalononitrile) powder. The crushable foam nose dissipates energy upon impact while releasing the powder payload. The munition is deployed from a 40mm launcher.

Purpose & Use:

The Exact Impact 40 MM Sponge Munition and the Direct Impact 40 MM Foam Round is a point-of-aim, point-of-impact, direct-fire munition that is most commonly used in situations where greater accuracy and deliverable energy is desired for the incapacitation of an aggressive, non-complaint subject at longer distances. These are considered Less Lethal Impact Munitions (LLIM).

Cost & Quantity Allocation:

This expendable equipment has no unique or temporary funding source. Unit cost of \$25. Annual estimated training and operational allocation of approximately 40 units.

Training Requirements:

Deputies must successfully complete department-approved training to be authorized to use the Exact Impact 40 MM Sponge munition and the Direct Impact 40 MM Foam munition.

Compliance Protocols:

Use of the Exact Impact 40 MM Sponge munition and the Direct Impact 40 MM Foam munition shall conform to all relevant NSO policies, including but not limited to NSO Policy 302.9, 404, 407 and 431.

Must maintain compliance with local, state and federal storage, transportation and handling regulations and all relevant local, state and federal use of force legislation.

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

Ferret Round-40MM

Description:

The Ferret 40mm Round is a frangible projectile filled with chemical agent. It is designed to deliver chemical agents in barricade situations from a 40mm launcher. It is available with either liquid or powder carrier for the agent. The payload can hold OC (Oleoresin Capsicum) or CS (Chlorobenzylidenemalonitrile). Spin stabilization from barrel rifling affords maximum stand-off distance and accuracy for safety.

Purpose & Use:

The Ferret 40mm Round is non-burning and suitable for indoor use. Used primarily by tactical teams, is designed to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of the structure or vehicle. Is primarily used to dislodge barricaded subjects from very small confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects.

Cost & Quantity Allocation:

This expendable equipment has no unique or temporary funding source. Unit cost of \$27. Annual estimated training and operational allocation of approximately 20 units.

Training Requirements:

Deputies must successfully complete department-approved training to be authorized to use the Ferret 40mm Round.

Compliance Protocols:

Use of the Ferret 40mm Round shall conform to all relevant NSO policies, including but not limited to NSO Policy 404, 407 and 431.

Must also maintain compliance with local, state and federal storage, transportation and handling regulations and all relevant local, state and federal use of force legislation.

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

Noise/Flash Diversionary Device (NFDD AKA – Flashbangs) – 12 gram and 4 gram

Description:

NFDD utilizes an M201A1 type fuze with Hex design steel body. The bodies are reloadable and are reusable up to 25 times. The charges are available in full 12 gram loads, or 4 gram training charges.

Purpose & Use:

NFDD's are used to distract suspects during high risk operations.

Cost & Quantity Allocation:

This expendable equipment has no unique or temporary funding source. Unit cost of \$40/ea. Annual estimated training and operational allocation of approximately 50 units.

SWAT procedural rules that govern use:

NFDD's shall only be handled by trained deputies. Charges for the NFDD's will be installed by trained deputies. All devices shall be stored in compliance with ATF regulations and handled in accordance with best practices as established by NFDD training standards.

Training Requirements:

Certified instructors must complete certification every four years. Deputies must complete training to use NFDD from certified instructors prior to deployment, and receive annual instruction on deployment and use.

Compliance Protocols:

Use of NFDD as part of SWAT Operations shall conform to all relevant NSO policies, including but not limited to NSO Policy 404, 407, 408.

Must also maintain compliance with local, state and federal storage, transportation and handling regulations, as well as all local, state and federal use of force legislation.

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

Infrared laser (IR) designator (various configurations)

Description:

Infrared Laser signaling device.

Purpose & Use:

IR laser is used as a “laser pointer” style pointing device that can be seen through night vision and has the capability of attaching to a weapon system. IR lasers are not visible to the naked human eye.

Cost & Quantity Allocation:

This piece of equipment has no unique or temporary funding source. Unit cost of \$2000. Annual estimated training and operational allocation of approximately 4 units. Estimated annual upkeep costs dependent on warranty coverage and routine/preventative maintenance. Estimated lifespan 5+ years.

SWAT procedural rules that govern use:

IR laser device shall be used by SWAT team members under the direction of the SWAT team Commander.

Use of the IR Laser designator shall conform to all relevant local, state and federal use of force legislation.

Training Requirements:

Show proficiency in manipulation and annual qualification.

Compliance Protocols:

Use of the IR laser designator shall conform to all relevant NSO policies, including but not limited to NSO Policy 305,404

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

LENCO BEARCAT G3 ARMORED VEHICLE

Description

Off road and rural mission armored vehicle, seats 10-12 fully equipped officers, open floor plan that allows for rescue of downed personnel.

Purpose and Use

Armored vehicle system in a rugged off-road platform to provide enhanced off-road performance which allows for emergency response in rural regions and natural disasters scenarios for a variety of missions where standard armored SWAT vehicles would experience challenges. Optionally equipped with ram, "ramcam" that can penetrate a wall to allow live video feed inside a structure, technology meshing to allow the use of advanced technologies on scene, and all steel construction.

Cost & Quantity Allocation:

This equipment has no unique or temporary funding source. Unit cost of \$400,000/vehicle. Annual upkeep costs dependent on mileage, fuel, preventative maintenance. Annual estimated training and operational allocation of approximately 1 unit. Estimated effective lifespan approximately 10 years.

SWAT procedural rules that govern use

The Lenco Bearcat G3 is primarily operated by auxiliary drivers whose purpose is to drive and operate equipment on the Bearcat. However, all members of the SWAT team and auxiliary members have been provided in-person hands-on training on the vehicle and its capabilities.

Training Requirements

Every driver must possess a valid driver license, show competency when operating the Lenco Bearcat G3, and be up to date on the POST mandated Emergency Vehicle Operator Course (EVOC).

Compliance Protocols

Use of the Lenco Bearcat shall conform to all relevant NSO policies, including but not limited to 308 – Vehicle Operations and Parking Procedures and 703 – Vehicle Use

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

Recon Robotics Throwbot (AKA- Throwbot)

Description:

The Throwbot is a throwable micro-robot platform that enables operators to obtain instantaneous video and audio reconnaissance within indoor or outdoor environments.

Purpose & Use:

The Throwbot is used to gain mission critical information in harsh or hazardous environments.

Cost & Quantity Allocation:

Any repairs or replacements will be through warranty and if it is not covered through warranty, then funding will come from the SWAT budget/funding source; there are no annual fees associated with this device. Annual estimated training and operational allocation of approximately 1 units. Estimated effective lifespan 5+ years.

SWAT procedural rules that govern use:

The Throwbot shall only be handled and controlled by trained deputies.

Training Requirements:

Deputies do not need to complete any formal training to be able to control the Throwbot with its easy-to-use, handheld controller.

Compliance Protocols:

Use of the Throwbot as part of SWAT Operations shall conform to all relevant NSO policies, including but not limited to NSO Policy 404, 407 and 408.

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

Robotex Avatar Tactical Robot (AKA- Avatar)

Description:

The Avatar is a robot platform that allows the operator the ability to inspect a dangerous situation through instantaneous video and audio reconnaissance (including push-to-talk/two-way audio capability) without the need to send personnel in to assess the situation. Optionally, the Avatar robot can be fitted with a “claw” that can provide limited lift/move/carry/manipulate of small objects.

Purpose & Use:

The Avatar is used to gain mission critical information in harsh or hazardous environments.

Cost & Quantity Allocation:

Any repairs or replacements will be through warranty and if it is not covered through warranty, then funding will come from the SWAT budget/funding source; there are no annual fees associated with this device. Annual estimated training and operational allocation of approximately 1 unit. Estimated effective lifespan 5+ years.

SWAT procedural rules that govern use:

The Avatar shall only be handled and controlled by trained deputies.

Training Requirements:

Deputies do not need to complete any formal training to be able to control the Avatar with its easy-to-use, handheld controller.

Compliance Protocols:

Use of the Avatar as part of SWAT Operations shall conform to all relevant NSO policies, including but not limited to NSO Policy 404, 407 and 408.

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

Zistos Under-the-Door Camera (AKA- Under-Door-Camera)

Description:

The Under-the-Door Camera provides a safe and covert way to view into a room.

Purpose & Use:

The Under-the-Door Camera provides operators the ability to gain critical mission information with limited penetration.

Cost & Quantity Allocation:

Any repairs or replacements will be through warranty and if it is not covered through warranty, then funding will come from the SWAT budget/funding source; there are no annual fees associated with this device. Annual estimated training and operational allocation of approximately 1 unit. Estimated effective lifespan 5+ years.

SWAT procedural rules that govern use:

The Under-the-Door Camera shall only be handled by trained deputies.

Training Requirements:

Deputies do not need to complete any formal training to be able to control the Under-the-Door-Camera with its easy-to-use, handheld controller.

Compliance Protocols:

Use of the Under-the-Door Camera as part of SWAT Operations shall conform to all relevant NSO policies, including but not limited to NSO Policy 404, 407 and 408.

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

Short barreled select fire AR-15 style rifle (various configurations)

Description:

A Short barreled select fire AR-15 style rifle available in a variety of calibers, barrel lengths and configurations.

Purpose & Use:

The short barreled select fire AR-15 style rifle is the type of firearms that SWAT team members are issued and employ for a wide variety of missions.

Cost & Quantity Allocation:

This piece of equipment has no unique or temporary funding source. Unit cost of \$1500. Ongoing costs determined by rounds fired operationally and in training, routine and preventative maintenance. Annual estimated training and operational allocation of approximately 20 units. Estimated effective lifespan 10+ years.

SWAT procedural rules that govern use:

The rifle shall be assigned and used by SWAT team members who meet the department-set rifle qualifications and under the direction of the SWAT commander.

Training Requirements:

Must complete annual SWAT rifle qualification and regular firearms training.

Compliance Protocols:

Use of A Short barreled select fire AR-15 style rifle as part of SWAT Operations shall conform to all relevant NSO policies, including but not limited to NSO Policy 305, as well as all local, state and federal use of force laws.

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

Smoke- handheld smoke grenade devices

Description:

The handheld smoke grenade devices utilizes an M201A1 Fuze with enclosed canister that come in a variety of sizes, colors, configurations that uses HC (Hexachlorethane) and SAF-Smoke. Smoke is discharged through gas ports located on the canister.

Purpose & Use:

Handheld smoke grenade devices can be used to conceal tactical movement. They can be used in crowd control during unruly or riot behavior. It can be used to detect and/or dislodge a barricaded subject. It can also be used as an emergency signaling device. The different configurations allows for indoor or outdoor deployments.

Cost & Quantity Allocation:

This expendable equipment has no unique or temporary funding source. Unit cost of \$43.00. Annual estimated training and operational allocation of approximately 8 units.

Training Requirements:

Deputies must successfully complete department-approved training to be authorized to use handheld smoke grenade devices.

Compliance Protocols:

Use of handheld smoke grenade devices shall conform to all relevant NSO policies, including but not limited to NSO Policy 404, 407 and 431.

Must also maintain compliance with local, state and federal storage, transportation and handling regulations and all relevant local, state and federal use of force legislation.

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

Spede-Heat 40mm Round

Description:

The Spede-Heat 40mm Round incorporates an aluminum shell and utilizes black powder as the propellant. The Spede-Heat 40mm Round is designed to deliver one dual-ported chemical or smoke canister from a 40mm launcher at various ranges, product dependent. The Spede-Heat 40mm Round is available in OC (Oleoresin Capsicum) or CS (Chlorobenzylidenemalononitrile) and Saf-Smoke. Spede-Heat 40mm round is deployed from a 40mm launcher.

Purpose & Use:

The Spede-Heat 40mm Round can be used to conceal tactical movement. They can be used in crowd control management during unruly or riot behavior. The purpose of the Spede-Heat 40mm Round is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The different configurations allows for different distances and chemical agent or smoke deployments.

Cost & Quantity Allocation:

This expendable equipment has no unique or temporary funding source. Unit cost of \$25. Annual estimated training and operational allocation of approximately 4 units.

Training Requirements:

Deputies must successfully complete department-approved training to be authorized to use the Spede-Heat 40mm Round.

Compliance Protocols:

Use of Spede-Heat 40mm Round shall conform to all relevant NSO policies, including but not limited to NSO Policy 404, 407 and 431.

Must also maintain compliance with local, state and federal storage, transportation and handling regulations and all relevant local, state and federal use of force legislation.

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

Stinger Grenade

Description:

The Stinger Grenade with Safety Clip is a combination Less Lethal Impact Munitions (LLIM) and Distraction Device that may incorporate optional CS (Chlorobenzylidenemalononitrile) or OC (Oleoresin Capsicum) laden powder, if desired. The Stinger Grenade is a maximum effect device as it delivers up to four stimuli for psychological and physiological effect: rubber pellets, light, sound, and optional chemical agent or OC.

Purpose & Use:

The Stinger Grenade is most widely used in crowd control management during unruly or riot behavior as well as tactical deployment situations to detect and/or dislodge barricaded subjects. Upon deployment, the blast is sufficient to project the rubber balls (32 cal. /60 cal. Option) and optional chemical agent in a 50 foot radius.

Cost & Quantity Allocation:

This expendable equipment has no unique or temporary funding source. Unit cost of \$50. Annual estimated training and operational allocation of approximately 8 units.

Training Requirements:

Deputies must successfully complete department-approved training to be authorized to use the Stinger Grenade.

Compliance Protocols:

Use of the Stinger Grenades shall conform to all relevant NSO policies, including but not limited to NSO Policy 404, 407 and 431.

Must also maintain compliance with local, state and federal storage, transportation and handling regulations and all relevant local, state and federal use of force legislation.

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

Sub-compact select fire weapon system

Description:

A sub-compact select fire weapon system is a shoulder fired weapon system that varies in calibers.

Purpose & Use:

A more compact, more easily concealed weapon system that can be deployed for appropriate situations.

Cost & Quantity Allocation:

This piece of equipment has no unique or temporary funding source. Unit cost of \$0.00 – legacy items already exist in inventory. Estimated annual upkeep determined by rounds fired and routine/preventative maintenance. Estimated effective lifespan 10+ years.

SWAT procedural rules that govern use:

The sub-compact select fire weapon system shall be used by SWAT team members under the direction of the SWAT team Commander.

Training Requirements:

Must complete annual SWAT firearms qualification and regularly required firearms training.

Compliance Protocols:

Use of the sub compact select fire weapon system shall conform to all relevant NSO policies, including but not limited to NSO Policy 305,404, as well as all local, state and federal use of force laws.

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

Firearms Suppressor (various calibers, lengths, attachment styles)

Description:

A suppressor is a device typically attached at the end of a barrel of a firearm.

Purpose & Use:

A suppressor is used to muffle and distort the sound of a firearm as it is fired.

Cost & Quantity Allocation:

This piece of equipment has no unique or temporary funding source. Unit cost of \$1000. Annual estimated training and operational allocation of approximately 20 units (up to 1 unit per rifle). Estimated annual upkeep costs determined by rounds fired and routine/preventative maintenance. Estimated effective lifespan 10+ years.

SWAT procedural rules that govern use:

The suppressor shall be used by SWAT team members under the direction of the SWAT Commander.

Training Requirements:

Must complete annual SWAT rifle qualification and regularly required firearms training.

Compliance Protocols:

Use of a suppressor shall conform to all relevant NSO policies, including but not limited to NSO Policy 305,404

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

40 MM Warning/Signaling Round

Description:

The 40mm Aerial Warning/Signaling Round series are designed to produce 170 dB of sound, and 5 million candelas of light. Each munition is manufactured to deflagrate at a set distance and altitude and has the option of marking or irritant payloads. These distances are 50,100,200 and 300 meters from the point of origin. The munition is deployed from a 40mm launcher.

Purpose & Use:

40mm Aerial Warning/Signaling Round are used to distract/disorientate individuals and provide less lethal response against potential threats. It is also effective in directing the movement of unruly or riot behavior crowds.

Cost & Quantity Allocation:

This expendable equipment has no unique or temporary funding source. Unit cost of \$40. Annual estimated training and operational allocation of approximately 5 units.

Training Requirements:

Deputies must successfully complete department-approved training to be authorized to use the 40mm Aerial Warning/Signaling Round.

Compliance Protocols:

Use of the 40mm Aerial Warning/Signaling Round shall conform to all relevant NSO policies, including but not limited to NSO Policy 302.9, 404, 407 and 431.

Must also maintain compliance with local, state and federal storage, transportation and handling regulations and all relevant local, state and federal use of force legislation.

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



NAPA COUNTY OFFICE OF SHERIFF-CORONER

Commitment to
Community

Tactical Bolt-Action Rifles (various calibers/configurations)

Description:

The tactical bolt-action rifles are bolt-action firearms of various calibers, barrel lengths, ammunition-feeding mechanisms with optional, interchangeable sighting system(s).

Purpose & Use:

Used by the SWAT Designated Marksman (DM) for a variety of missions to provide a highly precise lethal force option at extended ranges.

Cost & Quantity Allocation:

This piece of equipment has no unique or temporary funding source. Unit cost of \$3000. Annual estimated operational and maintenance cost of \$300. Estimated lifespan 10+ years.

SWAT procedural rules that govern use:

Tactical bolt-action rifle(s) shall only be used by SWAT team members under the direction of the SWAT team Commander.

Use of tactical bolt-action rifle(s) shall conform to all relevant local, state and federal use of force legislation.

Training Requirements:

Must complete annual SWAT rifle qualification and regularly required firearms training.

Compliance Protocols:

Use of the tactical bolt-action rifle shall conform to all relevant NSO policies, including but not limited to NSO Policy 305,404

Public complaint procedures:

Napa SO Department Policy Number 1009 shall apply to all personnel complaints.



TITLE

6th Cycle Housing Element Municipal Code and General Plan Amendment Implementation

RECOMMENDATION

Take the following actions related to Growth Control Policies and Emergency Shelters:

1. Adopt a Resolution of the City Council of the City of American Canyon to delete General Plan Goal 1B Growth Control Policies consistent with current State Law.
2. Waive first reading, read by title only, and adopt an Ordinance by the City Council of the City of American Canyon amending the American Canyon Municipal Code Chapter 19.38 "Emergency Shelters"; and Chapter 19.39 "Accessory Dwelling Units" consistent with current State Law.

CONTACT

Brent Cooper, AICP, Community Development Director

BACKGROUND & ANALYSIS

On January 31, 2023, the Planning Commission recommended, and the City Council approved the 6th Cycle Housing Element (Housing Element). The Housing Element includes many programs to Affirmatively Affirm Fair Housing in American Canyon and achieve the City's Regional Housing Needs Allocation (RHNA) for the next 8 years (2023-2031).

On February 7, 2023, the State of California Department of Housing and Community Development (HCD) submitted a letter that identifies needed changes to the City's Accessory Dwelling Unit Ordinance (American Canyon Municipal Code (ACMC) Chapter 19.39). A copy of the HCD ADU review letter is included as Attachment 3.

On February 10, 2023, HCD submitted a letter that comprehensively reviews the Housing Element. Among all HCD comments, three comments suggest the City analyze certain issues that the Housing Element already decided needed to be addressed. These include Emergency Shelter parking requirements, Accessory Dwelling Unit ordinance update, and General Plan growth control policies. A copy of the HCD Housing Element letter is included as Attachment 4.

Staff is actively working on responding to all HCD's comments. With regard to the three specific issues, (Emergency Shelter parking requirements, Accessory Dwelling Unit ordinance update, and

General Plan growth control policies), the Housing Element already concurs with HCD's comments. Therefore, instead of analyzing these issues further, then committing to make code amendments later, as suggested by HCD, a better approach for all concerned is to simply update the regulations now.

Specific Ordinance and General Plan Amendments include the following:

1 . Zoning for a Variety of Housing Types (Emergency Shelters) The HCD Housing Element letter notes that the City's Zoning Code requires Emergency Shelters to provide two parking spaces per staff and one space per six occupants. However, HCD points out that state law prohibits resident parking requirements unless the City can demonstrate that the combined employee and resident requirements do not exceed the parking standards for other commercial and residential uses in that same zoning district.

It would be difficult for the City to attempt to demonstrate that the combined employee and resident requirements do not exceed the parking standards for other commercial and residential uses in that same zoning district. This is because other land uses (i.e: retail, hotel, institutional, office, industrial, warehouse etc.) calculate parking requirements with a different formula than Emergency Shelters. Typically, nonresidential parking is based on a per square foot parking basis and residential requires two parking spaces for three or more bedrooms plus visitor parking. In the case of Emergency Shelters, the parking is based on the number of employees and residences at a proposed shelter. To compound the analysis, there are no known Emergency Shelters in American Canyon.

Because Emergency Shelter parking requirements require knowledge of information that is not available (i.e.: hypothetical Emergency Shelter resident population), and parking standards for other uses are based on a completely different formula (square footage or residential bedrooms plus visitor), it is not feasible to compare these parking standards to objectively demonstrate that Emergency Shelter parking does not exceed the parking requirements for other commercial and residential uses in that same zoning district. Furthermore, Housing Element Program C already acknowledges needed changes to the municipal code to meet current State laws. Redline changes to Municipal Code Chapter 19.38 Emergency Shelters is included as Attachment 5. Amending the Emergency Shelter ordinance to delete resident parking requirements should address this HCD Housing Element comment.

2 . ADU Ordinance Update HCD went to a lot of effort to comprehensively review and offer suggested amendments to the City's ADU ordinance. This effort suggests just how important the role of ADUs as a housing solution is to the State of California. The HCD Housing Element letter acknowledged that Program F will update the ADU ordinance to remove subjective design criteria. However, the February 7, 2023 HCD letter noted additional ADU ordinance changes are needed to comply with State Law. HCD suggests that Housing Element Program F (ADU) be revised to specifically commit the City to update the City's ADU ordinance to address HCD's findings.

Because Program F already acknowledges the need to update the ADU Ordinance, and HCD identified specific changes, staff recommends updating the ADU ordinance now consistent with the February 7, 2023 HCD ADU review letter. Adopting a new state-compliant ADU ordinance should address this specific HCD Housing Element comment. A redline copy of Municipal Code changes to the ADU Ordinance is included as Attachment 6.

3. General Plan Growth Control GoalThe HCD Housing Element letter states that the Housing Crisis Act of 2019 (SB 330), among several other provisions, prohibits a locality from imposing moratoriums and limiting approvals or population caps. The HCD letter points out that the City's General Plan, through Goal 1B, constrains total additional new development based on highway improvements stipulated by the Circulation Element. Thus, the General Plan appears to trigger the Housing Crisis Act. As a result, the HCD Housing Element letter suggests that the City analyze all the growth control policies in Goal 1B specifically in relation to SB 330. The HCD letter goes on to say if the analysis indicates that if any growth control policies conflict with State law, the Housing Element should commit to removing or suspending the City's growth control policies immediately. A copy of SB 330 is included as Attachment 7.

Housing Element Program D already acknowledges that the City will update the General Plan to ensure growth control policies do not conflict with State law. Furthermore, the City is in the process of comprehensively updating the General Plan to comply with State Law.

Deleting Goal 1B does not abandon rational planning for the future. The 1990-era growth policies in Goal 1B do not provide meaningful guidance today. What is important is consistency among General Plan Elements, such as the Land Use Element, Mobility Element, and the Utility Element, among others. All General Plan elements work together to connect future growth with needed infrastructure. Implementing actions, such as traffic, water, parks, and other impact fees helps pay for the impacts of new development. Master Plans, such as the Urban Water Master Plan, the 5-Year Capital Improvement Plan (CIP), and other long-range infrastructure plans address impacts of land use growth. The California Environmental Quality Act (CEQA) also plays an important role in evaluating proposed development with infrastructure needs.

Because the Housing Element Program D acknowledges the General Plan Growth control policies conflict with State Law, staff proposes to delete Goal 1B at this time. Deleting the growth control policies now will avoid an unnecessary work effort to analyze a series of antiquated growth control policies slated for deletion. A copy of redline changes to General Plan Goal 1b Growth Control policies is included as Attachment 8.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Organizational Effectiveness: "Deliver exemplary government services."

FISCAL IMPACT

N/A.

ENVIRONMENTAL REVIEW

The proposed municipal code and general plan amendments are exempt from environmental review under CEQA because the amendments are consistent with State law that preempt any inconsistent local ordinance. Thus, the City's action is not creating a new land use regulation and it can be seen with certainty that no environmental impacts will result from the City's action. Consequently, and in accordance with CEQA Section 21084(a) and both Section 15002(i)(1) – lack of Local Jurisdictional Discretion – and Section 15061(b)(3) – General Rule of Exemption – of the CEQA Guidelines, the ordinance adoption is exempt from CEQA review and a Notice of Exemption has been prepared for this proposed amendment.

ATTACHMENTS:

1. [CC Resolution General Plan Goal 1B Deletion](#)
2. [CC Ordinance E Shelters and ADU Ordinance](#)
3. [HCD ADU Review Letter 02.07.23](#)
4. [HCD Housing Element Review Letter 02.10.23](#)
5. [REDLINE Emergency Shelters Chapter 19.38](#)
6. [REDLINE ADU Ordinance Chapter 19.39](#)
7. [SB 330 Housing Crisis Act](#)
8. [REDLINE Growth Management Policies](#)

RESOLUTION NO. 2023-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DELETING GENERAL PLAN GOAL 1B GROWTH CONTROL POLICIES CONSISTENT WITH CURRENT STATE LAW

WHEREAS, on January 31, 2023, the Planning Commission recommended, and the City Council approved the 6th Cycle Housing Element (Housing Element); and

WHEREAS, on February 10, 2023, HCD submitted a letter that comprehensively reviews the Housing Element including identification of needed changes to General Plan Goal 1B; and

WHEREAS, staff is actively working on responding to all of HCD’s comments. Specific General Plan Amendments that address certain HCD Housing Element letter comments include the following:

1. Growth Control Policy Inconsistency with the Housing Crisis Act The HCD Housing Element letter states that the Housing Crisis Act of 2019 (SB 330), among several other provisions, prohibits a locality from imposing moratoriums and limiting approvals or population caps. The letter points out that General Plan Goal 1b growth policies constrain additional new development in the City and therefore appears to trigger the Housing Crisis Act and should be removed or suspended immediately. Housing Element Program D states that the City will remove General Plan growth control policies for consistency with the State law. To address HCD’s comments, consistent with Housing Element Program D, General Plan Goal 1b will be deleted; and

WHEREAS, the proposed General Plan Goal 1b deletion is consistent with current State law; and

WHEREAS, the proposed General Plan Amendment is the first of four permissible Calendar Year 2023 Land Use Element amendments in accordance with California Government Code Section [65358](#); and

WHEREAS, a duly-noticed public hearing was held by the City of American Canyon Planning Commission on March 23, 2023 on the subject general plan amendment, and recommends City Council approval; and

WHEREAS, a duly-noticed public hearing was held by the City of American Canyon City Council on April 4, 2023 on the subject general plan amendment, at which time all those in attendance were given the opportunity to speak on this proposal and to submit comments.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1: Delete General Plan Goal 1b as follows:

~~**MANAGEMENT AND PHASING OF GROWTH**~~

Goal

~~**1B Provide for the orderly development of American Canyon that maintains its distinctive character.**~~

Objective

~~1.2 Promote a rate of growth that is consistent with the ability of the City to provide adequate infrastructure and services and does not adversely impact the distinctive character and quality of life in American Canyon.~~

Policies

~~1.2.1 Monitor the rates of development in the City on an annual basis and, should these show significant increases from historic averages, evaluate the appropriateness of establishing a phased program of growth. (1.9 and 1.10)~~

~~1.2.2 Establish as a priority the development of projects that are contiguous with and infill the existing pattern of development, avoiding leap-frog development, except for large scale master-planned projects that are linked to and planned to be extensions of existing development and for which infrastructure and services are in place or funded. (1.9 and 1.11)~~

Objective

~~1.3 Ensure that land use development is coordinated with the ability to provide adequate public infrastructure (transportation facilities, wastewater collection and treatment, water supply, electrical, natural gas, telecommunications, solid waste disposal, and storm drainage) and public services (governmental administrative, capital improvements, police, fire, recreational, cultural, etc.).~~

Policies

~~1.3.1 Implement public infrastructure and service improvements necessary to support land uses accommodated by the **Land Use Plan** (as defined in the **Circulation and Public Utilities and Services Elements**. (1.4, 1.5, 1.8, 1.10-1.13, 1.15, and 1.17)~~

~~1.3.2 Require that type, amount, and location of development be correlated with the provision of adequate supporting infrastructure and services (as defined in the **Circulation and Public Utilities and Services Elements**. (1.4, 1.5, 1.8, and 1.9)~~

~~1.3.3 Regulate the type, location, and/or timing of development as necessary in the event that there is inadequate public infrastructure or services to support land use development. (1.9)~~

~~1.3.4 Limit the total additional new development that can be accommodated in the City and its Urban Limit Line to the following provided that the highway improvements stipulated by the **Circulation Element** are implemented. (1.9)~~

Use	City	City Urban Limit Line	Total
Residential			
• Single Family	1,678 units	3,204 units	4,882 units

• Multi-Family	967 units	466 units	1,433 units
Commercial			
• Retail	607,500 square feet		607,500 square feet
• Office	270,000 square feet		270,000 square feet
Industrial	1,560,195 square feet	4,218,305 square feet	5,778,500 square feet

- ~~1.3.5 Consider increases in development capacity when it can be demonstrated that additional transportation improvements have been implemented or are funded, or demands have been reduced (based on highway level of service and vehicle trips), and such increases are consistent with community needs and desires. (1.1.9 and 1.1.10)~~
- ~~1.3.6 Monitor the capacities of other infrastructure (water, sewer, and other) and services and establish appropriate limits on development should their utilization and demands for service exceed acceptable levels or increase the cost burdens for existing residents. (1.1.10)~~

SECTION 2: CEQA FINDINGS. The City Council finds the general plan amendment is exempt from environmental review under CEQA because the amendment is consistent with the State Housing Crisis Act of 2019 (SB 330). Thus, the City’s action is not creating a new land use regulation and it can be seen with certainty that no environmental impacts will result from the City’s action. Consequently, and in accordance with CEQA Section 21084(a) and both Section 15002(i)(1) – lack of Local Jurisdictional Discretion – and Section 15061(b)(3) – General Rule of Exemption – of the CEQA Guidelines, the ordinance adoption is exempt from CEQA review and a Notice of Exemption has been prepared for this proposed amendment.

PASSED, APPROVED and ADOPTED at a regularly scheduled meeting of the Planning Commission of the City of American Canyon held on the 23rd day of March, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Crystal Mallare, Chair

ATTEST:

APPROVED AS TO FORM:

Nicolle Jones, Administrative Technician

William D. Ross, City Attorney

ORDINANCE NO. 2023-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON AMENDING THE AMERICAN CANYON MUNICIPAL CODE CHAPTER 19.38 “EMERGENCY SHELTERS”; AND CHAPTER 19.39 “ACCESSORY DWELLING UNITS CONSISTENT WITH CURRENT STATE LAW

WHEREAS, on January 31, 2023, the Planning Commission recommended, and the City Council approved the 6th Cycle Housing Element (Housing Element); and

WHEREAS, on February 7, 2023, the State of California Department of Housing and Community Development (HCD) submitted a letter that identifies needed changes to the City’s Accessory Dwelling Unit Ordinance (American Canyon Municipal Code (ACMC) Chapter 19.39; and

WHEREAS, on February 10, 2023, HCD submitted a letter that comprehensively reviews the Housing Element including comments to amend the Emergency Shelter parking requirements (ACMC Chapter 19.38); and

WHEREAS, Staff is actively working on responding to all of HCD’s comments. Specific Ordinance Amendments that address certain HCD Housing Element letter comments include the following:

1. Zoning for a Variety of Housing Types (Emergency Shelters) Municipal Code Chapter 19.38 requires Emergency Shelters provide two parking spaces per staff and one space per six occupants. However, State Law prohibits resident parking requirements unless the City can demonstrate that the combined employee and resident requirements do not exceed the parking standards for other commercial and residential uses in that zone. To address HCD’s State Law Emergency Shelter parking requirement comment, the resident parking requirement will be deleted.
2. ADU Ordinance Update HCD identified inconsistencies between the Municipal Code Chapter 19.39 ADU ordinance and State Law. To address HCD’s comments, the ADU ordinance will be revised consistent with HCD review comments that address State law; and

WHEREAS, the proposed amendments modifies Chapter 19.38 Emergency Shelters consistent with current State law; and

WHEREAS, the proposed amendments modifies Chapter 19.39 Accessory Dwelling Units consistent with current State law; and

WHEREAS, a duly-noticed public hearing was held by the City of American Canyon Planning Commission on March 23, 2023 on the subject ordinance, and recommends City Council approval; and

WHEREAS, a duly-noticed public hearing was held by the City of American Canyon City Council on April 4, 2023 on the subject ordinance, at which time all those in attendance were given the opportunity to speak on this proposal and to submit comments.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Adopt the updated American Canyon Municipal Code Chapter 19.38 “Emergency Shelter” as follows:

Chapter 19.38 EMERGENCY SHELTERS

19.38.010 Location of emergency shelters.

Emergency shelters are permitted as an allowed use in the community commercial (CC) and light industrial (LI) subject to the location restrictions identified in this section. Emergency shelters are also permitted within the medium density residential (RM), high density residential (RH) with approval of a conditional use permit and subject to the location restrictions identified in this section. Emergency shelters shall not be located within less than three hundred from any other existing emergency shelter facility. (Ord. 2014-06 § 6, 2014)

19.38.020 Standards.

In addition to the development standards in the underlying zoning district, emergency shelters shall comply with the standards set forth in this section. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this section shall apply.

A. Physical Characteristics.

1. Compliance with applicable state and local uniform housing and building code requirements.
2. The facility shall have on-site security during all hours when the shelter is open.
3. Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.

4. Facilities shall provide secure areas for personal property.

B. Limited Number of Beds per Facility. Emergency shelters shall not exceed forty beds.

C. Limited Terms of Stay. The maximum term of staying at an emergency shelter is six months in a consecutive twelve-month period.

D. Parking. The emergency shelter shall provide on-site parking at a rate of two spaces per facility for staff.

E. Emergency Shelter Management. A management plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. Such plan shall be submitted to and approved by the community development department prior to operation of the emergency shelter. The plan shall include a floor plan that demonstrates compliance with the physical standards of this chapter. The operator of each emergency shelter shall annually submit the management plan to the planning, inspections and permitting department with updated information for review and approval. (Ord. 2014-06 § 6, 2014)

SECTION 2: Adopt the updated American Canyon Municipal Code Chapter 19.39 “Accessory Dwelling Units” as follows:

American Canyon, California Municipal Code Title 19 ZONING
DIVISION 2. ZONING DISTRICT PERMITTED USES AND DEVELOPMENT STANDARDS

Chapter 19.39 ACCESSORY DWELLING UNITS

19.39.010 Purpose of the chapter.

19.39.020 Applicability.

19.39.030 General plan consistency.

19.39.040 Definitions.

19.39.050 Development standards—Generally.

19.39.060 Junior accessory dwelling unit standards.

19.39.070 Parking standards.

19.39.080 Operational standards.

19.39.090 Design standards.

19.39.100 Review and approval process.

19.39.110 Code enforcement.

19.39.010 Purpose of the chapter.

The purpose of this chapter is to increase the supply of smaller units and rental housing units by allowing accessory dwelling units on lots containing a single-family dwelling in various residential districts as shown on Table 19.10.040, and to establish design and development standards for accessory dwelling units to ensure that they are compatible with existing neighborhoods and consistent with the general plan and its elements. Accessory dwelling units contribute needed housing to the community’s housing stock. (Ord. 2020-04 § 1, 2020; Ord. 2017-05 § 2, 2017)

19.39.020 Applicability.

The provisions of this chapter apply to all lots that are occupied with a single-family dwelling unit and multifamily dwelling and zoned residential. Accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and are a residential use that is consistent with the existing general plan and zoning designation for the lot. (Ord. 2020-04 § 1, 2020; Ord. 2017-05 § 2, 2017)

19.39.030 General plan consistency.

An accessory dwelling unit that conforms to this chapter shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth in accordance with [Government Code](#) Section 65852.2(a)(8). (Ord. 2020-04 § 1, 2020; Ord. 2017-05 § 2, 2017)

19.39.040 Definitions.

“Accessory dwelling unit” means one additional dwelling unit attached to, within, or detached from the proposed or existing primary dwelling unit one thousand two hundred square feet or less that is on the same parcel in areas zoned to allow single-family and/or multifamily dwelling residential use, and provides permanent and independent provisions for living, sleeping, eating, cooking, and sanitation for one or more persons. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined in Section 17958.1 of the [Health and Safety Code](#).
2. A manufactured home, as defined in Section 18007 of the [Health and Safety Code](#).

“Junior accessory dwelling unit” means one accessory dwelling unit that is five hundred square feet or less that is contained entirely in the primary residence or within an attached garage.

“Primary residence” means the residential dwelling that existed on the parcel before or constructed concurrent with the accessory dwelling unit. (Ord. 2020-04 § 1, 2020; Ord. 2017-05 § 2, 2017)

19.39.050 Development standards—Generally.

- A. Each accessory dwelling unit requires approval of a building permit.
- B. The applicant of each accessory dwelling unit building permit application shall identify the anticipated rent and household size of the new accessory dwelling unit.
- C. One detached accessory dwelling unit and one junior accessory dwelling unit are permitted per single-family parcel.
- D. A single-family primary residence dwelling must exist on the parcel before the accessory dwelling unit is built or it shall be built concurrently with the accessory dwelling unit.
- E. Accessory dwelling units shall comply with the lot area, yard setback, height, and building coverage standards of the applicable residential zoning district as described in Section [19.10.050](#) except for the following:

1. The accessory dwelling unit is built in the garage and the garage setback is closer than the setback for the primary residence.

2. If the accessory dwelling unit is built in an existing accessory structure, the existing accessory structure setbacks apply and not the setbacks for a single-family house.

3. Existing setbacks apply to existing structure conversions.

4. Development standards shall be waived to permit a detached accessory dwelling unit that is no greater than eight hundred square feet, and has four-foot setbacks. The maximum height depends on these conditions:

- i. A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.
- ii. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
- iii. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.
- iv. A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This clause shall not require a local agency to allow an accessory dwelling unit to exceed two stories.

5. The applicant shall not be required to correct pre-existing nonconforming zoning conditions as conditions of approval.

F. Accessory Dwelling Living Area Standard.

1. Detached accessory dwelling units shall not exceed one thousand two hundred square feet and height in accordance with Section 19.35.050(E)(4).

2. Attached accessory dwelling units may occupy up to fifty percent of the primary residence living area but shall not exceed one thousand two hundred square feet.

3. Junior accessory dwelling units shall not exceed five hundred square feet.

G. Fire Sprinkler Requirements.

1. Accessory dwelling units shall comply with all applicable fire safety provisions of state law as well as locally adopted building and fire codes under Title 16. Examples include, but are not limited to, standards such as water supply and fire department access.

2. Under state law, in general, accessory dwelling units shall not be required to be equipped with fire sprinklers unless fire sprinklers are required for the primary residence. For purposes of

this requirement, the following standards shall apply:

i. When the primary residence has fire sprinklers, the accessory dwelling unit shall be constructed with fire sprinklers.

ii. When the primary residence does not have fire sprinklers, the junior accessory dwelling unit and attached accessory dwelling unit do not require fire sprinklers unless the junior accessory dwelling unit or attached accessory dwelling unit increases the size of the house by at least fifty percent.

iii. Detached accessory dwelling units require fire sprinklers unless the primary residence does not have fire sprinklers.

H. Deed Restrictions. Prior to issuing a building permit for an accessory dwelling unit, the property owner shall file with the county recorder, in a format with language approved by the city, a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

1. The accessory dwelling unit shall not be sold separately.

2. The restrictions are binding upon any successor in ownership of the property.

3. The property owner must occupy as a primary residence one of the two dwelling units on the property, either the primary or accessory dwelling unit except accessory dwelling unit and junior accessory dwelling unit applications submitted between January 1, 2020 to January 1, 2025.

4. When the applicant is a qualified nonprofit housing organization, a deed restriction is not required.

I. Impact Fees.

1. Accessory dwelling units less than seven hundred and fifty square feet are exempt from all city impact fees.

2. Impact fees for accessory dwelling units equal or greater than seven hundred and fifty square feet are exempt from water and sewer capacity fees. All remaining impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit.

J. Accessory Dwelling Units on Multifamily Dwellings. The building division shall review and approve ministerially accessory dwelling units under the following conditions.

1. Non-habitable area within an existing multifamily dwelling structure, including, but not limited to: storage rooms, boiler rooms, passageways, attics, basements or garages, may be converted to one or more accessory dwelling units if each accessory dwelling unit complies with state dwelling unit building standards.

2. An existing multifamily dwelling shall be permitted to accommodate additional accessory dwelling units in an amount up to twenty-five percent of the existing multifamily dwelling units.

3. An existing multifamily dwelling is permitted up to two detached accessory dwelling units on the same lot. Each detached accessory dwelling unit shall subject to a height limit in accordance with Section 19.35.050(E)(4) and four- foot rear yard and side yard setbacks.
- K. CC&Rs. As defined in California [Civil Code](#) Section 4751 or any successor statute, any covenant, condition, and restriction (CC&R) or contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the above-described minimum standards (subsections F and G) established for those units shall be void and unenforceable. (Ord. 2020-04 § 1, 2020; Ord. 2017-05 § 2, 2017)

19.39.060 Junior accessory dwelling unit standards.

- A. Each junior accessory dwelling unit shall comply with the following building standards.
 1. Electric service may not exceed one hundred twenty volts.
 2. No appliances may be fueled with natural gas or propane.
 3. The dwelling must have its own exterior entrance.
 4. The kitchen must include a cooking facility with appliances, and includes a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
 5. The kitchen sink waste line may not exceed one and one-half inches.
 6. The bathroom may be included in the unit or shared with the primary residence.
 7. Junior accessory dwelling units are exempt from the building code wall separation requirements with the primary residence. (Ord. 2020-04 § 1, 2020; Ord. 2017-05 § 2, 2017)

19.39.070 Parking standards.

- A. When accessory dwelling unit parking is required by this chapter or provided at the discretion of the homeowner, parking spaces may be covered or uncovered, provided as tandem parking on an existing driveway or on a paved surface in a setback or yard area.
- B. Primary Residence. Parking for the primary residence must comply with Chapter [19.21](#).
- C. Detached Accessory Dwelling Unit.
 1. A minimum of one on-site parking space is required.

2. Notwithstanding subsection (C)(1), on-site parking is not required when:
 - i. The detached accessory dwelling unit is located within one-half mile walking distance of public transit or within one block of a car-sharing pickup/drop-off location; and/or
 - ii. The ADU is located within an architecturally and historically significant historic district; and/or
 - iii. The ADU is part of the proposed or existing primary residence or an accessory structure; and/or
 - iv. On-street parking permits are required but not offered to the occupant of the ADU.

D. Attached Accessory Dwelling Unit. No on-site parking is required.

E. Junior Accessory Dwelling Unit. No on-site parking is required.

F. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the city shall not require replacement of the off-street parking spaces. (Ord. 2020-04 § 1, 2020; Ord. 2017-05 § 2, 2017)

19.39.080 Operational standards.

A. The accessory dwelling unit may not be sold separately from the primary residence.

B. Owner-Occupancy. The property owner shall reside in either the primary residence or the accessory dwelling unit except accessory dwelling unit and junior accessory dwelling unit applications submitted between January 1, 2020 to January 1, 2025.

C. An accessory dwelling unit may not be rented for transient occupancy (less than thirty consecutive days). (Ord. 2020-04 § 1, 2020; Ord. 2017-05 § 2, 2017)

19.39.090 Design standards.

Accessory dwelling units shall comply with the following design standards that are intended to maximize the compatibility of accessory dwelling units with the neighborhoods in which they are located.

A. The accessory dwelling unit shall comply with any City adopted objective design standards applicable to ADUs.

B. An accessory dwelling unit connected to an onsite water treatment system requires a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last ten years. (Ord. 2020-04 § 1, 2020; Ord. 2017-05 § 2, 2017)

19.39.100 Review and approval process.

Permits for accessory dwelling units and junior accessory dwelling units shall be reviewed ministerially through the building division in accordance to [Government Code](#) Section 65852.2 (a) through (e).

A. The building division shall act on the application to create an accessory dwelling unit or junior accessory dwelling unit within sixty days from the date the building division receives a completed application if there is an existing single-family or multifamily dwelling on the lot.

B. If the permit application to create an accessory dwelling unit or junior accessory dwelling unit is submitted concurrently with a permit application to create a new single-family dwelling on the lot, the building division may delay acting on the accessory dwelling unit or junior accessory dwelling unit permit application until the building division acts on the new single-family dwelling permit application, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered ministerial without discretionary review or a hearing. If the applicant requests a delay, the sixty-day time period shall be tolled for the period of the delay. (Ord. 2020-04 § 1, 2020)

19.39.110 Code enforcement.

For accessory dwelling units built before January 1, 2020, the property owner may request delayed enforcement of building standards for five years.

A. There shall be no delays granted after January 1, 2030.

B. There shall be no delays granted if the delay of the correction will cause a violation needed to protect health and safety. (Ord. 2020-04 § 1, 2020)

SECTION 3. CEQA FINDINGS. The City Council finds the municipal code amendments are exempt from environmental review under CEQA because the amendments are consistent with State law that preempt any inconsistent local ordinance. Thus, the City's action is not creating a new land use regulation and it can be seen with certainty that no environmental impacts will result from the City's action. Consequently, and in accordance with CEQA Section 21084(a) and both Section 15002(i)(1) – lack of Local Jurisdictional Discretion – and Section 15061(b)(3) – General Rule of Exemption – of the CEQA Guidelines, the ordinance adoption is exempt from CEQA review and a Notice of Exemption has been prepared for this proposed amendment.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective effect 30 days after its final passage pursuant to Government Code section 36937.

SECTION 5. SEVERABILITY. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 6. CUSTODIAN OF RECORDS. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk’s office located at 4831 Broadway, Suite 201, American Canyon, CA 94503. The custodian of these records is the City Clerk.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 4TH day of April, 2023 by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the _____ day of _____, _____, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

Leon Garcia, Mayor
APPROVED AS TO FORM:

Taresa Geilfuss, CMC, City Clerk

William D. Ross, City Attorney

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
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February 7, 2023

Brent Cooper
Community Development Director
City of American Canyon
4381 Broadway Street, Suite 201
American Canyon, CA 94503

Dear Brent Cooper:

RE: Review of the American Canyon's Accessory Dwelling Unit (ADU) Ordinance under State ADU Law (Gov. Code, § 65852.2)

Thank you for submitting the City of American Canyon's (City) accessory dwelling unit ADU Ordinance No. 2020-04, adopted August 18, 2020, to the California Department of Housing and Community Development (HCD). HCD has reviewed the Ordinance and submits these written findings pursuant to Government Code section 65852.2, subdivision (h). HCD finds that the Ordinance does not comply with section 65852.2 in the manner noted below. Under that statute, the City has up to 30 days to respond to these findings. Accordingly, the City must provide a written response to these findings no later than March 9, 2023.

The Ordinance addresses many statutory requirements; however, HCD finds that the Ordinance does not comply with State ADU Law in the following respects:

- *Sections 19.39.040 Definitions, 19.39.050(E) – Multifamily Omitted* – The Ordinance defines an “accessory dwelling unit” as meaning “one additional attached or detached residential dwelling unit one thousand two hundred (1,200) square feet or less that is on the same parcel as a single-family dwelling.” Later sections again refer to allowances and development standards exclusively for “the single-family primary residence”.

However, Government Code section 65852.2, subdivision (a)(1)(D)(iii), provides that an ADU may be attached to, within, or detached from the proposed or existing primary dwelling. The City must amend the ADU definition to include “within” the proposed or existing primary dwelling. Furthermore, the Ordinance defines ADUs as units on the same parcel as single-family residences and omits multifamily dwellings. Pursuant to Government Code section 65852.2, subdivisions (a)(1) and (a)(1)(D)(ii), ADUs may be created in areas zoned to

allow single-family **and/or multifamily dwelling** residential use. The City must amend the Ordinance definition of ADUs to include multifamily residences.

- *Section 19.39.040 – “JADU” Definition* – The Ordinance defines a junior accessory dwelling unit (JADU) as being “contained entirely within the primary residence.” However, pursuant to Government Code section 65852.22, subdivision (a)(4), an attached garage shall be considered as a part of the single-family residence and therefore may be used to create a JADU. The Ordinance must be amended to clarify compliance with State ADU Law.
- *Section 19.39.050(A) – Development Standards* – The Ordinance requires the primary residence to remain in compliance with the standards in place for the primary dwelling for an applicant to add an ADU. However, Government Code section 65852.2, subdivision (d)(2), states that a “local agency shall not deny an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.” Therefore, the approval of an ADU application may not be contingent on compliance with applicable standards to the primary residence. The City must remove this section of the Ordinance.
- *Section 19.39.050(F)(4), (G), (J)(3) – Maximum Height* – The Ordinance states that the maximum height of an ADU is 16 feet. However, Government Code section 65852.2, subdivision (c)(2)(D), requires height maximums of no less than 16, 18, or 25 feet, depending on stated conditions. The City must amend its Ordinance accordingly.
- *Section 19.39.050(I) and 19.39.050(A) – Deed Restrictions* – The Ordinance notes a prohibition on the sale of an ADU separate from the site’s primary dwelling. However, Government Code 65852.26, subdivision (a)(1), creates a narrow exception to allow separate conveyance of ADUs with the involvement of qualified nonprofit housing organizations. The City must revise the Ordinance to allow for such an exception.
- *Section 19.39.060(A)(1), (2), (4) and (5) – JADU Standards* – The Ordinance requires standards for electric service size, includes a prohibition on natural gas or propane, and requires a kitchen sink and a kitchen sink waste line. However, Government Code section 65862.22, subdivision (a)(6), requires a JADU to include an efficiency kitchen that is defined only as “a cooking facility with appliances, and includes a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.” Where these kitchen requirements exceed those authorized in statute, the City must amend the Ordinance to comply with State ADU Law.

- *Section 19.39.070(C)(2) – Parking Standards* – The Ordinance states that parking is not required if the detached ADU is within a half-mile walking distance of public transit or within one block of a car-sharing pickup/drop-off. While this complies with State ADU Law, the Ordinance omits other instances found in Government Code section 65852.2, subdivision (d), where parking may not be required when:
 - The ADU is located within an architecturally and historically significant historic district. (Gov. Code, § 65852.2 (d)(2).)
 - The ADU is part of the proposed or existing primary residence or an accessory structure. (Gov. Code, § 65852.2 (d)(3).)
 - On-street parking permits are required but not offered to the occupant of the ADU. (Gov. Code, § 65852.2 (d)(4).)

The City must amend the Ordinance to include these exceptions.

- *Section 19.39.090(C) and (D) – Design Standards* – The Ordinance requires that an ADU be “aesthetically compatible with the primary residence and the surrounding neighborhood....” It also allows the community development director to “consider... the placement of windows, decks and balconies, landscape screening, height, and number of stories in determining if privacy will be materially reduced.” However, Government Code section 65852.2, subdivision (a)(6), requires that ADU ordinances include “...only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units....” Terms like “aesthetically compatible” and “determining if privacy will be materially reduced” are subjective in violation of State Statute. The City must amend these sections to apply only objective standards.

In response to the findings in this letter, and pursuant to Government Code section 65852.2, subdivision (h)(2)(B), the City must either amend the Ordinance to comply with State ADU Law or adopt the Ordinance without changes. Should the City choose to adopt the Ordinance without the changes specified by HCD, the City must include findings in its resolution that explain the reasons the City finds that the Ordinance complies with State ADU Law despite the findings made by HCD. Accordingly, the City’s response should provide a plan and timeline to bring the Ordinance into compliance.

Please note that, pursuant to Government Code section 65852.2, subdivision (h)(3)(A), if the City fails to take either course of action and bring the Ordinance into compliance with State ADU Law, HCD may notify the City and the California Office of the Attorney General that the City is in violation of State ADU Law.

HCD appreciates the City's efforts in the preparation and adoption of the Ordinance and welcomes the opportunity to assist the City in fully complying with State ADU Law. Please contact Mike Van Gorder, of our staff, at (916) 916-776-7541 or at mike.vangorder@hcd.ca.gov if you have any questions or would like HCD's technical assistance in these matters.

Sincerely,

A handwritten signature in black ink that reads "Shannan West". The signature is written in a cursive, flowing style.

Shannan West
Housing Accountability Unit Chief

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February 10, 2023

Brent Cooper, Director
Community Development Department
City of American Canyon
4381 Broadway Street, Suite 201
American Canyon, CA 94503

Dear Brent Cooper:

RE: Review of American Canyon's 6th Cycle (2023-2031) Draft Housing Element

Thank you for submitting the City of American Canyon's (City) draft housing element received for review on November 14, 2022. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review.

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code), as follows:

1. *Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)*

As part of the evaluation of programs in the past cycle, the element must also provide an explanation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female headed households, farmworkers and persons experiencing homelessness). Programs should be revised as appropriate to reflect the results of this evaluation.

2. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)

Enforcement: While the element includes analysis of fair housing complaints, it must describe the City's compliance with existing fair housing laws and regulations. For additional information, please see pages 28-30 on HCD's Affirmatively Furthering Fair Housing (AFFH) Guidance Memo at https://www.hcd.ca.gov/community-development/affh/docs/AFFH_Document_Final_4-27-2021.pdf.

Goals, Priorities, Metrics, and Milestones: Goals and actions must significantly seek to overcome contributing factors to fair housing issues. Currently, the element identifies program(s) to encourage and promote affordable housing; however, additional revisions will be needed to these programs to facilitate meaningful change. Furthermore, the element must include quantifiable metrics and milestones for evaluating progress on programs, actions, and fair housing results. Programs must generally address enhancing housing mobility, increasing housing opportunities in high resourced areas, place-based strategies for community revitalization, and addressing displacement risks. Programs also need to be based on identified contributing factors, be significant and meaningful.

3. *Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

Housing Stock Condition: The element utilized housing age to determine number of units likely needing major rehab or replacement. However, the element should supplement this analysis with other data sources to better reflect the number of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from knowledgeable builders/developers, including non-profit housing developers or organizations. For additional information, see the Building Blocks at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/housing-stock-characteristics>.

4. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities 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... (Gov. Code, § 65583, subd. (c)(1).)

Progress in Meeting the Regional Housing Need Allocation (RHNA): The element relies entirely on pipeline projects and accessory dwelling units (ADUs) to meet its RHNA. Specifically, the element has identified 1,539 units that are pending or approved. The element must demonstrate the availability of these units during the planning period. To demonstrate the availability of units within the planning period, the element should discuss anticipated completion, any anticipated barriers and other relevant factors. Examples of factors to consider include infrastructure schedules, the City's past completion rates on pipeline projects, outreach with project developers, any expiration dates on entitlements, anticipated timelines for final approvals, and any remaining steps for projects to receive final entitlements. Given the element's reliance on pipeline projects, the element should include programs with actions that commit to facilitating development and monitoring approvals of the projects (e.g., coordination with applicants to approve remaining entitlements, supporting funding applications, expediting approvals, rezoning or identification of additional sites should the applications not be approved).

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements> for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

Zoning for a Variety of Housing Types (Emergency Shelters): The element noted the City permits emergency shelters by-right in the LI and CC zones and there is sufficient capacity to address the need. However, the element should clarify that by-right means permitting without any discretionary action. Second, the element should discuss the suitability of these zones, for example proximity to transportation and services for these sites, hazardous conditions, and any conditions in appropriate for human habitability.

Lastly, the element indicated that City complies with parking requirements pursuant to Government Code section 65583, subdivision a)(4)(A). Specifically, it notes that parking requirements for emergency shelters require two spaces per staff and one space per six occupants. However, state law limits parking requirements to employee parking, provided that requirements do not exceed the parking requirements for other commercial and residential uses in that zone. The element should clarify compliance with these requirements and include or modify a program, as necessary.

Programs: As noted above, the element does not include a complete site analysis, therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or

revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

In addition, while the element included an action to update the City's ADU ordinance to remove subjective design criteria, the City received correspondence from HCD on February 7, 2023 noting several findings regarding inconsistencies between the City's ADU ordinance and State Law. Program F (ADU) should be revised to specifically commit to revising the City's ADU ordinance to address HCD's findings.

5. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities... ..including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)

Local Processing and Permit Procedures: While the element indicates most housing types are processed by-right and generally only required to have a design permit, the element should identify and analyze the approval findings, timelines for reviewing and approving these permits and any other relevant factors for impacts on housing supply (number of units), cost, timing and approval certainty.

SB 35 Streamlined Ministerial Approval Process: The element must clarify whether there are written procedures for the SB 35 (Chapter 366, Statutes of 2017) Streamlined Ministerial Approval Process and, if necessary, add a program to establish written procedures.

SB 330, 2019: The Housing Crisis Act of 2019 (SB 330), among several other provisions, prohibits a locality from imposing moratoriums and limiting approvals or population caps. The element acknowledges the City limits the number of units based on highway improvements and other transportation demand criteria and appears to trigger the provisions of the Housing Crisis Act. As a result, the element should analyze the City's growth control policies specifically with compliance with SB 330. If the analysis indicates that the City's current growth control policies

conflict with State law, the element should commit Program D to removing or suspending the City's growth management policies immediately.

On/Off-Site Improvements: The element indicated that depending on the part of the City, on/off site improvements such as utilities, sidewalks, curbs, etc., will vary (pp. 5-35). However, the element should identify it must identify actual subdivision level improvement requirements, such as minimum street widths (e.g., 40-foot minimum street width), and analyze their impact as potential constraints on housing supply and affordability.

Constraints on Housing for Persons with Disabilities:

- *Reasonable Accommodation* – While the element described the process for filing a reasonable accommodation request (p. 5-32), it should also include any approval findings or decision-making criteria used when reviewing a reasonable accommodation request.
- *Group Homes for Seven or More Persons*– the element included program C committing to define and create a process for large residential care facilities (group homes for seven or more persons). However, to address constraints for persons with disabilities, this program should be revised to include more specific commitments. Specifically, this program should commit to allowing group homes of seven or more in all residential zones and allowing them with objectivity and certainty similar to other residential uses of the same form. Additionally, the element should discuss if the City imposes any spacing requirements for these uses. For more information, please visit: <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/group-home-technical-advisory-2022.pdf>.

Programs: As noted above, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

The element will meet the statutory requirements of State Housing Element Law once it has been revised and adopted to comply with the above requirements pursuant to Government Code section 65585.

As a reminder, the City's 6th cycle housing element was due January 31, 2023. As of today, the City has not completed the housing element process for the 6th cycle. The City's 5th cycle housing element no longer satisfies statutory requirements. HCD encourages the City to revise the element, adopt, and submit to HCD to regain housing element compliance.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

We are committed to assist the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Gianna Marasovich, of our staff, at Gianna.Marasovich@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

REDLINE AMENDMENTS

Chapter 19.38 EMERGENCY SHELTERS

19.38.010 Location of emergency shelters.

Emergency shelters are permitted as an allowed use in the community commercial (CC) and light industrial (LI) subject to the location restrictions identified in this section. Emergency shelters are also permitted within the medium density residential (RM), high density residential (RH) with approval of a conditional use permit and subject to the location restrictions identified in this section. Emergency shelters shall not be located within less than three hundred from any other existing emergency shelter facility. (Ord. 2014-06 § 6, 2014)

19.38.020 Standards.

In addition to the development standards in the underlying zoning district, emergency shelters shall comply with the standards set forth in this section. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this section shall apply.

A. Physical Characteristics.

1. Compliance with applicable state and local uniform housing and building code requirements.
2. The facility shall have on-site security during all hours when the shelter is open.
3. Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.
4. Facilities shall provide secure areas for personal property.

B. Limited Number of Beds per Facility. Emergency shelters shall not exceed forty beds.

C. Limited Terms of Stay. The maximum term of staying at an emergency shelter is six months in a consecutive twelve-month period.

D. Parking. The emergency shelter shall provide on-site parking at a rate of two spaces per facility for staff ~~plus one space per six occupants allowed at the maximum capacity.~~

JUSTIFICATION: State law limits parking requirements to employee parking only.

E. Emergency Shelter Management. A management plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. Such plan shall be submitted to and approved by the community development department prior to operation of the emergency shelter. The plan shall include a floor plan that demonstrates compliance with the physical standards of this chapter. The operator of each emergency shelter shall annually submit the management plan to the planning, inspections and permitting department with updated information for review and approval. (Ord. 2014-06 § 6, 2014)

REDLINE AMENDMENTS

American Canyon, California Municipal Code Title 19

ZONING

DIVISION 2. ZONING DISTRICT PERMITTED USES AND DEVELOPMENT STANDARDS

Chapter 19.39 ACCESSORY DWELLING UNITS

19.39.010 Purpose of the chapter.

19.39.020 Applicability.

19.39.030 General plan consistency.

19.39.040 Definitions.

19.39.050 Development standards—Generally.

19.39.060 Junior accessory dwelling unit standards.

19.39.070 Parking standards.

19.39.080 Operational standards.

19.39.090 Design standards.

19.39.100 Review and approval process.

19.39.110 Code enforcement.

19.39.010 Purpose of the chapter.

The purpose of this chapter is to increase the supply of smaller units and rental housing units by allowing accessory dwelling units on lots containing a single-family dwelling in various residential districts as shown on Table 19.10.040, and to establish design and development standards for accessory dwelling units to ensure that they are compatible with existing neighborhoods and consistent with the general plan and its elements. Accessory dwelling units contribute needed housing to the community's housing stock. (Ord. 2020-04 § 1, 2020; Ord. 2017-05 § 2, 2017)

19.39.020 Applicability.

The provisions of this chapter apply to all lots that are occupied with a single-family dwelling unit and multifamily dwelling and zoned residential. Accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and are a residential use that is consistent with the existing general plan and zoning designation for the lot. (Ord. 2020-04 § 1, 2020; Ord. 2017-05 § 2, 2017)

19.39.030 General plan consistency.

An accessory dwelling unit that conforms to this chapter shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth in accordance with [Government Code Section 65852.2\(a\)\(8\)](#). (Ord. 2020-04 § 1, 2020; Ord. 2017-05 § 2, 2017)

19.39.040 Definitions.

“Accessory dwelling unit” means one additional [dwelling unit](#) attached [to, within,](#) or detached [from the proposed or existing primary dwelling unit](#) ~~residential dwelling unit~~ one thousand two hundred square feet or less that is on the same parcel [in areas zoned to allow as a](#) single-family [and/or multifamily](#) dwelling [residential use](#), and provides permanent and independent provisions for living, sleeping, eating, cooking, and sanitation for one or more persons. An accessory dwelling unit also includes the following:

JUSTIFICATION: *Government Code section 65852.2, subdivision (a)(1)(D)(iii), provides that an ADU may be attached to, within, or detached from the proposed or existing primary dwelling. Government Code section 65852.2, subdivisions (a)(1) and (a)(1)(D)(ii), ADUs may be created in areas zoned to allow single-family and/or multifamily dwelling residential use.*

1. An efficiency unit, as defined in Section 17958.1 of the [Health and Safety Code](#).
2. A manufactured home, as defined in Section 18007 of the [Health and Safety Code](#).

“Junior accessory dwelling unit” means one accessory dwelling unit that is five hundred square feet or less that is contained entirely in the primary residence [or within an attached garage](#).

“Primary residence” means the residential dwelling that existed on the ~~single-family~~ parcel before or constructed concurrent with the accessory dwelling unit. (Ord. 2020-04 § 1, 2020; Ord. 2017-05 § 2, 2017)

JUSTIFICATION: *Government Code section 65852.22, subdivision (a)(4), an attached garage shall be considered as a part of the single-family residence and therefore may be used to create a JADU.*

19.39.050 Development standards—Generally.

A. ~~The addition of an accessory dwelling unit to a primary residence requires the primary residence to remain in compliance with the applicable development standards for that home.~~

JUSTIFICATION: Government Code section 65852.2, subdivision (d)(2), states that a "local agency shall not deny an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit."

- B. Each accessory dwelling unit requires approval of a building permit.
- C. The applicant of each accessory dwelling unit building permit application shall identify the anticipated rent and household size of the new accessory dwelling unit.
- D. One detached accessory dwelling unit and one junior accessory dwelling unit are permitted per single-family parcel.
- E. A single-family primary residence dwelling must exist on the parcel before the accessory dwelling unit is built or it shall be built concurrently with the accessory dwelling unit.
- F. Accessory dwelling units shall comply with the lot area, yard setback, height, and building coverage standards of the applicable residential zoning district as described in Section 19.10.050 except for the following:
 - 1. The accessory dwelling unit is built in the garage and the garage setback is closer than the setback for the primary residence.
 - 2. If the accessory dwelling unit is built in an existing accessory structure, the existing accessory structure setbacks apply and not the setbacks for a single-family house.
 - 3. Existing setbacks apply to existing structure conversions.
 - 4. Development standards shall be waived to permit a detached accessory dwelling unit that is no greater than eight hundred square feet, and has four-foot setbacks. The maximum height depends on these conditions:
 - i. A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.
 - ii. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
 - iii. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.
 - iv. A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This clause shall not require a local agency to allow an accessory dwelling

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~~unit to exceed two stories, sixteen feet in height, and has four foot setbacks.~~

JUSTIFICATION: Government Code section 65852.2, subdivision (c)(2)(D), requires height maximums of no less than 16, 18, or 25 feet, depending on stated conditions.

4.5. The applicant shall not be required to correct pre-existing nonconforming zoning conditions as conditions of approval.

G. Accessory Dwelling Living Area Standard.

1. Detached accessory dwelling units shall not exceed one thousand two hundred square feet and ~~sixteen feet in height~~ in accordance with Section 19.35.050(E)(4).

JUSTIFICATION: Government Code section 65852.2, subdivision (c)(2)(D), requires height maximums of no less than 16, 18, or 25 feet, depending on stated conditions.

2. Attached accessory dwelling units may occupy up to fifty percent of the primary residence living area but shall not exceed one thousand two hundred square feet.

3. Junior accessory dwelling units shall not exceed five hundred square feet.

H. Fire Sprinkler Requirements.

1. Accessory dwelling units shall comply with all applicable fire safety provisions of state law as well as locally adopted building and fire codes under Title 16. Examples include, but are not limited to, standards such as water supply and fire department access.

2. Under state law, in general, accessory dwelling units shall not be required to be equipped with fire sprinklers unless fire sprinklers are required for the primary residence. For purposes of this requirement, the following standards shall apply:

i. When the primary residence has fire sprinklers, the accessory dwelling unit shall be constructed with fire sprinklers.

ii. When the primary residence does not have fire sprinklers, the junior accessory dwelling unit and attached accessory dwelling unit do not require fire sprinklers unless the junior accessory dwelling unit or attached accessory dwelling unit increases the size of the house by at least fifty percent.

iii. Detached accessory dwelling units require fire sprinklers unless the primary residence does not have fire sprinklers.

I. Deed Restrictions. Prior to issuing a building permit for an accessory dwelling unit, the property owner shall file with the county recorder, in a format with language approved by the city, a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

1. The accessory dwelling unit shall not be sold separately.

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2. The restrictions are binding upon any successor in ownership of the property.

3. The property owner must occupy as a primary residence one of the two dwelling units on the property, either the primary or accessory dwelling unit except accessory dwelling unit and junior accessory dwelling unit applications submitted between January 1, 2020 to January 1, 2025.

4.

5.4. When the applicant is a qualified nonprofit housing organization, a deed restriction is not required.

JUSTIFICATION: Government Code 65852.26, subdivision (a)(1), creates a narrow exception to allow separate conveyance of ADUs with the involvement of qualified nonprofit housing organizations.

J. Impact Fees.

1. Accessory dwelling units less than seven hundred and fifty square feet are exempt from all city impact fees.

2. Impact fees for accessory dwelling units equal or greater than seven hundred and fifty square feet are exempt from water and sewer capacity fees. All remaining impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit.

K. Accessory Dwelling Units on Multifamily Dwellings. The building division shall review and approve ministerially accessory dwelling units under the following conditions.

1. Non-habitable area within an existing multifamily dwelling structure, including, but not limited to: storage rooms, boiler rooms, passageways, attics, basements or garages, may be converted to one or more accessory dwelling units if each accessory dwelling unit complies with state dwelling unit building standards.

2. An existing multifamily dwelling shall be permitted to accommodate additional accessory dwelling units in an amount up to twenty-five percent of the existing multifamily dwelling units.

3. An existing multifamily dwelling is permitted up to two detached accessory dwelling units on the same lot. Each detached accessory dwelling unit shall subject to a height limit ~~of~~ in accordance with Section 19.35.050(E)(4) sixteen feet and four-foot rear yard and side yard setbacks.

JUSTIFICATION: Government Code section 65852.2, subdivision (c)(2)(D), requires height maximums of no less than 16, 18, or 25 feet, depending on stated conditions.

L. CC&Rs. As defined in California Civil Code Section 4751 or any successor statute, any covenant, condition, and restriction (CC&R) or contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the above-described minimum standards (subsections F and G) established for those units shall be void and unenforceable. (Ord. 2020-04 § 1, 2020; Ord. 2017-05 § 2, 2017)

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19.39.060 Junior accessory dwelling unit standards.

- A. Each junior accessory dwelling unit shall comply with the following building standards.
 - 1. Electric service may not exceed one hundred twenty volts.
 - 2. No appliances may be fueled with natural gas or propane.
 - 3. The dwelling must have its own exterior entrance.
 - 4. The kitchen must include ~~a sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards~~ a cooking facility with appliances, and includes a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

JUSTIFICATION: Government Code section 65862.22, subdivision (a)(6), requires a JADU to include an efficiency kitchen that is defined only as "a cooking facility with appliances, and includes a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit."

- 5. The kitchen sink waste line may not exceed one and one-half inches.
- 6. The bathroom may be included in the unit or shared with the primary residence.
- 7. Junior accessory dwelling units are exempt from the building code wall separation requirements with the primary residence. (Ord. 2020-04 § 1, 2020; Ord. 2017-05 § 2, 2017)

19.39.070 Parking standards.

A. When accessory dwelling unit parking is required by this chapter or provided at the discretion of the homeowner, parking spaces may be covered or uncovered, provided as tandem parking on an existing driveway or on a paved surface in a setback or yard area.

- B. Primary Residence. Parking for the primary residence must comply with Chapter 19.21.
- C. Detached Accessory Dwelling Unit.
 - 1. A minimum of one on-site parking space is required.

- 2. Notwithstanding subsection (C)(1), on-site parking is not required ~~if~~when:
 - i. ~~The detached accessory dwelling unit is located within one-half mile walking distance of public transit or within one block of a car-sharing pickup/drop-off location;~~ and/or
 - ii. The ADU is located within an architecturally and historically significant historic district; and/or
 - iii. The ADU is part of the proposed or existing primary residence or an accessory structure; and/or
 - 2-iv. On-street parking permits are required but not offered to the occupant of the ADU.

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JUSTIFICATION: Government Code section 65852.2, subdivision (d), where parking may not be required when:

- The ADU is located within an architecturally and historically significant historic district. (Gov. Code, § 65852.2 (d)(2).)
- The ADU is part of the proposed or existing primary residence or an accessory structure. (Gov. Code, § 65852.2 (d)(3).)
- On-street parking permits are required but not offered to the occupant of the ADU. (Gov. Code, § 65852.2 (d)(4).)

D. Attached Accessory Dwelling Unit. No on-site parking is required.

E. Junior Accessory Dwelling Unit. No on-site parking is required.

F. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the city shall not require replacement of the off-street parking spaces. (Ord. 2020-04 § 1, 2020; Ord. 2017-05 § 2, 2017)

19.39.080 Operational standards.

A. The accessory dwelling unit may not be sold separately from the primary residence.

B. Owner-Occupancy. The property owner shall reside in either the primary residence or the accessory dwelling unit except accessory dwelling unit and junior accessory dwelling unit applications submitted between January 1, 2020 to January 1, 2025.

C. An accessory dwelling unit may not be rented for transient occupancy (less than thirty consecutive days). (Ord. 2020-04 § 1, 2020; Ord. 2017-05 § 2, 2017)

19.39.090 Design standards.

Accessory dwelling units shall comply with the following design standards that are intended to maximize the compatibility of accessory dwelling units with the neighborhoods in which they are located.

~~A.—The accessory dwelling unit shall comply with any City adopted objective design standards applicable to ADUs, be designed so the site appearance remains that of a single-family residence, insofar as possible.~~

~~B.—Where feasible, any new entrance to an accessory dwelling unit attached to the primary residence shall be located on the side or rear of the structure.~~

~~C.—The accessory dwelling unit shall be aesthetically compatible with the primary residence and the surrounding neighborhood, including coordinating colors, materials, roofing, building height, other architectural features, and landscaping.~~

~~D.A. The accessory dwelling unit location and orientation shall not materially reduce the privacy otherwise enjoyed by residents of adjacent parcels. The community development director shall consider, but is not limited to considering, the placement of windows, decks and balconies, landscape screening, height, and number of stories in determining if privacy will be materially reduced.~~

JUSTIFICATION: Government Code section 65852.2, subdivision (a)(6), requires that ADU ordinances include “...only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units....” Terms like “aesthetically compatible” and “determining if privacy will be materially reduced” are subjective in violation of State Statute.

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E-B. An accessory dwelling unit connected to an onsite water treatment system requires a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last ten years. (Ord. 2020-04 § 1, 2020; Ord. 2017-05 § 2, 2017)

19.39.100 Review and approval process.

Permits for accessory dwelling units and junior accessory dwelling units shall be reviewed ministerially through the building division in accordance to [Government Code](#) Section 65852.2 (a) through (e).

A. The building division shall act on the application to create an accessory dwelling unit or junior accessory dwelling unit within sixty days from the date the building division receives a completed application if there is an existing single-family or multifamily dwelling on the lot.

B. If the permit application to create an accessory dwelling unit or junior accessory dwelling unit is submitted concurrently with a permit application to create a new single-family dwelling on the lot, the building division may delay acting on the accessory dwelling unit or junior accessory dwelling unit permit application until the building division acts on the new single-family dwelling permit application, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered ministerial without discretionary review or a hearing. If the applicant requests a delay, the sixty-day time period shall be tolled for the period of the delay. (Ord. 2020-04 § 1, 2020)

19.39.110 Code enforcement.

For accessory dwelling units built before January 1, 2020, the property owner may request delayed enforcement of building standards for five years.

A. There shall be no delays granted after January 1, 2030.

B. There shall be no delays granted if the delay of the correction will cause a violation needed to protect health and safety. (Ord. 2020-04 § 1, 2020)

Senate Bill No. 330

CHAPTER 654

An act to amend Section 65589.5 of, to amend, repeal, and add Sections 65940, 65943, and 65950 of, to add and repeal Sections 65905.5, 65913.10, and 65941.1 of, and to add and repeal Chapter 12 (commencing with Section 66300) of Division 1 of Title 7 of, the Government Code, relating to housing.

[Approved by Governor October 9, 2019. Filed with Secretary
of State October 9, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 330, 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, 2025, would specify that an application is deemed complete for these purposes if a 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, 2025, 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 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, 2025, 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 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, 2025, would prohibit a city or county from conducting more than 5 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 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.

(3) 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 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, 2025, 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, except as provided. The bill, until January 1, 2025, 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.

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, 2025, would provide that a housing development project, as defined, shall be deemed to have submitted a preliminary application upon providing specified information about the proposed project to the city or county from which approval for the project is being sought. The bill would require each local agency to compile a checklist and application form that applicants for housing development projects may use for that purpose and would require the Department of Housing and Community Development to adopt a standardized form for applicants seeking approval from a local agency that has not developed its own application form. After the submittal of a preliminary application, the bill would provide that a housing development project would not be deemed to have submitted a preliminary application under these provisions if the development proponent revises the project such that the number of residential units or square footage of construction changes by 20% or more until the development proponent resubmits the information required by the bill so that it reflects the revisions. The bill would require a development proponent to submit an application for a development project that includes all information necessary for the agency to review the application under the Permit Streamlining Act within 180 days of submitting the preliminary application.

The bill, until January 1, 2025, 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 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, 2025, 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.

(4) 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, 2025, with respect to land where housing is an allowable use, 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, 2020, 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 the effective date of these provisions, and that any development policy, standard, or condition on or after that date that does not comply would be deemed void.

This bill would also require a project that requires the demolition 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, as provided. The bill would provide that these provisions do not supersede any provision of a locally adopted ordinance

that places greater restrictions on the demolition of residential dwelling units or that requires greater relocation assistance to displaced households. The bill would require a county or city subject to these provisions to include information necessary to determine compliance with these provisions in the list or lists that specify the information that will be required from any applicant for a development project under the Permit Streamlining Act.

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.

(5) 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.

(6) 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.

(7) This bill would provide that its provisions are severable.

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

SECTION 1. This act shall be known, and may be cited, as the Housing Crisis Act of 2019.

SEC. 2. (a) The Legislature finds and declares the following:

(1) California is experiencing a housing supply crisis, with housing demand far outstripping supply. In 2018, California ranked 49th out of the 50 states in housing units per capita.

(2) Consequently, existing housing in this state, especially in its largest cities, has become very expensive. Seven of the 10 most expensive real estate markets in the United States are in California. In San Francisco, the median home price is \$1.6 million.

(3) California is also experiencing rapid year-over-year rent growth with three cities in the state having had overall rent growth of 10 percent or more year-over-year, and of the 50 United States cities with the highest United States rents, 33 are cities in California.

(4) California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over the next 7 years.

(5) The housing crisis has particularly exacerbated the need for affordable homes at prices below market rates.

(6) The housing crisis harms families across California and has resulted in all of the following:

(A) Increased poverty and homelessness, especially first-time homelessness.

(B) Forced lower income residents into crowded and unsafe housing in urban areas.

(C) Forced families into lower cost new housing in greenfields at the urban-rural interface with longer commute times and a higher exposure to fire hazard.

(D) Forced public employees, health care providers, teachers, and others, including critical safety personnel, into more affordable housing farther from the communities they serve, which will exacerbate future disaster response challenges in high-cost, high-congestion areas and increase risk to life.

(E) Driven families out of the state or into communities away from good schools and services, making the ZIP Code where one grew up the largest determinate of later access to opportunities and social mobility, disrupting family life, and increasing health problems due to long commutes that may exceed three hours per day.

(7) The housing crisis has been exacerbated by the additional loss of units due to wildfires in 2017 and 2018, which impacts all regions of the state. The Carr Fire in 2017 alone burned over 1,000 homes, and over 50,000 people have been displaced by the Camp Fire and the Woolsey Fire in 2018. This temporary and permanent displacement has placed additional demand on the housing market and has resulted in fewer housing units available for rent by low-income individuals.

(8) Individuals who lose their housing due to fire or the sale of the property cannot find affordable homes or rental units and are pushed into cars and tents.

(9) Costs for construction of new housing continue to increase. According to the Turner Center for Housing Innovation at the University of California, Berkeley, the cost of building a 100-unit affordable housing project in the state was almost \$425,000 per unit in 2016, up from \$265,000 per unit in 2000.

(10) Lengthy permitting processes and approval times, fees and costs for parking, and other requirements further exacerbate cost of residential construction.

(11) The housing crisis is severely impacting the state's economy as follows:

(A) Employers face increasing difficulty in securing and retaining a workforce.

(B) Schools, universities, nonprofits, and governments have difficulty attracting and retaining teachers, students, and employees, and our schools and critical services are suffering.

(C) According to analysts at McKinsey and Company, the housing crisis is costing California \$140 billion a year in lost economic output.

(12) The housing crisis also harms the environment by doing both of the following:

(A) Increasing pressure to develop the state's farmlands, open space, and rural interface areas to build affordable housing, and increasing fire hazards that generate massive greenhouse gas emissions.

(B) Increasing greenhouse gas emissions from longer commutes to affordable homes far from growing job centers.

(13) Homes, lots, and structures near good jobs, schools, and transportation remain underutilized throughout the state and could be rapidly remodeled or developed to add affordable homes without subsidy where they are needed with state assistance.

(14) Reusing existing infrastructure and developed properties, and building more smaller homes with good access to schools, parks, and services, will provide the most immediate help with the lowest greenhouse gas footprint to state residents.

(b) In light of the foregoing, the Legislature hereby declares a statewide housing emergency, to be in effect until January 1, 2025.

(c) It is the intent of the Legislature, in enacting the Housing Crisis Act of 2019, to do both of the following:

(1) Suspend certain restrictions on the development of new housing during the period of the statewide emergency described in subdivisions (a) and (b).

(2) Work with local governments to expedite the permitting of housing in regions suffering the worst housing shortages and highest rates of displacement.

SEC. 3. Section 65589.5 of the Government Code is amended to read:

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

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

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

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

(D) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in

disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) It is the policy of the state that a local government not reject or make infeasible housing development projects, including emergency shelters, that contribute to meeting the need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without 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 suitable or available for very low, low-, or moderate-income households in the jurisdiction’s housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction’s zoning ordinance and general plan land use designation.

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

(C) If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.

(e) Nothing in this section shall be construed to relieve the local agency from complying with the congestion management program required by Chapter 2.6 (commencing with Section 65088) of 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.

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

(6) “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.

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

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

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

(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 housing development project’s application is deemed complete, 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, and with the requirements of subdivision (o).

(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 application was deemed 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 explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity as follows:

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

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

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

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

(4) For purposes of this section, 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 but the zoning for the project site is inconsistent with the general plan. If the local agency has complied with paragraph (2), the local agency may require the proposed

housing development project to comply with the objective standards and criteria of the zoning which 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.

(k) (1) (A) (i) The applicant, a person who would be eligible to apply for residency in the development or emergency shelter, or a housing organization may bring an action to enforce this section. If, in any action brought to enforce this section, a court finds that any of the following are met, the court shall issue an order pursuant to clause (ii):

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

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

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

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

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

(B) (i) Upon a determination that the local agency has failed to comply with the order or judgment compelling compliance with this section within 60 days issued pursuant to subparagraph (A), the court shall impose fines on a local agency that has violated this section and require the local agency to deposit any fine levied pursuant to this subdivision into a local housing trust fund. The local agency may elect to instead deposit the fine into the Building Homes and Jobs Fund, if Senate Bill 2 of the 2017–18 Regular

Session is enacted, or otherwise in the Housing Rehabilitation Loan Fund. The fine shall be in a minimum amount of ten thousand dollars (\$10,000) per housing unit in the housing development project on the date the application was deemed complete pursuant to Section 65943. In determining the amount of fine to impose, the court shall consider the local agency's progress in attaining its target allocation of the regional housing need pursuant to Section 65584 and any prior violations of this section. Fines shall not be paid out of funds already dedicated to affordable housing, including, but not limited to, Low and Moderate Income Housing Asset Funds, funds dedicated to housing for very low, low-, and moderate-income households, and federal HOME Investment Partnerships Program and Community Development Block Grant Program funds. The local agency shall commit and expend the money in the local housing trust fund within five years for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households. After five years, if the funds have not been expended, the money shall revert to the state and be deposited in the Building Homes and Jobs Fund, if Senate Bill 2 of the 2017–18 Regular Session is enacted, or otherwise in the Housing Rehabilitation Loan Fund, for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households.

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

(C) If the court determines that its order or judgment has not been 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, including, but not limited to, an order to vacate the decision of the local agency and to approve the housing development project, in which case the application for the housing development project, as proposed by the applicant at the time the local agency took the initial action determined to be in violation of this section, along with any standard conditions determined by the court to be generally imposed by the local agency on similar projects, shall be deemed to be approved unless the applicant 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 may for good cause allow, or may appeal the judgment or order of the trial court under Section 904.1 of the Code of Civil Procedure. If the local agency appeals the judgment of the trial court, the local agency shall post a bond, in an amount to be determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant.

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

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

(2) Paragraph (1) shall not prohibit a housing development project from being subject to ordinances, policies, and standards adopted after the

preliminary application was submitted pursuant to Section 65941.1 in the following circumstances:

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

(B) A preponderance of the evidence in the record establishes that subjecting the housing development project to an ordinance, policy, or standard beyond those in effect when a preliminary application was submitted is necessary to mitigate or avoid a specific, adverse impact upon the public health or safety, as defined in subparagraph (A) of paragraph (1) of subdivision (j), and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact.

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

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

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

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

(E) The housing development project is revised following submittal of a preliminary application pursuant to Section 65941.1 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. 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).

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

(4) For purposes of this subdivision, “ordinances, policies, and standards” includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other

rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions.

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

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

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

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

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

SEC. 4. Section 65905.5 is added to the Government Code, to read:

65905.5. (a) 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 an application is deemed complete, after the application is deemed complete, a city, county, or city and county shall not conduct more than five hearings pursuant to Section 65905, or any other law, ordinance, or regulation requiring a public hearing in connection with the approval of that housing development project. If the city, county, or city and county continues a hearing subject to this section to another date, the continued hearing shall count as one of the five hearings allowed under this section. The city, county, or city and 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)).

(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, 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, commission, or any other designated hearing officer or body of the city or county, or any committee or subcommittee thereof.

“Hearing” does not include a hearing to review a legislative approval required for a proposed housing development project, including, but not limited to, a general plan amendment, a specific plan adoption or amendment, or a zoning amendment, or any hearing arising from a timely appeal of the approval or disapproval of a legislative approval.

(3) “Housing development project” has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(c) (1) For purposes of this section, a housing development project 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 is consistent, compliant, or in conformity.

(2) 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, 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) 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.

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

SEC. 5. 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 unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.

(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) “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, 2025, and as of that date is repealed.

SEC. 6. Section 65940 of the Government Code is amended to read:

65940. (a) (1) Each public agency shall compile one or more lists that shall specify in detail the information that will be required from any applicant for a development project. Each public agency shall revise the list of information required from an applicant to include a certification of compliance with Section 65962.5, and the statement of application required by Section 65943. Copies of the information, including the statement of application required by Section 65943, shall be made available to all applicants for development projects and to any person who requests the information.

(2) An affected city or affected county, as defined in Section 66300, shall include the information necessary to determine compliance with the requirements of subdivision (d) of Section 66300 in the list compiled pursuant to paragraph (1).

(b) The list of information required from any applicant shall include, where applicable, identification of whether the proposed project is located within 1,000 feet of a military installation, beneath a low-level flight path or within special use airspace as defined in Section 21098 of the Public Resources Code, and within an urbanized area as defined in Section 65944.

(c) (1) A public agency that is not beneath a low-level flight path or not within special use airspace and does not contain a military installation is not required to change its list of information required from applicants to comply with subdivision (b).

(2) A public agency that is entirely urbanized, as defined in subdivision (e) of Section 65944, with the exception of a jurisdiction that contains a military installation, is not required to change its list of information required from applicants to comply with subdivision (b).

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

SEC. 7. Section 65940 is added to the Government Code, to read:

65940. (a) Each public agency shall compile one or more lists that shall specify in detail the information that will be required from any applicant for a development project. Each public agency shall revise the list of information required from an applicant to include a certification of compliance with Section 65962.5, and the statement of application required by Section 65943. Copies of the information, including the statement of application required by Section 65943, shall be made available to all applicants for development projects and to any person who requests the information.

(b) The list of information required from any applicant shall include, where applicable, identification of whether the proposed project is located within 1,000 feet of a military installation, beneath a low-level flight path or within special use airspace as defined in Section 21098 of the Public Resources Code, and within an urbanized area as defined in Section 65944.

(c) (1) A public agency that is not beneath a low-level flight path or not within special use airspace and does not contain a military installation is not required to change its list of information required from applicants to comply with subdivision (b).

(2) A public agency that is entirely urbanized, as defined in subdivision (e) of Section 65944, with the exception of a jurisdiction that contains a military installation, is not required to change its list of information required from applicants to comply with subdivision (b).

(d) This section shall become operative on January 1, 2025.

SEC. 8. Section 65941.1 is added to the Government Code, to read:

65941.1. (a) An applicant for a housing development project, as defined in paragraph (2) of subdivision (h) of Section 65589.5, shall be deemed to have submitted a preliminary application upon providing all of the following information about the proposed project to the city, county, or city and county from which approval for the project is being sought and upon payment of the permit processing fee:

(1) The specific location, including parcel numbers, a legal description, and site address, if applicable.

(2) The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located.

(3) A site plan showing the location on the property, elevations showing design, color, and material, and the massing, height, and approximate square footage, of each building that is to be occupied.

(4) The proposed land uses by number of units and square feet of residential and nonresidential development 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) Whether a portion of the property is located within any of the following:

(A) A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178.

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

(C) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code.

(D) A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency.

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

(F) A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code.

(9) Any historic or cultural resources known to exist on the property.

(10) The number of proposed below market rate units and their affordability levels.

(11) The number of bonus units and any incentives, concessions, waivers, or parking reductions requested pursuant to Section 65915.

(12) Whether any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a tentative map, or a condominium map, are being requested.

(13) The applicant's contact information and, if the applicant does not own the property, consent from the property owner to submit the application.

(14) For a housing development project proposed to be located within the coastal zone, whether any portion of the property contains any of the following:

(A) Wetlands, as defined in subdivision (b) of Section 13577 of Title 14 of the California Code of Regulations.

(B) Environmentally sensitive habitat areas, as defined in Section 30240 of the Public Resources Code.

(C) A tsunami run-up zone.

(D) Use of the site for public access to or along the coast.

(15) The number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied.

(16) A site map showing a stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code and an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands.

(17) The location of any recorded public easement, such as easements for storm drains, water lines, and other public rights of way.

(b) (1) Each local agency shall compile a checklist and application form that applicants for housing development projects may use for the purpose of satisfying the requirements for submittal of a preliminary application.

(2) 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 preliminary application if a local agency has not developed its own

application form pursuant to paragraph (1). 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.

(3) A checklist or form shall not require or request any information beyond that expressly identified in subdivision (a).

(c) After submittal of all of the information required by subdivision (a), 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, the housing development project shall not be deemed to have submitted a preliminary application that satisfies this section 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) (1) Within 180 calendar days after submitting a preliminary application with all of the information required by subdivision (a) to a city, county, or city and county, the development proponent shall submit an application for a development project that includes all of the information required to process the development application consistent with Sections 65940, 65941, and 65941.5.

(2) If the public agency determines that the application for the development project is not complete pursuant to Section 65943, the development proponent shall submit the specific information needed to complete the application within 90 days of receiving the agency’s written identification of the necessary information. If the development proponent does not submit this information within the 90-day period, then the preliminary application shall expire and have no further force or effect.

(3) This section shall not require an affirmative determination by a city, county, or city and county regarding the completeness of a preliminary application or a development application for purposes of compliance with this section.

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

SEC. 9. 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 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) Each city and each county shall make copies of any list compiled pursuant to Section 65940 with respect to information required from an applicant for a housing development project, as that term is defined in

paragraph (2) of subdivision (h) of Section 65589.5, available both (1) in writing to those persons to whom the agency is required to make information available under subdivision (a) of that section, and (2) publicly available on the internet website of the city or county.

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

SEC. 10. Section 65943 is added to the Government Code, 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 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, 2025.

SEC. 11. 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) 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) 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 Section 65940), the lead agency received written notice from the project applicant that an application has been made or will be made for an allocation or commitment of financing, tax credits, bond authority, or other financial assistance from a public agency or federal agency, and the notice specifies the financial assistance that has been applied for or will be applied for and the deadline for application for that assistance, the requirement that one of the approvals of the development project by the lead agency is a prerequisite to the application for or approval of the application for financial assistance, and that the financial assistance is necessary for the project to be affordable as required pursuant to subparagraph (A).

(C) There is confirmation that the application has been made to the public agency or federal agency prior to certification of the environmental impact report.

(4) Sixty days from the date of adoption by the lead agency of the negative declaration, if a negative declaration is completed and adopted for the development project.

(5) Sixty days from the determination by the lead agency that the project is exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), if the project is exempt from that act.

(b) This section does not preclude a project applicant and a public agency from mutually agreeing in writing to an extension of any time limit provided by this section pursuant to Section 65957.

(c) For purposes of paragraphs (2) and (3) of subdivision (a) and Section 65952, “development project” means a housing development project, as that term is defined in paragraph (2) of subdivision (h) of Section 65589.5.

(d) For purposes of this section, “lead agency” and “negative declaration” have the same meaning as defined in Sections 21067 and 21064 of the Public Resources Code, respectively.

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

SEC. 12. Section 65950 is added to the Government Code, 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 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 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 Section 65940), the lead agency received written notice from the project applicant that an application has been made or will be made for an allocation or commitment of financing,

tax credits, bond authority, or other financial assistance from a public agency or federal agency, and the notice specifies the financial assistance that has been applied for or will be applied for and the deadline for application for that assistance, the requirement that one of the approvals of the development project by the lead agency is a prerequisite to the application for or approval of the application for financial assistance, and that the financial assistance is necessary for the project to be affordable as required pursuant to subparagraph (A).

(C) There is confirmation that the application has been made to the public agency or federal agency prior to certification of the environmental impact report.

(4) Sixty days from the date of adoption by the lead agency of the negative declaration, if a negative declaration is completed and adopted for the development project.

(5) Sixty days from the determination by the lead agency that the project is exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), if the project is exempt from that act.

(b) This section does not preclude a project applicant and a public agency from mutually agreeing in writing to an extension of any time limit provided by this section pursuant to Section 65957.

(c) For purposes of paragraphs (2) and (3) of subdivision (a) and Section 65952, “development project” means a use consisting of either of the following:

(1) Residential units only.

(2) Mixed-use developments consisting of residential and nonresidential uses in which the nonresidential uses are less than 50 percent of the total square footage of the development and are limited to neighborhood commercial uses and to the first floor of buildings that are two or more stories. As used in this paragraph, “neighborhood commercial” means small-scale general or specialty stores that furnish goods and services primarily to residents of the neighborhood.

(d) For purposes of this section, “lead agency” and “negative declaration” have the same meaning as defined in Sections 21067 and 21064 of the Public Resources Code, respectively.

(e) This section shall become operative on January 1, 2025.

SEC. 13. Chapter 12 (commencing with Section 66300) is added to Division 1 of Title 7 of the Government Code, to read:

CHAPTER 12. HOUSING CRISIS ACT OF 2019

66300. (a) As used in this section:

(1) (A) Except as otherwise provided in subparagraph (B), “affected city” means a city, including a charter city, that the Department of Housing and Community Development determines, pursuant to subdivision (e), is

in an urbanized area or urban cluster, as designated by the United States Census Bureau.

(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 urbanized area, as designated by the United States Census Bureau.

(2) “Affected county” means a census designated place, based on the 2013-2017 American Community Survey 5-year Estimates, that is wholly located within the boundaries of an urbanized area, as designated by the United States Census Bureau.

(3) Notwithstanding any other law, “affected county” and “affected city” includes the electorate of an affected county or city exercising its local initiative or referendum power, whether that power is derived from the California Constitution, statute, or the charter or ordinances of the affected county or city.

(4) “Department” means the Department of Housing and Community Development.

(5) “Development policy, standard, or condition” means any of the following:

- (A) A provision of, or amendment to, a general plan.
- (B) A provision of, or amendment to, a specific plan.
- (C) A provision of, or amendment to, a zoning ordinance.
- (D) A subdivision standard or criterion.

(6) “Housing development project” has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(7) “Objective design standard” means a design standard that involve no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal of an application.

(b) (1) Notwithstanding any other law except as provided in subdivision (i), with respect to land where housing is an allowable use, an affected county or an affected city shall not enact a development policy, standard, or condition that would have any of the following effects:

(A) Changing the general plan land use designation, specific plan 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 general plan land use designation, specific plan land use designation, or zoning district below what was allowed under the land use designation and zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018, except as otherwise provided in clause (ii) of subparagraph (B). For purposes of this subparagraph, “less intensive use” includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, or new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or anything that would lessen the intensity of housing.

(B) (i) Imposing a moratorium or similar restriction or limitation on housing development, including mixed-use development, within all or a

portion of the jurisdiction of the affected county or city, other than to specifically protect against an imminent threat to the health and safety of persons residing in, or within the immediate vicinity of, the area subject to the moratorium or for projects specifically identified as existing restricted affordable housing.

(ii) The affected county or affected city, as applicable, shall not enforce a zoning ordinance imposing a moratorium or other similar restriction on or limitation of housing development until it has submitted the ordinance to, and received approval from, the department. The department shall approve a zoning ordinance submitted to it pursuant to this subparagraph only if it determines that the zoning ordinance satisfies the requirements of this subparagraph. If the department denies approval of a zoning ordinance imposing a moratorium or similar restriction or limitation on housing development as inconsistent with this subparagraph, that ordinance shall be deemed void.

(C) Imposing or enforcing design standards established on or after January 1, 2020, that are not objective design standards.

(D) Except as provided in subparagraph (E), establishing or implementing 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 affected county or affected city, as applicable.

(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 affected county or affected city, as applicable.

(E) Notwithstanding subparagraph (D), an affected county or affected city may enforce a limit on the number of approvals or permits or a cap on the number of housing units that can be approved or constructed if the provision of law imposing the limit was approved by voters prior to January 1, 2005, and the affected county or affected city is located in a predominantly agricultural county. For the purposes of this subparagraph, “predominantly agricultural county” means a county that meets both of the following, as determined by the most recent California Farmland Conversion Report produced by the Department of Conservation:

(i) Has more than 550,000 acres of agricultural land.

(ii) At least one-half of the county area is agricultural land.

(2) Any development policy, standard, or condition enacted on or after the effective date of this section that does not comply with this section shall be deemed void.

(c) Notwithstanding subdivisions (b) and (f), 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) Notwithstanding any other provision of this section, both of the following shall apply:

(1) An affected city or an affected county shall not approve a housing development project that will require the demolition of residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished.

(2) An affected city or an affected county shall not approve a housing development project that will require the demolition of occupied or vacant protected units, unless all of the following apply:

(A) (i) The project will replace all existing or demolished protected units.

(ii) Any protected units replaced pursuant to this subparagraph shall be considered in determining whether the housing development project satisfies the requirements of Section 65915 or a locally adopted requirement that requires, as a condition of the development of residential rental units, that the project provide a certain percentage of residential rental units affordable to, and occupied by, households with incomes that do not exceed the limits for moderate-income, lower income, very low income, or extremely low income households, as specified in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code.

(iii) Notwithstanding clause (i), in the case of a protected unit that is or was, within the five-year period preceding the application, subject to a form of rent or price control through a local government's valid exercise of its police power, and that is or was occupied by persons or families above lower income, the affected city or affected county may do either of the following:

(I) Require that the replacement units be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years.

(II) Require that the units be replaced in compliance with the jurisdiction's rent or price control ordinance, provided that each unit is replaced. Unless otherwise required by the affected city or affected county's rent or price control ordinance, these units shall not be subject to a recorded affordability restriction.

(B) The housing development project will include at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the project site within the last five years.

(C) Any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice, subject to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1.

(D) The developer agrees to provide both of the following to the occupants of any protected units:

(i) Relocation benefits to the occupants of those affordable residential rental units, subject to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1.

(ii) A right of first refusal for a comparable unit available in the new housing development affordable to the household at an affordable rent, as defined in Section 50053 of the Health and Safety Code, or an affordable housing cost, as defined in 50052.5.

(E) For purposes of this paragraph:

(i) “Equivalent size” means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

(ii) “Protected units” means any of the following:

(I) Residential dwelling units that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the past five years.

(II) Residential dwelling units that are or were subject to any form of rent or price control through a public entity’s valid exercise of its police power within the past five years.

(III) Residential dwelling units that are or were occupied by lower or very low income households within the past five years.

(IV) Residential dwelling units that were withdrawn from rent or lease in accordance with Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 within the past 10 years.

(iii) “Replace” shall have the same meaning as provided in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65915.

(3) This subdivision shall not supersede any objective provision of a locally adopted ordinance that places restrictions on the demolition of residential dwelling units or the subdivision of residential rental units that are more protective of lower income households, requires the provision of a greater number of units affordable to lower income households, or that requires greater relocation assistance to displaced households.

(4) This subdivision shall only apply to a housing development project that submits a complete application pursuant to Section 65943 on or after January 1, 2020.

(e) 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) by June 30, 2020. The department may update the list of affected cities and affected counties once on or after January 1, 2021, to account for changes in urbanized areas or urban clusters due to new data obtained from the 2020 census. The department’s determination shall remain valid until January 1, 2025.

(f) (1) Except as provided in paragraphs (3) and (4) and subdivisions (h) and (i), this section shall prevail over any conflicting provision of this title or other law regulating housing development in this 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 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.

(g) 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, provided that the height limit, urban growth boundary, or urban limit complies with subparagraph (A) of paragraph (1) of subdivision (b).

(h) (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). For a housing development project proposed within the coastal zone, nothing in this section shall be construed to prohibit an affected county or an affected city from enacting a development policy, standard, or condition necessary to implement or amend a certified local coastal program consistent with the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(i) (1) 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.

(2) 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 on a site that is a mobilehome park, as defined in Section 18214 of the Health and Safety Code, as of the effective date of this section, and the net loss requirement in paragraph (1) shall not apply.

(j) Notwithstanding subdivisions (b) and (f), this section does not prohibit an affected city or an affected county from enacting a development policy, standard, or condition that is intended to preserve or facilitate the production of housing for lower income households, as defined in Section 50079.5 of the Health and Safety Code, or housing types that traditionally serve lower income households, including mobilehome parks, single-room occupancy units, or units subject to any form of rent or price control through a public entity’s valid exercise of its police power.

66301. This chapter shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 14. The Legislature finds and declares that the provision of adequate housing, in light of the severe shortage of housing at all income

levels in this state, is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, the provisions of this act apply to all cities, including charter cities.

SEC. 15. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other 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.

SEC. 16. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

O

REDLINE Amendments to General Plan Goal 1B

~~**MANAGEMENT AND PHASING OF GROWTH**~~**Goal**

~~**1B Provide for the orderly development of American Canyon that maintains its distinctive character.**~~

Objective

~~1.2 Promote a rate of growth that is consistent with the ability of the City to provide adequate infrastructure and services and does not adversely impact the distinctive character and quality of life in American Canyon.~~

Policies

~~1.2.1 Monitor the rates of development in the City on an annual basis and, should these show significant increases from historic averages, evaluate the appropriateness of establishing a phased program of growth. (1.9 and 1.10)~~

~~1.2.2 Establish as a priority the development of projects that are contiguous with and infill the existing pattern of development, avoiding leap frog development, except for large scale master planned projects that are linked to and planned to be extensions of existing development and for which infrastructure and services are in place or funded. (1.9 and 1.11)~~

Objective

~~1.3 Ensure that land use development is coordinated with the ability to provide adequate public infrastructure (transportation facilities, wastewater collection and treatment, water supply, electrical, natural gas, telecommunications, solid waste disposal, and storm drainage) and public services (governmental administrative, capital improvements, police, fire, recreational, cultural, etc.).~~

Policies

~~1.3.1 Implement public infrastructure and service improvements necessary to support land uses accommodated by the **Land Use Plan** (as defined in the **Circulation and Public Utilities and Services Elements**. (1.4, 1.5, 1.8, 1.10-1.13, 1.15, and 1.17)~~

~~1.3.2 Require that type, amount, and location of development be correlated with the provision of adequate supporting infrastructure and services (as defined in the **Circulation and Public Utilities and Services Elements**. (1.4, 1.5, 1.8, and 1.9)~~

~~1.3.3 Regulate the type, location, and/or timing of development as necessary in the event that there is inadequate public infrastructure or services to support land use development. (1.9)~~

REDLINE Amendments to General Plan Goal 1B

~~1.3.4 — Limit the total additional new development that can be accommodated in the City and its Urban Limit Line to the following provided that the highway improvements stipulated by the **Circulation Element** are implemented. (1.1.9)~~

Use	City	City Urban Limit Line	Total
Residential			
—• Single Family	1,678 units	3,204 units	4,882 units
—• Multi Family	967 units	466 units	1,433 units
Commercial			
—• Retail	607,500 square feet		607,500 square feet
—• Office	270,000 square feet		270,000 square feet
Industrial	1,560,195 square feet	4,218,305 square feet	5,778,500 square feet

~~1.3.5 — Consider increases in development capacity when it can be demonstrated that additional transportation improvements have been implemented or are funded, or demands have been reduced (based on highway level of service and vehicle trips), and such increases are consistent with community needs and desires. (1.1.9 and 1.1.10)~~

~~1.3.6 — Monitor the capacities of other infrastructure (water, sewer, and other) and services and establish appropriate limits on development should their utilization and demands for service exceed acceptable levels or increase the cost burdens for existing residents. (1.1.10)~~



TITLE

American Canyon Police Department's 2022 Annual Report

RECOMMENDATION

Receive and file the American Canyon Police Department's 2022 Annual Report.

CONTACT

Rick Greenberg, Police Chief

BACKGROUND & ANALYSIS

The American Canyon Police Department, a division of the Sheriff's Office, has since grown in size as the city grew. In 2019, the City and County entered into a new three-year agreement to continue this service. The 2022/23 contract with Napa County is \$7,681,635.

The current 3-year agreement expired on June 30, 2022, with two additional option years for an eventual agreement expiration of June 30, 2024. The City of American Canyon and the Napa County Sheriff's Office plan for cost projections and anticipated future expenses when drafting these agreements. In the event of significant changes during the term of the agreement, an amendment may be done to reduce or expand the agreement.

Statistics

In 2022, we did have a slight increase in vehicle theft (70) but had a decrease in burglaries (29). We did not have any homicides or any fatal traffic accidents in 2022.

This past year, I had our traffic enforcement officers focus on more local roadway patrols, and we had a significant increase in citations issued on local roadways (806).

ACPD booked 517 people into jail and responded to 16,702 calls for service.

American Canyon Police booked 32 illegally possessed firearms into property.

The California Department of Justice lists the 2021 clearance rate for violent crime at 40% and property crime at 7.3%. In 2022 ACPD's clearance rate for violent crimes 76% and property crimes is 43%.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Public Safety: "Ensure American Canyon remains a safe community."

FISCAL IMPACT

None.

ENVIRONMENTAL REVIEW

The receiving and filing of the Police Department Annual report is not a "Project" as defined by the California Environmental Quality Act.

ATTACHMENTS:

- [1. 2022 ACPD Annual Report](#)
- [2. 2022 ACPD Annual Report Presentation](#)



AMERICAN CANYON POLICE DEPARTMENT

2022 ANNUAL REPORT

Published March 2023





TABLE OF CONTENTS

- 1 Message from the Chief
- 2 Department Overview
- 3 K-9 Unit
- 5 Community Outreach
- 8 School Resource Officers
- 9 Police Technicians & Administrative Clerk
- 10 Traffic Data
- 11 Crime Statistics
- 13 Significant 2022 Cases & Events
- 15 Additional Resources
- 20 Animal Services



AMERICAN CANYON POLICE DEPARTMENT

2022 ANNUAL REPORT

MESSAGE FROM THE CHIEF

I am honored to present the 2022 American Canyon Police Department (ACPD) Year-End Report. 2022 was my first full year serving as your Police Chief, and it has been a great year. 2022 has been a year of rebuilding in-person relationships with the community as we finally get out of the COVID-19 pandemic. It has been great to meet a lot of the community in person finally.

As you will see in this report, we did have a slight increase in vehicle theft, but had a decrease in burglaries. I am pleased to announce we did not have any homicides or any fatal traffic accidents in 2022. Some of the crimes ACPD responded to and solved in 2022 were a result of our motto "See something Say something." This has been proven time and time again, resulting in recovery of stolen property, arrests of suspects, and preventing violence in the community. This past year, I had our traffic enforcement officers focus on more local roadway patrols, and we had a significant increase in citations issued on local roadways. In 2022, the city launched our "We ♥ Safe Streets" campaign. Please do your part in the community and sign up; you can take the pledge with the QR code on page 10.

Another big part of why ACPD is so successful in solving crime is the continued support from the community,

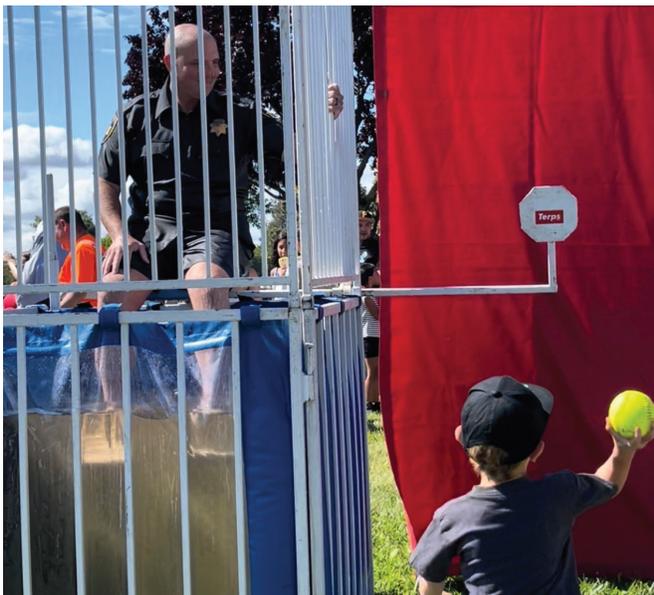


city staff, and business community. Your ACPD officers appreciate the support as they continue to serve and protect the City of American Canyon.

If you have not had a chance to meet and greet ACPD officers or myself, an excellent way to do this is at National Night Out. This is where neighborhoods host block parties, which ACPD officers attend. Please look for this great event which will be held in August 2023. I am proud to continue to serve as your Chief of Police and look forward to leading our ACPD crime fighters in 2023.

- Chief Rick Greenberg

COMMUNITY SNAPS



DEPARTMENT OVERVIEW

The City of American Canyon was incorporated in 1992. Prior to that, as an unincorporated area of Napa County, the area was policed by Napa County Sheriff's deputies and California Highway Patrol (for traffic enforcement). In 1992, when the area became an incorporated city, the new City elected to contract with the Napa County Sheriff's Office for all municipal police services.

In 2019, the City and County entered into a new three-year agreement to continue this service. The 2022/23 contract with Napa County is \$7,681,635. The current 3-year agreement expired on June 30, 2022, with two additional option years for an eventual agreement expiration of June 30, 2024. When drafting these agreements, the City of American Canyon and the Napa County Sheriff's Office plan for cost projections and anticipated future expenses.

ACPD is staffed 24 hours, seven days a week, with several officers on duty at any time of the day. If a situation arises that requires more officers than those already working in American Canyon, the Napa County Sheriff's Office deputies quickly respond and assist.

Napa County Sheriff's Office offers a pool of trained deputies familiar with our community and familiar with working in the ACPD.



In 2022, ACPD was staffed with 24 sworn officers, two Police Technicians, and a Records Technician. Breakdown of sworn staffing:

- | | |
|--------------------|------------------------------|
| 1 Chief | 2 School Resource Officers |
| 4 Sergeants | 1 Community Resource Officer |
| 2 Traffic Officers | 12 Patrol Officers |
| 2 K-9 Handlers | |

The Napa County Sheriff's Office investigations division has a Lieutenant, a Sergeant, and 7 Detectives. These Detectives carry a significant ACPD caseload for follow-up investigations.

The American Canyon Police Department prides itself on using Community Policing strategies. We engage our community to help prevent crime through programs like Coffee with the Cops, Neighborhood Watch, Facebook, and DARE and participate in numerous community events throughout the year.

HIGHLIGHTS

The officer to resident ratio is 1.1 officers to 1,000 residents (based on a population of approximately 22,000).



K-9 UNIT—OFFICER MCLEOD & BRODY

Officer Jade McLeod has worked for the Napa County Sheriff's Office since January 2019, and before that, he worked with the Vallejo Police Department for five years. In June of 2021, Officer McLeod was paired with his K9 Partner "Brody." Brody is a Belgian Malinois who turned three years old in October 2022.

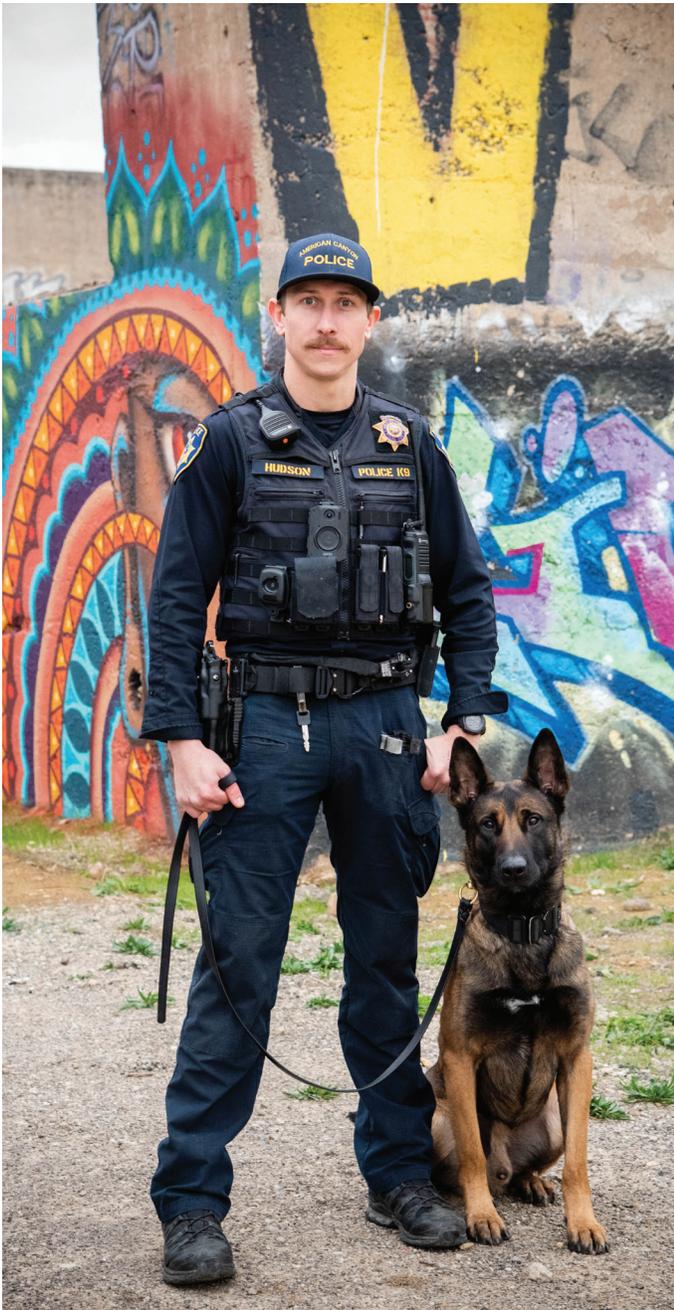
Brody weighs 80 pounds and has served the citizens of American Canyon since June 2021. When Brody is not patrolling the streets of American Canyon with Officer McLeod, he enjoys his free time at home with the McLeod family relaxing and taking walks with family.

Brody is trained in handler protection, suspect apprehension, explosive detection, and human detection. In 2022, Brody participated in two K-9 demonstrations, seven bomb sweeps, and 14 patrol deployments while assisting with multiple felony arrests.

In July of 2022, Brody was injured while training. He broke his fibula, which kept him off the streets for nearly five months in recovery before returning in mid-November. Brody has since returned and is happily patrolling with officer McLeod at 100 percent.



K-9 UNIT—OFFICER HUDSON & BRICK



Officer Mike Hudson has worked with the Napa County Sheriff's Office since January 2017. In June of 2021, Officer Hudson was paired with his K-9 partner "Brick." Brick is a 3-year-old Belgian Malinois that weighs 85 lbs. He has served the citizens of American Canyon for the past year and a half. When not at work, Brick is part of Officer Hudson's family and goes home with Officer Hudson at the end of every shift.

Brick is trained in handler protection, suspect apprehension, narcotics detection, and human detection. In 2022, Brick participated in three K-9 demonstrations, 15 narcotic-related deployments, 30 patrol deployments, and assisted in multiple felony arrests.

COMMUNITY OUTREACH

COMMUNITY RESOURCE OFFICER

Community Resource Officer Maureen Patterson (CRO) has a varied and long list of responsibilities, including:

- **Crime Prevention**—Educating the public about crime trends, giving tips on how to secure their homes or businesses, assisting neighborhoods with setting up their own Neighborhood Watch group, and conducting Crime Prevention through Environmental Design reviews.
- **Property Managers Association**—Monthly meeting with the managers of the majority of the multi-family housing complexes to share information about crime on their property and how to make improvements (Property Manager and Neighborhood Watch meetings).
- **Crime Free Multi-Housing Program**—This program allows property managers to add a crime-free addendum to leases, making it easier for them to evict tenants involved in criminal activity.
- **Homeless Outreach**—Identifying our homeless and connecting them to services.
- **Gang/Graffiti**—Work with probation to identify gang members and conduct probation searches to reduce gang activity, along with working with the Public Works department and property owners to have graffiti removed quickly.
- **Local Business Outreach**—Work with local businesses to access and use their security surveillance cameras to solve crime and help protect their businesses offer crime prevention strategies and tips to discourage crime at their place of business.
- **Community Outreach**—Conducting a variety of presentations to various groups and the schools when invited; hosting “Coffee with the Cops,” Citizens Academy, and Senior Shadow Day; posting items on Facebook and sending out monthly Neighborhood Watch Newsletters, are just some of the ways the CRO reaches out to the community.
- **Community Events**—The CRO is one of the ambassadors of the police department to community members at local events, parades, and festivals.

NATIONAL NIGHT OUT

National Night Out is held on the first Tuesday in August. American Canyon residents participated in the 38th Annual National Night Out campaign this year. National Night Out is designed to:

- Heighten crime and drug prevention awareness
- Generate support for, and participation in, local anti-crime programs
- Strengthen neighborhood spirit and police-community partnerships
- Send a message to criminals letting them know that neighborhoods are organized and fighting back

There were 12 neighborhoods that hosted parties on National Night Out. They enjoyed music and BBQ, and they had an overall good time getting to know each other.



COMMUNITY OUTREACH

NEIGHBORHOOD WATCH

In early 2017, the Police Department and the City Manager's Office started partnering to expand upon and formalize the Neighborhood Watch (NW) Program. In May of 2018, ACPD launched the Neighborhood Watch Lobo Campaign, introducing our community to a new ACPD specific NW Mascot, "Lobo: Weapon of Crime Destruction."

After the Lobo introduction on YouTube and Facebook, the Lobo mascot made several appearances at community events, gatherings, and social media to boost NW enrollment in the city. During Lobo's first year, NW enrollment went from 150 to over 500 residents. By the end of 2020, American Canyon Neighborhood Watch residents enrolled climbed to just over 1,600. Since then, that number has significantly increased to more than 3,600.

YEAR	2022	2021	2020
# of Residents Signed Up	>3,600	>3,000	>1,600

CAMERA REGISTRY PROGRAM OF NW

In 2019, ACPD and NW created a home surveillance camera registry program. Through the city website, residents are able to register their home video surveillance with the police department. This database simply lets the police department know (not access) what addresses have cameras and provides officers with contact information for the homeowner.

In the event of a crime near that neighborhood or where the suspect's direction of travel may have been captured to and from a crime scene, officers can check the camera registry and reach out to the NW member to have them check their footage and see if it can help solve a crime. Another example of partnering with our community to fight crime! There are now 153 residents who have joined the NW Camera Registry (up from 127 last year).



COMMUNITY OUTREACH

DIGITAL OUTREACH

The Police Department utilizes various forms of mass messaging. For urgent, emergency notifications, Nixle continues to be our best tool. We primarily use the Napa County Sheriff's Office Nixle Account. Residents can sign up for Nixle Alerts by texting their zip code to 888-777. We also train to use traditional media, door-to-door messaging, hi-lo sirens, and bullhorn notifications in the event of an emergency.

SOCIAL MEDIA	2022	2021	2020
Facebook # of Followers	9,533	9,000	8,453

NEXTDOOR

The City participates in Nextdoor to provide information to the community. While Nextdoor is a popular site for local residents, the Police Department is not able to monitor it. We cannot see the messages you post. If you are reporting a crime or want to get a message to us, Nextdoor is not the way to do that! The phone is still the best way to contact the police department. If you would like to sign up, visit www.nextdoor.com.

LAW ENFORCEMENT TORCH RUN FOR SPECIAL OLYMPICS

The Annual Law Enforcement Torch Run for Special Olympics is a great event where our local officers to help raise money for a worthwhile charity. The torch starts in Calistoga and makes its way south, carried by various members of Napa County Law Enforcement. The 2022 Torch Run occurred in the early summer and helped raise thousands of dollars for the Northern California Special Olympics. Several ACPD officers participated and brought the torch from the Napa Airport area to the Public Safety building.

YEAR-ROUND EXPIRED/UNUSED DRUG COLLECTION BIN

Did you know that we have a drug collection bin in the lobby of the public safety building? Drop your unused or expired prescription medications in the bin and we will have them destroyed. It's FREE. Place your medications in a plastic bag and then drop them into the bin. Throw your plastic bottles into your home recycling container. It's easy! NO NEEDLES and NO LIQUIDS.

American Canyon Police Department
911 Donaldson Way East, American Canyon, CA 94503
Our lobby is open Monday - Friday, from 8:30am - 5pm

Non-emergency number: (707) 551-0600
Napa Dispatch: (707) 253-4451
CityofAmericanCanyon.org/Police



SCHOOL RESOURCE OFFICERS

School Resource Officers (SROs) are on both the American Canyon High (ACHS) and Middle School (ACMS) campuses to provide a safe school community and help youth through some difficult challenges. They work with the schools to help provide kids with the tools and understanding they need to grow into successful adults. With young residents of our city, ACPD SROs truly become the “friendly neighborhood cop.”

In 2015, we added an SRO to ACMS through a three-year contract between the Napa Valley Unified School District (NVUSD) and the City, with the increased cost covered by NVUSD. In 2021, the City and NVUSD agreed on a new contract in which the City and NVUSD share the cost, 50/50, for the SRO at both schools.

- Fiscal Year 2019/2020: NVUSD \$ 116,747.00 City \$ 116,747.00
- Fiscal Year 2020/2021: NVUSD \$ 118,498.00 City \$ 118,498.00
- Fiscal Year 2021/2022: NVUSD \$ 153,754.00 City \$ 153,754.00

The SRO program is a great example of a Community Policing strategy at work. The City and NVUSD will work towards a new agreement so that the program can continue in the upcoming school years.



DARE Program Graduation



Officer Adam LeCount retires from ACHS



OFFICER JOSH COLEMAN

American Canyon High School Resource Officer
 Total Calls for Service at ACHS - 46
 Total Police Reports Taken at ACHS - 31



OFFICER TONY HEUSCHEL

American Canyon Middle School Resource Officer
 Total Calls for Service at ACMS - 40
 Total Police Reports Taken at ACMS - 20

POLICE TECHNICIANS & ADMINISTRATIVE CLERK

In addition to the sworn officers in American Canyon, ACPD also has one other Napa County employee, Records Technician Elizabeth Carrillo, who supports front office tasks, including phone and lobby reception, the release of police reports, processing of accounts payable, etc.

ACPD also has two civilian staff positions: City of American Canyon employees, Police Technicians Kim Stallcop and Lindsey Foster.

ACPD Police Technicians provide parking enforcement, abandoned vehicle towing, property and evidence processing, assistance with traffic at schools, traffic controls during large incidents, community outreach, and other special projects that may come up.

They are also specially trained to be Child Safety Seat Technicians and assist residents with properly fitting and installing their child seats.

HIGHLIGHTS

Abandoned vehicles tagged456	Handicap parking tickets.....81	Child safety seat events1
Abandoned vehicles towed 29	Child seats installed or inspected....15	



Car Seat Installation Event

TRAFFIC DATA

Safety for pedestrians, bicyclists, and drivers on our neighborhood streets, especially in school zones, is a top priority for ACPD. Our officers and Police Technicians tend to focus on school traffic during morning drop-off and afternoon pick-up times. The remaining hours of their day are focused on community safety needs as identified either by their own observations or through complaints and accident history.

Through the City of American Canyon Traffic Calming Program, we aim to take a data-driven approach to focus infrastructure design, public education, and enforcement efforts around the goal of zero traffic fatalities or severe injuries. As a community, each of us contributes to the success of ensuring American Canyon remains the best place to live, work, and play safely. We encourage everyone to do their part in creating a culture of safety in our community.



Report Traffic Safety Concerns, learn more, and take the We ♥ Safe Streets pledge at CityofAmericanCanyon.org/SafeStreets or scan the QR Code.

TRAFFIC	2022	2021	2020
Traffic Citations			
Traffic Citations - Local Roads	806	344	294
Traffic Citations - SR29	360	184	261
Stop Sign Violations	258	109	139
Speeding	352	75	194
School Bus Stop	167	86	15
Driving with Cell Phone	136	60	71
Parking Citations	349	414	218
Handicapped Parking Citations	81	94	32
DUI Arrests (All)	63	74	83
DUI Cases Involving Drugs	11	14	22
Total Collisions	170	159	136
Collisions - Local Roads	107	89	72
Collisions - SR29	63	70	64
Fatal	0	1	3
Injury	37	44	59
Non-Injury	133	137	67
Child Safety Seat Inspection/Install	15	7	16
Helmets, Free	0	20	0

CRIME STATISTICS

- In 2022 ACPD's clearance rate for violent crimes was 76% and property crimes was 43%
- 25 incidents required the use of force
- 21 individuals were taken into temporary custody for mental health evaluations
- 32 illegally possessed firearms were seized by ACPD

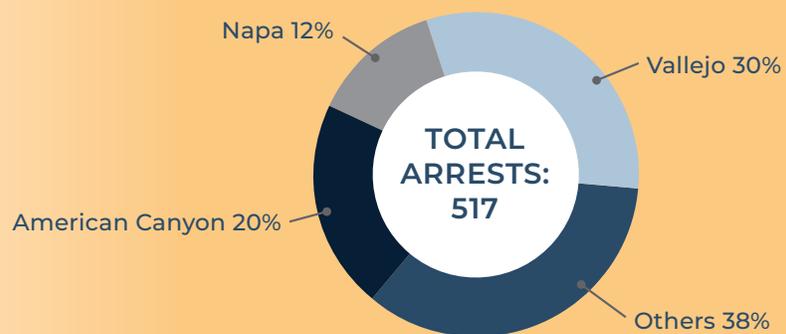
STATISTICS	2022	2021	2020
Crimes			
Homicide	0	0	1
Rape	7	3	4
Robbery	16	10	16
Assault	147	136	142
Burglary	29	37	60
Larceny	290	280	281
Auto Theft	70	57	45
Recovered Stolen Vehicles	24	-	-
Other Data			
Calls for Service	16,702	15,903	16,972
Reports	1,814	1,671	1,747
Arrests	517	482	522
Misdemeanor Citations	344	242	259
Pursuits	67	42	16
Terminated Pursuits	15	-	-

CALLS FOR SERVICE

NSO - 24,354

ACPD - 16,702

ARRESTS BY HOME CITY





SIGNIFICANT 2022 CASES & EVENTS

CATALYTIC CONVERTER THIEVES APPREHENDED

An alert ACPD officer spotted a dark grey sedan double-parked in the area of Kensington Way and Wetlands Edge drive. The sedan had no lights on, both front doors and back hatch were open.

Very close by, the officer spotted two male subjects under a tan sedan, which was raised by a floor jack. When the subjects saw the officer, they lowered the tan sedan, threw the jack in their vehicle, and attempted to flee. Responding units arrived on the scene, and both subjects were detained.

Inside the dark grey sedan, a floor jack, sawzall, and impact gun with a socket attached were located. Officers checked the socket, and it was the correct size as the catalytic converter bolts on the tan sedan. Elliot Perez, 19 years old, and Arturo Rodriguez, 18 years old, both Oakland residents, were arrested for a variety of misdemeanor and felony charges related to tampering with a vehicle attempt grand theft, and conspiracy to commit a crime. Rodriguez also had an outstanding warrant for his arrest out of Santa Clara County for felony theft charges with a bail amount of \$35,000.



FELON ARRESTED FOR GUN AND NARCOTICS

An American Canyon Officer saw a red Acura sedan parked in the area of Cassayre Drive and Rio Del Mar in American Canyon. The area the Acura was located in has been a problem area for late-night loitering and narcotics use. The officer spoke with Tyler Rincon, 32 years old and lives in Napa, sitting in the driver's seat. Rincon stated he was in the area visiting a friend. Officers learned Rincon is on active Napa County probation, has a suspended driver's license, he is only supposed to be driving to and from work. Clearly, he was in violation of his probation.

Officers obtained consent to search Rincon's vehicle after telling them he had nothing to hide. Officers located a tan Glock .9mm semi-automatic handgun loaded with a 10 round magazine. Rincon was confirmed to be a convicted felon, which prohibited him from owning and possessing a firearm. Rincon was arrested for firearm violations, and his clothing was searched. A clear plastic baggy containing a usable amount of methamphetamine was located in his pants pocket. Rincon was booked into the Napa County Jail for multiple felony firearm charges and misdemeanor drug possession charges.

VEHICLE PURSUIT FOLLOWING THEFT OF A GUN AND JEWELRY

The Napa County Sheriff's Office took a vehicle burglary report of jewelry and a Glock handgun that was stolen from a guest's vehicle at the North Block Hotel in Yountville. Witnesses were able to provide law enforcement with a suspect vehicle description, a grey Mitsubishi SUV, and additionally with a license plate. The items taken were valued at more than \$10,000.

ACPD Officers established surveillance on Highway 29 in hopes of finding the suspect vehicle in the burglary. At approximately 4:50 PM, an ACPD Officer spotted the suspect vehicle on southbound Highway 29 near American Canyon Road. The officer attempted to stop the SUV. The vehicle failed to yield, which led to a vehicle pursuit through the northwest side of American Canyon surface streets. The SUV ultimately crashed into a parked car on Donaldson Way near West Carolyn Drive. Two male suspects fled the SUV on foot and began jumping fences into the community's backyards. One male suspect, 24-year-old Lamar Crawford from Walnut Creek, was taken into custody at the crash scene.

SIGNIFICANT 2022 CASES & EVENTS

California Highway Patrol Air Ops, Napa Sheriff K-9's, ACPD K-9's, and Napa Police Officers assisted in searching for the outstanding suspects. After almost an hour of searching, officers found 25-year-old Jamari Robinson from San Francisco, hiding in the backyard of a residence in the 100 block of West Carolyn Drive. The third suspect was not located, and officers eventually stopped the search. Officers searched the Mitsubishi SUV and located all the stolen items.

Crawford and Robinson were arrested and booked into the Napa County Jail on numerous felony counts of grand theft and evading law enforcement. This was the second time Lamar Crawford has run from ACPD. In 2018 Crawford committed a robbery at the American Canyon T-Mobile store; he led officers on a vehicle pursuit, and he was eventually apprehended and sentenced to state prison.

NEWELL OPEN SPACE BURGLARY SUSPECT ARRESTED

During the months of February and March 2022, numerous vehicles were broken into at the Newell Open Space parking lot, at which time the vehicle windows were punched/smashed and items of value taken. The most recent incident occurred on March 14, and a witness provided ACPD with a suspect description, vehicle description, and license plate. ACPD was able to identify the suspect as 26-year-old Jamal Rutledge, who resides in Richmond. The vehicle he was driving on March 14 was a 2016 white BMW sedan. On Friday, March 18, at approximately 11:00 AM, an alert ACPD officer saw the BMW traveling in the area of American Canyon Road and Newell Drive. The officer recognized the driver to be Rutledge. A traffic stop was initiated on the BMW, which led to a vehicle pursuit after Rutledge failed to stop. Due to the reckless driving behavior, the pursuit was terminated.

ACPD obtained an arrest warrant for Rutledge and learned he would be checking in with the Contra Costa Probation Department. Napa County Sheriff Department Detectives and ACPD contacted Rutledge in Contra Costa County, where he was arrested for the rash of vehicle burglaries in American Canyon.

He was transported to the Napa County Jail for booking. Before booking, officers searched Rutledge and located a "window punch" commonly used in vehicle burglaries in his pants pocket.

CREDIT CARD AND FIREARMS ARREST

ACPD was dispatched to the Paint Ball Jungle on Eucalyptus Drive for a report of credit card fraud. Officers were told two males had paid for a paintballing session, and the credit card used had been flagged as fraudulent.



Officers detained 27-year-old Gregory Morton of Pleasant Hill, and his friend, later identified as Cornwyn Duvernay, 28 years old of Colma, fled on foot. Officers learned Morton was pending felony criminal charges in San Francisco and was subject to search and seizure when contacted by law enforcement. Morton was also a convicted felon. Officers found Morton's silver Nissan Altima in the Paint Ball Jungle parking lot and searched it. They located .40 and .45 caliber Glock semi-automatic handguns in the Nissan. Both handguns were loaded and not registered.

Morton was arrested for credit card fraud, felon in possession of ammunition, and felon in possession of a firearm, which are all felonies. Duvernay was not located, and ACPD will seek the same charges to be filed on him, along with theft of paintball equipment from the business. Morton was booked in the Napa County Jail and released a short time later.

ADDITIONAL RESOURCES



In addition to the services the American Canyon community receives from the 26 personnel working in American Canyon, there are many services that the Sheriff's Office provides. Additional services include hiring, training, worker's compensation, Honor Guard, SWAT, crisis negotiation, civil process, Coroner's Office, investigations, records, NSIB, sUAS ("drone") Team, Mobile Field Force, and problem-oriented policing. A few of these services are described in more detail below.

SPECIAL WEAPONS AND TACTICS

The SWAT (Special Weapons and Tactics) team is utilized to minimize dangers to the public, employees, and suspects in critical incidents. A critical incident refers to hostage situations, armed barricaded subjects, sniper situations, other incidents that present a high degree of danger to life or property, search and rescues, crowd control events, and any event requiring the response of specially trained personnel to resolve the situation.

The SWAT Team comprises 12 deputies trained in the use of special weapons, anti-sniper tactics, methods of capturing armed barricaded suspects, rescuing hostages, search and rescue, crowd control, disaster assistance, and other tactics and skills necessary for the resolution of critical incidents.

The Sheriff's SWAT team comprises deputies with patrol experience, who must pass an interview process, a rigorous physical test, and a Basic SWAT Academy. Each SWAT member participates in approximately 144 hours of additional tactical training per year. The Sheriff's SWAT team frequently trains with the Napa Police Department. Both SWAT teams respond together to most critical incidents. Both teams utilize Crisis Negotiators (8 trained members) to bring peaceful resolution to hazardous situations.

NAPA SPECIAL INVESTIGATIONS BUREAU (NSIB)

The Napa Special Investigations Bureau is a county-wide drug task force comprised of Napa County Sheriff's Office, Napa Police Department, California Highway Patrol, Napa County District Attorney's Office, and Napa County Probation Department employees. They also specialize in the investigation of human sex trafficking cases.



ADDITIONAL RESOURCES

sUAS TEAM

The Napa Sheriff's Small Unmanned Aircraft System Team (sUAS) or Drone Team was established in 2018. The mission of this team is to use this drone resource to protect the lives and property of citizens in our community. We commit to using this tool as first responders in a constitutionally and legally sound manner, and we are conscious of safeguarding the safety and privacy of our citizens. The Napa Sheriff's Office complies with strict Federal Aviation Administration (FAA) regulations for drone use.

Drones have been a significant game-changing tool in the public sector and the law enforcement community. Many police, fire, and emergency response agencies are beginning to utilize drones within their departments. For Law enforcement, drones can be a significant de-escalation tool in unpredictable dangerous situations. They are versatile, being able to fly distance and height outdoors and in small indoor environments such as attics. This tool can provide valuable information to Deputies and Officers from a distance, which in turn can help them make better-informed decisions under the law. The ability to gain intelligence about a dynamic situation from afar often provides the ability for law enforcement personnel to use tactics that might create a safer outcome for all. Drones have also been a valuable tool in capturing photographic evidence of crime scenes and traffic collisions and doing damage assessments of fire, earthquakes, and floods. The ability to assess emergency situations from afar in a quick way can create a more informed, coordinated response. Drones are also a valuable tool in the search and rescue of lost persons in rural areas that are not easily accessible. They can cover much ground and distance in a short amount of time to help provide aid or rescue to citizens sooner.

In 2022 the Napa Sheriff's Office deployed a drone for approximately 80 different events; 21 of these were in American Canyon. These deployments included several barricaded & armed standoffs with violent or suicidal persons threatening to harm others, searches for suspects who had fled from violent crime and were hiding at times in citizens' backyards, and searches for missing persons at risk. They also included a search for an escapee who was incarcerated at Napa Juvenile Hall, overhead evidence photos of fatal traffic collisions, and a fatal plane crash for accident reconstruction. The Sheriff's Office is also committed to flying for community events. In 2022, the team flew kids' summer camps, the citizen's academy, and National Night Out.

The drone team at Napa Sheriff's Office currently consists of 7 pilots. All pilots undergo strict training prior to being allowed to fly missions. This includes a 40-hour basic drone pilot school and a Part 107 FAA knowledge licensing test. The team does annual in-house policy and law training and a basic flight skills evaluation. Additionally, the team has monthly in-house training and ongoing training within the drone industry and outside law enforcement agencies to keep up with technology and trends. In 2022, all pilots on the team attended a two-day, 16-hour tactical flight drone course.



ADDITIONAL RESOURCES

HAZARDOUS DEVICES TEAM (BOMB SQUAD)

The Napa County Sheriff's Office Explosives Ordinance Disposal Team (EOD), commonly referred to as the Bomb Squad, responds to calls for service related to suspicious packages, unexploded ordinance, improvised explosive devices, homemade devices, and labs within all areas of the county of Napa. Additionally, they provide the same services for the counties of Solano and Lake. EOD K-9s assist them from Napa and Solano Counties with explosives sweeps for large public events and dignitaries visiting the Napa Valley. Additionally, they provide demonstrations and education to patrol deputies at the agency and academy levels. Team members are responsible for the inspection and compliance overview of blasting permits in Napa County.

Team members attend an intensive 6-week training course and are governed by FBI guidelines for training and readiness. In prior years, members were required to maintain a minimum of 16 hours of related training per month and a 40-hour course per year. In 2022, that requirement was upgraded to 24 hours per month.

HIGHLIGHTS

- 8 call-outs for suspicious packages, military ordinance, hoax devices, explosives recovery, and disposals, including calls in Napa, Solano, and Lake Counties.
- 5 explosives and suspicious package sweeps at public events. EOD K-9s were utilized on 3 of those sweeps.
- 3 public demonstrations and law enforcement education and training classes.



ADDITIONAL RESOURCES



HONOR GUARD

The Napa Sheriff's Office Honor Guard was formed to perform official remembrance ceremonies and funeral details for law enforcement professionals who have passed away in the line of duty. The Honor Guard also conducts flag raising duties at various civic events that require a dignified display and presentation of our nation's flag. The Honor Guard is trained in the aspects of drill and ceremony, flag presentations, and funeral details.

The Honor Guard provides a symbolic and professional display of respect and gratitude for officers who have died either in the line of duty, while an active member of the department, or after they retire from the department. The Honor Guard provides a positive image as ambassadors of the Napa Sheriff's Office, the County of Napa, and the Community by participating in memorials, parades, and other special events.

MOBILE FIELD FORCE

The Napa Sheriff's Office trains and equips a Mobile Field Force (MFF) team. The team comprises 25 Deputies and three Sergeants (many of whom are assigned to ACPD). All of the MFF team members attend a 40-hour training course through the Federal Emergency Management Agency (FEMA), along with refresher training throughout the year. The Lieutenant who oversees the team can also call upon the MFF to fill mutual aid requests for areas impacted by earthquakes, floods, or fires.



ADDITIONAL RESOURCES

INVESTIGATIONS BUREAU (DETECTIVES)

The Investigations Bureau is responsible for all criminal investigations and works closely with the crime lab. The Bureau has a Lieutenant, a Detective Sergeant, seven Investigators, and a Secretary. There are two Evidence Specialists and an Evidence Technician in the Evidence Bureau.

Investigators perform follow-up on crimes against persons, such as sexual assaults, child abuse and neglect, elder and dependent adult abuse, domestic violence, murder, manslaughter, questionable deaths, mayhem, kidnapping, as well as all criminal offenses committed within county correctional facilities. They also investigate major property crimes, including frauds, embezzlements, forgeries, computer crimes, and runaway juveniles/missing persons. All investigators are part of the Napa County Major Crimes Task Force.

HIRING

Applicants face a rigorous hiring process. They file an application, go through an oral interview, complete a pre-background packet, complete waivers and a 25-page background packet, and go through another interview about the information contained in the packets. A thorough background investigation is then conducted (friends, family, co-workers, and neighbors are contacted, credit and criminal history checks are completed). Applicants must pass a physical agility test and complete a polygraph packet and exam. If the applicant has not been disqualified, they may receive a conditional job offer. The conditional part means that they have a job if they successfully pass a physical exam, psychological exam, and Sheriff's Interview. That is not all. The new hire must successfully complete a 16-week field training program with experienced deputies. The Sheriff's Office Administrative Lieutenant oversees recruitment, testing, and background investigations.

TRAINING

The Administrative Lieutenant is responsible for ensuring department-wide compliance with Peace Officer Standard Training (POST) requirements. POST has established training and hiring standards for law enforcement in California. Deputies must attend a 664 (minimum) hour basic academy and then successfully complete a field training program after being hired.

After completing their probationary period, Deputies must attend regular training that includes a minimum of 24 hours of perishable skills training every two years and 24 additional hours of continuing professional training every two years. The perishable skills training includes driving, firearms, defensive tactics, First Aid/CPR, and Tactical Communication.

The Sheriff's Office Administrative Lieutenant ensures officers assigned to ACPD meet their POST training requirements. In addition to minimum requirements, the Lieutenant works with the Chief of Police to ensure officers attend training that aligns with the officer's assignment at ACPD.



ANIMAL SERVICES

The City has a separate contract (\$54,531 for FY 22/23) with Napa County Sheriff's Office for Animal Services. Animal Services Officers work out of the main Sheriff's Office, on Airport Blvd. The officers are supervised by a Napa Sheriff's Sergeant. There is one Senior Animal Services Officer and five Animal Services Officers. There is at least one Animal Services Officer working 7 days a week, between 6 AM and 11 PM. After 11 PM, an officer is assigned to be on call for emergencies only; emergencies primarily consist of vicious or injured animals.

Animal Services (officers) is separate from the Animal Shelter, which is run by Napa County Environmental Management. Animal Services Officers do not investigate noise complaints (usually barking dogs); those complaints are handled by the American Canyon Police Department. Generally, Animal Services Officers deal with domestic animals; California Fish and Wildlife handles wild animals.

The Animal Services Officer's primary mission is to prevent the spread of rabies. They investigate dog bites and dangerous animals, capture stray or injured animals, and investigate the abuse or neglect of animals in unincorporated Napa County, and the cities of Napa, American Canyon, and Yountville.

Officers deal with a variety of types and sizes of domestic (mostly) animals. In addition to dogs and cats, they have handled cows, horses, roosters, llamas, emus, goats, rabbits, skunks, snakes, and bats.

**IN 2022, ANIMAL SERVICES OFFICERS
HANDLED 4,059 INCIDENTS, 584 IN AMERICAN CANYON.**





AMERICAN CANYON POLICE DEPARTMENT

2022 ANNUAL REPORT

CONTACT US

Public Safety Building
911 Donaldson Way East
American Canyon, CA 94503
Emergency—911
Non-Emergency—(707) 551-0600
Dispatch—(707) 253-4451
[CityofAmericanCanyon.org/Police](https://www.cityofamericancanyon.org/Police)

FOLLOW US

Facebook @American.Canyon.Police.Department
Instagram @amcanpd

JOIN THE PACK

Be a part of Lobo's Pack!
Our Neighborhood Watch Program helps build safer neighborhoods.
[CityofAmericanCanyon.org/LobosPack](https://www.cityofamericancanyon.org/LobosPack)



American Canyon Police Department: 2022 Annual Report

City Council Presentation
April 4, 2023

Department Overview



In 2022, ACPD was staffed with 24 sworn officers, two Police Technicians, and a Records Technician. Breakdown of sworn staffing:

- | | |
|--------------------|------------------------------|
| 1 Chief | 2 School Resource Officers |
| 4 Sergeants | 1 Community Resource Officer |
| 2 Traffic Officers | 12 Patrol Officers |
| 2 K-9 Handlers | |

The officer to resident ratio is 1.1 officers to 1,000 residents (based on a population of approximately 22,000).

K-9 Units



OFFICER MCLEOD & BRODY



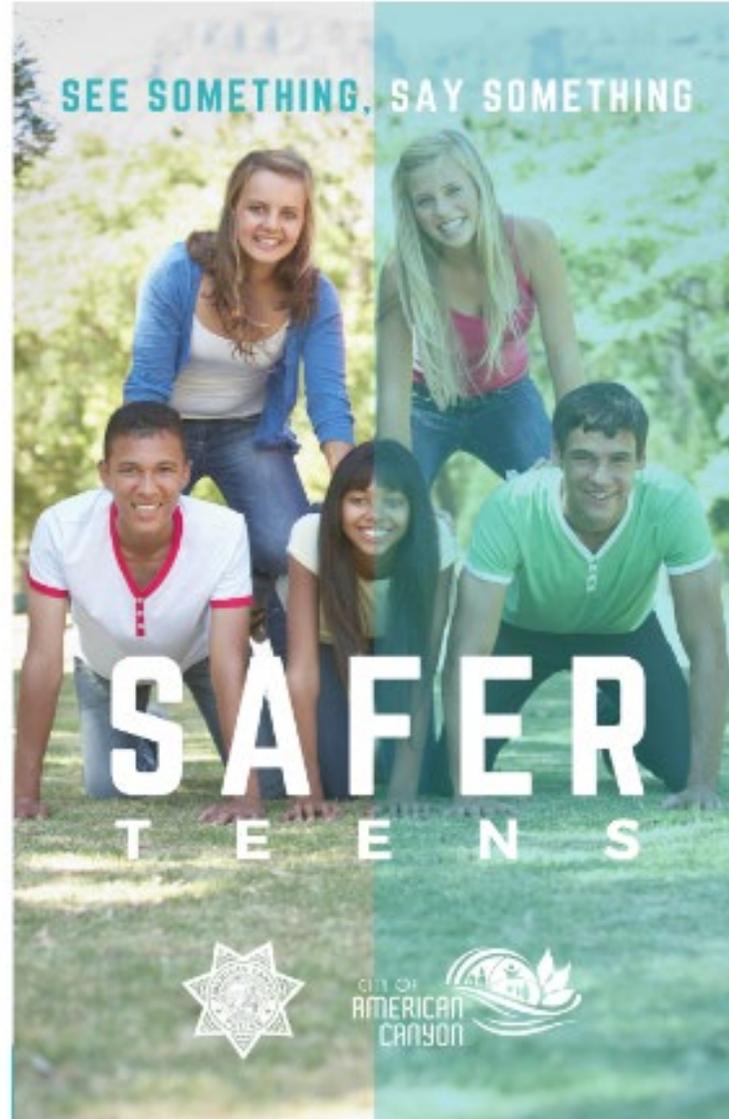
OFFICER HUDSON & BRICK

Community Outreach

- Property Manager's Association
- Crime Free Multi-housing Program
- Crime Prevention Education –
Business & Visitors
- Neighborhood Watch Program –
Monthly Newsletters



Crime Prevention Education





Community Outreach

- National Night Out (12 parties in 2022)
- Neighborhood Watch Program: 3,600+ members!
- Camera Registry Program: 150+ members!

School Resource Officers



OFFICER JOSH COLEMAN

American Canyon High School Resource Officer

Total Calls for Service at ACHS - 46

Total Police Reports Taken at ACHS - 31



OFFICER TONY HEUSCHEL

American Canyon Middle School Resource Officer

Total Calls for Service at ACMS - 40

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Police Technicians & Records Technician

HIGHLIGHTS

Abandoned vehicles tagged456

Abandoned vehicles towed 29

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Child seats installed or inspected... 15



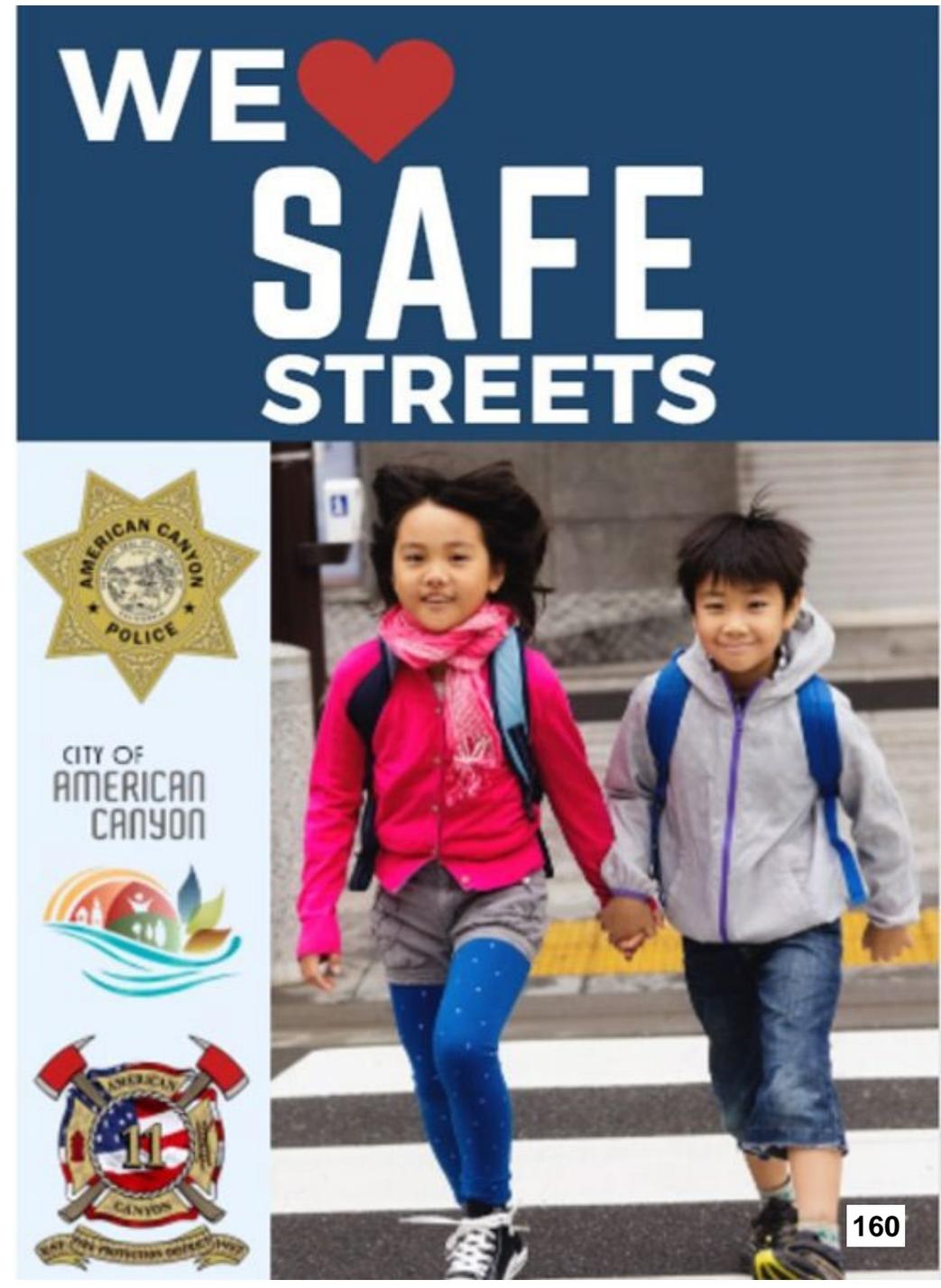
Car Seat Installation Event

Traffic Safety

- ACMS Student Crossing Volunteer Program was implemented in 2022 in collaboration with SRO Heuschel
- Increased patrol presence in school zones during school drop off and pick ups



CityofAmericanCanyon.org/SafeStreets



TRAFFIC	2022	2021	2020
Traffic Citations			
Traffic Citations - Local Roads	806	344	294
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Speeding	352	75	194
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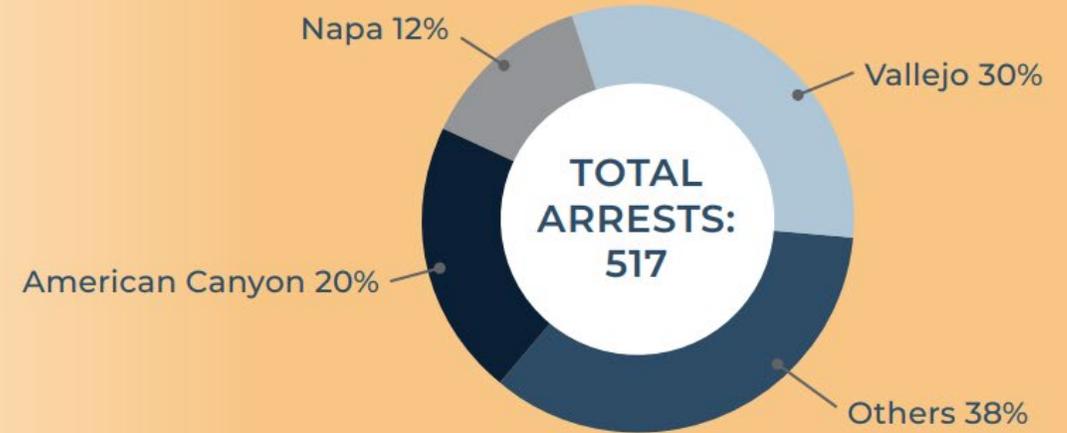


CALLS FOR SERVICE

NSO - 24,354

ACPD - 16,702

ARRESTS BY HOME CITY



- In 2022 ACPD's clearance rate for violent crimes 76% and property crimes is 43%.
- The California Department of Justice lists the 2021 clearance rate for violent crime at 40% and property crime at 7.3%.
- 25 incidents required the use of force.
- 21 individuals were taken into temporary custody for mental health evaluations

**STATISTICS**

2022

2021

2020

Crimes

Homicide

0

0

1

Rape

7

3

4

Robbery

16

10

16

Assault

147

136

142

Burglary

29

37

60

Larceny

290

280

281

Auto Theft

70

57

45

Recovered Stolen Vehicles

24

-

-

Other Data

Calls for Service

16,702

15,903

16,972

Reports

1,814

1,671

1,747

Arrests

517

482

522

Misdemeanor Citations

344

242

259

Pursuits

67

42

16

Terminated Pursuits

15

-

-

32 Illegally Possessed Firearms Seized in 2022



Sheriff's Office Resources



Animal Services

Separate Contract between City of American Canyon & Napa County Sheriff's Office

\$54,531 for FY22/23



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FOLLOW US

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Instagram @amcanpd

JOIN THE PACK

Be a part of Lobo's Pack!
Our Neighborhood Watch Program helps build safer neighborhoods.
[CityofAmericanCanyon.org/LobosPack](https://www.cityofamericancanyon.org/LobosPack)



Coming Soon



Bike Patrol Program



Police Cadet Program



Questions?



DATE: March 30, 2023

TO: Mayor and City Council

FROM: Jason Holley, City Manager

RE: 2023 City Council Strategic Planning Session Report

The City Council, City Manager and key city staff met at the Napa Sheriff’s Office on Friday, March 24 for its annual strategic planning session. Although they originally planned to attend, Council Members Oro and Aboudamous were absent due to illness.

The session contained two parts; 1) Short-Term Financial Forecast and FY 2023/24 Budget Strategies and 2) Discussion of Vision Mission, Values and Goals through the lens of four (4) Themes Areas.

The first session - presented by Finance Director Juan Gomez – covered a new way of budgeting that focusses on “taking care of what we have” instead of building new facilities (Attachment 1). The new fiscal practice involves the establishment of repair/replacement funds that are expected to be regularly utilized each fiscal year for capital improvements.

Before establishing those repair/replacement funds, the Council expressed a desire to fund the General Fund Reserve at its target level (25% prior year funding). Furthermore, the General Fund Reserve would only be used for emergencies.

The Council also endorsed the establishment of a Pension Stabilization Fund to be periodically used if needed to mitigate unexpected increases in pension cost.

Lastly, the Council supported spending approximately \$910,000 in General Fund and Landscaping and Lighting Assessment District funds next fiscal year for the various park upgrades show below:

<u>General Fund</u>	
Northampton Park Shade Canopy	\$120,000
Northampton Park Restroom	\$165,000
Community Park 1 Field	\$300,000
<u>Council Chambers Logo</u>	<u>\$10,000</u>
	\$595,000
<u>LLAD Fund</u>	
Silver Oak Park Restroom	\$165,000
<u>Via Bellagio Playground Surface</u>	<u>\$150,000</u>
	\$315,000

American Canyon Strategic Plan – Vision, Mission, Values and Goals

The second session – presented by City Manager Jason Holley – was a discussion of the City’s Vision, Mission, Values and Goals through the lens of the following “themes areas” (Attachment 2):

- #1: Jobs – Housing Balance
- #2: Growth Mindset
- #3: “World-Class” Civic Facilities
- #4: Environment Sustainability.

The Council generally agrees the City’s current “trajectory” to implement the Vision, Mission, Values and Goals should remain unchanged, but the addition of a new strategy related to encouraging telecommuting and a modification of Goal Area #7 to include “sustainability” is warranted. In summary, “stay the course”, albeit with a few adjustments.

However, the Council reiterated its desire to explain the benefits on continuing to implement the community original ideas.



American Canyon City Council 2023 Strategic Planning Session (March 24, 2023)
Discussion Notes of Vision Mission, Values and Goals through the Lens of Four (4) Themes Areas.

#1: Jobs – Housing Balance	#2: Growth Mindset	#3: “World-Class” Civic Facilities	#4: Environment Sustainability
<p><u>Vision (bedroom community) doesn’t change, but one (or more) new strategies are needed to improve job-housing balance.</u></p> <ul style="list-style-type: none"> • Complicated, individual, private situations with more questions than answers due to lack of ‘post-pandemic’ data: housing costs, labor pool, resident AC employment pool, resident commute patterns, AC job pool and median wages paid for AC jobs. • Some American Canyon households have no adults working outside the home, some have one adult working outside the home and some have two or more working outside the home. • The pandemic has fundamentally changed how some American Canyon residents work. • The <i>distance</i> of a commute does not always correlate to the <i>duration</i> of a commute. • Reducing the duration of American Canyon resident’s commute is a desirable outcome; however, the City has a limited role in this private relationship. • New strategy: promote tele-commuting (e.g., “We are a great place to live <u>and</u> work from home”) 	<p><u>Vision (community build-out) doesn’t change.</u></p> <ul style="list-style-type: none"> • “We like who we are and what we’ve become.” • “We want more of the same as build towards the future”. • Community build-out contemplated at Incorporation and re-confirmed in 2012 remains desirable. • It is a “package deal” - completion of transportation infrastructure remains paramount and intertwined with development build-out. <ul style="list-style-type: none"> ○ City is responsible completing Newell Drive. ○ NVTA and Caltrans are responsible for improving the State Highway. ○ County is responsible for completing South Kelly Road. • Progress is being made - clearly articulate process and schedule for transportation infrastructure. • We have excellent relationships with our long-term developers who have passion for our city. • Reiterate benefits of “completing” the community: • Increase the quantity and variety of housing options. • New housing reinvigorates with new residents, cultures and 	<p><u>Vision (“well-maintained facilities of the quantity and type that would be expected for a community of our size and location”) does not change.</u></p> <ul style="list-style-type: none"> • The descriptor “World-Class” does not overwhelmingly describe the level of amenity or service the community currently has, nor desires <u>and</u> is willing to fund (eg. we do not have/want/need an “Olympic Training Center”.) • Institutionalize budgeting priority to “take care of what we have” (repair/replace) before building new assets. • Repair and replacing includes upgrading existing parks with shade canopies, permanent bathrooms and new playground equipment. • Clark Ranch will be an incremental, work in progress – primarily driven by current tenants. • The Ecology Center will be driven by ACCPF. • A new sports complex and/or community center are still desired but will only become a reality after we establish the ability to maintain existing facilities. 	<p><u>Vision doesn’t change, but goals should include “sustainability”.</u></p> <ul style="list-style-type: none"> • Replace Goal Area #7: “Sustainability: Promote environmental and fiscal sustainability”. • The 2022 Climate Emergency Resolution did <u>not</u> change the Zoning Code and was not intended to prohibit new drive-throughs or other auto-oriented uses. City Attorney to follow up with Planning Commission. • The 2022 Resolution is not reflective of broad community input and creates unrealistic expectations. • American Canyon is a Sustainability Leader. • Per capita GHG emissions in American Canyon are 15% lower than State and 40% lower than the nation. • Achieving Net Zero GHG emissions by 2030 is a “stretch goal”. We will try to achieve, but we will not consider ourselves a failure for not reaching the goal. • Use a dashboard to highlight accomplishments and efforts already underway and promote Napa Valley Climate Ap.

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#1: Jobs – Housing Balance	#2: Growth Mindset	#3: “World-Class” Civic Facilities	#4: Environment Sustainability
<ul style="list-style-type: none"> • What (if any) specific demographics should we target with housing: baby-boomers? nurses? Generation Z and/or young families? • Increasing the number of higher-paying jobs will increase metric of “Wages Paid by AC Employers” closer to Bay Area median. • Residents have indicated to Council Members that commute duration is undesirable and that they would be interested in working in American Canyon (or nearby) to reduce commute duration if the opportunity presented itself so they can spend more time with family. • What duration of a commute is too long? Who decides? • How much of a pay cut (if any?) would AC residents be willing to take if it doing so meant reduced/eliminated a “long” commute? • Does American Canyon lack of child-care opportunities (compared to our peers) and if so, does this limit the types or number of higher-paying jobs? • Learn by following practices of other successful cities. 	<p>ideas and helps maintain student population so schools can’t be closed.</p> <ul style="list-style-type: none"> • New residents increase commercial demand for existing and new goods/services. • Central location (where the Bay Area meets the Napa Valley) is attractive. • Developers find American Canyon’s business-friendly culture a refreshing alternative. • Industrial development - including new annexations - of raw land to the north and the re-development of under-utilized commercial properties along the highway will fund local government services to through increased taxes. • Building housing in American Canyon (instead of farther away locations) reduces vehicle miles travelled (VMT) into the Bay Area and Napa Valley and is a more environmentally sustainable practice. • Sense of place reinforces a “there” there (eg “a place on the map”) instead of being forgotten. 	<ul style="list-style-type: none"> • Many of our civic facilities are (or will be) a regional draw, while others will be less noteworthy and more local-serving. • Recognize, celebrate and leverage the regional draw of our outdoor assets such as the Wetland Trail, Newell Open Space, Ecology Center, Bay Trail, & Vine Trail. • Proximity to world-class tourism in Napa Valley is an overall benefit. • Town Center (Napa Valley Ruins and Gardens) will be high-quality draw. 	<ul style="list-style-type: none"> • A system of standards and incentives is a better way to achieve results rather than a series of “moratoriums du jour”. • Focus on areas we can control (ie. water conservation) instead of areas the state or region will already be doing (eliminating gas vehicles”). • Transition “sustainability issues” to Open Space, Active Transportation and Sustainability Commission (OSATS). • Mark/Pierre will present Climate Action Plan - <i>Draft</i> Interim Plan to OSATS on 4/5/23. • OSATS will solicit input from American Canyon residents and businesses – not just climate change advocates. • Dedicated staff person for sustainability and active transportation needed.

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FY 2023-24 Budget Discussion

City Council Budget Workshop

March 24, 2023

Presentation Outline



1

Recap of GF FY2021-22, Midyear FY2022-23

- FY2023-24 Revenue Assumptions

2

A New Way of Budgeting

3

Council Identified Projects for FY2023-24

4

Recommendations & Discussion

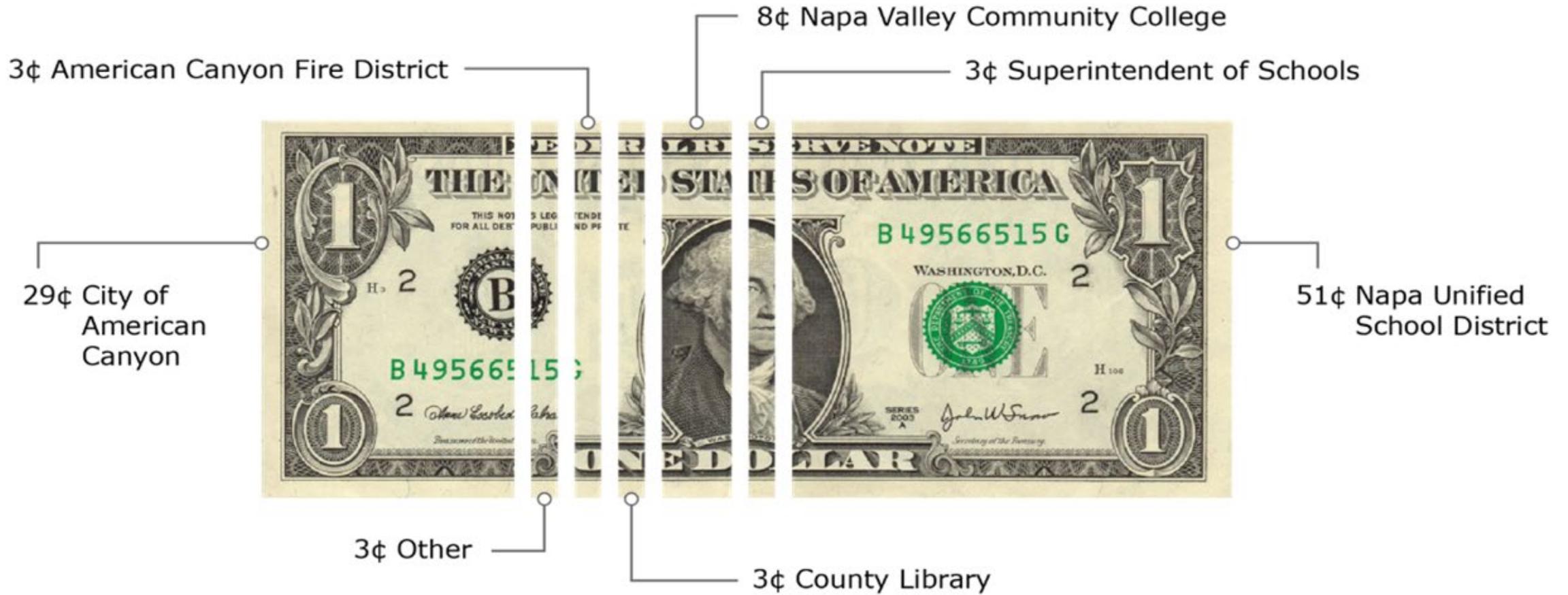
General Fund Results & Budgets

	FY 2021-22	FY 2022-23 Amended Mid-Year
Revenues	\$22,639,014	\$28,851,307
Expenditures	\$22,257,083	\$26,548,538
Surplus (Shortfall)	\$381,931	\$2,302,769

General Fund – Unassigned Fund Balance

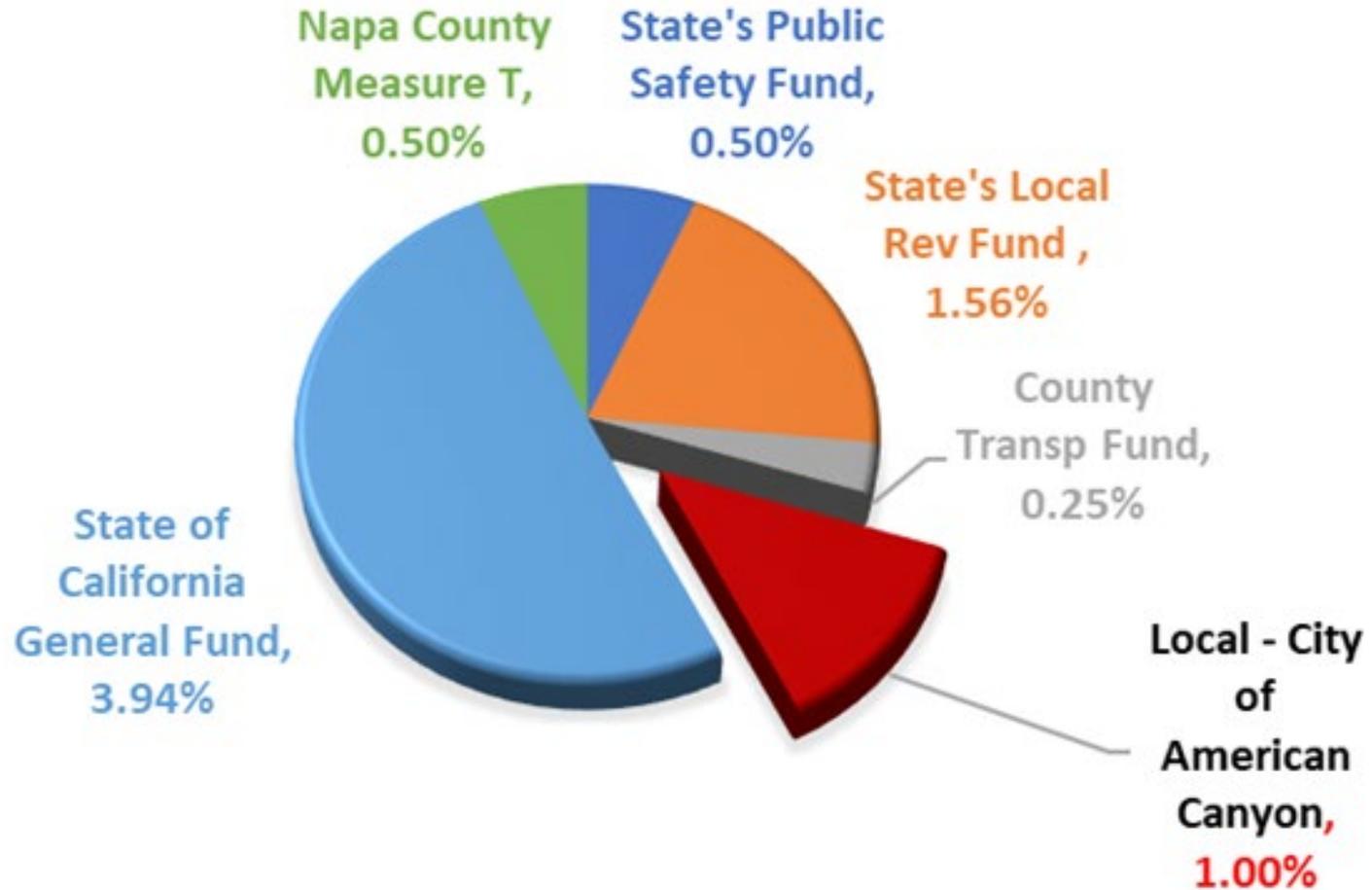
	FY 2021-22	FY 2022-23 Amended Mid-Year
Unassigned	\$3,282,423	\$5,209,718

Property Tax Allocations



Sales Tax Allocations

AMERICAN CANYON 7.75% SALES TAX



Transit Occupancy Tax Allocation

\$1.00 – City of American Canyon (12%, paid by guests)



Revenue Assumptions FY 2023-24 - \$28.4M

Estimates over Mid-Year FY 2022-23

- Property Tax Increase – 5.3% or \$683K
- Sales Tax Increase – 2.4% or \$106k
- Transient Occupancy Tax Increase - 18% or \$280k
- Other Taxes - Unchanged
- Recreation Charges Increase - \$120k

Expenditure Assumptions FY 2023-24

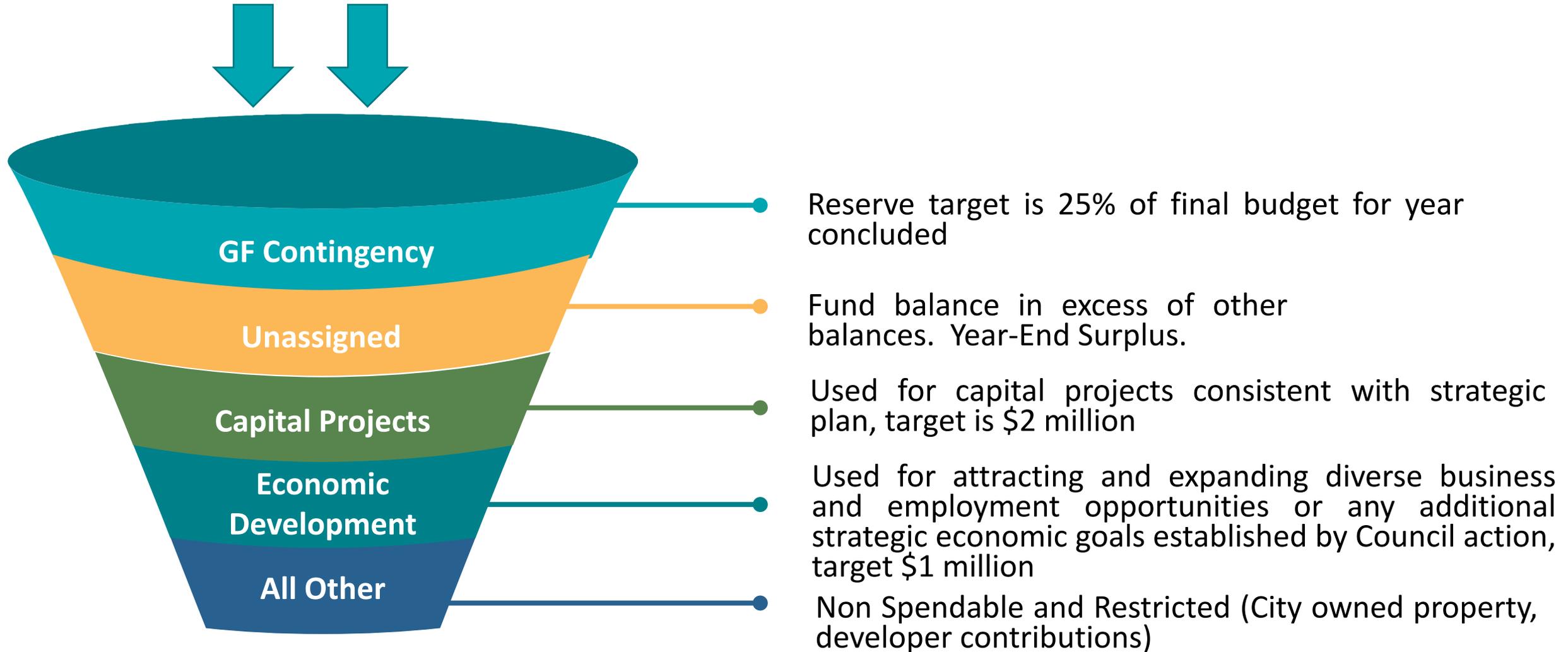
- COLA of 5% assumed based on February 2023 CPI of 5.3%
- Pension/OPEB contributions – Unchanged
 - Lower UAL payments but higher normal costs
- Currently reviewing department requests

A New Way of Budgeting (“Take Care of What We Have”)



- Eliminate Co-mingling General Fund - Fund Balance
- Create New Replacement/Renovation Fund(s)
 - Begin addressing funding needs (Parks, Streets, Buildings)
- Create a Pension Stabilization Fund
- Reassign Economic Development and CIP Reserve
 - Identify the purpose of these reserves within new fund(s)

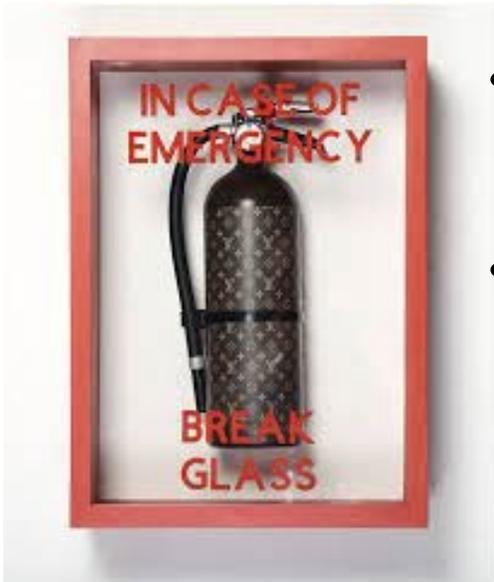
Current General Fund – Fund Balance



New Way of Budgeting

General Fund Reserve

GF Contingency and Restricted, Reserve used for Fiscal or Public Emergency.



- Reserve target is 25% of final budget for year concluded.
- Non-Spendable and Restricted (City-owned property, developer contributions)

Renovation/Replacement Funds

Reserves set aside to proactively manage capital assets.



Parks and Trails Fund



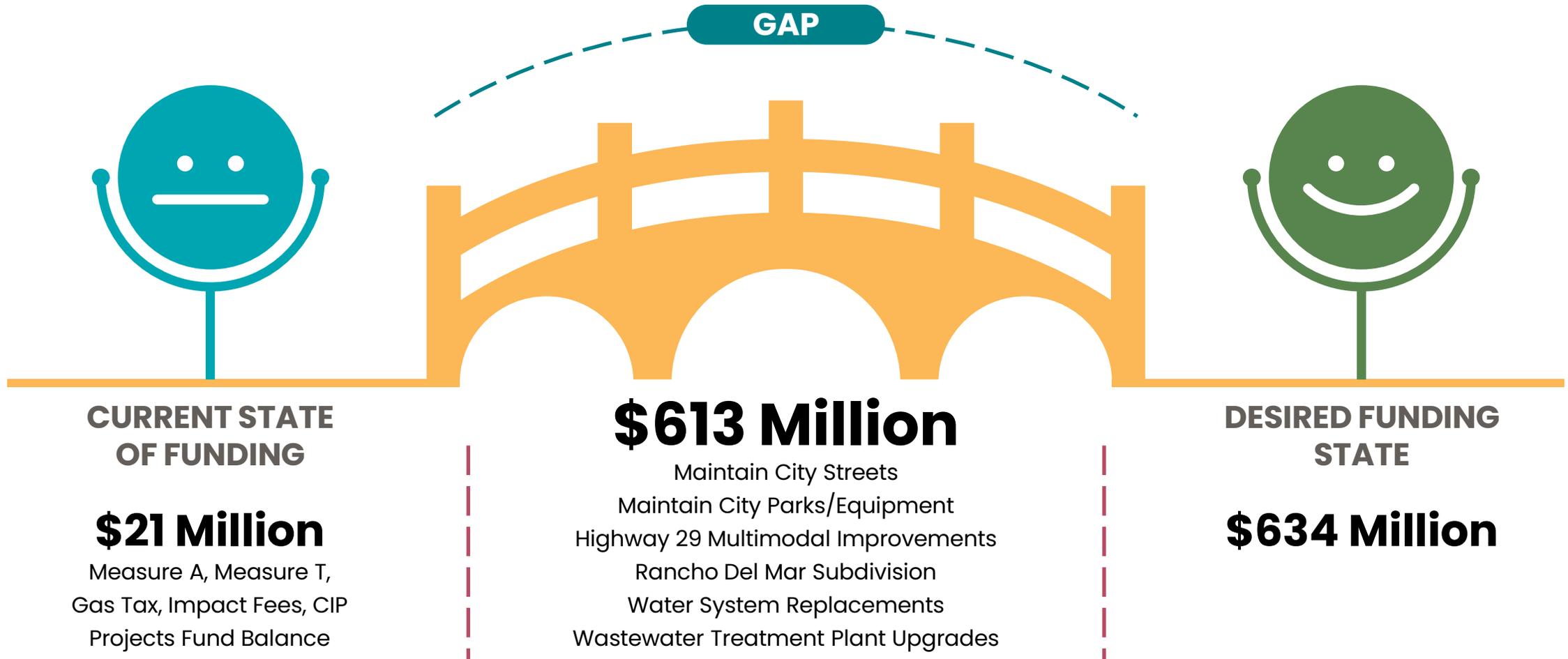
Streets Fund

Pension Stabilization Fund

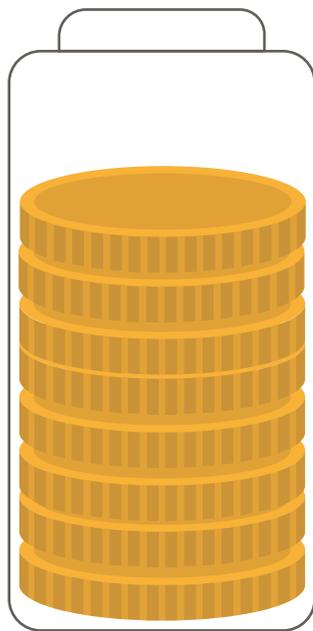
Set up fund allowing City to set money aside to make CALPERS employer contributions if needed.



CIP Funding GAP – All Revenue Sources



Pension Funded Status as of 6/30/2023 Preliminary

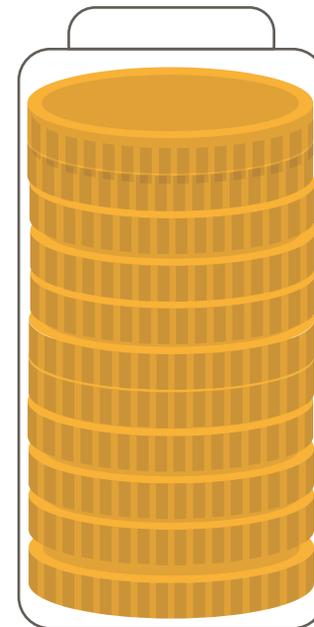


\$45.6 M Liability

\$35.7 M Assets

9.9 Million UAL

78.14%
Misc Plan



\$2.0 M Liability

\$1.8 M Assets

\$0.2 Million UAL

90%
PEPRA

City Council Identified Projects for FY2023-24

General Fund

➤ Northampton Park Shade Canopy	\$120,000
➤ Northampton Park Restroom	\$165,000
➤ Community Park 1	\$300,000
➤ Council Chambers Logo	<u>\$10,000</u>
	\$595,000

LLAD Funds

➤ Silver Oak Park Restroom	\$165,000
➤ Via Bellagio Playground Surface	<u>\$150,000</u>
	\$315,000

Sufficient fund balance exists for the above expenditure next fiscal year.



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Questions?

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City Council Retreat

March 24, 2023

Background



In 2012, as American Canyon celebrated its 20th anniversary, City leaders wanted to memorialize community's ideals, so it undertook a comprehensive community-centric visioning effort.

Mission / Vision / Values Pyramid



...cause no unnecessary harm...implement solutions to the environmental crisis.



...glorify god by being a faithful steward of all that is entrusted to us...

Why do you care?

- Communicates purpose to stakeholders
- Aligns leadership
- Provides focus on goals
- Acts as a framework for decision-making



"...saving people money so they can live better"



"...providing a unique range of products, exceptional customer service, and a great experience."

Nashville *Become community of choice*

Vail *...preserve our surrounding natural environment, providing our citizens and guests with exceptional services and an abundance of recreational, cultural and educational opportunities.*

Portland *...everyone has access to opportunity...*

American Canyon's Vision, Mission, & Values

Vision Statement

American Canyon...

Home to an engaged, diverse community

Destination for outdoor recreation and natural beauty

Hub of opportunity and economic vitality

Mission Statement

Our mission is to deliver exemplary services that are responsive to community priorities, ensure a healthy and sustainable organization, and drive us toward our shared vision for the future.

Core Values – How we do Business

- Fiscal Responsibility
- Professional Excellence
- Transparency & Accountability
- Customer Focus
- Integrity

Strategic Values – How we accomplish the Core Values

- Creativity & Innovation
- Collaboration & Teamwork
- Community Engagement
- Leadership
- Results Oriented

American Canyon's Goal Areas



Public Safety

Ensure that American Canyon remains a safe community

Community & Sense of Place

Build on the strength of our local community to develop a clear sense of place and establish our unique identity

Economic Development & Vitality

Attract and expand diverse business and employment opportunities

Outdoors & Recreation

Expand opportunities for use of outdoor recreation and an active lifestyle

Transportation

Improve the City's transportation network to mitigate traffic and enhance the quality of life for the community

Infrastructure

Develop and upgrade infrastructure resources to support sustainable growth

Quality Services & Organizational Effectiveness

Deliver exemplary government services

Hierarchy of Vision, Mission, Values & Goal Areas



VISION
American Canyon ...
HOME TO AN ENGAGED, DIVERSE COMMUNITY
DESTINATION FOR OUTDOOR RECREATION and NATURAL BEAUTY
HUB OF OPPORTUNITY and ECONOMIC VITALITY

OUR MISSION
OUR MISSION IS TO DELIVER EXEMPLARY SERVICES THAT ARE RESPONSIVE TO COMMUNITY PRIORITIES, ENSURE A HEALTHY and SUSTAINABLE ORGANIZATION, AND DRIVE US TOWARD OUR SHARED VISION FOR THE FUTURE.

STRATEGIC VALUES—HOW WE ACCOMPLISH THE CORE VALUES...
creativity and innovation
collaboration and teamwork
leadership
community engagement
results oriented



Goals

- 1 Public Safety**
Ensure American Canyon remains a safe community
- 2 Community and Sense of Place**
Build on the strength of our local community to develop a clear 'sense of place' and establish our unique identity
- 3 Economic Development & Vitality**
Attract and expand diverse business and employment opportunities
- 4 Outdoors and Recreation**
Expand opportunities for use of outdoor recreation and an active and healthy lifestyle
- 5 Transportation**
Improve the transportation network within the City to alleviate congestion and enhance the quality of life for the community
- 6 Infrastructure**
Develop and maintain infrastructure resources to support sustainable growth
- 7 Organizational Effectiveness**
Deliver exemplary government services

New Theme Areas



1. Jobs – housing balance
 2. Growth mindset
 3. “World-class” parks and civic facilities
 4. Environmental sustainability
- **Should we change our Vision?**
 - **Should we change our Mission?**
 - **Should we change our Values?**
 - **Should we change our Goals?**
 - **Is the community asking for change?**

Vision, Mission, & Values – *Should we change?*

Vision Statement

American Canyon...

Maybe

Home to an engaged, diverse community

Destination for outdoor recreation and natural beauty

Hub of opportunity and economic vitality

Mission Statement

Our mission is to deliver exemplary services that are responsive to community priorities, ensure a healthy and sustainable organization, and drive us toward our shared vision for the future.

Probably Not

Core Values – How we do Business

- Fiscal Responsibility
- Professional Excellence
- Transparency & Accountability
- Customer Focus
- Integrity

Probably Not

Strategic Values – How we accomplish the Core Values

- Creativity & Innovation
- Collaboration & Teamwork
- Community Engagement
- Leadership
- Results Oriented

Probably Not

Goal Areas – *Should we change?* **Maybe**

Public Safety

Ensure that American Canyon remains a safe community

Community & Sense of Place

Build on the strength of our local community to develop a clear sense of place and establish our unique identity

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Attract and expand diverse business and employment opportunities

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Expand opportunities for use of outdoor recreation and an active lifestyle

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Improve the City's transportation network to mitigate traffic and enhance the quality of life for the community

Infrastructure

Develop and upgrade infrastructure resources to support sustainable growth

Quality Services & Organizational Effectiveness

Deliver exemplary government services

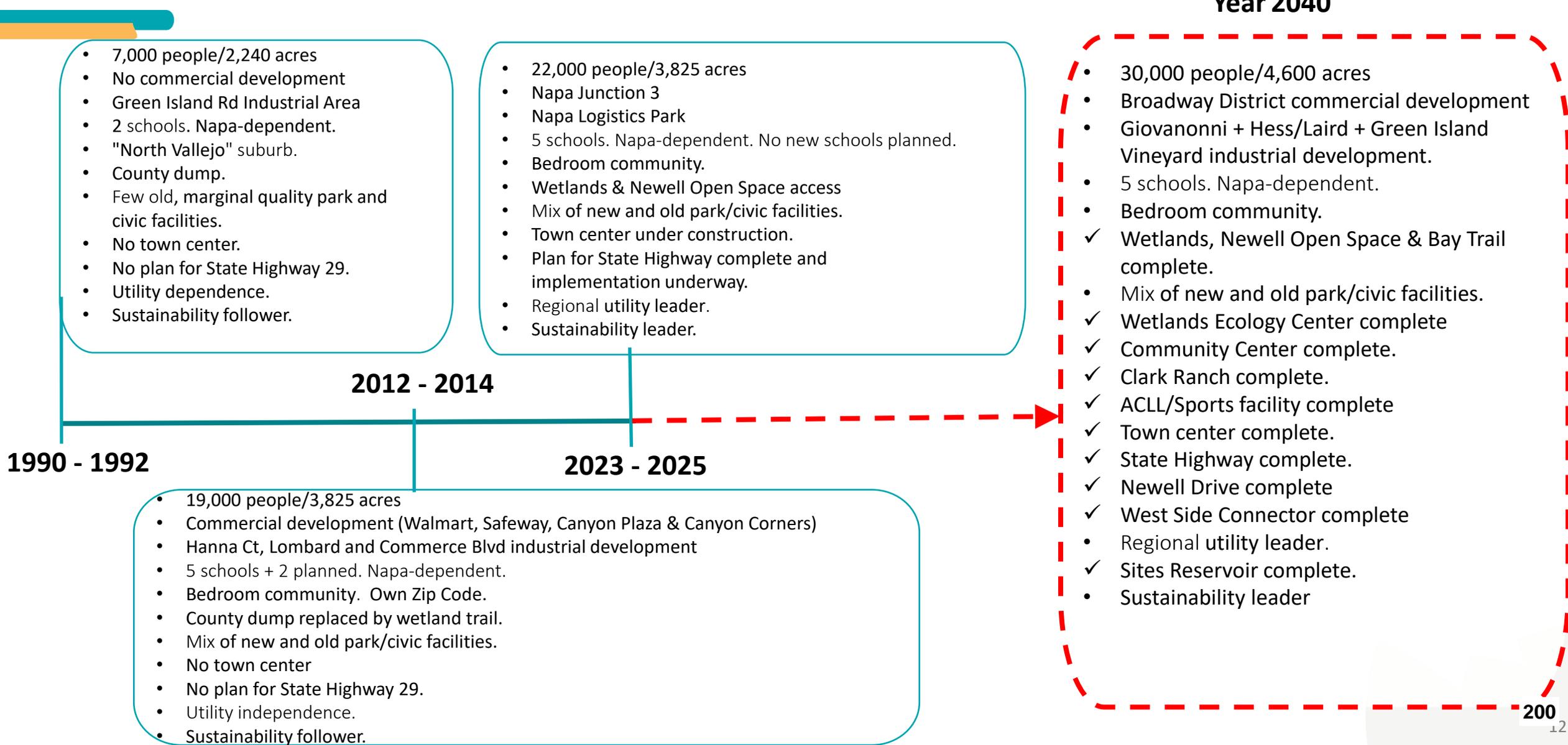
Community Visioning Themes (2012 -2014)



"We like who we are and what we've become."

"We want more of the same as we fully develop."

50-Year Trajectory (1990 – 2040)



- 7,000 people/2,240 acres
- No commercial development
- Green Island Rd Industrial Area
- 2 schools. Napa-dependent.
- "North Vallejo" suburb.
- County dump.
- Few old, marginal quality park and civic facilities.
- No town center.
- No plan for State Highway 29.
- Utility dependence.
- Sustainability follower.

- 22,000 people/3,825 acres
- Napa Junction 3
- Napa Logistics Park
- 5 schools. Napa-dependent. No new schools planned.
- Bedroom community.
- Wetlands & Newell Open Space access
- Mix of new and old park/civic facilities.
- Town center under construction.
- Plan for State Highway complete and implementation underway.
- Regional utility leader.
- Sustainability leader.

2012 - 2014

2023 - 2025

- 19,000 people/3,825 acres
- Commercial development (Walmart, Safeway, Canyon Plaza & Canyon Corners)
- Hanna Ct, Lombard and Commerce Blvd industrial development
- 5 schools + 2 planned. Napa-dependent.
- Bedroom community. Own Zip Code.
- County dump replaced by wetland trail.
- Mix of new and old park/civic facilities.
- No town center
- No plan for State Highway 29.
- Utility independence.
- Sustainability follower.

Year 2040

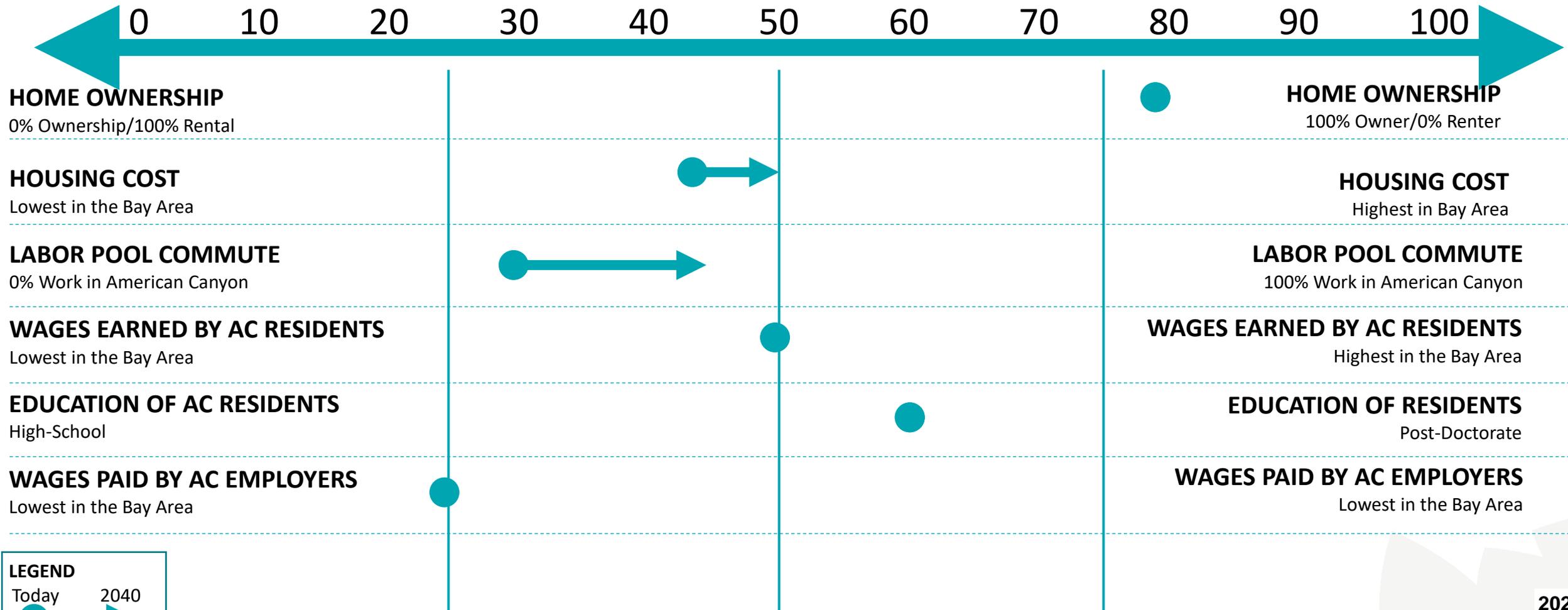
- 30,000 people/4,600 acres
- Broadway District commercial development
- Giovanonni + Hess/Laird + Green Island Vineyard industrial development.
- 5 schools. Napa-dependent.
- Bedroom community.
- ✓ Wetlands, Newell Open Space & Bay Trail complete.
- Mix of new and old park/civic facilities.
- ✓ Wetlands Ecology Center complete
- ✓ Community Center complete.
- ✓ Clark Ranch complete.
- ✓ ACLL/Sports facility complete
- ✓ Town center complete.
- ✓ State Highway complete.
- ✓ Newell Drive complete
- ✓ West Side Connector complete
- Regional utility leader.
- ✓ Sites Reservoir complete.
- Sustainability leader

Theme Area #1 – Jobs/Housing Balance

- Median house price: \$670,000
- Median 2b apartment: \$2,500/month
- Labor pool: 9,300 residents
- 2,500 residents work in American Canyon
- 4,400 residents commute an average of 33 minutes each way.
- 4,000 to 5,000 jobs in American Canyon;
- Typical American Canyon employer wages are less than living wage (\$30/h)



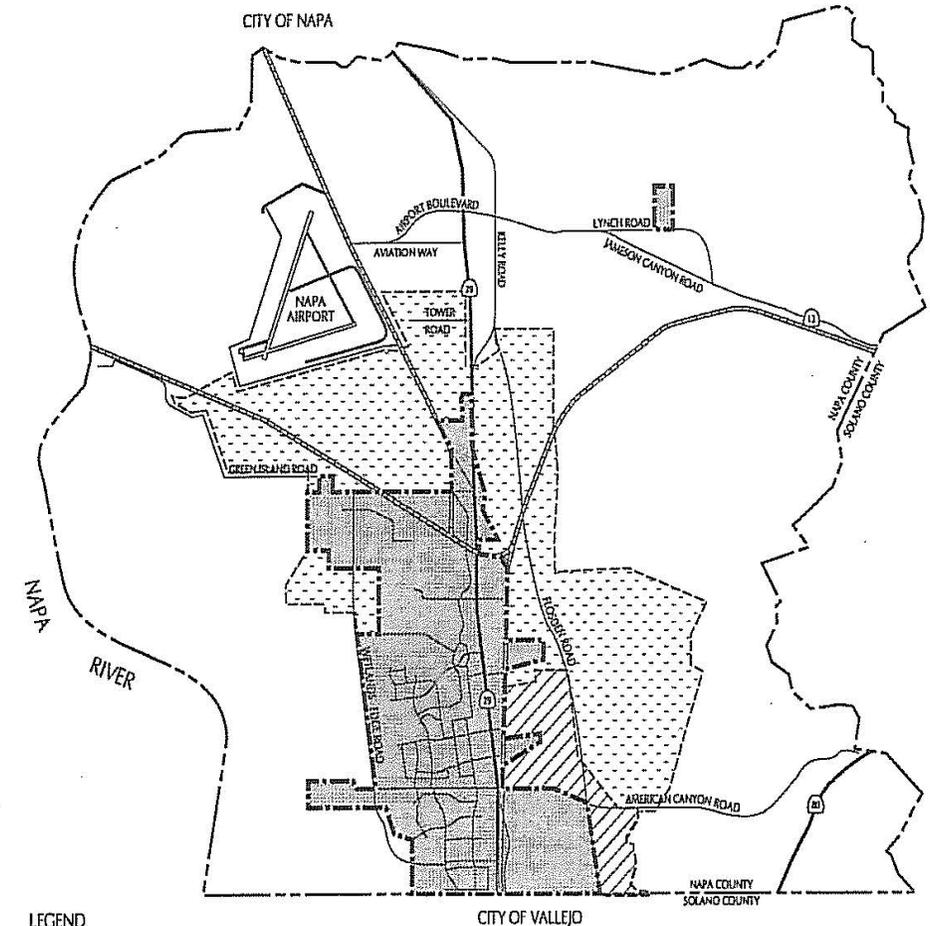
Jobs / Housing Indicators



LEGEND
 Today 2040

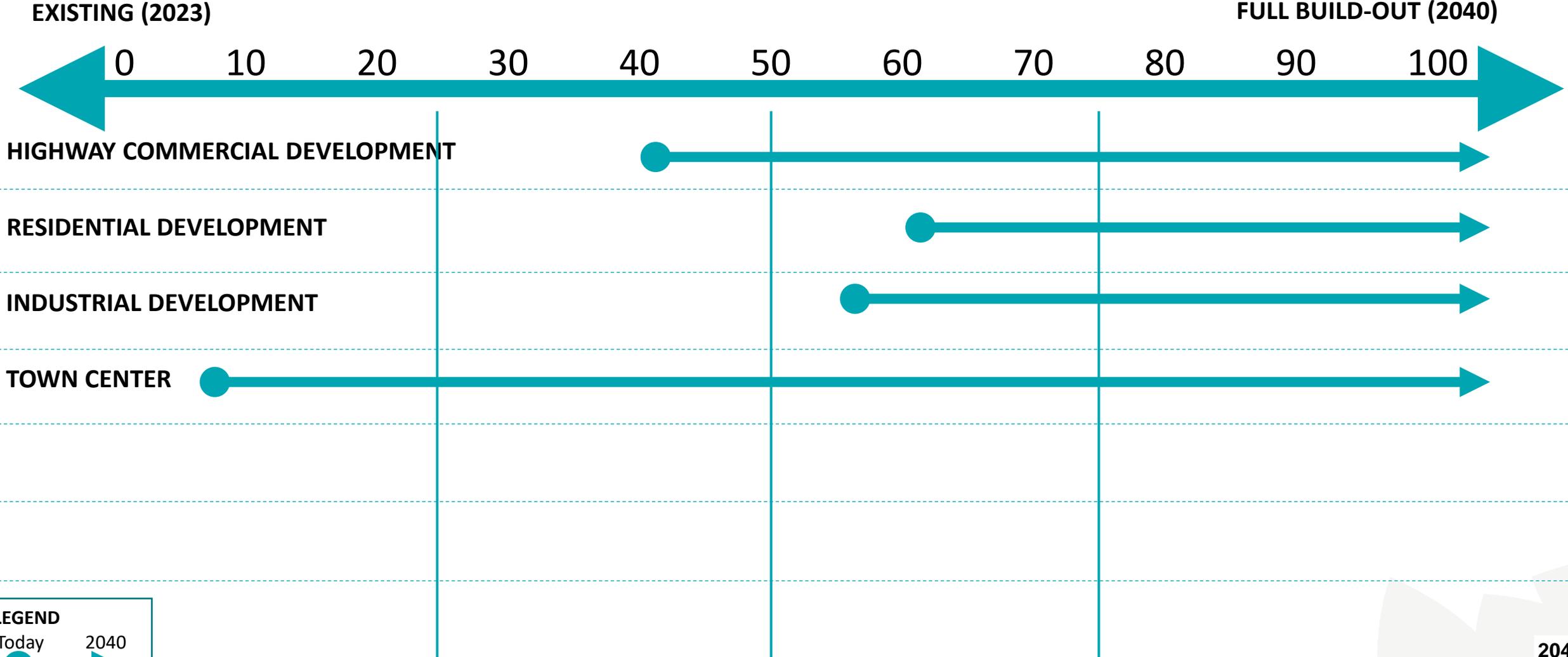
Theme Area #2 – Growth Mindset?

Year`	1992	2023	2040
Area (Acres)	2,240	3,825	4,600
Dwelling Units	3,210	6,458	9,837
Commercial (SF)	125,530	480,000	1,919,000
Industrial (SF)	1,755,286	7,607,000	16,417,000



- LEGEND
-  Planning Area
 -  City of American Canyon
 -  Sphere of Influence
 -  Proposed City Urban Limit Line

Growth Mindset Indicators



LEGEND
Today 2040

Theme Area #3 – World Class Civic Facilities?

Existing

- 22 parks (79 acres)
- Newell Open Space (640 acres)
- Wetlands Trail
- Phillip West Aquatics Center
- Public Safety Building
- City Hall
- Former Napa Junction School

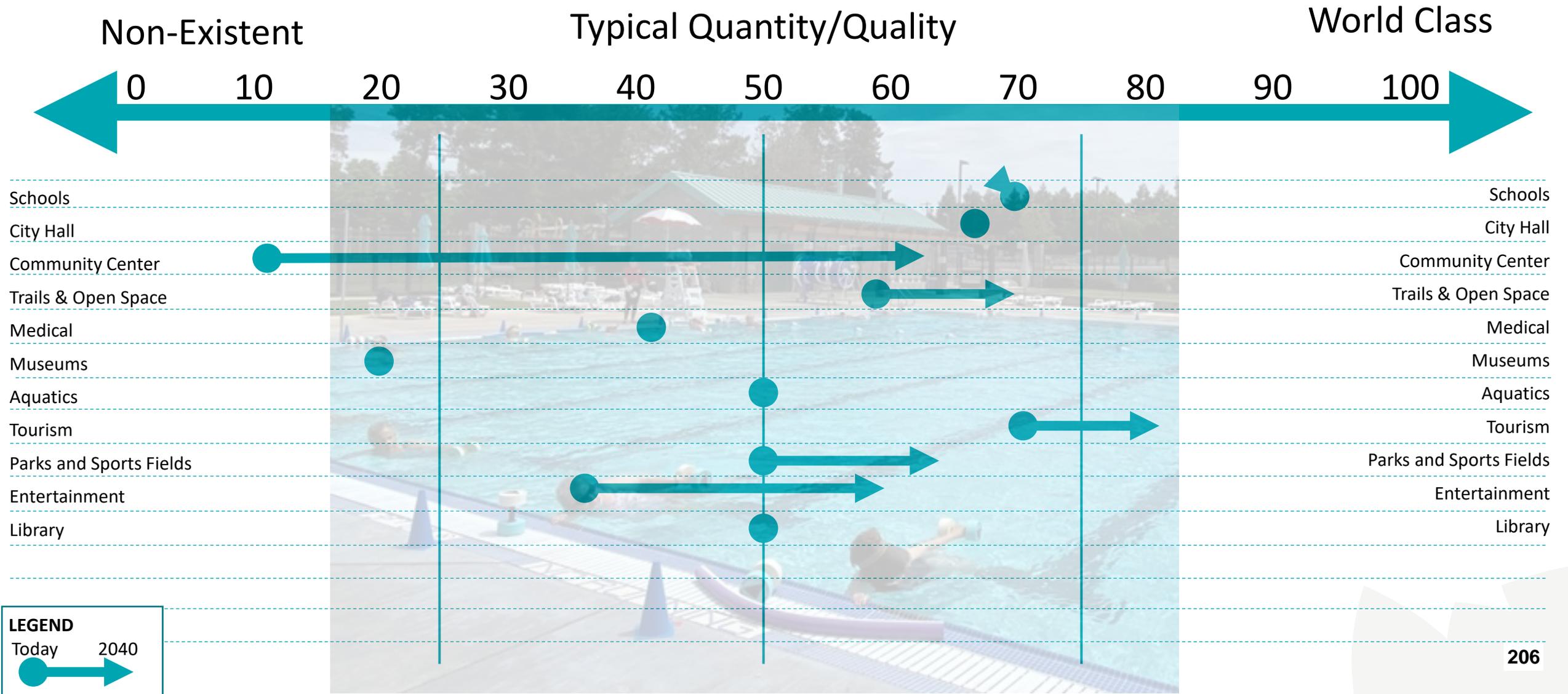
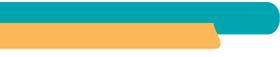
Full Build-Out

- ✓ Wetlands Ecology Center
- ✓ Vine Trail
- ✓ Bay Trail
- ✓ River to Ridge Trail
- ✓ Highway Bikeway
- ✓ Community Center at Watson Ranch
- ✓ Clark Ranch
- ✓ Sports Complex

Note:

As of 2019, the school district does not intend upon building any new school facilities in American Canyon because of declining school enrollment predicted elsewhere.

3. Civic Facilities



Theme Area #4 – Environmental Sustainability

- Environmental sustainability is not part of the 2012 Vision, Mission, Values or Goals; nonetheless American Canyon is a Sustainability Leader:
 - 2012 Energy Efficiency Climate Action Plan
 - 2016 ILG Beacon Award
 - 2017 CA Water Re-Use Award
 - 2018 Green Building Code – Exceed 15%
 - 2020 Climate Action Proclamation
 - 2021 Gas Station Moratorium
 - 2022 Climate Action Resolution
 - 2022 Countywide Climate Action Committee – GHG Baseline*

Interim Climate Action Plan?*

Drive Through Moratorium?

Natural Gas Moratorium?

Net Zero GHG Emissions by 2030?



City of American Canyon
Sustainability Best Practice Activities



ILG INSTITUTE FOR LOCAL GOVERNMENT™
Promoting Good Government at the Local Level

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Wrap-Up

March 24, 2023



City Council Committee Report

Submitted by: * Councilmember Mark Joseph

Council Meeting Date: 04/04/2023

Event Date: 2023-03-27 **Event Type:** Committee Report

Event Title: * North Bay Water Reuse Association (NBWRA)

Event Report: Attended my first meeting of this group, and was selected to be their interim Chair!! This is the group that succeeded in securing millions of dollars in Federal Assistance for Recycled water and related infrastructure. Now it seems to be losing its focus (how else would a brand new member turn into the interim Chair!), partly because the funding conditions may have changed. Nonetheless, we received an overview of the history of the group and the current status. Phase 1 is virtually complete; Phase 2 (the one we're participating in) is finishing up the environmental and planning elements. The Group is also looking at Drought Planning and Sea Level Rise (SLR), and the concern is to make sure we are not duplicating the work of other organizations in the Bay Area.

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Event Date: 2023-03-28 **Event Type:** Committee Report

Event Title: * Napa Community Benefits Coalition meeting

Event Report: Attended the monthly meeting of this group, which includes labor, environmentalists, government and housing elements. The two main topics were wrapping up the Housing Element for Napa City (the group is preparing a supportive letter to HCD). I received commitments to meet with our City staff so that a similar letter can be sent regarding our efforts and accomplishments.

The other topic was their efforts to build a database of primarily Federal funding opportunities relating to infrastructure and climate action. This is the new Federal legislation that was passed in the last Congress. It is important that we take advantage of anything that will help us tap into this one time funding stream.

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Event Date: 2023-03-24 **Event Type:** Committee Report

Event Title: * Countywide Climate Action Committee

Event Report: Because of a meeting conflict with our Council Retreat, I could not make this meeting. However, it turned out a quorum was not present, so no action was taken. We are working on setting a special meeting.

I did receive a draft of the Short Lived Climate Pollutants (SLCP), primarily methane and black carbon (soot). Frankly, it was a bit disappointing, since it relied primarily on national averages and standards. For example, there were no methane sites identified (such as our landfill methane gas flaring operation). Hopefully, we will discuss this at the next CAC meeting, special or regular.

The **Climate Ad hoc Committee** met for the last time, to prepare for our upcoming OSATS Commission meeting. The goal is to pass the baton to OSATS to oversee the City's Sustainability efforts and in particular, our interim Climate Action Plan. However, as a practical matter, the real focus should be on identifying 2-3 items from the list of things in the plan and prepare a specific program for Council consideration--this is the "low hanging fruit" that will make a difference while we wait for a Regional Climate Action Plan. Also, the Commission could spend time soliciting public input on Climate Action

efforts--how much are we willing to go to address an ambitious Climate Action Plan, and what do we need to do to encourage more support? This would be critical input for the Council to consider as we address one of our new Goals-- Environmental and Economic Sustainability (see below on Council Retreat)

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Event Date: **Event Type** Other

Event Title: * City Events and Activities

- Event Report:**
- **League discussion on Housing:** Attended the online Division meeting discussing the Regional Housing Needs Assessment (RHNA) process. The Mayor and I were online and pointed out our successes, and I advocated for providing incentives to those jurisdictions that meet or exceed their RHNA requirements. We'll see...
 - **Green Island Road Groundbreaking:** Was very excited to attend this rescheduled and long awaited groundbreaking. It is exciting to see an end to this long tunnel. Also glad that Congressman Thompson was there. There were several representatives from the business and labor communities (thanks to our first in the County PLA), including Jeff Mezzetta. Had a chance to chat with the president of Mezzetta Peppers, and talked about upcoming improvements in our utilities.
 - **Council Retreat:** This was one of the better ones, in which we received an overview of how we can address our deferred maintenance of parks, streets and other infrastructure (including pension liabilities). We also reviewed our Mission, Vision and Values statements and our primary goals, particularly in the context of where we were at incorporation (92-94), at the 20 year mark (2012-13), 30 year and 40 year marks. *Adopting a new Sustainability Goal was also relevant and important.*
 - **Billboard Proposal:** Met with Cameron Hall of Outfront, a billboard company that has 2 billboards in town (actually one in town and one in a small County island). He presented a proposal in which they would remove one of the 2 signs in exchange for upgrading/relocating the remaining sign and making it a digital one. Part of the benefits to the City (besides a substantial annual rent) would be providing free advertising for community events and public safety alerts. The details will need to be worked out, including the fact that our sign ordinance bans any additions or modifications to outside billboards.

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Event Date: **Event Type** Community Event

Event Title: * Community Events and Activities

- Event Report:**
- **Democrats of Napa Valley:** attended their online monthly meeting and heard a presentation on Medicare and social security.
 - **Earth Day planning:** Continued working with the Parks Foundation, Napa Valley College and City staff to expand our offerings on Earth Day (Saturday, April 22). I am shifting from trying to resurrect Healthy People/Healthy Planet, and just include health screening efforts by NVC and healthy bites (from either NVC or our own ACHS Culinary program). This would augment the "Healthy Planet" elements that the Parks Foundation is already doing. We also talked about the 4H Club hosting a BBQ (but it might not qualify as "Healthy Palate!")
 - **Little League Opening Day:** Showed up a little late and missed the parade, but I was there for the opening pitch! It was great weather (not always a sure thing lately), and a big turnout of players and their parents.
 - **Kiwanis Club:** Attended the monthly membership meeting and heard a presentation on CPR and automatic defibrillators. Always worth getting a refresher course.

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Event Date: **Event Type** Other

Event Title: * Fire District Activities and Events

- Event Report:**
- **FDAC Conference:** Attended one day of the 3-day Fire District Conference. Very good refresher course on Board/Staff relationships, and a good update on Court and Legislative issues involving Fire Service and HR issues.

- **Fire District Staffing Changes:** I was happy to attend Captain Dave Medina's retirement event, as well as new Captain EJ Abalos' pinning event (really appreciated how EJ thanked Dave for retiring, since that's how he got his promotion!). Very big turnout for both events--normally, we get to see the pinning and then miss out on all the food and celebrating, since we have the rest of our meeting to attend!

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Senate Bill No. 330

CHAPTER 654

An act to amend Section 65589.5 of, to amend, repeal, and add Sections 65940, 65943, and 65950 of, to add and repeal Sections 65905.5, 65913.10, and 65941.1 of, and to add and repeal Chapter 12 (commencing with Section 66300) of Division 1 of Title 7 of, the Government Code, relating to housing.

[Approved by Governor October 9, 2019. Filed with Secretary
of State October 9, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 330, 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, 2025, would specify that an application is deemed complete for these purposes if a 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, 2025, 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 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, 2025, 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 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, 2025, would prohibit a city or county from conducting more than 5 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 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.

(3) 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 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, 2025, 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, except as provided. The bill, until January 1, 2025, 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.

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, 2025, would provide that a housing development project, as defined, shall be deemed to have submitted a preliminary application upon providing specified information about the proposed project to the city or county from which approval for the project is being sought. The bill would require each local agency to compile a checklist and application form that applicants for housing development projects may use for that purpose and would require the Department of Housing and Community Development to adopt a standardized form for applicants seeking approval from a local agency that has not developed its own application form. After the submittal of a preliminary application, the bill would provide that a housing development project would not be deemed to have submitted a preliminary application under these provisions if the development proponent revises the project such that the number of residential units or square footage of construction changes by 20% or more until the development proponent resubmits the information required by the bill so that it reflects the revisions. The bill would require a development proponent to submit an application for a development project that includes all information necessary for the agency to review the application under the Permit Streamlining Act within 180 days of submitting the preliminary application.

The bill, until January 1, 2025, 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 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, 2025, 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.

(4) 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, 2025, with respect to land where housing is an allowable use, 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, 2020, 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 the effective date of these provisions, and that any development policy, standard, or condition on or after that date that does not comply would be deemed void.

This bill would also require a project that requires the demolition 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, as provided. The bill would provide that these provisions do not supersede any provision of a locally adopted ordinance

that places greater restrictions on the demolition of residential dwelling units or that requires greater relocation assistance to displaced households. The bill would require a county or city subject to these provisions to include information necessary to determine compliance with these provisions in the list or lists that specify the information that will be required from any applicant for a development project under the Permit Streamlining Act.

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.

(5) 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.

(6) 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.

(7) This bill would provide that its provisions are severable.

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

SECTION 1. This act shall be known, and may be cited, as the Housing Crisis Act of 2019.

SEC. 2. (a) The Legislature finds and declares the following:

(1) California is experiencing a housing supply crisis, with housing demand far outstripping supply. In 2018, California ranked 49th out of the 50 states in housing units per capita.

(2) Consequently, existing housing in this state, especially in its largest cities, has become very expensive. Seven of the 10 most expensive real estate markets in the United States are in California. In San Francisco, the median home price is \$1.6 million.

(3) California is also experiencing rapid year-over-year rent growth with three cities in the state having had overall rent growth of 10 percent or more year-over-year, and of the 50 United States cities with the highest United States rents, 33 are cities in California.

(4) California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over the next 7 years.

(5) The housing crisis has particularly exacerbated the need for affordable homes at prices below market rates.

(6) The housing crisis harms families across California and has resulted in all of the following:

(A) Increased poverty and homelessness, especially first-time homelessness.

(B) Forced lower income residents into crowded and unsafe housing in urban areas.

(C) Forced families into lower cost new housing in greenfields at the urban-rural interface with longer commute times and a higher exposure to fire hazard.

(D) Forced public employees, health care providers, teachers, and others, including critical safety personnel, into more affordable housing farther from the communities they serve, which will exacerbate future disaster response challenges in high-cost, high-congestion areas and increase risk to life.

(E) Driven families out of the state or into communities away from good schools and services, making the ZIP Code where one grew up the largest determinate of later access to opportunities and social mobility, disrupting family life, and increasing health problems due to long commutes that may exceed three hours per day.

(7) The housing crisis has been exacerbated by the additional loss of units due to wildfires in 2017 and 2018, which impacts all regions of the state. The Carr Fire in 2017 alone burned over 1,000 homes, and over 50,000 people have been displaced by the Camp Fire and the Woolsey Fire in 2018. This temporary and permanent displacement has placed additional demand on the housing market and has resulted in fewer housing units available for rent by low-income individuals.

(8) Individuals who lose their housing due to fire or the sale of the property cannot find affordable homes or rental units and are pushed into cars and tents.

(9) Costs for construction of new housing continue to increase. According to the Turner Center for Housing Innovation at the University of California, Berkeley, the cost of building a 100-unit affordable housing project in the state was almost \$425,000 per unit in 2016, up from \$265,000 per unit in 2000.

(10) Lengthy permitting processes and approval times, fees and costs for parking, and other requirements further exacerbate cost of residential construction.

(11) The housing crisis is severely impacting the state's economy as follows:

(A) Employers face increasing difficulty in securing and retaining a workforce.

(B) Schools, universities, nonprofits, and governments have difficulty attracting and retaining teachers, students, and employees, and our schools and critical services are suffering.

(C) According to analysts at McKinsey and Company, the housing crisis is costing California \$140 billion a year in lost economic output.

(12) The housing crisis also harms the environment by doing both of the following:

(A) Increasing pressure to develop the state's farmlands, open space, and rural interface areas to build affordable housing, and increasing fire hazards that generate massive greenhouse gas emissions.

(B) Increasing greenhouse gas emissions from longer commutes to affordable homes far from growing job centers.

(13) Homes, lots, and structures near good jobs, schools, and transportation remain underutilized throughout the state and could be rapidly remodeled or developed to add affordable homes without subsidy where they are needed with state assistance.

(14) Reusing existing infrastructure and developed properties, and building more smaller homes with good access to schools, parks, and services, will provide the most immediate help with the lowest greenhouse gas footprint to state residents.

(b) In light of the foregoing, the Legislature hereby declares a statewide housing emergency, to be in effect until January 1, 2025.

(c) It is the intent of the Legislature, in enacting the Housing Crisis Act of 2019, to do both of the following:

(1) Suspend certain restrictions on the development of new housing during the period of the statewide emergency described in subdivisions (a) and (b).

(2) Work with local governments to expedite the permitting of housing in regions suffering the worst housing shortages and highest rates of displacement.

SEC. 3. Section 65589.5 of the Government Code is amended to read:

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

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

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

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

(D) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in

disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) It is the policy of the state that a local government not reject or make infeasible housing development projects, including emergency shelters, that contribute to meeting the need determined pursuant to this article without a thorough analysis of the economic, social, and environmental effects of the action and without 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 suitable or available for very low, low-, or moderate-income households in the jurisdiction’s housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction’s zoning ordinance and general plan land use designation.

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

(C) If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.

(e) Nothing in this section shall be construed to relieve the local agency from complying with the congestion management program required by Chapter 2.6 (commencing with Section 65088) of 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.

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

(6) “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.

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

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

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

(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 housing development project’s application is deemed complete, 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, and with the requirements of subdivision (o).

(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 application was deemed 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 explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity as follows:

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

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

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

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

(4) For purposes of this section, 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 but the zoning for the project site is inconsistent with the general plan. If the local agency has complied with paragraph (2), the local agency may require the proposed

housing development project to comply with the objective standards and criteria of the zoning which 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.

(k) (1) (A) (i) The applicant, a person who would be eligible to apply for residency in the development or emergency shelter, or a housing organization may bring an action to enforce this section. If, in any action brought to enforce this section, a court finds that any of the following are met, the court shall issue an order pursuant to clause (ii):

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

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

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

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

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

(B) (i) Upon a determination that the local agency has failed to comply with the order or judgment compelling compliance with this section within 60 days issued pursuant to subparagraph (A), the court shall impose fines on a local agency that has violated this section and require the local agency to deposit any fine levied pursuant to this subdivision into a local housing trust fund. The local agency may elect to instead deposit the fine into the Building Homes and Jobs Fund, if Senate Bill 2 of the 2017–18 Regular

Session is enacted, or otherwise in the Housing Rehabilitation Loan Fund. The fine shall be in a minimum amount of ten thousand dollars (\$10,000) per housing unit in the housing development project on the date the application was deemed complete pursuant to Section 65943. In determining the amount of fine to impose, the court shall consider the local agency's progress in attaining its target allocation of the regional housing need pursuant to Section 65584 and any prior violations of this section. Fines shall not be paid out of funds already dedicated to affordable housing, including, but not limited to, Low and Moderate Income Housing Asset Funds, funds dedicated to housing for very low, low-, and moderate-income households, and federal HOME Investment Partnerships Program and Community Development Block Grant Program funds. The local agency shall commit and expend the money in the local housing trust fund within five years for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households. After five years, if the funds have not been expended, the money shall revert to the state and be deposited in the Building Homes and Jobs Fund, if Senate Bill 2 of the 2017–18 Regular Session is enacted, or otherwise in the Housing Rehabilitation Loan Fund, for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households.

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

(C) If the court determines that its order or judgment has not been 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, including, but not limited to, an order to vacate the decision of the local agency and to approve the housing development project, in which case the application for the housing development project, as proposed by the applicant at the time the local agency took the initial action determined to be in violation of this section, along with any standard conditions determined by the court to be generally imposed by the local agency on similar projects, shall be deemed to be approved unless the applicant 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 may for good cause allow, or may appeal the judgment or order of the trial court under Section 904.1 of the Code of Civil Procedure. If the local agency appeals the judgment of the trial court, the local agency shall post a bond, in an amount to be determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant.

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

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

(2) Paragraph (1) shall not prohibit a housing development project from being subject to ordinances, policies, and standards adopted after the

preliminary application was submitted pursuant to Section 65941.1 in the following circumstances:

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

(B) A preponderance of the evidence in the record establishes that subjecting the housing development project to an ordinance, policy, or standard beyond those in effect when a preliminary application was submitted is necessary to mitigate or avoid a specific, adverse impact upon the public health or safety, as defined in subparagraph (A) of paragraph (1) of subdivision (j), and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact.

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

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

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

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

(E) The housing development project is revised following submittal of a preliminary application pursuant to Section 65941.1 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. 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).

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

(4) For purposes of this subdivision, “ordinances, policies, and standards” includes general plan, community plan, specific plan, zoning, design review standards and criteria, subdivision standards and criteria, and any other

rules, regulations, requirements, and policies of a local agency, as defined in Section 66000, including those relating to development impact fees, capacity or connection fees or charges, permit or processing fees, and other exactions.

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

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

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

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

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

SEC. 4. Section 65905.5 is added to the Government Code, to read:

65905.5. (a) 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 an application is deemed complete, after the application is deemed complete, a city, county, or city and county shall not conduct more than five hearings pursuant to Section 65905, or any other law, ordinance, or regulation requiring a public hearing in connection with the approval of that housing development project. If the city, county, or city and county continues a hearing subject to this section to another date, the continued hearing shall count as one of the five hearings allowed under this section. The city, county, or city and 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)).

(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, 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, commission, or any other designated hearing officer or body of the city or county, or any committee or subcommittee thereof.

“Hearing” does not include a hearing to review a legislative approval required for a proposed housing development project, including, but not limited to, a general plan amendment, a specific plan adoption or amendment, or a zoning amendment, or any hearing arising from a timely appeal of the approval or disapproval of a legislative approval.

(3) “Housing development project” has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(c) (1) For purposes of this section, a housing development project 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 is consistent, compliant, or in conformity.

(2) 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, 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) 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.

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

SEC. 5. 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 unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.

(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) “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, 2025, and as of that date is repealed.

SEC. 6. Section 65940 of the Government Code is amended to read:

65940. (a) (1) Each public agency shall compile one or more lists that shall specify in detail the information that will be required from any applicant for a development project. Each public agency shall revise the list of information required from an applicant to include a certification of compliance with Section 65962.5, and the statement of application required by Section 65943. Copies of the information, including the statement of application required by Section 65943, shall be made available to all applicants for development projects and to any person who requests the information.

(2) An affected city or affected county, as defined in Section 66300, shall include the information necessary to determine compliance with the requirements of subdivision (d) of Section 66300 in the list compiled pursuant to paragraph (1).

(b) The list of information required from any applicant shall include, where applicable, identification of whether the proposed project is located within 1,000 feet of a military installation, beneath a low-level flight path or within special use airspace as defined in Section 21098 of the Public Resources Code, and within an urbanized area as defined in Section 65944.

(c) (1) A public agency that is not beneath a low-level flight path or not within special use airspace and does not contain a military installation is not required to change its list of information required from applicants to comply with subdivision (b).

(2) A public agency that is entirely urbanized, as defined in subdivision (e) of Section 65944, with the exception of a jurisdiction that contains a military installation, is not required to change its list of information required from applicants to comply with subdivision (b).

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

SEC. 7. Section 65940 is added to the Government Code, to read:

65940. (a) Each public agency shall compile one or more lists that shall specify in detail the information that will be required from any applicant for a development project. Each public agency shall revise the list of information required from an applicant to include a certification of compliance with Section 65962.5, and the statement of application required by Section 65943. Copies of the information, including the statement of application required by Section 65943, shall be made available to all applicants for development projects and to any person who requests the information.

(b) The list of information required from any applicant shall include, where applicable, identification of whether the proposed project is located within 1,000 feet of a military installation, beneath a low-level flight path or within special use airspace as defined in Section 21098 of the Public Resources Code, and within an urbanized area as defined in Section 65944.

(c) (1) A public agency that is not beneath a low-level flight path or not within special use airspace and does not contain a military installation is not required to change its list of information required from applicants to comply with subdivision (b).

(2) A public agency that is entirely urbanized, as defined in subdivision (e) of Section 65944, with the exception of a jurisdiction that contains a military installation, is not required to change its list of information required from applicants to comply with subdivision (b).

(d) This section shall become operative on January 1, 2025.

SEC. 8. Section 65941.1 is added to the Government Code, to read:

65941.1. (a) An applicant for a housing development project, as defined in paragraph (2) of subdivision (h) of Section 65589.5, shall be deemed to have submitted a preliminary application upon providing all of the following information about the proposed project to the city, county, or city and county from which approval for the project is being sought and upon payment of the permit processing fee:

(1) The specific location, including parcel numbers, a legal description, and site address, if applicable.

(2) The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located.

(3) A site plan showing the location on the property, elevations showing design, color, and material, and the massing, height, and approximate square footage, of each building that is to be occupied.

(4) The proposed land uses by number of units and square feet of residential and nonresidential development 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) Whether a portion of the property is located within any of the following:

(A) A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178.

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

(C) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code.

(D) A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency.

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

(F) A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code.

(9) Any historic or cultural resources known to exist on the property.

(10) The number of proposed below market rate units and their affordability levels.

(11) The number of bonus units and any incentives, concessions, waivers, or parking reductions requested pursuant to Section 65915.

(12) Whether any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a tentative map, or a condominium map, are being requested.

(13) The applicant's contact information and, if the applicant does not own the property, consent from the property owner to submit the application.

(14) For a housing development project proposed to be located within the coastal zone, whether any portion of the property contains any of the following:

(A) Wetlands, as defined in subdivision (b) of Section 13577 of Title 14 of the California Code of Regulations.

(B) Environmentally sensitive habitat areas, as defined in Section 30240 of the Public Resources Code.

(C) A tsunami run-up zone.

(D) Use of the site for public access to or along the coast.

(15) The number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied.

(16) A site map showing a stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code and an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands.

(17) The location of any recorded public easement, such as easements for storm drains, water lines, and other public rights of way.

(b) (1) Each local agency shall compile a checklist and application form that applicants for housing development projects may use for the purpose of satisfying the requirements for submittal of a preliminary application.

(2) 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 preliminary application if a local agency has not developed its own

application form pursuant to paragraph (1). 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.

(3) A checklist or form shall not require or request any information beyond that expressly identified in subdivision (a).

(c) After submittal of all of the information required by subdivision (a), 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, the housing development project shall not be deemed to have submitted a preliminary application that satisfies this section 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) (1) Within 180 calendar days after submitting a preliminary application with all of the information required by subdivision (a) to a city, county, or city and county, the development proponent shall submit an application for a development project that includes all of the information required to process the development application consistent with Sections 65940, 65941, and 65941.5.

(2) If the public agency determines that the application for the development project is not complete pursuant to Section 65943, the development proponent shall submit the specific information needed to complete the application within 90 days of receiving the agency’s written identification of the necessary information. If the development proponent does not submit this information within the 90-day period, then the preliminary application shall expire and have no further force or effect.

(3) This section shall not require an affirmative determination by a city, county, or city and county regarding the completeness of a preliminary application or a development application for purposes of compliance with this section.

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

SEC. 9. 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 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) Each city and each county shall make copies of any list compiled pursuant to Section 65940 with respect to information required from an applicant for a housing development project, as that term is defined in

paragraph (2) of subdivision (h) of Section 65589.5, available both (1) in writing to those persons to whom the agency is required to make information available under subdivision (a) of that section, and (2) publicly available on the internet website of the city or county.

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

SEC. 10. Section 65943 is added to the Government Code, 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 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, 2025.

SEC. 11. 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) 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) 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 Section 65940), the lead agency received written notice from the project applicant that an application has been made or will be made for an allocation or commitment of financing, tax credits, bond authority, or other financial assistance from a public agency or federal agency, and the notice specifies the financial assistance that has been applied for or will be applied for and the deadline for application for that assistance, the requirement that one of the approvals of the development project by the lead agency is a prerequisite to the application for or approval of the application for financial assistance, and that the financial assistance is necessary for the project to be affordable as required pursuant to subparagraph (A).

(C) There is confirmation that the application has been made to the public agency or federal agency prior to certification of the environmental impact report.

(4) Sixty days from the date of adoption by the lead agency of the negative declaration, if a negative declaration is completed and adopted for the development project.

(5) Sixty days from the determination by the lead agency that the project is exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), if the project is exempt from that act.

(b) This section does not preclude a project applicant and a public agency from mutually agreeing in writing to an extension of any time limit provided by this section pursuant to Section 65957.

(c) For purposes of paragraphs (2) and (3) of subdivision (a) and Section 65952, “development project” means a housing development project, as that term is defined in paragraph (2) of subdivision (h) of Section 65589.5.

(d) For purposes of this section, “lead agency” and “negative declaration” have the same meaning as defined in Sections 21067 and 21064 of the Public Resources Code, respectively.

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

SEC. 12. Section 65950 is added to the Government Code, 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 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 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 Section 65940), the lead agency received written notice from the project applicant that an application has been made or will be made for an allocation or commitment of financing,

tax credits, bond authority, or other financial assistance from a public agency or federal agency, and the notice specifies the financial assistance that has been applied for or will be applied for and the deadline for application for that assistance, the requirement that one of the approvals of the development project by the lead agency is a prerequisite to the application for or approval of the application for financial assistance, and that the financial assistance is necessary for the project to be affordable as required pursuant to subparagraph (A).

(C) There is confirmation that the application has been made to the public agency or federal agency prior to certification of the environmental impact report.

(4) Sixty days from the date of adoption by the lead agency of the negative declaration, if a negative declaration is completed and adopted for the development project.

(5) Sixty days from the determination by the lead agency that the project is exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), if the project is exempt from that act.

(b) This section does not preclude a project applicant and a public agency from mutually agreeing in writing to an extension of any time limit provided by this section pursuant to Section 65957.

(c) For purposes of paragraphs (2) and (3) of subdivision (a) and Section 65952, “development project” means a use consisting of either of the following:

(1) Residential units only.

(2) Mixed-use developments consisting of residential and nonresidential uses in which the nonresidential uses are less than 50 percent of the total square footage of the development and are limited to neighborhood commercial uses and to the first floor of buildings that are two or more stories. As used in this paragraph, “neighborhood commercial” means small-scale general or specialty stores that furnish goods and services primarily to residents of the neighborhood.

(d) For purposes of this section, “lead agency” and “negative declaration” have the same meaning as defined in Sections 21067 and 21064 of the Public Resources Code, respectively.

(e) This section shall become operative on January 1, 2025.

SEC. 13. Chapter 12 (commencing with Section 66300) is added to Division 1 of Title 7 of the Government Code, to read:

CHAPTER 12. HOUSING CRISIS ACT OF 2019

66300. (a) As used in this section:

(1) (A) Except as otherwise provided in subparagraph (B), “affected city” means a city, including a charter city, that the Department of Housing and Community Development determines, pursuant to subdivision (e), is

in an urbanized area or urban cluster, as designated by the United States Census Bureau.

(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 urbanized area, as designated by the United States Census Bureau.

(2) “Affected county” means a census designated place, based on the 2013-2017 American Community Survey 5-year Estimates, that is wholly located within the boundaries of an urbanized area, as designated by the United States Census Bureau.

(3) Notwithstanding any other law, “affected county” and “affected city” includes the electorate of an affected county or city exercising its local initiative or referendum power, whether that power is derived from the California Constitution, statute, or the charter or ordinances of the affected county or city.

(4) “Department” means the Department of Housing and Community Development.

(5) “Development policy, standard, or condition” means any of the following:

- (A) A provision of, or amendment to, a general plan.
- (B) A provision of, or amendment to, a specific plan.
- (C) A provision of, or amendment to, a zoning ordinance.
- (D) A subdivision standard or criterion.

(6) “Housing development project” has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5.

(7) “Objective design standard” means a design standard that involve no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal of an application.

(b) (1) Notwithstanding any other law except as provided in subdivision (i), with respect to land where housing is an allowable use, an affected county or an affected city shall not enact a development policy, standard, or condition that would have any of the following effects:

(A) Changing the general plan land use designation, specific plan 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 general plan land use designation, specific plan land use designation, or zoning district below what was allowed under the land use designation and zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018, except as otherwise provided in clause (ii) of subparagraph (B). For purposes of this subparagraph, “less intensive use” includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, or new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or anything that would lessen the intensity of housing.

(B) (i) Imposing a moratorium or similar restriction or limitation on housing development, including mixed-use development, within all or a

portion of the jurisdiction of the affected county or city, other than to specifically protect against an imminent threat to the health and safety of persons residing in, or within the immediate vicinity of, the area subject to the moratorium or for projects specifically identified as existing restricted affordable housing.

(ii) The affected county or affected city, as applicable, shall not enforce a zoning ordinance imposing a moratorium or other similar restriction on or limitation of housing development until it has submitted the ordinance to, and received approval from, the department. The department shall approve a zoning ordinance submitted to it pursuant to this subparagraph only if it determines that the zoning ordinance satisfies the requirements of this subparagraph. If the department denies approval of a zoning ordinance imposing a moratorium or similar restriction or limitation on housing development as inconsistent with this subparagraph, that ordinance shall be deemed void.

(C) Imposing or enforcing design standards established on or after January 1, 2020, that are not objective design standards.

(D) Except as provided in subparagraph (E), establishing or implementing 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 affected county or affected city, as applicable.

(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 affected county or affected city, as applicable.

(E) Notwithstanding subparagraph (D), an affected county or affected city may enforce a limit on the number of approvals or permits or a cap on the number of housing units that can be approved or constructed if the provision of law imposing the limit was approved by voters prior to January 1, 2005, and the affected county or affected city is located in a predominantly agricultural county. For the purposes of this subparagraph, “predominantly agricultural county” means a county that meets both of the following, as determined by the most recent California Farmland Conversion Report produced by the Department of Conservation:

(i) Has more than 550,000 acres of agricultural land.

(ii) At least one-half of the county area is agricultural land.

(2) Any development policy, standard, or condition enacted on or after the effective date of this section that does not comply with this section shall be deemed void.

(c) Notwithstanding subdivisions (b) and (f), 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) Notwithstanding any other provision of this section, both of the following shall apply:

(1) An affected city or an affected county shall not approve a housing development project that will require the demolition of residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished.

(2) An affected city or an affected county shall not approve a housing development project that will require the demolition of occupied or vacant protected units, unless all of the following apply:

(A) (i) The project will replace all existing or demolished protected units.

(ii) Any protected units replaced pursuant to this subparagraph shall be considered in determining whether the housing development project satisfies the requirements of Section 65915 or a locally adopted requirement that requires, as a condition of the development of residential rental units, that the project provide a certain percentage of residential rental units affordable to, and occupied by, households with incomes that do not exceed the limits for moderate-income, lower income, very low income, or extremely low income households, as specified in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code.

(iii) Notwithstanding clause (i), in the case of a protected unit that is or was, within the five-year period preceding the application, subject to a form of rent or price control through a local government's valid exercise of its police power, and that is or was occupied by persons or families above lower income, the affected city or affected county may do either of the following:

(I) Require that the replacement units be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years.

(II) Require that the units be replaced in compliance with the jurisdiction's rent or price control ordinance, provided that each unit is replaced. Unless otherwise required by the affected city or affected county's rent or price control ordinance, these units shall not be subject to a recorded affordability restriction.

(B) The housing development project will include at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the project site within the last five years.

(C) Any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice, subject to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1.

(D) The developer agrees to provide both of the following to the occupants of any protected units:

(i) Relocation benefits to the occupants of those affordable residential rental units, subject to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1.

(ii) A right of first refusal for a comparable unit available in the new housing development affordable to the household at an affordable rent, as defined in Section 50053 of the Health and Safety Code, or an affordable housing cost, as defined in 50052.5.

(E) For purposes of this paragraph:

(i) “Equivalent size” means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

(ii) “Protected units” means any of the following:

(I) Residential dwelling units that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the past five years.

(II) Residential dwelling units that are or were subject to any form of rent or price control through a public entity’s valid exercise of its police power within the past five years.

(III) Residential dwelling units that are or were occupied by lower or very low income households within the past five years.

(IV) Residential dwelling units that were withdrawn from rent or lease in accordance with Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 within the past 10 years.

(iii) “Replace” shall have the same meaning as provided in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65915.

(3) This subdivision shall not supersede any objective provision of a locally adopted ordinance that places restrictions on the demolition of residential dwelling units or the subdivision of residential rental units that are more protective of lower income households, requires the provision of a greater number of units affordable to lower income households, or that requires greater relocation assistance to displaced households.

(4) This subdivision shall only apply to a housing development project that submits a complete application pursuant to Section 65943 on or after January 1, 2020.

(e) 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) by June 30, 2020. The department may update the list of affected cities and affected counties once on or after January 1, 2021, to account for changes in urbanized areas or urban clusters due to new data obtained from the 2020 census. The department’s determination shall remain valid until January 1, 2025.

(f) (1) Except as provided in paragraphs (3) and (4) and subdivisions (h) and (i), this section shall prevail over any conflicting provision of this title or other law regulating housing development in this 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 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.

(g) 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, provided that the height limit, urban growth boundary, or urban limit complies with subparagraph (A) of paragraph (1) of subdivision (b).

(h) (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). For a housing development project proposed within the coastal zone, nothing in this section shall be construed to prohibit an affected county or an affected city from enacting a development policy, standard, or condition necessary to implement or amend a certified local coastal program consistent with the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(i) (1) 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.

(2) 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 on a site that is a mobilehome park, as defined in Section 18214 of the Health and Safety Code, as of the effective date of this section, and the no net loss requirement in paragraph (1) shall not apply.

(j) Notwithstanding subdivisions (b) and (f), this section does not prohibit an affected city or an affected county from enacting a development policy, standard, or condition that is intended to preserve or facilitate the production of housing for lower income households, as defined in Section 50079.5 of the Health and Safety Code, or housing types that traditionally serve lower income households, including mobilehome parks, single-room occupancy units, or units subject to any form of rent or price control through a public entity’s valid exercise of its police power.

66301. This chapter shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 14. The Legislature finds and declares that the provision of adequate housing, in light of the severe shortage of housing at all income

levels in this state, is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, the provisions of this act apply to all cities, including charter cities.

SEC. 15. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other 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.

SEC. 16. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

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