



SPECIAL JOINT CITY COUNCIL/PLANNING COMMISSION MEETING AGENDA

City Hall - Council Chambers
4381 Broadway, Ste 201 American Canyon
October 5, 2021
7:00 PM

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

Chair: Tyrone Navarro
Vice Chair: Crystal Mallare
Commissioners: Eric Altman, Andrew Goff, Tammy Wong

Consistent with Government Code Section 54953 and the American Canyon City Council Resolution Declaring the Existence of a Local Emergency due to the COVID-19 Pandemic, City Council and other public meetings are currently being held only by Video/Teleconference to align with local and federal guidelines and social distancing recommendations for the containment of the coronavirus. Members of the public may participate by digitally accessing the meeting with the information below. Additionally, this meeting will be broadcast live to residents on Napa Valley TV at <http://www.cityofamericancanyon.org> and on YouTube at <https://www.youtube.com/user/CityofAmericanCanyon>.

You may submit public comments for any Agenda Item, Non-Agenda Item or make general public comments by one of the following methods:

Oral comments, during the meeting: A Zoom Webinar has been established for public participation during the meeting related to a specific agenda item, or matters not on the agenda. To give your public comment directly to the legislative body during the meeting, use the Register to Speak feature of [eComments](#) or connect via below Zoom link and follow the instructions or by calling 408-638-0968.

Zoom Meeting Link: [Click Here](#)

Webinar ID: 899 9650 9970 **Passcode:** 495068

Written comments, Via eComments: The eComments link is located on the Meetings & Agendas page of our website [here](#). Comments received before the 3:00 p.m. day-of-meeting cutoff time will be routed to all Councilmembers at that time. eComments will remain open throughout the meeting, and all comments received will be posted online and become part of the meeting record.

The above-identified measures exceed all legal requirements for participation in public comment, including those imposed by the Ralph M. Brown Act and Executive Order N-29-20 and N-33-20. For more information, please call the City Clerk at (707) 647-5337 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 alternative formats to comply with the Americans with Disabilities Act. Please send a request to 4381 Broadway, Suite 201, American Canyon, CA 94503 or 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.

7:00 P.M. SPECIAL MEETING

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CITY CLERKS ANNOUNCEMENT PURSUANT TO GOVT CODE 54952.3

PUBLIC COMMENT - ITEMS NOT ON THE AGENDA

*This time is reserved for members of the public to address the City Council on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the City Council. Comments are limited to 3 minutes. Comments for items on the Agenda will be taken when the item is called. 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. Speakers are asked to please speak clearly, and provide their name. Any handouts for distribution to the City Council must be emailed by 3:00 p.m. on meeting day. To comment via zoom during the meeting: click the "raise your hand" button if joining by computer, or press *9 if joining by phone, when the item is called. To avoid confusion, hands raised outside of Public Comment periods will be lowered.*

BUSINESS

1. **Workshop - Hampton Inn Hotel at 3443 Broadway**
Recommendation: Conduct a workshop and provide Staff direction regarding a proposal to permit "Lodging" in the Broadway District Specific Plan Local Serving Mixed Use Zoning District and specific issues related to a proposed Hampton Inn Hotel at 3443 Broadway.
2. **General Plan Update Schedule Status Report**
Recommendation: Receive a comprehensive General Plan Update Schedule status report.

ADJOURNMENT

CERTIFICATION

I, Taresa Geilfuss, 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, City Clerk



TITLE

Workshop - Hampton Inn Hotel at 3443 Broadway

RECOMMENDATION

Conduct a workshop and provide Staff direction regarding a proposal to permit “Lodging” in the Broadway District Specific Plan Local Serving Mixed Use Zoning District and specific issues related to a proposed Hampton Inn Hotel at 3443 Broadway.

CONTACT

Brent Cooper, AICP, Community Development Director

BACKGROUND & ANALYSIS

A 108-room, three story Hampton Inn hotel at 3443 Broadway is proposed by Ajani Management, LLC, AMS Associates Inc. The proposed site is a 2.52-acre parcel located on the west side of Broadway, south of Donaldson Way, and immediately north of Canyon Plaza. A map depicting the proposed hotel location is included as Attachment 1.

The Hampton Inn property is proposed in one of four “Local Serving Mixed Use” (LSMU) zoning district sites. However, lodging uses (i.e.: hotels) are not permitted in this zoning district. A Zone Change to the LSMU zoning district would be needed to allow a hotel at this location. A Zone Change is a Legislative Act that requires City Council approval after receiving a recommendation from the Planning Commission. When considering a Zone Change, the City Council (and Planning Commission recommendation) has complete discretion to approve, modify or deny the request.

On December 1, 2020, soon after the Zone Change request application was submitted, the City Council conducted a workshop to discuss issues that should be analyzed during the zoning district amendment review. Attachment 2 shows the LSMU zoning district sites located on Broadway between Donaldson Way and American Canyon Road. The Hampton Inn is proposed in the yellow portion of “Site 1.”

Analysis of Land Use Issues

The following issues were raised by staff in the December 1, 2020 City Council workshop:

Current Site Conditions: The proposed Hampton Inn property is “ripe” for redevelopment. The property was developed many years ago when American Canyon was an unincorporated rural community. Given the 2.52-acre size, there are few structures on the property, which informally classifies the site as “underutilized.”

Today, the site does not conform to current development standards. For example, several structures are placed too close to the northern property line to conform to the building setbacks. One structure is an older residence converted to commercial use. The property lacks the required 30-foot Broadway landscape setback and the structures do not conform to current or previous zoning code design guidelines. An aerial site photograph and Street View is included as Attachment 3.

Potential Hotel Sites: Lodging uses are permitted in other zoning districts in the Broadway District Specific Plan area. For example, there are two vacant properties in the Business Park zoning district large enough to accommodate a hotel. This includes the 4-acre Marshall Honey Farm at 159 Lombard Road and the 15-acre Union Pacific Railroad property north of the Napa Junction III mixed use center. Both of these properties are larger than needed for a typical hotel in American Canyon. The Union Pacific Railroad property has attracted interest over the past few years for multi-family residential and not lodging uses. Hotel interests have inquired, but not pursued the Marshall Honey Farm site.

In Watson Ranch, outside the Broadway District Specific Plan Area, the Master Builder is actively working on plans for a much-anticipated Resort style hotel at the Napa Valley Ruins and Gardens site. Given differences in location and proposed amenities, staff anticipates the Napa Valley Ruins and Gardens hotel will attract a different visitor client than at the proposed Hampton Inn or elsewhere in American Canyon.

If lodging is permitted in the LSMU zoning district, the 4-acre LSMU site at the southwest corner of Crawford Way and Broadway could potentially accommodate a hotel, but this site is larger than needed for a typical hotel. The Crawford Way property owners have been considering residential uses on this property for several years. A graphic depicting the location of existing, approved, proposed, and potential hotel sites is included as Attachment 4.

Consistency with the LSMU Zoning District Intent The intent of the LSMU zoning district is to permit a wide variety of Permitted and Conditionally-Permitted retail and commercial uses to support existing and future retail needs. Multifamily residential uses are also allowed in this zoning district because new residents would patronize local retail businesses.

According to many economic studies, hotel patrons provide a boost to local retail and restaurant sales. The Canyon Plaza and other shopping centers in the Broadway District would likely benefit from visitors staying at the nearby Hampton Inn. Given the support a hotel would provide to existing and future local retail and restaurant businesses, there is a fair argument that local spending from hotel patrons would help attract and retain quality businesses that residents would also enjoy. Because hotel patrons improve retail and restaurant services for residents, amending the zoning to allow Lodging may be consistent with the purpose and intent of the LSMU zoning district.

Permitted Use or Conditionally Permitted Use: Uses allowed in a zoning district have a designation of “Permitted” or “Conditionally Permitted.” Permitted uses are allowed when the site complies with development standards (i.e.: setbacks, height, lot coverage, parking, design guidelines), and so on. A Conditionally Permitted use adds discretion to the approval process. These uses must comply with the development standards, but must also operate in a manner that is compatible with its neighbors and broader community.

As the term implies, a Conditional Use Permit approval could be “conditioned” with modifications or even

denied if substantial evidence shows the use may cause harm to public health, safety or welfare. Given the close proximity of LSMU sites to existing residential neighborhoods, staff suggests that hotel uses in the LSMU zoning district be designated as a Conditionally-Permitted Use.

City Council Issues

The following issues were raised by the City Council during the December 1, 2020 workshop.

Outreach: As with any development application submittal, transparency and communication with nearby residents, stakeholders, and broader community is an important component of the review process. Because the proposed Zone Change would allow a use that is not permitted today, it is especially important neighbors and the community are aware of the proposed change and its potential impacts.

The applicant reached out to surrounding property owners with information that describes the proposed hotel and requested a letter of support. A copy of the applicant's correspondence and letter of support received in response is included as Attachment 5. Staff has also sent a letter to properties within 300 feet of the LSMU zoning district boundaries to inform them that the application is under consideration.

Context-Sensitive Architecture: The initial Hampton Inn hotel architecture submittal represented a "Modern" architectural style. The Broadway District Specific Plan (BDSP) Design Guidelines call for a "Modern Farmhouse" or "Modern Industrial" architectural style. Whether the appropriate style is Modern Farmhouse or Modern Industrial depends on the architectural context of neighboring buildings.

The City Council pointed out that the "Modern" hotel architecture does not reflect the BDSP Design Guidelines and requested the hotel reflect a more context-sensitive design compatible with the neighboring Canyon Plaza shopping center. In addition, the Council requested retaining the existing windmill on the site in a visible outdoor location.

The applicant revised the architecture to reflect a more context-sensitive "Modern Farmhouse" design and relocated the windmill to a landscape area at the front of the hotel. A photo-simulation depicting the initial and current Hampton Inn architecture is included as Attachment 6 with a portion of neighboring Canyon Plaza included for context.

Overhead Utility Undergrounding: The BDSP requires on-site and property frontage overhead utilities to be placed underground in conjunction with the development of the site because clearing poles and overhead wires from the Broadway "sky view" provides an enormous visual improvement to the district and potentially enhances property values. Undergrounding utilities improves safety because they are protected from wind damage or vehicle collisions.

The Hampton Inn Hotel site contains one overhead utility pole at the southeast property line. A graphic depicting the pole on the proposed Hampton Inn site is shown in Attachment 7. The applicant suggested the visual benefit of undergrounding the Hampton Inn site overhead utility pole would not be a good "value for effort" because the Hampton Inn pole is connected to overhead utilities on the east side of Broadway.

Undergrounding the Hampton Inn pole would require expensive utility work underneath Broadway and modifications to overhead poles on the east side of Broadway. The applicant's written response to this issue was included in a letter to the City along with responses to other project issues. An excerpt discussing the overhead utility is included as Attachment 8.

To further the goal to underground overhead utility poles along Broadway, the applicant proposes an “in-lieu” contribution that can be used to underground overhead utility poles in BDSP locations that are not as technically challenging as the Hampton Inn site. The amount of in-lieu utility underground contribution has not yet been determined, but would be identified and considered as part of the Hotel Conditional Use Permit application proposal.

Pedestrian and Vehicle Connection: BDSP Policy 3-15 requires interconnections with reciprocal access easements between neighboring properties to improve access, customer convenience, and reduce short vehicle trips on Broadway. Today, the “mid-block” Hampton Inn property is not connected to the Canyon Plaza shopping center to the south or Donaldson Way to the north. As proposed, the Hampton Inn project would take access taken entirely off Broadway and not connect to Canyon Plaza or Donaldson Way. A graphic depicting the proposed Broadway Access Point and the potential Donaldson Way and Canyon Plaza connection points is included as Attachment 9.

The Council pointed out that the Broadway District Specific Plan goal to interconnect neighboring properties is an important objective. At the Hampton Inn site, a pedestrian and vehicle connection to the adjacent Canyon Plaza shopping center would encourage visitors to patronize the shopping center. Connecting the hotel site to Donaldson Way would enable visitors to conveniently use the Donaldson Way traffic signal to travel to wine destinations north of American Canyon.

Staff’s research shows approximately 35-feet between the Canyon Plaza retail buildings adjacent to the Hampton Inn Hotel site. This width provides sufficient room to accommodate two vehicle travel lanes and a pedestrian sidewalk.

With the Canyon Plaza owner’s consent, the applicant agreed to construct a pedestrian connection between the Hampton Inn hotel and Canyon Plaza. However, the applicant and Canyon Plaza owner disagree with vehicle access between the two sites for these reasons:

- A vehicle connection between Canyon Plaza and Donaldson Way would bring retail customer traffic through the Hampton Inn parking lot to reach Donaldson Way, thus adding traffic and potential pedestrian safety concerns to hotel patrons.
- Constructing a vehicle bridge would cost much more than a pedestrian bridge.
- Hampton Inn hotel visitors are close enough to easily reach Canyon Plaza on foot.
- The extra width for vehicle travel lanes would require removing mature trees on the Canyon Plaza site.

Adding a vehicle connection to Donaldson Way through APN 058-312-005 would benefit the hotel because patrons could easily access Donaldson Way when driving north to Napa Valley wine and tourist destinations. As currently proposed with no direct connection to Donaldson Way, hotel patrons heading north must exit the hotel driveway on Broadway and travel this route:

- Travel south on Broadway;
- Weave through high speed or congested traffic on southbound Broadway
- Make a “U Turn” at the unsignalized Crawford Way intersection; or
- Turn right and drive down Crawford Way; right turn on James Road, right turn on Donaldson Way, then

turn left at the Donaldson signal to drive north on Broadway.

If visitors miss the Crawford U Turn or Crawford Way right turn, drivers must travel this path:

- Turn left at American Canyon Road because U Turns are not permitted at the American Canyon/Broadway intersection;
- Continue east on American Canyon Road past Silver Oak Trail because U Turns are not permitted at the American Canyon Road/Silver Oak intersection;
- Make a U Turn at Flosden Road and drive west on American Canyon Road; and
- Turn right at Broadway and drive north to their destination.

This example demonstrates that no connection to Donaldson Way is very inconvenient (and frustrating) to hotel patrons that intend to drive north to visit Napa Valley wine and tourist destinations. Providing safe and convenient access to the Donaldson Way signal onto Broadway will reduce unnecessary vehicle miles travelled (VMT) and eliminate extra traffic congestion on Broadway. A graphic displaying the intersection traffic movement options on Broadway near the hotel is included as Attachment 10.

Furthermore, the American Canyon Fire Protection District suggests that adding an access drive onto Donaldson Way would improve response times and added safety in case the only access point on Broadway is blocked. Ensuring safe and rapid response is especially important given the three-story hotel height. In addition, the 108-room hotel size will result in a considerable occupancy population in the event of an emergency rescue incident.

The hotel applicant suggested that adding a driveway onto Donaldson Way would cause a safety concern because Donaldson Way access would be available to non-hotel patrons. Staff disagrees that adding a driveway access onto Donaldson Way would increase safety concerns for hotel patrons. The location is not a high crime area. Normal hotel safety measures (i.e.: exterior lighting and surveillance cameras) would mitigate security concerns. Furthermore, the benefit of a safe and convenient access for Fire and Emergency vehicles as well as hotel patron access to a nearby traffic signal as well as reductions in “nuisance” trips on Broadway greatly outweigh a safety perception issue.

The applicant also points out that adding a driveway access would remove needed visitor parking. Staff would suggest that including the adjacent parcel would provide additional space for parking displaced by the drive aisle entrance.

The applicant pointed out that they have not proposed to purchase the vacant Donaldson Way parcel. This parcel, they suggest, is owned by a third party. Staff researched the ownership of the vacant Donaldson Way parcel. This research shows the same ownership interest in the Donaldson Way parcel owns the hotel site. Therefore, there the same property owner that would gain from the proposed zone change also owns a parcel that could provide vehicle and pedestrian access to Donaldson Way.

Hotel Marketing Study: At the December 1, 2020 workshop, members of American Canyon hoteliers expressed concerns that the proposed Hampton Inn Hotel would add competition to the existing hotels and an approved hotel.

To address this concern, the City Council instructed the applicant to prepare a Hotel Marketing Study. This

study answer whether hotel demand in American Canyon could absorb the Hampton Inn hotel without compromising existing and approved hotel viability. A copy of the Hotel Marketing Study is included as Attachment 11.

As discussed at a July 29, 2021 City Council meeting, the applicant submitted a Marketing Study prepared by Economic and Planning Systems, Inc. The Key Findings in the introductory cover memorandum state as follows:

- Napa Valley supports a diverse tourism market, and hospitality demand and supply has been steadily growing in recent years.
- The proposed Hampton Inn is likely to compete most directly with branded “upper midscale” and “upscale” hotels in Southern Napa County.
- The competitive set of hotels in Southern Napa County have historically performed well, though the COVID-19 pandemic had a profound effect on room rates and occupancy.
- With a recovery to pre-pandemic hotel market conditions between 2021 and 2022, and historic trending in hotel demand growth from 2023 onward, this analysis finds unmet demand for an estimated 275 upper midscale and upscale rooms in Southern Napa County by 2025.
- The supply and demand forecast considers the soon-to-open Cambria Hotel in Napa, but leaves open the possibility that the proposed Hampton Inn could be delivered to market before other potentially competitive proposed supply.
- The proposed Hampton Inn would generate approximately 25 jobs onsite totaling over \$1 million in employee compensation, stimulate additional economic multiplier effects in American Canyon, and provide tax revenue to the City’s General Fund.

Staff recently discussed the Marketing Study with Executive Director Linsey Gallagher who expressed a favorable economic environment for hotel room demand in American Canyon. Visit Napa Valley’s perspective of the current South County Hotel market is included as Attachment 12.

Hampton Inn Brand Assurance: At the December 1, 2020 workshop, the City Council noted that the proposed Zone Change would allow hotels in the LSMU zoning district. Because zoning does not require a specific hotel brand, the Council requested applicant assurance that the proposed hotel would be a Hampton Inn hotel or equal quality brand.

To respond to the City Council’s concern, the applicant submitted an explanation that they have submitted a franchise agreement with Hampton Inn which requires use of Hampton Inn architects, and financial obligations that are very expensive. This significant commitment between the applicant and Hilton Corporation is represented as the guarantee the hotel will have the Hampton Inn brand.

Next Steps Staff will note completed issues from this workshop and will work with the applicant to address any outstanding issues. When all outstanding issues have been addressed, the entitlement steps for the project include the following:

- Planning Commission will conduct a public hearing on the proposed Zone Change and Hotel Conditional Use Permit
- The City Council will conduct a public hearing on the proposed Zone Change (first reading)
- The City Council will consider the proposed Zone Change second reading and conduct a public hearing on

the Hotel Conditional Use Permit.

- The Ordinance and Conditional Use Permit would become effective 30 days following the second reading approval.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

Economic Development and Vitality: "Attract and expand diverse business and employment opportunities."

FISCAL IMPACT

N/A

ENVIRONMENTAL REVIEW

N/A. CEQA does not apply to a workshop discussion.

ATTACHMENTS:

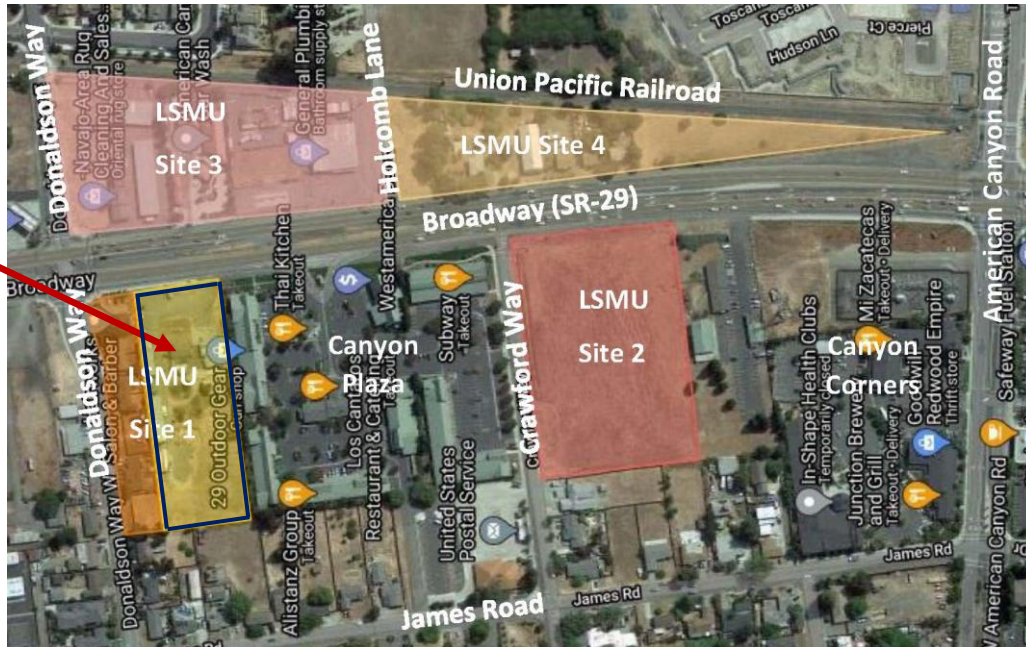
1. Vicinity Map
2. LSMU Zoning District Sites
3. Aerial Site Photograph and Street View
4. Potential Hotel Sites
5. Outreach Letter
6. Initial and Proposed Architecture
7. Overhead Utility Pole
8. Overhead Utility Justification
9. Potential Hampton Inn Connections
10. Intersection Turning Movements
11. AmericanCanyonHotelMarketAnalysis.pdf
12. Visit Napa Valley Letter July 2021.pdf

Proposed Hampton Inn Site Location



LSMU Zoning District Sites

Proposed
Hampton Inn
Site



Aerial Site Conditions

Proposed
Hampton Inn
Site



Street View from Broadway



Existing, Approved, Proposed, and Potential Hotel Sites



May 20th, 2021

Re: Proposed Hampton Inn Hotel Project
3443 Broadway

Dear Neighboring Resident,

My name is Jay Patel and I represent Anjani Management LLC. We own and operate several Hotels in different states, and we are planning to purchase the property at 3443 Broadway. We are currently in the process of attempting to develop the property into a Hampton Inn Hotel. The following is a brief description of the project:

Our proposed project will demolish the existing structures on the 2.51-acre site at 3443 Broadway and erect a new 3-story Hotel in its place. The proposed Hotel has 106 rooms and includes a 700 square foot (SF) Meeting Room, a 650SF Fitness Center and a Guest Laundry area. The Hotel's multi-functional Lobby Space incorporates Guest Check-in, a Coffee Serving Table, Communal Seating area, Dining Seating, Semi-private Lounge Seating, a Mixed Media Divider Wall, and a Breakfast Serving Area for a complimentary breakfast. Support services for the Hotel include on-site Laundry, Administrative Offices, and an Employee Breakroom.

The Hotel has a floor area of approximately 60,000 square feet and has 113 at-grade parking spaces, including eleven spaces dedicated for electric vehicles. The Hotel also includes a swimming pool, a patio with 2 outdoor fireplaces and bicycle parking spaces. The project will construct a new multi-use sidewalk along the entire Broadway Frontage which will continue along Broadway and connect to the Sidewalk at the Canyon Plaza Shopping Center. In addition, there will also be a new pedestrian connection to the Shopping Center located on the south side of the property. The existing windmill on the site will also be relocated as shown in our Site Plan.

In our opinion, the proposed Hotel will provide a higher and better use of the site than the currently underutilized commercial buildings. The proposed Hotel could also be less impactful than other potential future developments at this site, which under the current zoning, would allow for a larger, and denser project. The Hotel will also generate income to the City in the form of Transient Occupancy Tax (TOT), which will be a net gain for the City, as it will more than off-set the Hotel's impact on public infrastructure and services. This revenue source will be considerable income for the City to pay for services.

We are very excited to be your neighbor and a part of the City of American Canyon. We have recently submitted our application to the City and as part of the process we are reaching out to you for your feedback and support on the proposed development. We have also included drawings and illustrations of the proposed hotel. After reviewing the enclosed information, please feel free to contact me with any questions you may have.

If you are in support of the proposed development, I would appreciate you signing the enclosed Letter of Support and return it in the self-address, stamped envelope provided. I look forward to hearing from you.

Sincerely,



Jay Patel
Anjani Management, LLC
(337) 368-2172
patelj35@gmail.com

May 21st, 2021

City of American Canyon City Council
4381 Broadway Street, Suite 201
American Canyon, CA 94503

Re: Proposed Hampton Inn Hotel Project
3443 Broadway

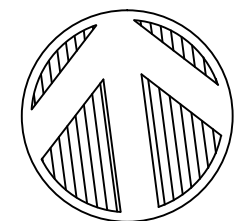
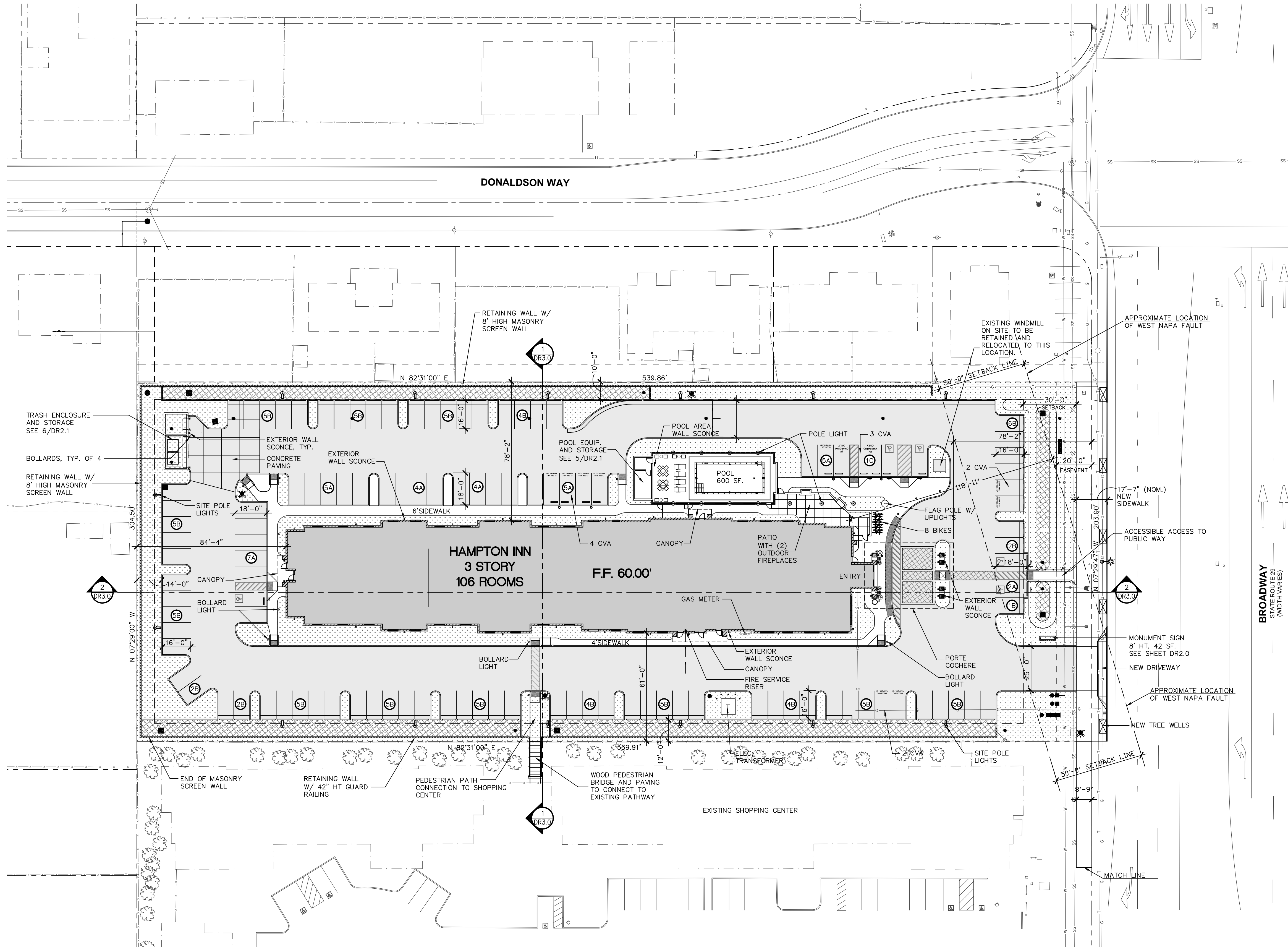
Dear, Mayor, Vice Mayor and City Councilmembers,

I have recently received information regarding the proposed Hampton Inn Hotel project to be located at 3433 Broadway. I am the Property Owner of APN 058-312-010 in American Canyon.

After reviewing the information, I would like to express my support for the proposed project. Thank you for your consideration.

Respectfully submitted,

Gateway Crossing Inc
Po Box 527
Burlingame, CA 94011



SITE PLAN
SCALE: 1"=30'-0"

- 1 RESPONSE TO CITY COMMENTS 01-25-21
REVISED FRONTAGE SIDEWALK WIDTH, ADDED PEDESTRIAN BRIDGE CONNECTION, REVISED TRASH ENCLOSURE.
- 2 03-15-2021 - REVISED SITE AREA CALCULATIONS
- 3 05-12-2021 - CITY CHANGED LANDSCAPE SETBACK TO BE 30' FROM BACK OF SIDEWALK. REVISED PARKING FRONTAGE MOVING PARKING STALLS FACING BROADWAY BACK 2' IN THE WEST DIRECTION. REVISED SITE AREA CALCULATIONS.

PROJECT SUMMARY

GENERAL INFORMATION

SITE AREA:	109,596 SF. (2.51 ACRES)
APN:	058-312-010
ZONING:	LSMU: LOCAL-SERVING MIXED-USE DEVELOPMENT
SPECIFIC PLAN:	BDSP: BROADWAY DISTRICT SPECIFIC PLAN
PROPOSED USE:	HOTEL: 106 ROOMS, 3 STORIES
BUILDING OCCUPANCY:	MIXED: R-1, A-2, B AND F.
BUILDING CONSTRUCTION:	TYPE VA

PARKING SUMMARY

PARKING REQUIRED:	REQUIRED	PROVIDED
1 SPACE PER GUESTROOM:	106	106
PLUS 1 SPACE PER 10 ROOMS OR UNITS:	11	7
TOTAL	117	113

PARKING PROVIDED:

STANDARD SPACES:	97
ACCESSIBLE SPACES:	5
CLEAN AIR/VAN POOL/EV SPACES (CVA):	11 (7 EV SPACES)
TOTAL	113

PARKING SPACE SIZES: STANDARD TYPE A =	9' WIDE X 18' LONG	PLAN SYMBOL (A)
STANDARD TYPE B =	9' WIDE X 16' LONG	PLAN SYMBOL (B)
(INCL. 24" OVERHANG AT LANDSCAPE)		
STANDARD VAN TYPE C =	13' WIDE X 18' LONG	PLAN SYMBOL (C)

DRIVE AISLE WIDTH: 25' U.N.O.

BICYCLE PARKING REQUIRED

1 SPACE PER 20 CAR SPACES	6 REQUIRED	8 PROVIDED
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BUILDING AREAS

GROUND FLOOR:	19,691 S.F.	(AREA OF PORTE COCHERE NOT INCLUDED)
2ND FLOOR:	19,476 S.F.	
3RD FLOOR:	19,476 S.F.	
TOTAL:	58,643 S.F.	

TRASH ENCLOSURE:	442 S.F.
POOL EQUIPMENT:	275 S.F.
TOTAL:	717 S.F.

BUILDING HEIGHT

MAXIMUM ALLOWED BUILDING HEIGHT:	42 FEET PER LSMU ZONING
PROPOSED BUILDING HEIGHT:	47'-5" FEET

SITE AREAS

BUILDING COVERAGE:	20,408 S.F.	18.7%
HARDSCAPE AREA:	11,526 S.F.	10.5% (INCL. POOL)
PAVEMENT AREA:	48,962 S.F.	44.7%
LANDSCAPE AREA:	28,700 S.F.	26.1%
TOTAL	109,596 S.F.	100.0%

F.A.R. .54

GUESTROOM SUMMARY

	GROUND FLOOR	2ND FLOOR	3RD FLOOR	TOTAL	%
KING	14	19	19	52	49%
KING ACCESSIBLE	1	1	1	3	3%
DBL. QUEEN	6	20	20	46	43%
DBL. QUEEN ACCESSIBLE	1	2	2	5	5%
TOTAL	22	42	42	106	

ACCESSIBILITY REQUIREMENTS	REQUIRED	PROVIDED	C.B.C. REF.
MOBILITY FEATURES (SHOWER)	2	3	TABLE 11B-224.2
MOBILITY FEATURES (TUB)	5	5	TABLE 11B-224.2
COMMUNICATION FEATURES	12	19	TABLE 11B-224.4

LEGEND

- POLE MOUNTED SITE LIGHT - 25' HEIGHT
- BOLLARD LIGHT - 42" HEIGHT
- POLE MOUNTED POOL LIGHT - 15' HEIGHT
- WALL MOUNTED BUILDING LIGHT
- FIRE HYDRANT

- TRUNCATED DOMES
- PAINTED STRIPING
- DECORATIVE PAVING
- BIO RETENTION
- DECORATIVE PAVING
- LANDSCAPE
- ASPHALT PAVING

LIGHT COLORED BUILDING

8" DEEP SELF-CONTAINED CHANNEL LETTERS. *
.080" THK. ALUM. RETURNS W/ .080" THK. ALUM.
CAD CUT BACKS. RETURNING PAINTED 315 DK. BRONZE.
1.97" THK. #2268 RED LEVIAN FACES.
1" DIA. BRONZE TRIMCAP RETAINER.
CLEAR RED NEON ILLUMINATION OR
GELCORE TETRA RED RED L.E.D. (8 PER FOOT).
30W+ FRANCE P8CM TRANSFORMERS IN NEON
ILLUMINATED LETTERS.

TRADEMARK DETAIL NTS

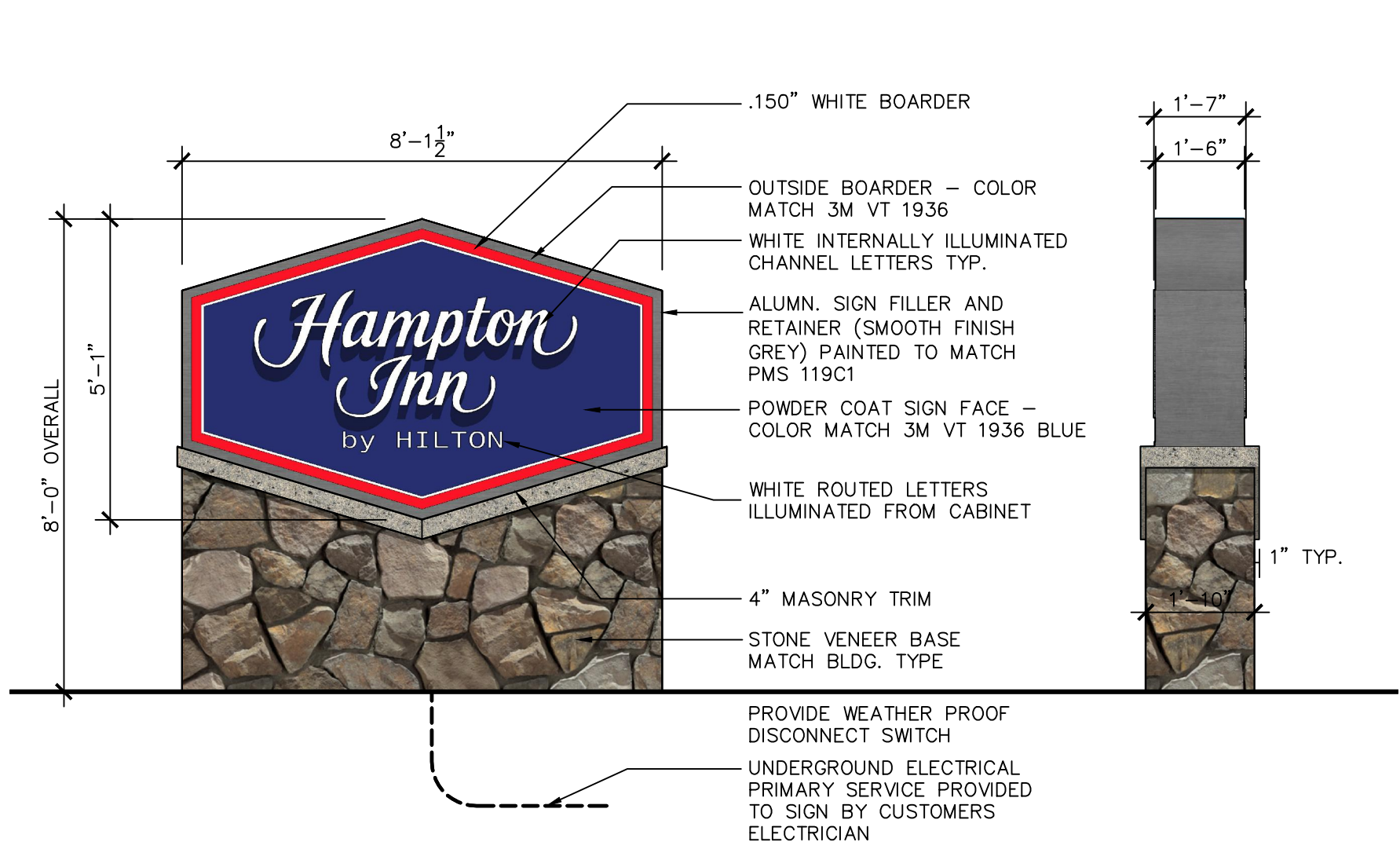
LINEAR BUILDING LETTERS NTS

SEE FOLLOWING SHEETS FOR TYPICAL NEON AND L.E.D. LAYOUTS

* LETTERS 30" TALL AND SMALLER WILL BE ONLY 8" DEEP AND POWERED
W/ VENTEX ELECTRONIC TRANSFORMERS.

SIGN NUMBER	A	B	C	AREA (SQ. FT.)	NEON/L.E.D.	CIRCUITS REQD.
* HI BL24L	24"	19'-7"	4"	27.16	2.5 / 0.34	(1) 20A / (1) 20A
HI BL30L	30"	16'-11 1/4"	6"	42.34	2.5 / 0.44	(1) 20A / (1) 20A
HI BL36L	36"	22'-7"	6"	62.75	10.23 / 0.88	(1) 20A / (1) 20A
HI BL48L	48"	22'-7"	7"	111.65	9.71 / 1.07	(1) 20A / (1) 20A
HI BL60L	60"	34'-9"	8 1/4"	175.75	16.4 / 1.6	(2) 20A / (1) 20A

BUILDING SIGN - HI BL36L (62.75 SQ.FT.)
SCALE: N.T.S.



MONUMENT SIGN (42 SQ.FT.)
SCALE: 3/8" = 1'-0"

- SHEET NOTES
- 1 ALUMINUM WINDOW SYSTEM
 - 2 PAINTED METAL GUTTER AND DOWNSPOUT
 - 3 POOL EQUIPMENT BUILDING BEYOND
 - 4 STONE VENEER POOL AND PATIO PRIVACY WALL
 - 5 PORTE COCHERE
 - 6 SIDE ENTRANCE CANOPY BEYOND
 - 7 E.V. CHARGING STATION
 - 8 PAINTED METAL LOUVER
 - 9 BOARD AND BATTEN PATTERN
 - 10 HORIZONTAL SIDING
 - 11 POOL AREA POLE LIGHT BEYOND
 - 12 WALL LIGHT SCONE
 - 13 ALUMINUM STOREFRONT SYSTEM
 - 14 OPEN WEB WOOD TRUSS
 - 15 METAL WALL COPING
 - 16 WINDOW TRIM - TERRA NEO
 - 17 BOLLARD LIGHT
 - 18 FLAG POLE
 - 19 RAISED PANEL
 - 20 6'-0" HIGH METAL FENCE BEYOND
 - 21 ENTRY AREA PLANTER
 - 22 BIKE RACK
 - 23 BUILDING SIGN WITH BACKLIT CHANNEL LETTER
 - 24 WALL COPING - TERRA NEO

WOOD SIDING - COLONIAL SMOOTH MANUF: HARDIPLANK COLOR: WITH THE GRAIN (DET668) MANUF: DUNN EDWARDS WOOD TRIM - COLONIAL SMOOTH MANUF: HARDIPLANK COLOR: WITH THE GRAIN (DET668) MANUF: DUNN EDWARDS WOOD TRIM - COLONIAL SMOOTH MANUF: HARDIPLANK COLOR: AGED WHISKEY (DET686) MANUF: DUNN EDWARDS FASCIA - COLONIAL SMOOTH MANUF: HARDIPLANK COLOR: GRAY MATTERS MANUF: SHERWIN WILLIAMS (7066) PAINTED METAL: GUTTER / DOWNSPOUT / COPING COLOR: GEORGIA CLAY (DE5181)		TERRA NEO WINDOW TRIM / WALL COPING COLOR: GLAZIER 207 MANUF.: DRYVIT SYSTEM INC. ALUMINUM WINDOW FRAME COLOR: DARK BRONZE ALUMINUM STOREFRONT COLOR: DARK BRONZE MANUF: KAWNEER GLAZING COLOR: SMOKE GREY / OCEAN GREY VANCEVA MANUF.: GUARDIAN GLASS SUPERNEUTRAL 68 STONE VENEER COLOR: COGNAC MANUF.: EL DORADO STANDING SEAM METAL ROOF COLOR: A606-4 WEATHERING STEEL MANUF.: CORTEN ROOFING
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GENERAL NOTES

1. COLORS INDICATED ON THIS DRAWING ARE APPROXIMATE AND WILL VARY DEPENDING ON PRINTER/MONITOR DISPLAY SOURCE. REFER TO COLORS AND MATERIALS BOARDS FOR TRUE REPRESENTATION OF ALL PROPOSED FINISHES.
2. ALL LANDSCAPING INDICATED ON THIS DRAWING IS DIAGRAMMATIC AND INTENDED ONLY TO CONVEY A SENSE OF GENERAL LANDSCAPED AREAS. REFER TO ACTUAL LANDSCAPE PLAN FOR ALL PROPOSED LANDSCAPING.



1 EAST EXTERIOR (FRONT) ELEVATION
SCALE: 3/16" = 1'-0"

1 RESPONSE TO CITY COMMENTS 01-25-2021: REVISED MONUMENT SIGN.

ARCHITECTURAL
DIMENSIONS

300 Frank H. Ogawa Plaza
Oakland, CA 94612
TEL. 510.463.8300 • FAX. 510.463.8395

PROJECT INFO.

HAMPTON INN
3443 BROADWAY STREET
AMERICAN CANYON, CA



JOB NO.
AMS03
DATE:
3/11/2021

DRAWING NO.
DR2.0

SHEET NOTES

- 1

ALUMINUM WINDOW SYSTEM
- 2

PAINTED METAL GUTTER AND DOWNSPOUT
- 3

POOL EQUIPMENT BUILDING
- 4

7FT HIGH STONE VENEER POOL & PATIO PRIVACY WALL
- 5

PORTE COCHERE
- 6

SIDE ENTRANCE CANOPY BEYOND
- 7

E.V. CHARGING STATION
- 8

PAINTED METAL LOUVER
- 9

BOARD AND BATTEN PATTERN
- 10

HORIZONTAL SIDING

11

POOL AREA POLE LIGHT

12

WALL LIGHT SCONE

13

ALUMINUM STOREFRONT SYSTEM

14

WOOD WINDOW TRIM

15

METAL WALL COPING

16

WINDOW TRIM - TERRANEO

17

BOLLARD LIGHT

18

FLAG POLE

19

BOLLARD

20

72" HIGH METAL FENCE

21

PAINTED METAL ROLL-UP DOOR

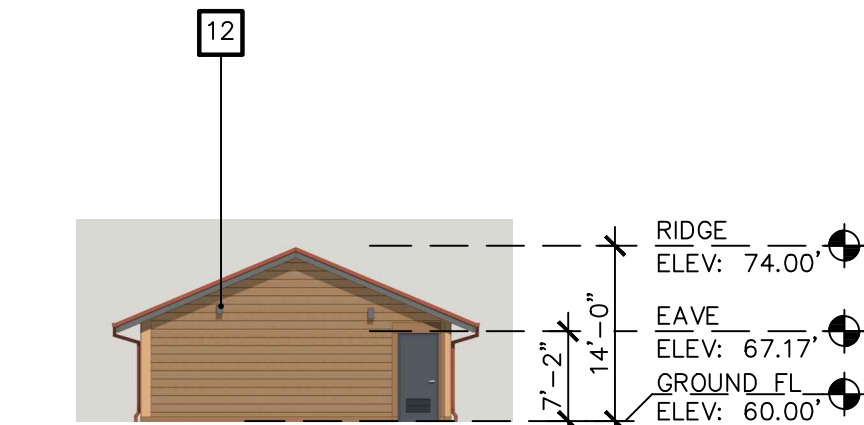
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BIKE RACK

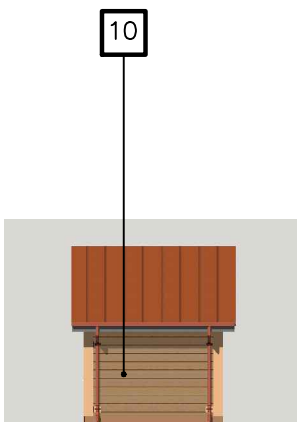
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WALL COPING - TERRANEO

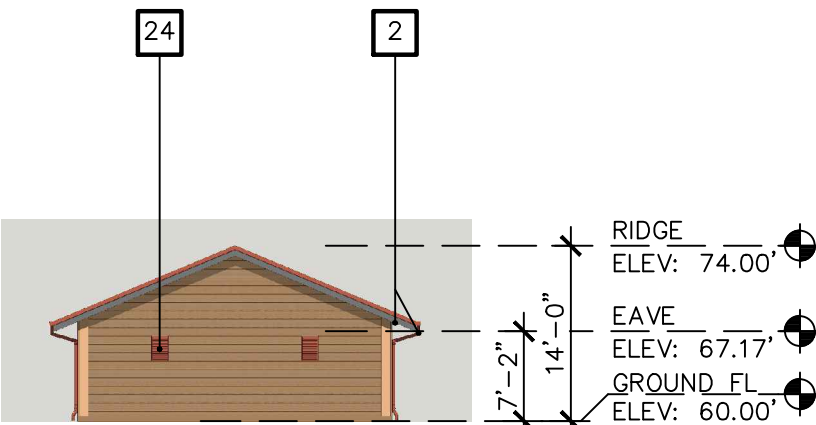
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16" W X 24" H LOUVERED VENT

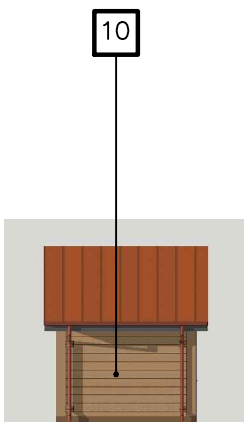
EAST (FRONT)ELEVATION



WEST ELEVATION

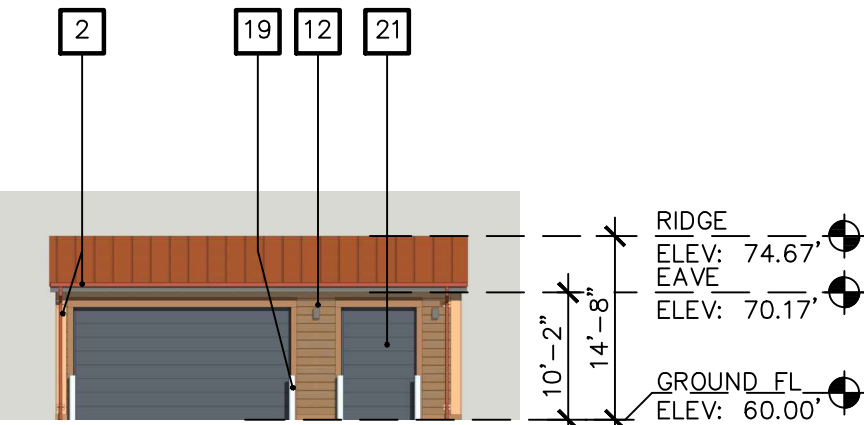


NORTH ELEVATION

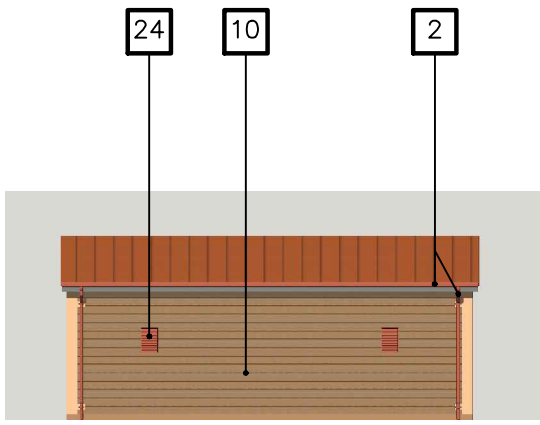


SOUTH ELEVATION

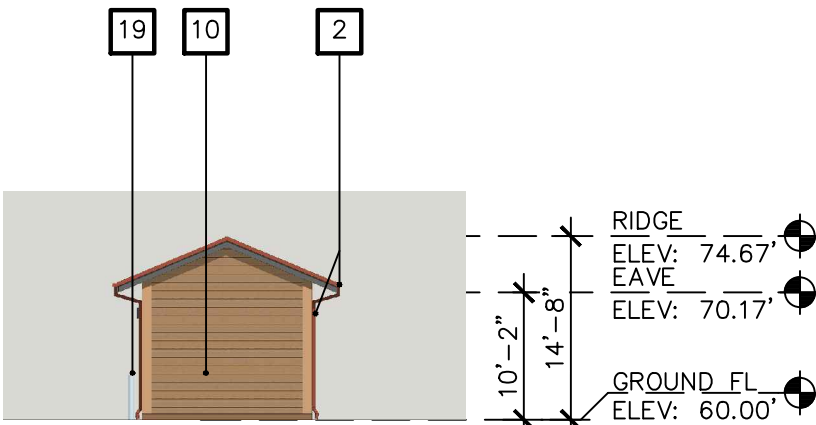
5 POOL EQUIPMENT EXTERIOR ELEVATION
SCALE: 1/16" = 1'-0"



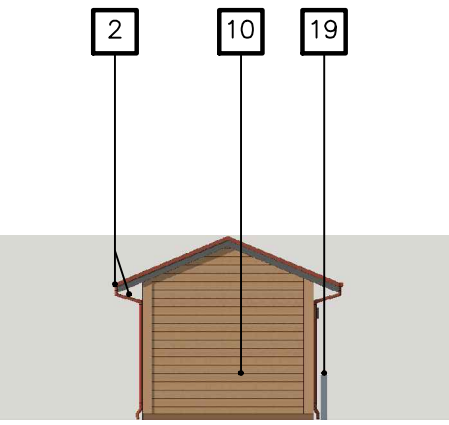
EAST (FRONT) ELEVATION



WEST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION

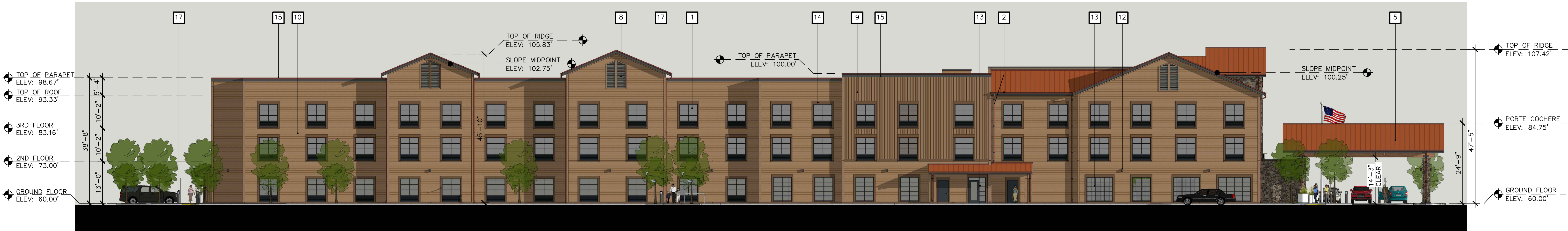
6 TRASH ENCLOSURE EXTERIOR ELEVATION
SCALE: 1/16" = 1'-0"



2 WEST EXTERIOR ELEVATION
SCALE: 1/16" = 1'-0"



3 NORTH EXTERIOR ELEVATION
SCALE: 1/16" = 1'-0"



4 SOUTH EXTERIOR ELEVATION
SCALE: 1/16" = 1'-0"

LEGEND

-
- WOOD SIDING - COLONIAL SMOOTH
-
- MANUF: HARDPLANK
-
- COLOR: WITH THE GRAIN (DET668)
-
- MANUF: DUNN EDWARDS

GENERAL NOTES

1. COLORS INDICATED ON THIS DRAWING ARE APPROXIMATE AND WILL VARY DEPENDING ON PRINTER/MONITOR DISPLAY SOURCE. REFER TO COLORS AND MATERIALS BOARDS FOR TRUE REPRESENTATION OF ALL PROPOSED FINISHES.
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RESPONSE TO CITY COMMENTS 01-25-2021:
REVISED TRASH ENCLOSURE

Initial Hotel "Modern" Architecture



Proposed Hotel "Modern Farmhouse" Architecture



PHOTO SIMULATION IMAGE - NORTHWEST PERSPECTIVE OF HOTEL FROM SR-29

ARCHITECTURAL DIMENSIONS	300 Mark St. Ogawa Plaza Oakland, CA 94612 TEL: 510.463.8003 • FAX: 510.463.8095	PROJECT INFO: HAMPTON INN 3443 BROADWAY STREET AMERICAN CANYON, CA		JOB NO. AVIS03 DATE: 12/07/2020	DRAWING NO. DR2.2
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ATTACHMENT 7

Overhead Utility Pole at 3443 Broadway

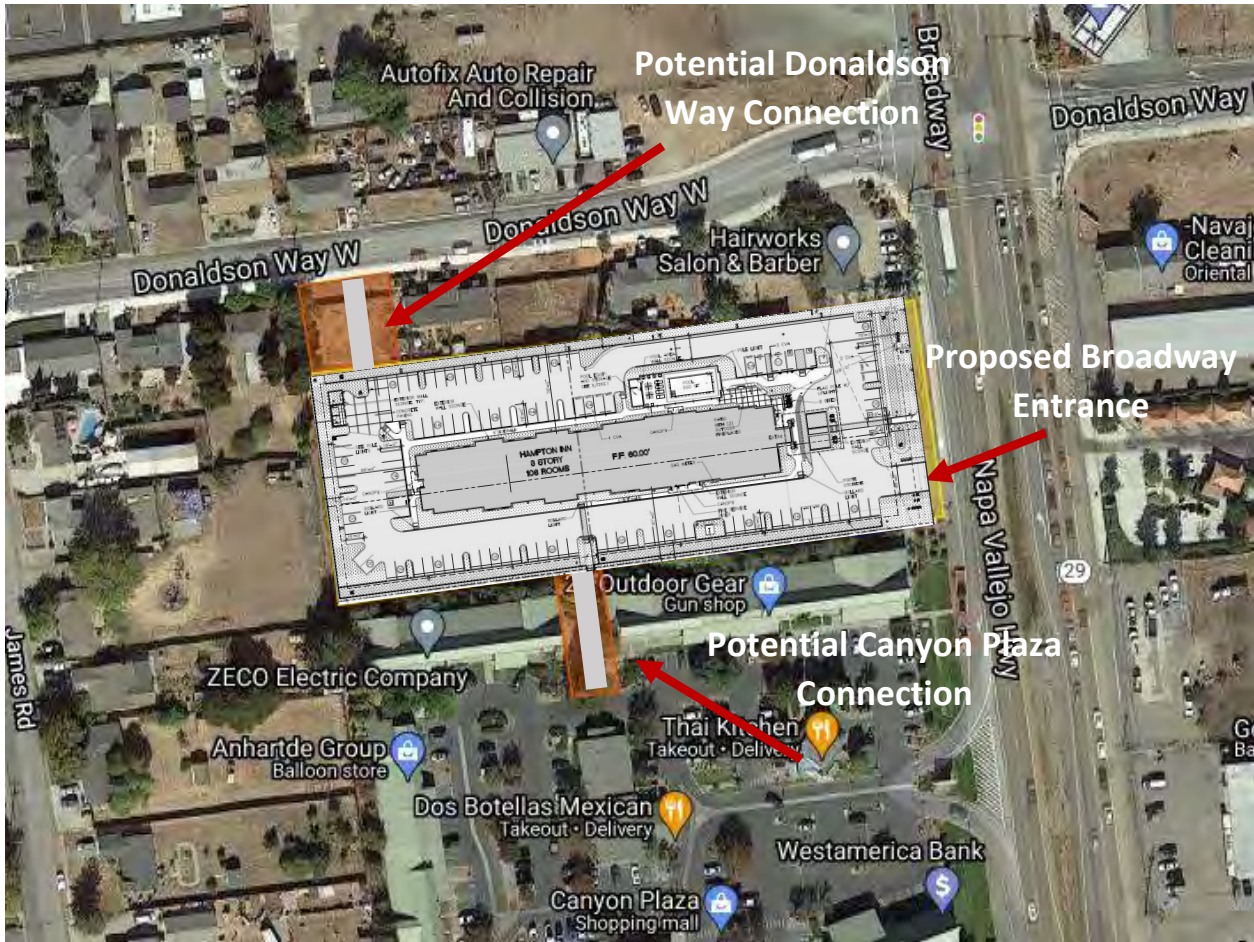


ATTACHMENT 8

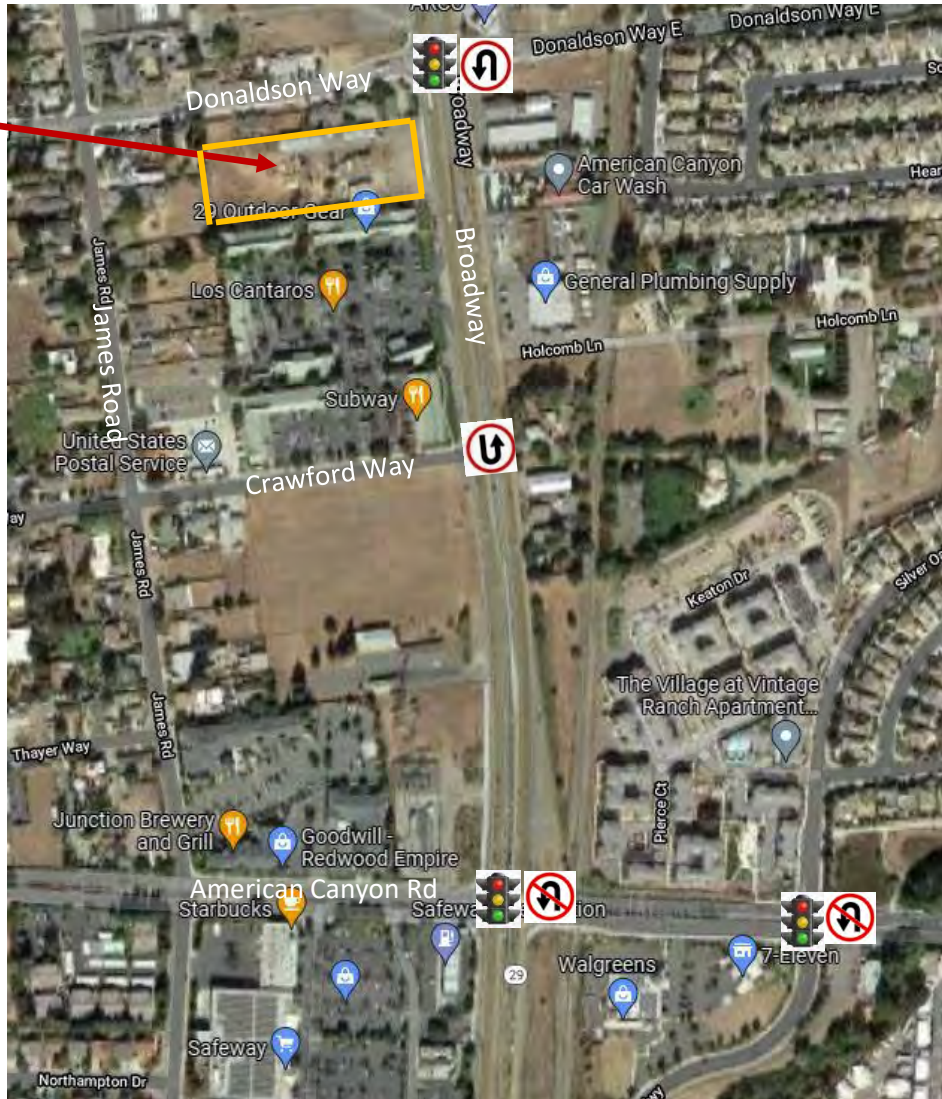
Overhead Utility Justification

Per our PG&E Consultant: "The Primary from across Highway 29 is primary power to a pole on your site that has primary and Transformer pole to an existing job site. Since the PG&E power lines from across the street goes north and south up Highway 29, and also goes west, we would need to have a Primary pole on your property so that the lines would be anchored. With the Pole going West once we removed the lines crossing highway 29. The existing primary line & transformer, PG&E would have to have something to keep the line from pulling the wires down. A Pole anchor would need to be installed on your project side. A Large pole would need to be installed and anchored to keep the wires from pulling everything down. This pole will be at the P/L of your property and highway 29. You could keep the primary on that anchor pole and feed your new site. That would be a pad mount transformer with secondary to the new building."

Proposed and Potential Connections



Intersection Turning Movements



MEMORANDUM

To: Jay Patel, Anjani Management

From: Benjamin C. Sigman and Luke Foelsch, Economic & Planning Systems, Inc.

Subject: American Canyon Hotel Market Study; EPS #211014

Date: March 8, 2021

The Economics of Land Use



The proposed Hampton Inn ("Project") in American Canyon is a 106-room upper midscale hotel with high-quality accommodations and services. The Project would be sited on approximately 2.5 acres at 3443 Broadway Street. Anjani Management engaged Economic & Planning Systems, Inc. (EPS) to review local hotel market conditions in Napa County and to produce a high-level assessment of market demand for the proposed hotel.

The market projections contained in this analysis reflect EPS professional opinion concerning broad economic circumstances, local hotel market potential, and an uncertain regional real estate development outlook. Importantly, this analysis is being prepared as the world seeks to address the COVID-19 pandemic, an unprecedented public health crisis that has caused sudden and dramatic economic shifts locally and globally. Particularly because the economic effect of the pandemic has been both significant and abrupt, the health crisis may affect market potential for the proposed project in unforeseen ways. This analysis assumes a relatively rapid recovery in Northern California wine country tourism and future growth that is consistent with pre-pandemic trends. If the pandemic's economic effects persist or result in lagging negative effects on growth, hotel demand could be less than is projected by this study.

Key Findings

Napa Valley supports a diverse tourism market, and hospitality demand and supply has been steadily growing in recent years.

Napa County attracts an estimated 3.8 million+ visitors annually, about 30 percent of whom stay overnight at lodging facilities. Before the pandemic struck, visitation to Napa County had been increasing, with visits up over 30 percent between 2012 and 2018. To satisfy growing demand for overnight accommodation, the County has seen a spate of new hotel development and hospitality investment interest, with over 300 rooms delivered since 2016, over 300 rooms under construction, and a pipeline of almost 1,400 new rooms proposed countywide.

Economic & Planning Systems, Inc.
1330 Broadway
Suite 450
Oakland, CA 94612
510 841 9190 tel

Oakland
Sacramento
Denver
Los Angeles

www.epsys.com

The proposed Hampton Inn is likely to compete most directly with branded “upper midscale” and “upscale” hotels in Southern Napa County. Hampton Inn is a franchise hotel licensed by Hilton Hotels Corporation. Designed to attract business and leisure travelers, the hotel is market positioned to provide branded (i.e., national chain) “focused service” hospitality at the upper-midscale price point. The Hampton Inn offers guests free internet service, complimentary hot breakfast, and grab-and-go food options. This hotel may also compete indirectly with somewhat more expensive upscale hotels, as well as with similarly priced extended stay hotels. This analysis considers potential direct and indirect competition in Southern Napa County, within about a 15-minute drive of American Canyon.

The competitive set of hotels in Southern Napa County have historically performed well, though the COVID-19 pandemic had a profound effect on room rates and occupancy. Branded upper midscale hotels in Napa County reached a highpoint average daily room rate (ADR) in 2019 of almost \$170. Across a broader set of branded upper midscale and upscale hotels, ADR was about \$172 that year. These hotels achieved healthy occupancy rates before the pandemic, in the range of 76 to 83 percent. However, the COVID-19 pandemic has had a severe effect on tourism and hospitality. Room rates at branded upper midscale hotels in Southern Napa County fell by almost 30 percent and occupancy dropped to 60 percent in 2020.

With a recovery to pre-pandemic hotel market conditions between 2021 and 2022, and historic trending in hotel demand growth from 2023 onward, this analysis finds unmet demand for an estimated 275 upper midscale and upscale rooms in Southern Napa County by 2025. Hotel demand, expressed in room nights, had been increasing by about 7 percent per year between 2016 and 2019. Anticipating full recovery and future growth in tourism will be hastened by widespread COVID-19 immunizations during 2020, this analysis projects that Napa County lodging demand will rapidly rebound from pandemic conditions and will return to its pre-pandemic growth trajectory by 2023. In this recovery scenario, the demand for upper midscale and upscale accommodations in Southern Napa County will be well satisfied through 2022, accounting for the addition of the soon-to-open Cambria Hotel in Napa. Between 2023 and 2025, growth in hotel demand is likely to support an estimated 275 additional rooms, which might be satisfied by the proposed Hampton Inn or other hotel proposals.

The supply and demand forecast considers the soon-to-open Cambria Hotel in Napa, but leaves open the possibility that the proposed Hampton Inn could be delivered to market before other potentially competitive proposed supply. There are at least five hotels comprising nearly 800 rooms proposed for the Southern Napa County upper midscale and upscale market segment that could compete with the proposed Hampton Inn for unmet demand projected by 2025. In American Canyon, the proposed hotels include the Home2 Suites (102 rooms) and a hotel within the Napa Valley Ruins and Garden project (200 rooms). This analysis finds that there likely will be sufficient unmet market demand to support the Home2 Suites and Hampton Inn by 2025, a total of about 208 rooms. It is anticipated that the hotel at Watson Ranch is a longer-term development opportunity, given that the hotel is programmed for later phases of the multi-phase Watson Ranch Specific Plan and because of the significant infrastructure development that needs to be installed prior to hotel construction.

The proposed Hampton Inn would generate approximately 25 jobs onsite totaling over \$1 million in employee compensation, stimulate additional economic multiplier effects in American Canyon, and provide tax revenue to the City’s General Fund. The operations model for the proposed hotel relies on a Hilton-generated management plan that supports operations with about one job for every four rooms. These jobs include four managerial

positions, a chief engineer, desk staff, and part-time cleaning and maintenance positions. In addition to onsite employment, the project will stimulate visitor spending in American Canyon, and room rates and local restaurant and retail purchases will be subject to transient occupancy tax and sales tax. Available Napa tourism data indicate each visitor party to the Napa Valley region spends on average about \$4,800 per trip, and the proposed Hampton Inn would contribute to American Canyon's local capture of this spending.

Hotel Market Analysis

Napa Valley is a world-renowned wine region and an international destination for food and wine tourism. Recent research finds that the county hosted an estimated 3.8 million visitors in 2018, up from 3.5 million in 2016.¹ Looking back to 2012, when the county saw just 2.9 million visitors, there has been a 30 percent increase in tourism in just six years.² Lodging guests make up almost a third (30 percent) of the county's visitor volume. The proposed Hampton Inn in American Canyon will serve both business and leisure visitors to Napa County.

Geographic Trade Area

A trade area is a geographic region that contains the majority of the competitive supply that will affect the performance of a hotel project. Trade areas are influenced by a variety of factors, including the presence of the targeted customer base, the location of key competitors and their relative distance, and geographic and psychological barriers. Trade areas typically vary with the type of hotel and/or hotel size involved. The analysis of the proposed Hampton Inn in American Canyon initially considered the countywide lodging market, shown in **Figure 1**. However, with over 70 percent of Napa County visitors spending time in the City of Napa, and given the cluster of activities and lodging there, this market analysis defines the trade area for the Proposed hotel as Southern Napa County, including the City of Napa and areas within about a 15-minute drive of American Canyon.

Hotel Chain Scale

Smith Travel Research (STR), the leading provider of market data on the hotel industry, provides an industry-standard classification scale for hotels. STR's "chain scale" (i.e., market segmentation) distinguishes hotels into different tiers based largely on their Average Daily Rate (ADR).³ The STR scale is as follows, listed from lowest to highest daily rates:

Economy	Midscale	Upper Midscale	Upscale	Upper Upscale	Luxury
\$	\$\$	\$\$\$	\$\$\$\$	\$\$\$\$\$	\$\$\$\$\$\$

"Luxury" hotels consist of the top 15 percent average room rates. Hotels with average room rates that are approximately 70 to 85 percent of what is achieved at the top end of the market are considered "upper upscale" and "upscale" hotels. Midscale hotels, including upper midscale, are 40 to 70 percent of the highest room rates in the market. Hotel chain scale is an important

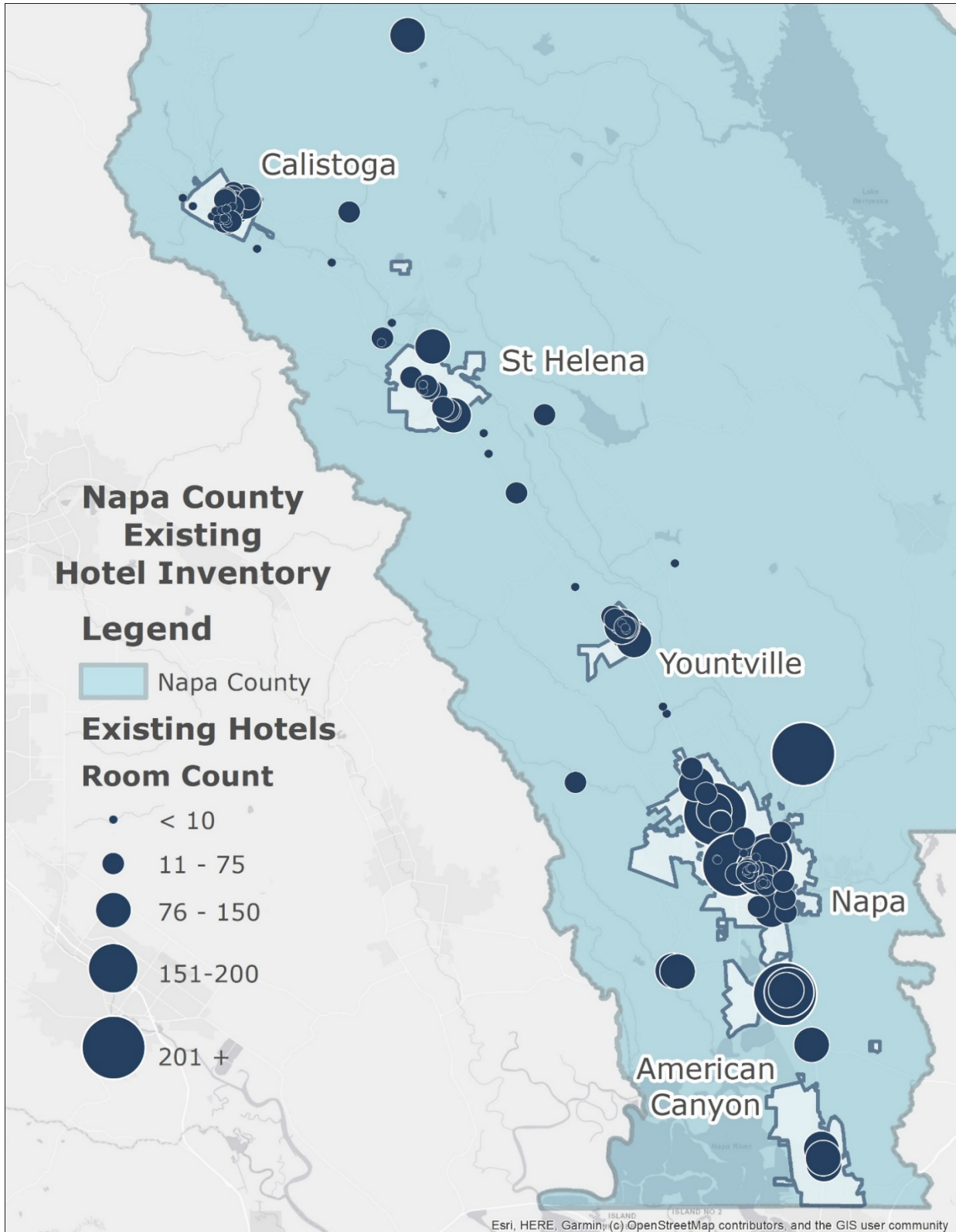
¹ Destination Analysts, The Napa Valley Visitor Profile 2018, May 2019.

² Destination Analysts, 2012 Napa Valley Visitor Profile.

³ Average daily rate (ADR) is a measure of the average rate paid for rooms sold and is calculated by dividing room revenue by rooms sold at each hotel property. ADR commonly is lower than the "rack rate" (published full price) which does not reflect pre-booking and other discounts.

factor in establishing the competitive market segment for a hotel project, as each scale caters to a different segment of customers. For example, an “economy” hotel introduced into a trade area where customers are consumers of luxury hotel rooms would not satisfy hotel demand.

Figure 1 Hotels in Napa County



Source: Smith Travel Research, CoStar Group

Market Orientation of Proposed Project

Hampton Inn categorizes itself as a “focused service” hotel, a take on “limited service” that strives to target hotel services and amenities that are well aligned with customer preferences. The franchise’s positioning focuses on the consistency and reliability of its product, promoting its “100% Hampton Guarantee,” through which the brand promises guests a great experience and value. According to Hilton, “consistent quality is essential to maintaining guest satisfaction” and Hilton strives to achieve this goal through its “comprehensive internal measurement process.”⁴ According to STR’s market segmentation, Hampton Inn is classified as an upper midscale hotel. Unlike the Home2 Suites, another upper midscale Hilton hotel (similarly priced), Hampton Inns are not extended stay format, which caters to the needs of long-term guests with an in-room kitchen (refrigerator and microwave). Rather, the Hampton Inn offers complimentary hot breakfast and grab-and-go options tailored to regional tastes.

Given the proposed Hampton Inn’s market orientation, this analysis considers potential demand for branded upper midscale and upscale hotels. The competitive set of existing hotels includes primary (i.e., direct) competitors, which are upper midscale like Hampton Inn as well as upscale hotels in the trade area. Currently there are no similarly priced extended stay hotels in the trade area. **Figure 2** presents a summary of existing hotels most likely to compete with the proposed Hampton Inn.

Figure 2 Existing Hotels in Napa County

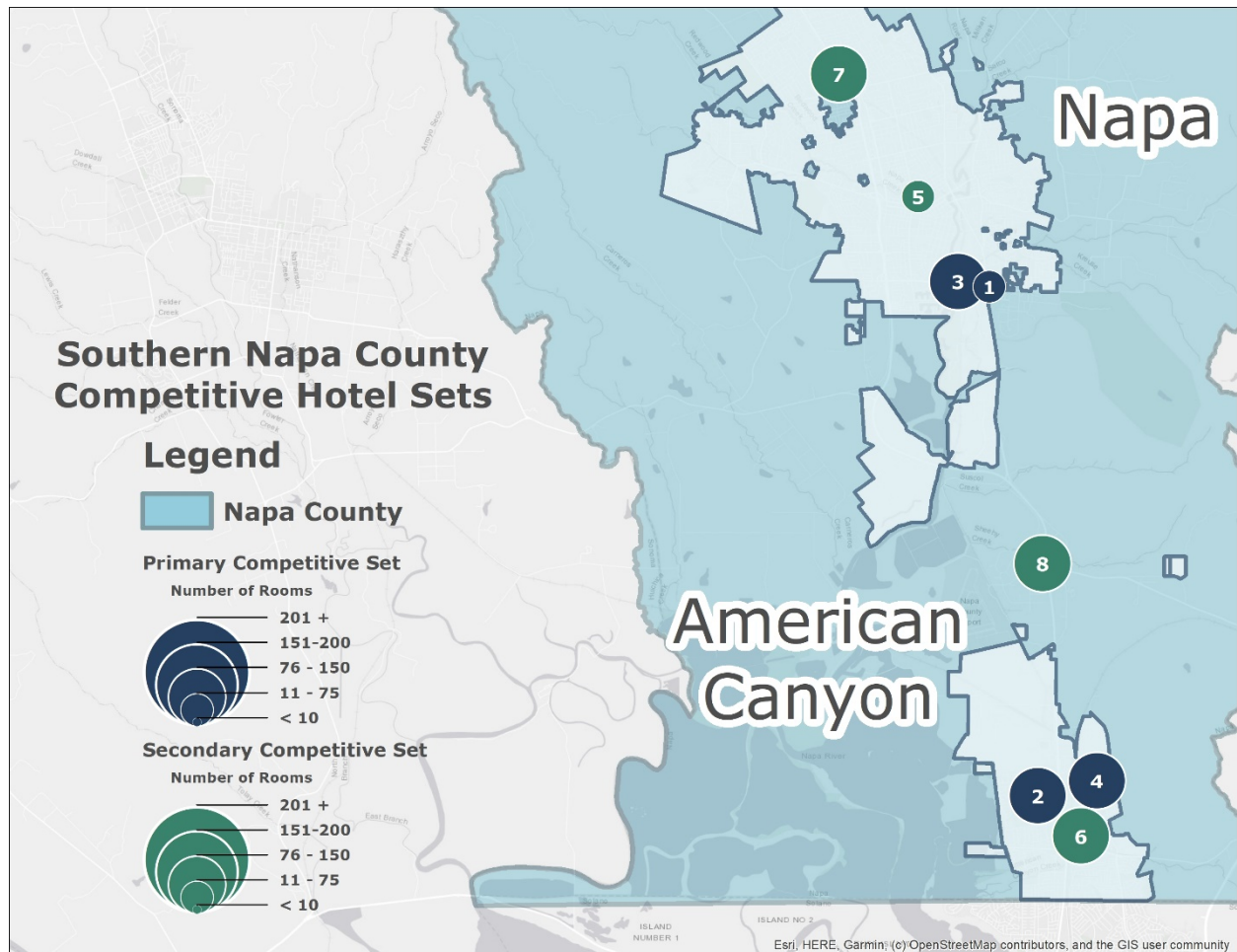
ID	Property Name	City	Open Date	Rooms	
				Count	Share of Total
Primary Set (Upper Midscale)					
1	Best Western Plus Inn @ The Vines	Napa	Jun 1983	69	10%
2	Fairfield Inn & Suites Napa American Canyon	American Canyon	May 2004	80	11%
3	Hampton Inn & Suites Napa	Napa	Mar 2016	115	16%
4	Holiday Inn Express & Suites Napa Valley	American Canyon	Mar 2009	101	14%
Subtotal				365	52%
Secondary Set (Upscale)					
5	Ascend Collection Hotel Napa Valley	Napa	Jun 1970	21	3%
6	DoubleTree by Hilton Hotel & Spa Napa Valley	American Canyon	Nov 2006	132	19%
7	Hilton Garden Inn Napa	Napa	Sep 2002	80	11%
8	SpringHill Suites Napa Valley	Napa	Jan 2009	100	14%
Subtotal				333	48%
TOTAL				698	100%

Source: Smith Travel Research

⁴ Hampton by Hilton Development Brochure.

The proposed project will compete most directly with upper midscale hotels in the trade area. The primary competitive set contains four hotel properties, including two hotels in American Canyon and two hotels in Napa. In addition, the project will compete to a lesser degree with four upscale hotels, including one in American Canyon and three in the City of Napa. **Figure 3** maps the competitive set of hotels in the trade area, which are numbered correspondingly with the ID numbers indicated in **Figure 2**. The hotels in **Figure 2** and **Figure 3** make up the competitive market for the proposed Project and are the basis for this study's supply and demand analysis.

Figure 3 Southern Napa County Competitive Hotels



Source: Smith Travel Research, CoStar Group

Hotel Market Trends

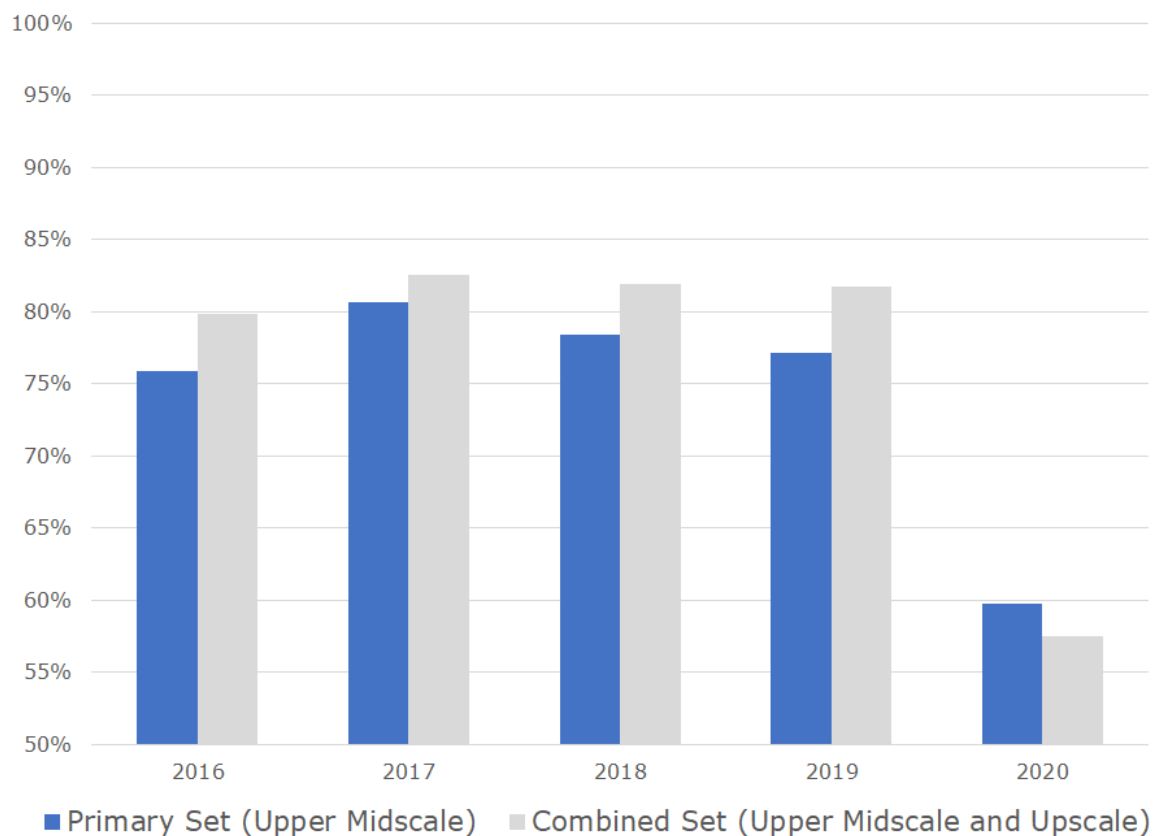
To assess demand for the proposed Hampton Inn, EPS acquired historic market data for existing properties in both the primary and secondary competitive sets (as defined in the previous section) and considered potential future hotel competition. As previously noted, EPS considered the broader Napa County market but narrowed the relevant competitive set to branded upper midscale and upscale hotels in southern Napa County for the purposes of this analysis. The data indicate that there are almost 700 existing hotel rooms in the competitive set.

Hotel Market Trends

Occupancy

Pre-COVID, occupancy rates for the primary set have been steadily hovering in the range of 76 to 83 percent, in line with the roughly 70 to 80 percent occupancy rate required to maintain economic viability.⁵ The combined primary and secondary sets maintained a slightly higher occupancy rate than those in the primary set, generally achieving about 5 percentage points higher annual occupancy rates. Notably, COVID has inverted this relationship, with occupancy rates in the primary set surpassing the combined set in 2020, indicating a shift in demand away from more expensive upscale properties for the time being.

Figure 4 Occupancy Trend for the Competitive Sets



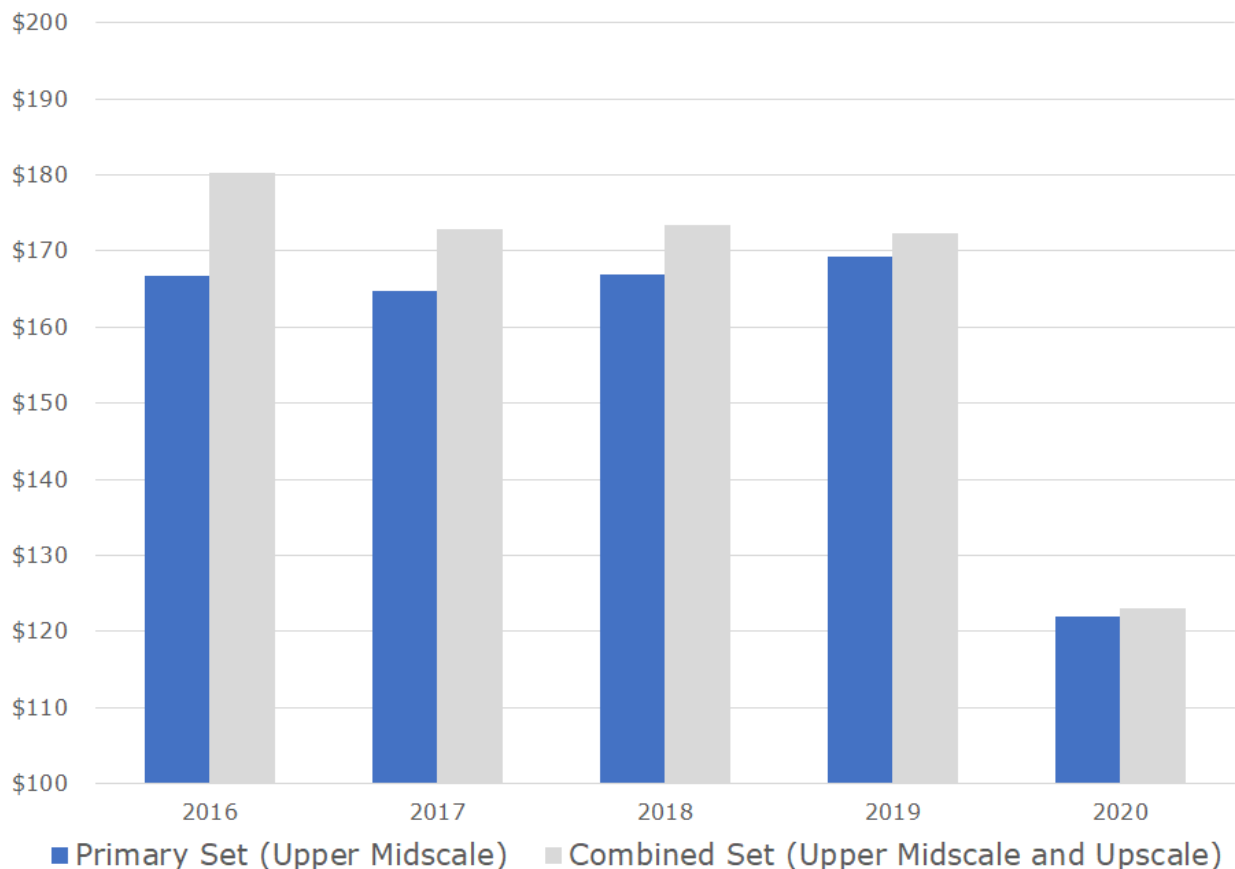
Source: Smith Travel Research

⁵ It is standard for hotel operators to expect a certain amount of frictional vacancy at all times and to strive to achieve a vacancy of 70 percent or higher.

Average Daily Room Rates

Prior to the effects of COVID, the average daily rates (ADR) for upper midscale properties in the trade were fairly stable, rising slightly since 2016, an indication of a healthy hotel market.⁶ Properties in the full competitive set have consistently achieved higher ADRs than those in the primary set, owing to the upscale properties in the mix, but data show that room rates have been slipping, falling from about \$180 per night to \$172 in 2019, as seen in **Figure 5**. The negative effect of the pandemic on the hotel market is readily apparent in the precipitous drop in ADR in 2020. The gap between primary and combined competitive set ADR is at its narrowest in 2020, a further indication of the recent shift in demand toward midscale options in 2020, although the recent shift may be a temporary effect attributable to governmental restrictions on non-essential (leisure) travel rather than a structural shift in consumer tastes.

Figure 5 Average Daily Room Rates for the Competitive Sets



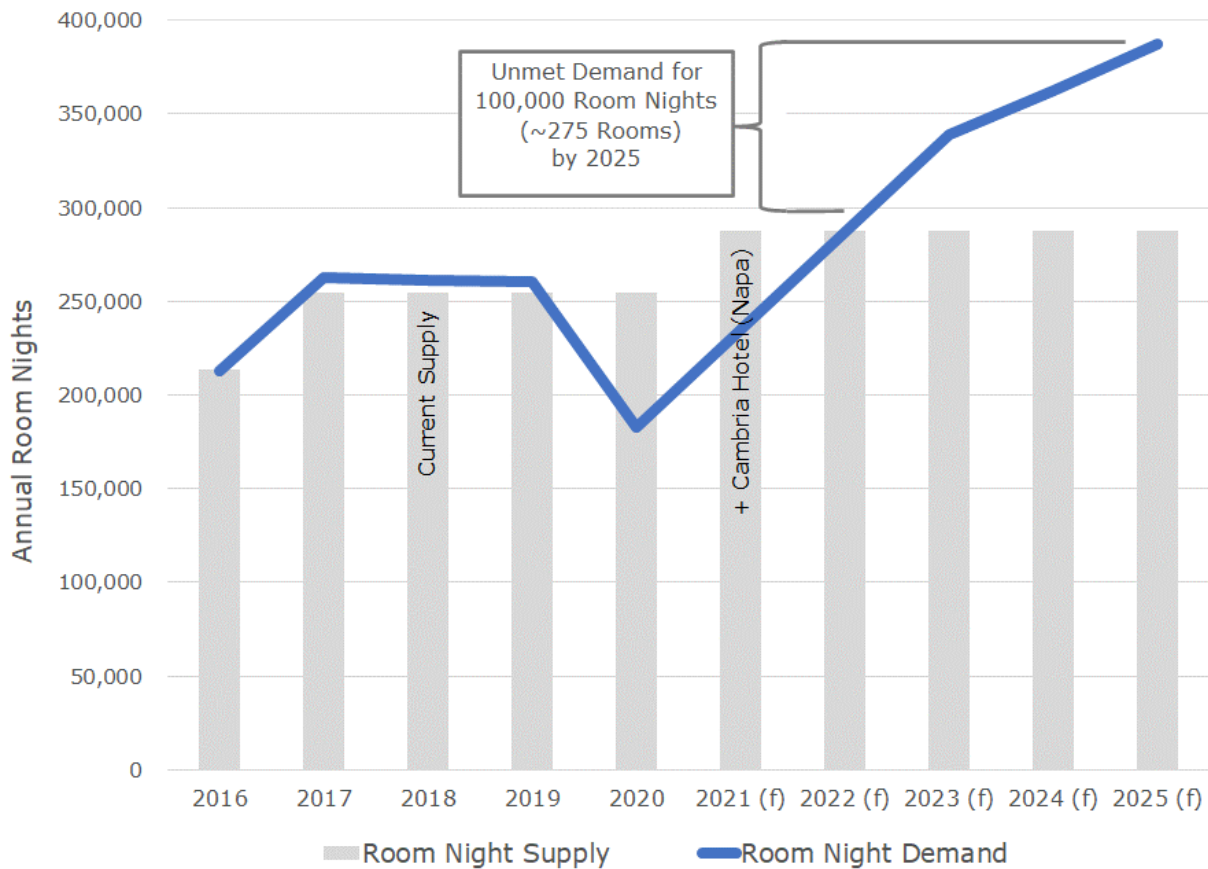
Source: Smith Travel Research

⁶ ADR measures the average rate paid for rooms sold and is calculated by dividing room revenue by rooms sold at each hotel property.

Supply and Demand Outlook

Based on historic hotel performance trends and generally consistent with forecasts for domestic hotel industry recovery, EPS developed a projection of hotel demand in the Southern Napa County upper midscale and upscale hotel market segment. The projection is an estimate of market-supportable hotel room nights from 2021 to 2025. **Figure 6** presents the number of room nights that could be added to the market without negatively affecting the occupancy performance of existing and soon-to-open hotel properties (i.e., ~80 percent occupancy is sustained). EPS estimates that by 2025 the market area could add nearly 100,000 room nights in about 275 rooms, over and above the 2021 market supply level. The forecast reflects 7 percent annual room night growth, consistent with the historical trend. The projected hotel room growth could occur anywhere within the Southern Napa County trade area, though American Canyon is particularly well positioned to support new rooms given its location as a gateway to wine country, existing cluster of hotels, and buildable sites on State Route 29.

Figure 6 Room Night Demand and Supply Projection



Source: Smith Travel Research and EPS

A number of planned hotel projects may be developed in the trade area. In fact, almost 1,700 rooms are under construction or planned for Napa County, and nearly 800 of those rooms could be competitive with the proposed Hampton Inn. Based on information from CoStar Group, EPS identified proposed projects countywide and in Southern Napa County that could be branded upper midscale or upscale hotels. There are at least 11 hotels planned for the trade area, six of which (including one already under construction) are potential competitors with the proposed Hampton Inn. Two potential competitors are in American Canyon, the Home2 Suites and the hotel at Watson Ranch. While details were unavailable through our data supplier, EPS understands that there also is potential interest in developing the American Canyon Adobe Lumber site as a hotel. **Figure 7** details known pipeline projects, including each hotel's location, development status, class (i.e., market scale), anticipated opening date, and room count.

Figure 7 Planned Hotels in the Trade Area

ID	Property Name	City	Status	Class	Year Built (Anticipated)	Rooms	
						Count	Share of Total
Southern Napa							
1	AC Hotels by Marriott Napa	Napa	Proposed	Upscale	2023	150	9%
2	Auberge Resort Stanly Napa Valley	Napa	Under Construction	Luxury	2021	130	8%
3	Cambria Hotels Napa Valley	Napa	Under Construction	Upscale	2021	90	5%
4	Embassy Suites Addition	Napa	Proposed	Upper Upscale	2023	54	3%
5	Franklin Station Hotel	Napa	Proposed	Boutique	2023	100	6%
6	Home2 Suites by Hilton	American Canyon	Proposed	Upper Midscale	2024	102	6%
7	Hotel at Napa Pipe	Napa	Proposed	Unknown Flag	2022	150	9%
8	Residence Inn Napa	Napa	Proposed	Upscale	2023	100	6%
9	The Westin Verasa Napa - Expansion	Napa	Proposed	Upper Upscale	2023	32	2%
10	Wine Train Hotel	Napa	Proposed	Luxury	2022	151	9%
11	Hotel at Watson Ranch	American Canyon	Proposed	Unknown Flag	unknown	<u>200</u>	<u>12%</u>
Subtotal						1,259	75%
Northern Napa							
12	Enchanted Resorts Hotel	Calistoga	Proposed		2023	110	7%
13	Four Seasons Resort and Residences Napa Valley	Calistoga	Under Construction		2021	85	5%
14	Tapestry Collection by Hilton	Calistoga	Proposed		2023	84	5%
15	The Farmstead at Long Meadow Ranch Lodge	Saint Helena	Proposed		unknown	65	4%
16	The Inn at the Abbey	Saint Helena	Proposed		2023	<u>79</u>	<u>5%</u>
Subtotal						423	25%
TOTAL						1,682	100%
Potential Direct Competitors							
1	AC Hotels by Marriott Napa	Napa	Proposed	Upscale	2023	150	9%
3	Cambria Hotels Napa Valley	Napa	Under Construction	Upscale	2021	90	5%
6	Home2 Suites by Hilton	American Canyon	Proposed	Upper Midscale	2024	102	6%
7	Hotel at Napa Pipe	Napa	Proposed	Unknown Flag	2022	150	9%
8	Residence Inn Napa	Napa	Proposed	Upscale	2023	100	6%
11	Hotel at Watson Ranch	American Canyon	Proposed	Unknown Flag	unknown	<u>200</u>	<u>12%</u>
Total Potential Direct Competition						792	47%

Source: Smith Travel Research, CoStar Group

While there clearly is a significant pipeline of hotel development, it is likely that these projects will occur over a lengthy time period, and that some will never come to fruition. Focusing on American Canyon, while there are two hotels in the pipeline that could compete with the proposed Hampton Inn, EPS does not expect these hotels to be direct competitors or to be fully built out in the next five years.

Home2 Suites

Home2 Suites by Hilton is an upper midscale, all-suite extended stay hotel brand that competes primarily with other extended stay hotels. The hotel's rooms offer a fully equipped kitchen, including a refrigerator, microwave, and dishwasher (induction cook tops are available). The hotel targets business and leisure travelers. Though the hotel will compete to some degree with other similarly priced lodging options, this hotel will target the unique extended stay hotel market niche, which appears to be undersupplied in Napa County today. In fact, Hilton often co-locates Home2 Suites with Hampton Inn, as is the case in Livermore and South San Francisco today.

Hotel at Watson Ranch

Watson Ranch is a master-planned, mixed-use community located on the eastern side of American Canyon. The plan includes redevelopment of a former cement plant site into the "Napa Valley Ruins and Gardens" town center, including events venues, restaurants, retail and hotel uses. The remainder of the plan area is programmed for over 1,250 housing units, a new school, parks, and supporting infrastructure. The City expects this plan to take shape over many years, and building will occur in multiple phases, beginning with single family homes.

The project's hotel rooms currently are slated for phases two and three of the plan, which initially had been slated for 2024 through 2028.⁷ The lead time for hotel development at Watson Ranch could be longer, particularly owing to the infrastructure investments that are necessary to support growth in the plan area. The development agreement for Watson Ranch makes clear that the investment of infrastructure is significant and that the project developer is seeking public financing of public improvements. Required infrastructure includes new streets and roadways, a potable water system, wastewater system, recycled water system, storm drainage system, and dry utilities, as well as off-site transportation improvements, water, sewer, and storm drain lines to serve the project.

Economic Impact Considerations

In addition to filling part of the projected future gap in hotel room supply in the Southern Napa County upper midscale market, the proposed Hampton Inn will generate economic benefits in American Canyon and the surrounding region. The hotel will support approximately 25 direct on-site jobs, generating roughly \$1 million in employee compensation. **Figure 8** shows the composition of the proposed Hampton Inn staffing and their expected compensation levels. Staffing is based on the applicants estimate, and was verified by Hilton corporate information on Hampton Inn operations. Employee compensation is based on occupation data for California, obtained by EPS from the US Bureau of Labor Statistics.

⁷ Fiscal Impact Analysis, Watson Ranch, Seifel Consulting, Inc., 2018.

Figure 8 Hampton Inn Staffing

Title	Jobs	Annual Compensation	Total Compensation
General Manager	1	\$140,000	\$140,000
Frontdesk Manager	1	\$75,000	\$75,000
Front Desk Full Time	5	\$30,000	\$150,000
Chief Engineer	1	\$115,000	\$115,000
Housekeeper Manager	2	\$49,000	\$98,000
Part Time Staff	<u>15</u>	<u>\$30,000</u>	<u>\$450,000</u>
Total	25	\$439,000	\$1,028,000

Source: BLS; IMPLAN; Economic & Planning Systems

Beyond the economic impacts stemming from the additional jobs in American Canyon, the project will support further economic benefits from visitors to the proposed Project. According to recent research, the average lodging guest in the Napa Valley region spends about \$400 per day, travels in a party size of about four, and stays for three days.⁸ Each visitor party spends about \$4,800 over the course of their trip to the Napa Valley area. Without new hotel development in American Canyon, the community could miss an opportunity to host visitors and spending in the local economy. The proposed Hampton Inn offers an opportunity for American Canyon to capture spending by visitors who might otherwise find lodging outside of the city.

⁸ Destination Analysts, The Napa Valley Visitor Profile 2018, May 2019.



July 22, 2021

American Canyon City Council
4381 Broadway
Suite #201
American Canyon, CA 94503

Re: Hotel Statistics & Analysis for American Canyon

Dear Mayor Garcia and American Canyon Council Members:

Visit Napa Valley's primary mission is to promote, protect and enhance the wine region's position as an attractive travel destination, while also enhancing its public image as a dynamic place to visit, live and work. The tourism industry in Napa County historically supports 16,000 local jobs and provides nearly \$85 million in tax revenues to our local governments.

Visit Napa Valley has been asked to share a perspective related to the proposed hotel expansion in American Canyon. We have reviewed the EPS Study and also provide the attached slide deck for additional context in your evaluation. Some highlights include:

- American Canyon hotel occupancy rates have led Napa Valley during the pandemic, per the data provided for calendar year 2020 as well as year-to-date through June 2021.
- The "limited service" hotel category has also outpaced all other sectors in terms of occupancy, both before and during the challenges of the Covid-19 pandemic.
- As the gateway to Napa Valley, American Canyon benefits from group and leisure travel coming to Napa Valley. At the same time, due to American Canyon's proximity to the greater Bay Area, it is less dependent on the leisure travel market, as it also has a considerable niche with the essential worker and per diem travelers (a category of travel which remained very stable, even during the downturns experienced in other areas of the tourism sector during the pandemic).
- In addition to the data provided in the attached slides, more information is available here:
 - o <https://www.visitnapavalley.com/industry/>
 - o <https://www.visitnapavalley.com/industry/reports/vnv-monthly/#str-data>

Please feel free to contact me with any follow up questions.

Sincerely,

A handwritten signature in blue ink that reads "Linsey Gallagher".

Linsey Gallagher
President & CEO

A scenic landscape of Napa Valley at sunset. The foreground is filled with lush green vineyards. In the middle ground, there are rolling hills and fields. The background features a range of mountains under a sky with a bright, low sun creating a warm, golden glow. The overall atmosphere is peaceful and picturesque.

Visit Napa Valley Hotel Trends



JULY 2021

Tourism Industry Impact



THE NAPA VALLEY WELCOMED A TOTAL OF

3.85 million

VISITORS



64.5%
Day Trip Visitors



35.5%
Overnight Guests

Overnight guests grew
2.5X
more than day trips

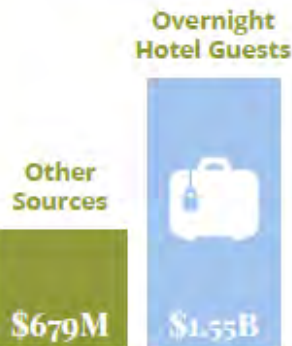
+5.3%

+13.7%

VISITORS TO NAPA VALLEY SPENT

\$2.23 billion

SUPPORTING LOCAL BUSINESSES



Almost **70%**
of spending
generated
by overnight
hotel guests

Direct visitor spending
outpaced visitor growth
by almost
2X

Direct Visitor
Spending

+15.4%

Visitor
Growth
+8.9%

NAPA VALLEY'S VISITOR INDUSTRY GENERATED

\$85.1 million

IN TAX REVENUE FOR LOCAL SERVICES



Services



Recreation
& Trails



Public
Safety



Road
Improvements

The tourism industry
supports
an estimated
16,000
jobs
in the community

With a combined
payroll of nearly
\$500
million

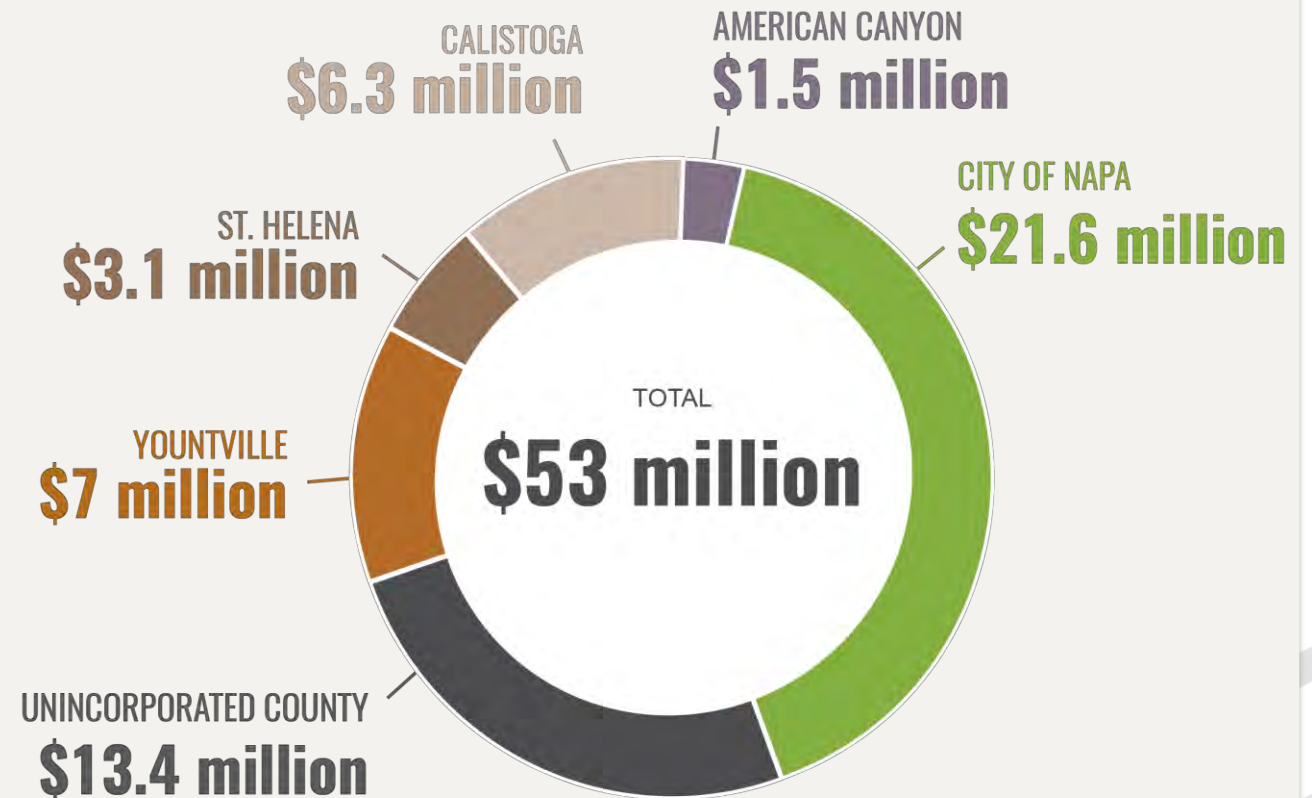
The **2nd** largest employer in Napa County

TOT COLLECTED BY JURISDICTION

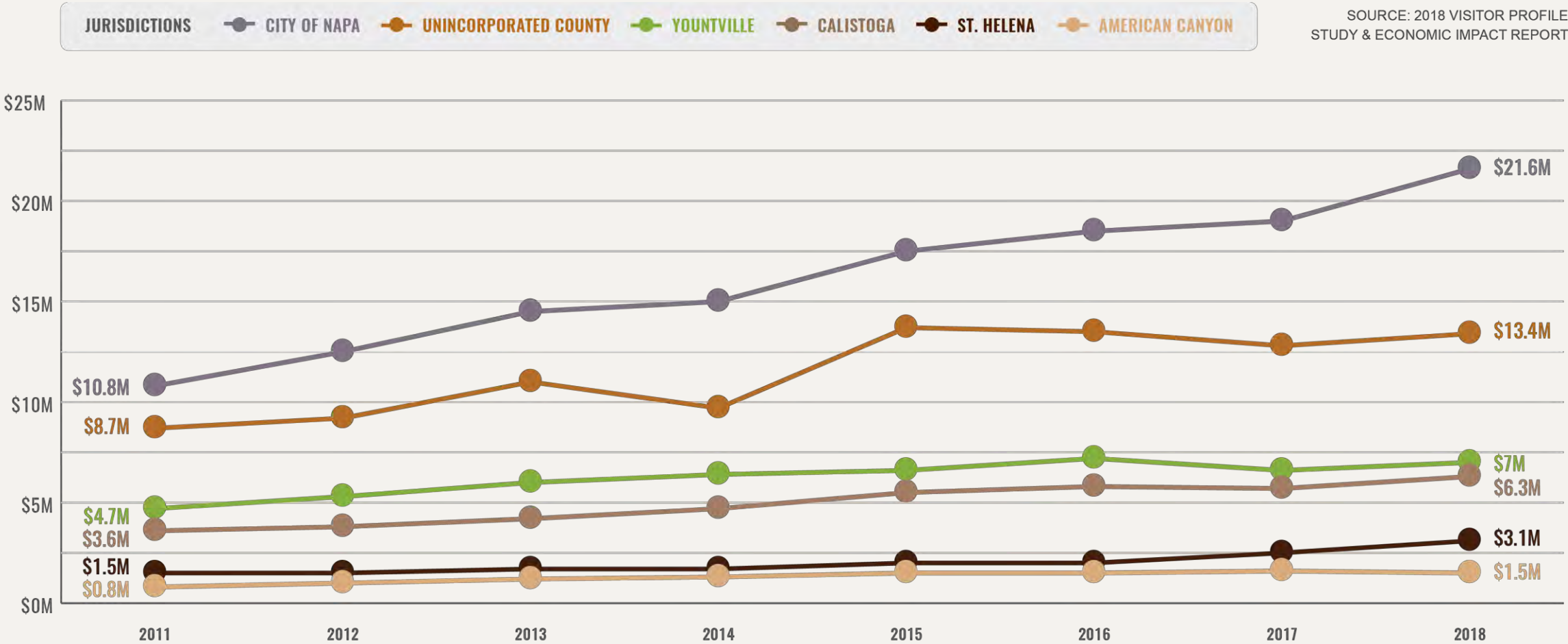
Revenue from tourism allows local government to invest in services and programs that benefit all residents, including infrastructure improvements, civic amenities, and public safety. Additionally, tourism creates demand for a diverse range of goods, services, and cultural programs that are available for both residents and visitors to enjoy, enhancing our quality of life.

Transient Occupancy Tax

(TOT/hotel tax) revenue received in 2018 by each jurisdiction in Napa County



TOT GROWTH BY JURISDICTION CALENDAR YEAR



TOT DETAILS BY JURISDICTION

Tourism continues to provide a significant positive economic impact to local jurisdictions across the Napa County.

	Population Rounded to nearest thousand	2018 # of Rooms	TOT Collected Per Resident	TOT Collected Per Room	TOT as a % of General Fund Based on budget, not actual	TOT Growth since 2011
American Canyon	20,000	313	\$ 77	\$ 4,952	7%	114%
City of Napa	80,000	2,905	\$ 270	\$ 7,431	26%	120%
Yountville	3,000	444	\$ 2,321	\$ 15,680	65%	73%
St. Helena	6,000	288	\$ 512	\$ 10,671	22%	121%
Calistoga	5,000	753	\$ 1,260	\$ 8,364	54%	85%
Unincorporated County	27,000	852	\$ 498	\$ 15,878	7%	54%
Total Napa Valley	141,000	5,555	\$ 376	\$ 9,541		76%

Annual Lodging Statistics 2020



Smith Travel Research - Napa County						
December	Occupancy	ADR	RevPAR	Revenue	Supply	Demand
2020	24.1%	\$198.22	\$47.78	\$7.1M	148,583	35,815
2019	54.8%	\$253.44	\$138.79	\$21.7M	156,209	85,544
YOY % Change	-56.0%	-21.8%	-65.6%	-67.3%	-4.9%	-58.1%

Smith Travel Research - Napa County						
Calendar YTD December	Occupancy	ADR	RevPAR	Revenue	Supply	Demand
2020	41.4%	\$266.61	\$110.29	\$184.3M	1,671,272	691,341
2019	72.1%	\$337.20	\$243.05	\$446.7M	1,838,056	1,324,837
YOY % Change	-42.6%	-20.9%	-54.6%	-58.7%	-9.1%	-47.8%

Smith Travel Research						
December 2020	Occupancy	YOY %	ADR	YOY %	RevPAR	YOY %
Napa County	24.1%	-56.0%	198.22	-21.8%	47.78	-65.6%
Sonoma County	37.6%	-39.5%	120.88	-21.9%	45.45	-52.8%
Monterey County	27.8%	-49.5%	134.86	-24.1%	37.51	-61.6%
San Francisco County	21.7%	-70.6%	112.15	-49.2%	24.32	-85.0%
American Canyon	53.5%	-27.1%	89.81	-13.8%	48.04	-37.2%
Calistoga	29.7%	-47.9%	279.71	2.6%	82.95	-46.5%
Napa	22.3%	-58.7%	144.83	-24.7%	32.28	-68.9%
Yountville	14.0%	-73.9%	478.19	12.1%	67.09	-70.7%
Unincorporated Co.	20.3%	-57.9%	331.92	-19.2%	67.35	-66.0%
Group	11.3%	-77.7%	202.65	-9.0%	22.91	-79.7%
Limited Service	50.6%	-19.5%	106.90	-11.2%	54.07	-28.6%

Smith Travel Research						
Calendar YTD December 2020	Occupancy	YOY %	ADR	YOY %	RevPAR	YOY %
Napa County	41.4%	-42.6%	266.61	-20.9%	110.29	-54.6%
Sonoma County	52.7%	-29.2%	139.53	-23.0%	73.52	-45.5%
Monterey County	46.9%	-35.2%	179.67	-21.4%	84.26	-49.0%
San Francisco County	39.2%	-52.7%	211.90	-23.1%	83.06	-63.6%
American Canyon	56.0%	-32.2%	108.65	-28.3%	60.83	-51.4%
Calistoga	44.4%	-37.6%	311.49	-8.7%	138.44	-43.0%
Napa	41.6%	-42.8%	196.25	-26.5%	81.64	-58.0%
Yountville	34.5%	-51.0%	521.90	-4.4%	180.07	-53.1%
Unincorporated Co.	35.4%	-48.1%	467.59	-9.4%	165.43	-53.0%
Group	34.0%	-52.6%	242.98	-19.0%	82.52	-61.6%
Limited Service	55.4%	-27.8%	131.14	-26.1%	72.67	-46.6%

Lodging Statistics Year to Date Through June 2021



Smith Travel Research - Napa County						
June	Occupancy	ADR	RevPAR	Revenue	Supply	Demand
2021	72.3%	\$410.92	\$297.28	\$43.9M	147,780	106,911
2020	32.5%	\$293.48	\$95.46	\$13.5M	141,180	45,921
YOY % Change	122.4%	40.0%	211.4%	226.0%	4.7%	132.8%

Smith Travel Research - Napa County						
Calendar YTD June	Occupancy	ADR	RevPAR	Revenue	Supply	Demand
2021	51.3%	\$326.76	\$167.70	\$146.6M	874,399	448,747
2020	37.9%	\$249.52	\$94.50	\$73.7M	779,698	295,308
YOY % Change	35.5%	31.0%	77.4%	99.0%	12.1%	52.0%

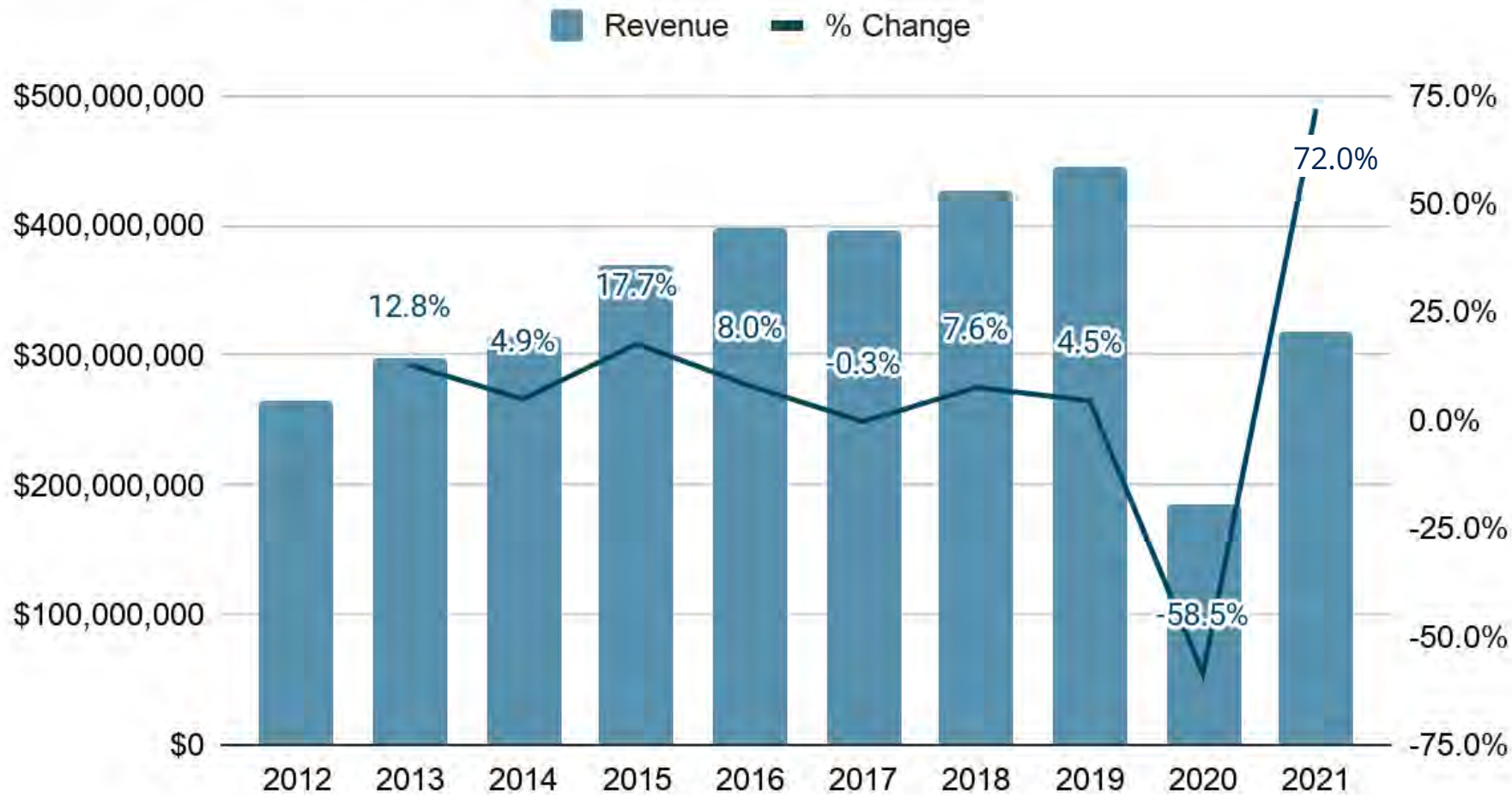
Smith Travel Research						
June 2021	Occupancy	YOY %	ADR	YOY %	RevPAR	YOY %
Napa County	72.3%	122.4%	\$410.92	40.0%	\$297.28	211.4%
Sonoma County	71.8%	48.3%	\$208.80	78.3%	\$149.86	164.4%
Monterey County	74.9%	56.8%	\$269.56	88.3%	\$201.92	195.3%
San Francisco County	43.7%	68.1%	\$161.78	47.5%	\$70.70	147.9%
American Canyon	85.7%	114.1%	\$159.10	46.1%	\$136.40	212.9%
Calistoga	74.2%	105.6%	\$481.32	41.9%	\$357.34	191.6%
Napa	70.7%	137.5%	\$305.94	59.7%	\$216.31	279.4%
Yountville	72.0%	166.0%	\$758.58	29.6%	\$546.18	244.6%
Unincorporated Co.	70.4%	105.6%	\$614.38	19.0%	\$432.79	144.6%
Luxury	80.9%	142.6%	\$1,214.80	15.0%	\$982.57	178.9%
Group	66.3%	183.6%	\$352.59	42.5%	\$233.60	304.1%
Limited Service	78.7%	120.8%	\$198.64	55.9%	\$156.29	156.7%

Smith Travel Research						
Calendar YTD June 2021	Occupancy	YOY %	ADR	YOY %	RevPAR	YOY %
Napa County	51.3%	35.5%	\$326.76	31.0%	\$167.70	77.4%
Sonoma County	58.8%	21.2%	\$168.68	28.3%	\$99.23	55.4%
Monterey County	54.9%	27.6%	\$213.65	37.0%	\$117.37	74.8%
San Francisco County	35.6%	-20.7%	\$135.04	-48.2%	\$48.10	-58.9%
American Canyon	72.5%	62.8%	\$117.36	5.6%	\$85.13	71.9%
Calistoga	58.0%	43.8%	\$396.52	44.1%	\$229.86	107.2%
Napa	47.9%	24.8%	\$239.11	21.7%	\$114.45	51.9%
Yountville	50.8%	37.3%	\$650.35	48.9%	\$330.61	104.3%
Unincorporated Co.	49.5%	57.7%	\$509.07	28.9%	\$252.14	103.3%
Luxury	56.0%	47.0%	\$1,052.28	47.9%	\$589.56	117.3%
Group	41.4%	23.7%	\$292.90	22.9%	\$121.40	52.0%
Limited Service	64.6%	46.7%	\$146.24	13.3%	\$94.43	66.2%

Annual Lodging Revenue - Napa County

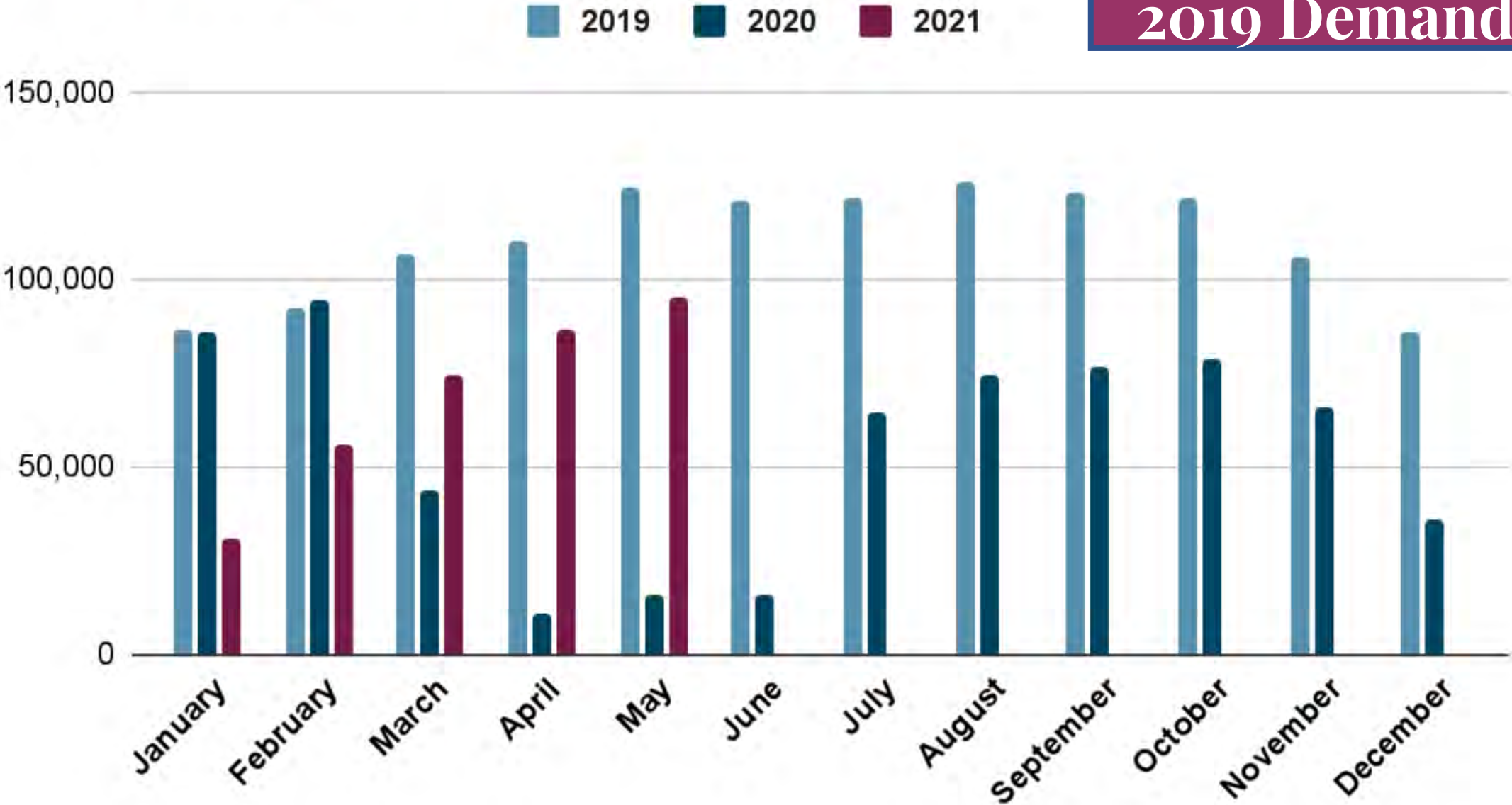


Revenue and % Change



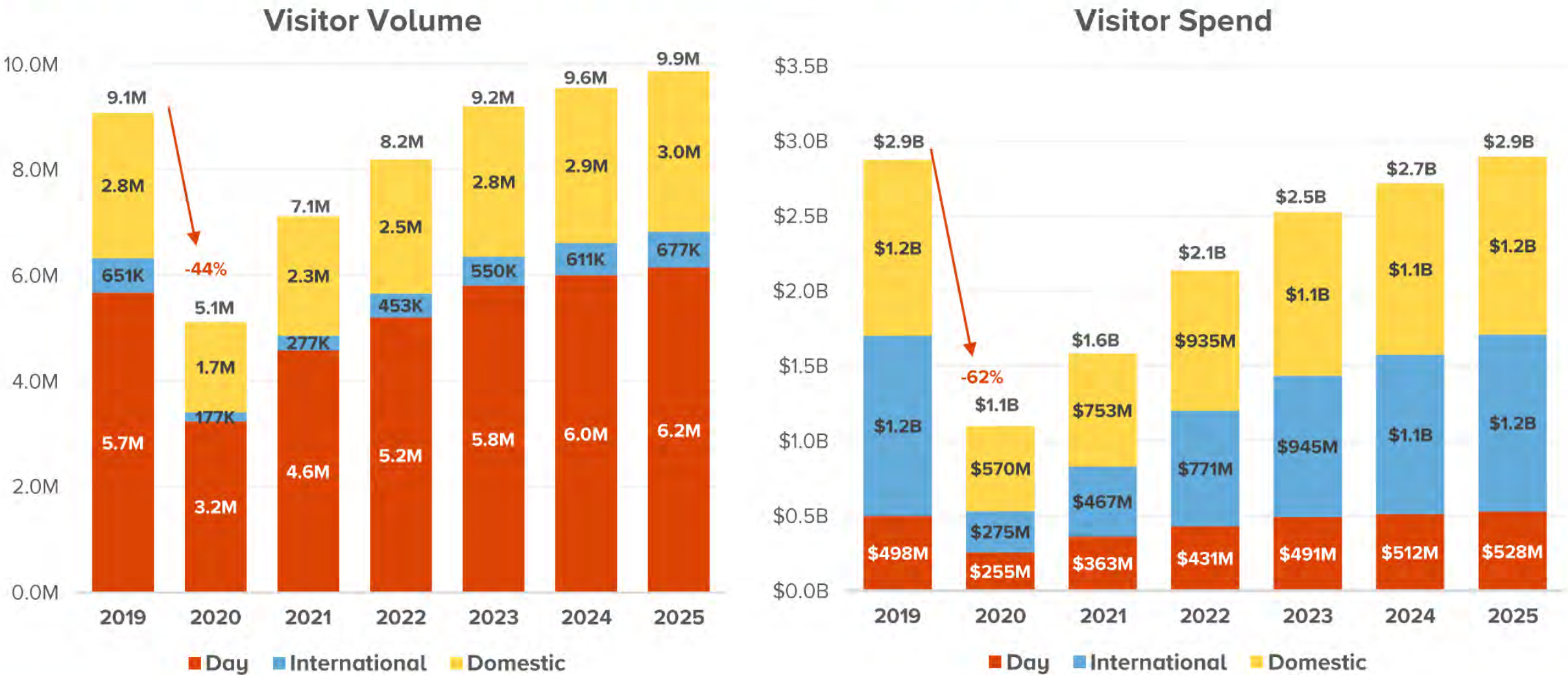
Napa County STR Lodging Demand

76 % of May
2019 Demand





WINE COUNTRY VOLUME & SPEND



Source: San Francisco Travel Association in conjunction with Tourism Economics; Travel Forecast, San Francisco Market



Thank *you.*

VISIT
Napa Valley



TITLE

General Plan Update Schedule Status Report

RECOMMENDATION

Receive a comprehensive General Plan Update Schedule status report.

CONTACT

Brent Cooper, AICP, Community Development Director

BACKGROUND & ANALYSIS

In California, every City and County is required by law to adopt a comprehensive, long-term General Plan. The General Plan is a fundamental document that provides local control over the physical development of our City and policies for land outside the City that will be annexed in the future. All Capital Improvement Projects, Land Use Ordinances, Development Approvals, Impact Fees, Infrastructure dedications and Conditions of Approvals must be consistent with the General Plan.

In 1994, the City adopted its first General Plan. For more than 26 years, the General Plan has guided the City through significant growth and change. As a "Living Document," portions of the General Plan have been amended over the years. For example, the Housing Element was adopted in 2015, and a new Housing Element (referred by the State as the "6th Cycle Housing Element Update") is due at the end of 2022. In 2020, the Circulation Element was updated with a new Bicycle Master Plan. In 2019, the Land Use Element was updated for Watson Ranch and the Broadway District Specific Plans.

As recently as September 2021, the City Council amended the General Plan to incorporate greenhouse gas and climate change policies into the Land Use Element. A second General Plan Amendment was approved the same day for the Oat Hill Multifamily Residential project. The current General Plan includes all the Required Elements and three Optional Elements (shown with "*"). The Elements and their respective Amendment Year are depicted on a Table in Attachment 1.

To ensure the whole General Plan remains current and internally consistent, the City Council authorized a Comprehensive General Plan Update contract with Mintier Harnish in December 2019. The Scope of Work envisions a nearly 3-Year update effort at an overall cost of approximately \$1.5 million. A copy of the General Plan Scope of Work is included as Attachment 2.

General Plan Focus Areas

The General Plan Scope of Work includes three focus areas. These include:

- A Circulation Element Advisory Committee;
- An Education and Lifelong Learning Element Advisory Committee; and
- An Open Space and Recreation Element Working Group as a subcommittee of the Parks and Community Services Commission and Open Space Advisory Committee.

A brief status of each Committee is listed below:

Circulation Element Committee: Based upon City Council direction on January 21, 2020, the Circulation Element Advisory Committee was tasked with advising the Council on one or more feasible “Westside Connector” Alternatives that take the following issues into consideration. These include:

• Design Cost	• Network Connectivity
• Roadway Design Complexity	• Completion Date
• Right-of-Way (ROW) Acquisition	• Neighborhood Compatibility
• Environmental Impacts	• Impact to Existing Improvements

The Circulation Element Committee met four times (January 29, 2020, February 26, 2020, March 24, 2021, and May 19, 2021). On June 15, 2021, the Committee overwhelmingly advised the City Council to consider the “West Side Connector” Alternative 3 Alignment. A map depicting the Alternative 3 Alignment is included as Attachment 3. This proposed Alternative will be incorporated into the overall Comprehensive General Plan Update.

Education and Lifelong Learning (ELL) Element Committee Education is a highly valued asset in American Canyon and a cornerstone of the high quality of life enjoyed throughout the City. Community leaders recognize that the 21st century will continue to bring new technologies and, along with them, the need for an ever-growing body of knowledge and information. From preschool to collegiate levels, a variety of lifelong education opportunities provide the foundation upon which a vital economy and a healthy community will endure.

The City Council appointed a broad committee of residents, community stakeholders, and education representatives to create a plan to further Education and Lifelong Living for all age groups of American Canyon residents. Early workshop discussions revealed that a Lifetime of Education and Learning encompasses an enormous list of possibilities provided by numerous Nonprofit, Philanthropic, and Private Organizations.

It soon became apparent that ELL opportunities are provided by the City, but perhaps more importantly, through partnerships (i.e.: American Canyon Community & Parks Foundation), and services provided by organizations autonomous from the City. The Committee felt strongly that the Napa Valley Unified School District fit into the “Autonomous” category.

In recognition that historically marginalized communities may not have access to ELL resources or receive resources appropriate to their needs, the Council in September 2020, directed the ELL Committee to include Equity and Inclusiveness policies in the ELL Element. The ELL Committee discussed Equity and Inclusion policy approaches in the General Plan in June 2021. These approaches are generally divided into:

- Procedural Equity (i.e.: Transparent, accessible, fair, and inclusive public decision-making);

- Structural Equity (i.e.: formal public hearings, adopted guidance policies, and others); and
- Distributional Equity (i.e.: equitable distribution of resources, community burdens, and benefits).

The Committee felt that the City can further all three approaches by building upon efforts that increase community interaction and understanding, such as:

- Citywide events that bring people together. The recent “Meet Me In The Streets” event hosted by the Chamber of Commerce is one example.
- City Outreach materials delivered in multiple languages.
- Enhanced Citizens Academy sessions to learn more about City processes and resident services.
- Building upon – maybe even formalizing a “Trusted Ambassadors” program where trusted City Staff and Organization Representatives throughout the City are designated as “Point Persons” to help disseminate information with peers, residents, and organizations.

Parks and Open Space Committee: The Parks and Open Space General Plan policies were identified for special consideration due to the significant need in the American Canyon community. The American Canyon General Plan Parks and Recreation Element Working Group (Working Group) audited the General Plan Parks and Recreation Element and conducted two workshops to update the Clarke Ranch Park Plan. Staff will engage RRM Design Group staff to proceed with the work plan to update the General Plan Parks and Open Space Element.

General Plan Special Features

The General Plan includes several State-Mandated and local programs that will provide important updates to the current General Plan. A few of the notable programs are briefly discussed below:

1. **Circulation Element:** Led by GHD, incorporate Vehicle-Miles Travelled (VMT) policies that ensure the City complies with Senate Bill 743. Adopting a City-wide VMT Program will streamline some development projects that may be required to address this issue on an Ad-Hoc basis today.
2. **Economic Development Element:** Led by EPS, assess underlying economic and market context for the American Canyon General Plan Update. The technical analysis will cover key demographic, economic, and real estate factors affecting the city and its role in the broader region. The goal will be to identify the strengths of the local economy, key competitive attributes and positioning, and challenges and opportunities influencing sustainable long-term growth that might be addressed by the General Plan Update. This Element will include an evaluation of the feasibility of establishing municipal broadband service as an economic development tool.
3. **Climate Adaptation and Resiliency Assessment:** Led by Rincon, consistent with Senate Bill 379, the General Plan will address climate adaptation. The Assessment will include an analysis of historical and projected trends for temperature, precipitation, extreme heat, drought, urban flooding, sea level rise and coastal flooding, and air quality, among other climate hazards in American Canyon. This analysis will help American Canyon begin to define and prioritize adaptation goals and actions.
4. **Air Quality, Greenhouse Gases (GHG), and Energy:** Led by Rincon, consistent with Senate Bill 32, the General Plan will address will describe pollutants of concern and their known health effects along with a discussion of applicable air quality goals, policies, and attainment plans of State and local agencies,

including the region's most recent air quality plans.

5. **Housing Element:** Led by Mintier Harnish, consistent with Government Code Section 65583, the 2022-2030 Housing Element “6th Cycle Update” is intended to meet the housing needs of everyone in the community. Unlike other General Plan Elements, the State Department of Housing and Community Development (HCD), must review and certify the Housing Element for every jurisdiction in California. The deadline for HCD Housing Element certification for jurisdictions in the San Francisco Bay Area region is December 2022.

In 2018, the California State Legislature passed Assembly Bill 686. AB 686 – known as “Affirmatively Furthering Fair Housing” (AFFH) requires all Housing Elements include policies that foster more inclusive communities by explicitly addressing, combating, and relieving disparities from past patterns of segregation. HCD prepared a guidance document to comply with AB 686 (see Attachment 4). Fortunately, the Association of Bay Area Governments established a Napa-Sonoma Collaborative to provide technical Housing Element assistance to Napa and Sonoma County jurisdictions and their Housing Element consultants. The technical assistance also includes compliance with AFFH requirements.

In May 2021, the City received a final Regional Housing Needs Assessment (RHNA) allocation from the Association of Bay Area Governments (ABAG). The allocation represents housing needed in American Canyon for all income groups during an 8-year term between 2023-2031. The income groups are expressed as a percentage of the Area Median Income (AMI). The AMI refers to the midpoint of Napa County’s income distribution – half of families in Napa County earn more than the median and half earn less than the median. The ABAG allocation of housing share for American Canyon, based on the AMI, is shown on the table below:

Very Low Income (Less than 50% AMI)	Low Income (50% - 80% AMI)	Moderate Income (80% - 120% AMI)	Above Moderate Income (Greater than 120% AMI)	Total
112	65	75	194	446

The new AFFH policies require significant outreach with historically marginalized communities, so this effort will require attention right away. However, because the City has demonstrated leadership with recent Watson Ranch, Broadway District, and Oat Hill housing entitlements, the housing inventory work effort which most jurisdictions find problematic should be relatively straightforward for American Canyon. The Housing Element will document these entitlements with a parcel database that identifies sites specifically for each of the housing income categories.

Covid-Related Cost Containment

In 2020, the Covid pandemic significantly impacted municipal budgets across the Country, including the City of American Canyon. As a result of cost containment, the Fiscal Year 2020/21 General Plan budget was reduced by approximately \$220,000.

The Circulation Element and Parks and Recreation Elements have non-General Fund sources, so work on these Elements continued. Staff was successful in seeking outside grant funds to reduce dependence on the General Fund (i.e.: LEAP and REAP grants), but the combined grant amount is \$40,000, which is less than the budget reduction. The grant is highly constrained to efforts that streamline housing development or re-zone land for additional housing. These two grants reimburse the City for work completed. So, the grants will need to be

closely evaluated whether they can be used to help fund the General Plan Scope. In Fiscal Year 2021/22, the \$220,000 budget reduction was restored, and staff is prepared to re-engage the General Plan consultants to advance the scope of work.

Revised Project Schedule

The original General Plan Update timeline assumed a nearly three-year completion by June 2022. Listed below is the schedule and staff's perspective on how the schedule could be revised from the original timeframes.

Original Timeframe	Proposed Timeframe	Milestone	Comments
4 Months	N/A	Hire the consulting team.	This task has been completed.
6 Months	5 Months	Identify issues and establish a baseline.	Some of this work effort has been completed by the consultant. Begin considering alternatives earlier.
12 Months	6 Months	Prepare and evaluate alternatives.	Staff does not anticipate as many alternatives as the original scope due to recent approval of major policy initiatives, such as Watson Ranch, Broadway District, Oat Hill, fuel station moratorium, pending Paoli/Watson Lane Annexation, General Plan Committee recommendations, etc.
12 Months	5 Months	Prepare environmental review and select Preferred Plan.	Start environmental review 7 months earlier and consider fewer alternatives.
6 Months	6 Months	Complete environmental review and conduct public hearings.	Public Hearings include: Open Space Advisory Committee, Parks and Community Services Commission, Planning Commission, Airport Land Use Commission, City Council.

With proposed timeframes, the revised completion date would be September 2023. Due to State-mandated timeframes, the Housing Element must be completed by December 2022. However, to avoid being part of a "last minute rush" of late Housing Element submissions at HCD, the Housing Element should be completed by September 2022 or sooner. A graphic depicting the original General Plan Timeline is included as Attachment 5.

General Plan Consultant Project Manager When the City selected Mintier Harnish as the General Plan consultant, the Project Manager overseeing the General Plan Update was Renee Funston. Renee organized a "kick-off" meeting and the first General Plan newsletter. Unfortunately, Ms. Funston left Mintier Harnish for a new position January 2020. In her place, Rick Rust became the General Plan Project Manager until work with the consultant was put on hold during the Covid-induced budget austerity in June 2020. Recently, however, staff was informed that Rick Rust has retired from service at Mintier Harnish.

Having a highly organized experienced General Plan Consultant Project Manager is essential. However, we are fortunate the Mintier Harnish General Plan Update Team also includes very well qualified sub-consultants to oversee specialized areas of the General Plan. These include:

- Rincon Consultants, Inc. will develop the Program EIR and assist with analysis and policy development on a range of issues, including greenhouse gas emissions and climate change adaptation.

- Economic and Planning Systems (EPS) will prepare demographic, economic, and fiscal analysis needed to support the General Plan Update, including analysis of industry, retail, and housing market trends; demographic projections and jobs/housing balance; and fiscal impact analysis of land use alternatives.
- GHD will provide all required transportation and mobility services for the project. GHD is recognized as a local, regional, and national expert in multimodal transportation planning and in addressing SB 743 implementation (vehicle miles traveled threshold).
- RRM Design Group will provide services related to parks and recreation facilities and services and assist with community engagement.
- Verbatim Solutions will work with our team on the translation of major documents, newsletters, and public engagement materials. We have teamed successfully with them on the Gilroy General Plan Update.

Many of the important components of the General Plan will be “sub-managed” by the consultants listed above. Since Mr. Rust’s retirement is so recent, the immediate priority is to obtain a suitable General Plan Update Project Manager. This person will be critical as we discuss working together to accomplish the General Plan Update within the revised schedule.

COUNCIL PRIORITY PROGRAMS AND PROJECTS

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."

FISCAL IMPACT

The Fiscal Year 21/22 Budget contemplated costs associated with the General Plan Update.

ENVIRONMENTAL REVIEW

The Recommended Action described in this Agenda Report is not subject to CEQA, pursuant to General Rule Section 15060(b)(3), No effect on environment.

ATTACHMENTS:

1. [General Plan Element Adoption Years](#)
2. [General Plan Update Scope of Work](#)
3. [West Side Connector Alternative 3](#)
4. [AB 686 AFFH Guidance](#)
5. [Original General Plan Schedule](#)

ATTACHMENT 1

General Plan Element Adoption Year

Element	Year	Element	Year
Land Use Element	2021	Parks and Recreation Element*	1994
Housing Element	2015	Natural and Historic/Cultural Resources Element	1994
Economic Development Element*	1994	Noise Element	1994
Circulation Element	2020	Geology Element	1994
Utilities Element*	1994	Flood Hazards Element	1994
Public Services and Facilities Element	1994		

CITY OF AMERICAN CANYON AGREEMENT NO. 2019-A178

**CITY OF AMERICAN CANYON
STANDARD AGREEMENT
FOR DESIGN PROFESSIONAL SERVICES**

THIS AGREEMENT (hereinafter referred to as "Agreement") is made and entered into this 3rd day of December, 2019, by and between the City of American Canyon ("CITY"), a California Municipal Corporation and Mintier Harnish LP ("CONSULTANT"), who agree as follows:

RECITALS

WHEREAS, City desires to have certain services provided as set forth in Exhibit A, attached and incorporated by this reference; and,

WHEREAS, Consultant represents that it is qualified and able to perform services; and,

WHEREAS, Consultant is agreeable to providing the services on the terms and conditions hereinafter set forth.

NOW THEREFORE, the parties agree as follows:

1. **Term of Agreement**: The Term of this Agreement shall extend from 12/3/2019 ("Commencement Date") to December 31, 2022 (the "Termination Date").
2. **Consultant's Services**. Consultant shall perform the services describe in Exhibit A ("Scope of Work" and/or "Services") to the full satisfaction of City.
3. **Time of Performance**. Consultant shall perform the Services on or by the Termination Date set forth in Agreement section 1, unless extended in writing by the parties pursuant to the terms of this Agreement.
4. **Compensation**. City agrees to compensate Consultant, and Consultant agrees to accept in full satisfaction for the Services required by this Agreement the consideration set forth in Exhibit B, attached and incorporated by this reference ("Payment"). City shall pay Consultant in accordance with the schedule of payment set forth in Exhibit B.
5. **Independent Contractor**. Consultant is and shall at all times remain, as to City, a wholly independent contractor. Neither City nor any of its agents shall have control over the conduct of Consultant or any of Consultant's employees, except as set forth in this Agreement. Consultant shall not, at any time, or in any manner, represent that it or any of its agents or employees are in any manner agents or employees of City.

6. **Assignment.** Consultant shall not assign or attempt to assign any portion of this Agreement without prior written approval by City.
7. **Responsible Principal of Consultant:** The Responsible Principal of the Consultant is Jim Harnish who shall be the individual responsible for Consultant's obligations under this Agreement and shall service as principal liaison between City and Consultant. Designation of another Responsible Principal by Consultant shall not be made without the prior written consent of City.
8. **Personnel.** Consultant represents that it has, or shall secure at its own expense, all personnel required to perform Consultant's services under this Agreement. Consultant shall assign only competent personnel. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the removal of any such persons, Consultant shall, immediately upon receiving notice from City of such desire of City, cause the removal of such person or persons.
 - a. **Employment Eligibility.** Consultant shall ensure that all employees of Consultant and any sub-consultant or subcontractor retained by Consultant in connection with this Agreement have provided the necessary documentation to establish identity and employment eligibility as required by the Immigration Reform and Control Act of 1986, any amendments thereto and all applicable labor laws in effect at the time of this Agreement. Failure to provide the necessary documentation will result in the termination of the Agreement as required by the Immigration Reform and Control Act of 1986.
9. **Changes to Scope of Work.** City may, by written notice, initiate any change to the Scope of Work. A corresponding equitable change in the Payment of this Agreement will be made for each change ordered as mutually agreed upon by the parties in writing.
10. **Interests of Consultant.** Consultant affirms that it presently has no interest and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of the Services contemplated by this Agreement.
11. **Responsibility of Consultant.** Consultant shall take all responsibility for the work, shall bear all losses and damages directly or indirectly resulting to Consultant or any sub-consultant or subcontractor, to the City, its elected and appointed officials, officers, attorneys, agents, and employees and each of them from any and all loss or damage on account of the performance or character of the work, unforeseen difficulties, accidents, occurrences or other causes predicated on active or passive negligence of the Consultant or of any sub-consultants or subcontractors.
12. **Insurance.** Consultant agrees to have and maintain the policies set forth in Exhibit C entitled "INSURANCE REQUIREMENTS," which is attached and incorporated by this

reference. All policies, endorsements, certificates, and/or binders shall be subject to approval by the City as to form and content. These requirements are subject to amendment or waiver only if so approved in writing by the City. A lapse in any required insurance coverage during this Agreement shall be a breach of this Agreement.

- a. Consultant shall procure and maintain for the duration of this Agreement insurance as set forth in Exhibit C, attached and incorporated by this reference. The cost of such insurance shall be included in the Consultant's bid.
- b. Consultant agrees to maintain in force at all times during the performance of the Scope of Work under this Agreement, workers' compensation insurance as required by law.
- c. Contractor agrees to include with all subcontractors in their subcontract the same requirements and provisions of this Agreement including the indemnity and insurance requirements to the extent they apply to the scope of the subcontractor's work. Subcontractors hired by Contractor agree to be bound to Contractor and City in the same manner and to the same extent as Contractor is bound to City under this Agreement and any other applicable contract documents. Subcontractor further agrees to include these same provisions with any sub-subcontractor. A copy of the Indemnity and Insurance provisions in this Agreement will be furnished to the subcontractor upon request. The General Contractor shall require all subcontractors to provide a valid certificate of insurance and the required endorsements included in the Agreement prior to commencement of any work and will provide proof of compliance to the City.
- d. Consultant shall require each of its sub-consultants or subcontractors to maintain insurance coverage which meets all of the requirements of this Agreement.
- e. The policy or policies required by this Agreement shall be issued by an insurer admitted in the State of California.
- f. Consultant agrees that if it does not keep the aforesaid insurance in full force and effect, City may terminate this Agreement.
- g. At all times during the term of this Agreement, Consultant shall maintain on file with the City a certificate or certificates of the required insurance as set forth in Exhibit C showing that the required insurance policies are in effect in the required amounts.
- h. It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage

requirements and/or limits shall be available to the additional insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this Agreement; or (2) the broader coverage and maximum limits of coverage of an insurance policy or proceeds available to the named Insured; whichever is greater.

13. **Indemnification.** To the maximum extent authorized by law and consistent with Civil Code section 2782.8, Consultant shall defend (with legal counsel selected by the City), and indemnify City, its elected and appointed officials, officers, directors, attorneys, agents, and employees and each of them from and against any and all claims, demands, costs or liability to the proportional extent that they arise out of, or pertain to, or relate to the negligence, recklessness, or willful misconduct of Consultant and its employees or agents arising out of Consultant's performance of any task or service for or on behalf of City under this Agreement. Consultant acknowledges that City would not enter into this Agreement in the absence of the commitment of Consultant to indemnify and protect City as set forth in this section. This indemnity does not apply to liability for damages arising from the sole negligence, active negligence, or willful misconduct of the City. Consultant's costs to defend and indemnify the City shall not exceed Consultant's proportionate percentage of fault.

- a. **General.** This obligation to indemnify and defend City as set forth herein is binding on the successors, assigns, or heirs of Consultant and shall survive the termination of this Agreement or this section. By execution of this Agreement, Consultant acknowledges and agrees that it has read and understands the provisions hereof and that this section is a material element of consideration. The parties agree that if any part of this Indemnification is found to conflict with applicable laws, such part shall be unenforceable only insofar as it conflicts with said laws, and that this indemnification shall be judicially interpreted and rewritten to provide the broadest possible indemnification legally allowed and shall be legally binding upon Consultant.
- b. **Survival.** Contractor and any subcontractor's responsibility for such defense and indemnity obligations shall survive the termination or completion of this Agreement for the full period of time allowed by law.
- c. **No Limitation by Insurance Obligations.** The defense and indemnification obligations of this Agreement are undertaken in addition to, and shall not in any way be limited by, the insurance obligations contained in this Agreement.
- d. **Scope.** This Section shall in no event be construed to require indemnification by Contractor to a greater extent than permitted under the public policy of the State of California.

14. **Termination.**

- a. In addition to any other rights of termination and suspension set forth in this Agreement or at law, either party may terminate this Agreement with or without cause by providing ten (10) days' notice in writing to the other party.
- b. The City may terminate this Agreement at any time without prior notice in the event that Consultant commits a material breach of the terms of this Agreement.
- c. In the event of termination of this Agreement by City, due to no fault or failure of performance by Consultant, Consultant shall be paid full compensation for all services performed by Consultant, in an amount to be determined as follows: For work done in accordance with the terms and provisions of this Agreement, Consultant shall be paid an amount equal to the amount of services performed prior to the effective date of termination or cancellation; provided, in no event shall the amount of money paid under the foregoing provisions of this paragraph exceed the amount which would be paid to Consultant for the full performance of the Scope of Work under this Agreement.
- d. Upon termination, this Agreement shall become of no further force or effect and all parties shall be discharged from their duties and obligations under this Agreement. Notwithstanding, the provisions of this Agreement concerning retention of records, City's rights to material produced, confidential information, Consultant's responsibility, indemnification, insurance, dispute resolution, litigation, and jurisdiction and severability shall survive termination of this Agreement.

15. **Notice.** All notices that are required either expressly or by implication to be given by one party to the other under this Agreement shall be signed for Consultant by its Responsible Principal and for City by the City Manager or, for either party, by such officer as it may, from time to time, be authorized to so act. All such notices shall be deemed to have been given if delivered personally or if enclosed in a properly addressed envelope and deposited in a United States Post Office for delivery by registered or certified mail or overnight express carrier. Unless and until formally notified otherwise, all notices shall be addressed to the parties at their addresses as follows:

Consultant shall address notices to:

City Clerk
City of American Canyon
4381 Broadway, Suite 201
American Canyon, CA 94503

City shall address notices to:

Jim Harnish, Principal/Owner
1415 20th Street
Sacramento, CA 95814

16. **Prevailing Wages.** In accordance with the provisions of section 1770 *et seq.* of the California Labor Code, the Director of Industrial Relations of the State of California has determined the general prevailing rate of wages applicable to the work to be done. Consultant will be required to pay all persons employed on the project by the Consultant's sums not less than the sums set forth in the documents entitled "General Prevailing Wage Determination made by the Director of Industrial Relations pursuant to California Labor Code, part 7, Chapter 1, Article 2, sections 1770, 1773, 1773.1." These documents may be obtained from the State of California.

17. **Compliance with Laws.**

- a. **In General.** Consultant shall observe and comply with all laws, policies, general rules and regulations established by City and shall comply with the common law and all laws, ordinances, codes and regulations of governmental agencies, (including federal, state, municipal and local governing bodies) applicable to the performance of the Scope of Work hereunder, including, but not limited to, all provisions of the Occupational Safety and Health Act of 1979 as amended.
- b. **Labor Laws:** Consultant shall comply with and adhere to all applicable labor laws, including, but not limited to, alien labor, prevailing wages, etc. Consultant shall comply with all applicable provisions of the California Labor Code.
- c. **Drug-free Workplace.** Consultant's employees and sub-consultants or subcontractors shall comply with the City's policy of maintaining a drug-free workplace. Neither Consultant nor Consultant's employees and/or subcontractors shall unlawfully manufacture, distribute, dispense, possess or use controlled substances, as defined in 21 U.S. Code section 812, including marijuana, heroin, cocaine, and amphetamines, at any facility, premises or worksite used in any manner in connection with performing services pursuant to this Agreement. If Consultant or any employee or sub-consultant or subcontractor is convicted or pleads *nolo contendere* to a criminal drug statute violation occurring at such a facility, premises, or worksite, the Consultant shall notify the City within five (5) days.
- d. **Discrimination Prohibited.** During the performance of this Agreement, Consultant and its sub-consultants or subcontractors shall not unlawfully discriminate, harass or allow harassment, against any employee or applicant for employment because of sex, sexual orientation, race, color, religious creed, marital status, denial of family and medical care leave, ancestry, national origin,

medical condition (cancer/genetic characteristics), age (40 and above), disability (mental and physical) including HIV and AIDS, denial of pregnancy disability leave or reasonable accommodation. Consultant and subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Consultant and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code, §12900 *et seq.*) and the applicable regulations promulgated thereunder (Cal. Code Regs, tit. 2, §7285.0 *et seq.*). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, §12990 (a)–(f), are incorporated into this Agreement by reference and made a part hereof as if set forth in full (Cal. Code Regs, tit. 2, §7285.0 *et seq.*). Consultant and its sub-consultants or subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.

- e. Harassment Prohibited. Consultant and Consultant's employees and sub-consultants or subcontractors shall comply with the City's Workplace Harassment and Discrimination Policy.
- f. Illness and Injury Prevention Program (IIPP). Consultant shall provide the City with a copy of their IIPP to show compliance with CalOSHA.
- g. Licenses and Permits. Consultant represents and warrants to City that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals which are legally required for Consultant to practice its profession. Consultant shall secure and maintain a business license with the City during the term of this Agreement.

18. **Facilities and Equipment:** Except as set forth in Exhibit D ("Facilities and Equipment"), Consultant shall, at its sole cost and expense, furnish all facilities and equipment, which may be required for completing the Scope of Work pursuant to this Agreement. City shall furnish to Consultant only the facilities and equipment listed in Exhibit D according to the terms and conditions set forth in Exhibit D.

19. **Special Conditions.**

- a. _____
- b. _____
- c. _____

20. **Exhibits.** All exhibits referred to in this Agreement are attached and incorporated by this reference.

21. **Benefits and Taxes.** Consultant shall not have any claim under this Agreement or otherwise against City for seniority, vacation time, vacation pay, sick leave, personal time off, overtime, health insurance, medical care, hospital care, insurance benefits, social security, disability, unemployment, workers compensation or employee benefits of any kind. Consultant shall be solely liable for and obligated to pay directly all applicable taxes, including, but not limited to, federal and state income taxes, for which Consultant shall indemnify and hold City harmless from any and all liability that City may incur because of Consultant's failure to pay such taxes. City shall have no obligation whatsoever to pay or withhold any taxes on behalf of Consultant.

22. **Dispute Resolution.** Should any dispute arise concerning any provisions of this Agreement, or the parties' rights and obligations hereunder, the parties shall meet and confer in an attempt to resolve the dispute. Prior to commencing any legal action, the complaining party shall provide to the other party thirty (30) days' written notice of the intent to take such action; provided that such notice shall not be required where a delay in commencing an action would prejudice the interests of the party that intends to file suit. During the thirty (30) day notice period, the parties shall meet and confer in an attempt to resolve the dispute. Except as specifically provided, nothing herein is intended to waive or abridge any right or remedy that either party may have.

23. **Default and Remedies.**

a. **Events of Default.** Each of the following shall constitute an event of default hereunder:

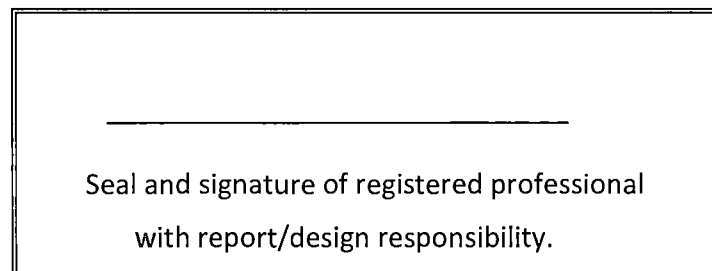
- i. Failure to perform any obligation under this Agreement and failure to cure such breach immediately upon receiving notice of such breach, if the breach is such that the City determines the health, welfare, or safety of the public is immediately endangered; or
- ii. Failure to perform any obligation under this Agreement and failure to cure such breach within fifteen (15) days of receiving notice of such breach, if the breach is such that the City determines that the health, welfare, or safety of the public is not immediately endangered, provided that if the nature of the breach is such that the City determines it will reasonably require more than fifteen (15) days to cure, Consultant shall not be in default if Consultant promptly commences the cure and diligently proceeds to completion of the cure.

- b. Remedies upon Default. Upon any Consultant default, City shall have the right to immediately suspend or terminate the Agreement, seek specific performance, contract with another party to perform this Agreement and/or seek damages including incidental, consequential and/or special damages to the full extent allowed by law.

24. Attorneys' Fees. In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.

25. Documents and Records.

- a. Property of City. All reports, data, maps, models, charts, studies, surveys, photographs, memoranda or other written documents or materials prepared by Consultant pursuant to this Agreement shall become the property of City upon completion of the work to be performed hereunder or upon termination of this Agreement.
- b. Retention of Records. Until the expiration of five (5) years after the furnishing of any services pursuant to this Agreement, Consultant shall retain and, upon written request by City, make available to the City or any party designated by the City this Agreement, and such books, documents and records of Consultant and subcontractor that are necessary or convenient for audit purposes to certify the nature and extent of the reasonable cost of services to City.
- c. Professional Seal. Where applicable in the determination of the contract administrator, the first page of a technical report, first page of design specifications, and each page of construction drawings shall be stamped/sealed and signed by the licensed professional responsible for the report/design preparation. The stamp/seal shall be in a block entitled "Seal and Signature of Registered Professional with report/design responsibility" as per the sample below:



26. Inspection of Books and Records. During regular office hours, each of the parties hereto and their duly authorized representatives shall have the right to inspect and make copies of any books, records, or reports of the other party pertaining to this Agreement or matters

related hereto. Each of the parties hereto shall maintain and make available for such inspection accurate records of all of its costs, disbursements and receipts with respect to its activities under this Agreement.

27. **Confidential Information.** Consultant shall hold any confidential information received from City in the course of performing this Agreement in trust and confidence and will not reveal such confidential information to any person or entity, either during the term of the Agreement or at any time thereafter. Upon expiration of this Agreement, or termination as provided herein, Consultant shall return materials which contain any confidential information to City. Consultant may keep one copy for its confidential file. For purposes of this section, confidential information is defined as all information disclosed to Consultant which relates to City's past, present, and future activities, as well as activities under this Agreement, which information is not otherwise of public record under California law.
28. **Successors and Assigns.** This Agreement and all of its provisions shall apply to and bind the successors and assigns of the parties hereto.
29. **Waiver.** Any waiver at any time by either party hereto of its rights with respect to a default or any other matter arising in connection with this Agreement shall not be deemed to be a waiver with respect to any other default or matter.
30. **Modifications.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.
31. **Agreement Interpretation.** Each party to this Agreement has had an opportunity to review the Agreement, confer with legal counsel regarding the meaning of the Agreement, and negotiate revisions to the Agreement. Accordingly, neither party shall rely upon Civil Code section 1654 in order to interpret any uncertainty in the meaning of the Agreement.
32. **Entire Agreement.** This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the parties concerning the subject matter described herein.
33. **Jurisdiction and Severability.** This Agreement shall be governed and construed in accordance with California law. The venue for any legal action in State court filed by a party to this Agreement for the purpose of interpreting or enforcing any provision of this Agreement shall be in the Superior Court of California, County of Napa. The venue for any legal action in Federal court filed by a party to this Agreement for the purpose of interpreting or enforcing any provision of this Agreement within the jurisdiction of the Federal courts shall be the Northern District of California. The appropriate venue for arbitration, mediation or similar legal proceeding under this Agreement shall be in Napa County, California; however nothing in this Agreement section shall obligate a party to submit to arbitration any dispute arising under this Agreement. If any term or provision of

this Agreement shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement shall not be affected.

34. **Signatures.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of Consultant and City.

IN WITNESS WHEREOF, City of American Canyon and Consultant do hereby agree to the full performance of the terms set forth herein.

CONSULTANT

BY: _____

Jim Harnish
Principal/Owner

DATE: 12/11/2019

CITY OF AMERICAN CANYON

BY: _____

Jason B. Holley
City Manager

DATE: 1/8/2020

APPROVED AS TO FORM:

BY: _____

William D. Ross
City Attorney

DATE: 12/18/2019

**APPROVED AS TO BUDGET
AUTHORITY:**

BY: _____

Christina Roybal
Finance Director

DATE: 12/17/19

APPROVED AS TO INSURANCE:

BY: 
William D. Ross
City Attorney

DATE: 12/18/2017

Attachments:

Exhibit A – Scope of Work

Exhibit B – Payment and Schedule of Payments

Exhibit C – Insurance Requirements

Exhibit D – Facilities and Equipment

EXHIBIT A
SCOPE OF WORK

Consultant shall complete the attached Scope of Work.

American Canyon General Plan Update

Scope of Work

Task 1: Project Initiation

Mintier Harnish will work with City staff and other appropriate representatives to lay the foundation for the General Plan Update, including clarifying the scope of work, establishing communication protocols, identifying roles and responsibilities, developing tools to be used throughout the Update, establishing an understanding of key issues, organizing background materials and baseline data, and launching key aspects of the public outreach program.

Task 1.A: Conduct a Kick-Off Meeting with City Staff

The Mintier Harnish team and City staff will hold a kick-off meeting at the outset of the General Plan Update. During this meeting we will discuss:

- Ideas and expectations for the project;
- Refinements to the scope of work and schedule;
- The proposed Planning Area and community boundaries (including potential areas for sphere of influence changes);
- General Plan organization and format ideas;
- Roles and responsibilities relative to all aspects of the project;
- Communication protocols (including review processes); and
- The community engagement strategy to ensure that a diverse range of community members and organizations participate in the General Plan Update process in a meaningful way.

Following this meeting, the Mintier Harnish team will tour the Planning Area with City staff to explore key asset, issue, and opportunity areas that we will address as part of the General Plan Update.

Task 1.B: Review Background Information

Mintier Harnish will review the City's existing General Plan for consistency with State law, internal consistency, and contemporary planning trends. We will also review the General Plan Annual Report and other relevant City documents, including the Broadway District Specific Plan, Watson Ranch Specific Plan, Energy Efficiency Climate Action Plan, Parks and Community Services Master Plan, Napa Countywide Pedestrian Plan, the Zoning Ordinance, and major development projects. Through this review, we will become familiar with the City's development entitlement process, existing conditions, community character, other relevant planning efforts underway, and the history of community input processes to date. We will prepare a report summarizing the results of our review, including an assessment of general plan adequacy.

Task 1.C: Prepare GIS Database

Mintier Harnish will work with City staff to obtain existing City GIS data and review City mapping protocols and requirements. Mintier Harnish will prepare a base map(s) for reports and display presentations, including establishing a uniform legend and title block for use on all maps prepared as part of the planning documents. We will develop all GIS data and mapping prepared for the General Plan Update consistent with City protocols and data formats to ensure easy integration into the City's information system. At the conclusion of the project, we will provide all electronic files to the City containing all original data as well as project-specific data layers modified or created throughout the project.

Task 1 Deliverables:

- Kick-off Meeting Materials – 20 reproducible copies and one (1) electronic copy (PDF)
- Kick-off Meeting Summary – one (1) electronic copy (PDF)
- Scope of Work – two (2) electronic copies (PDF and Word)
- Project Schedule – one (1) electronic copy (PDF)
- Request for Information – one (1) electronic copy (PDF)
- Document review summary and assessment of General Plan adequacy – one (1) electronic copy (PDF)
- GIS Base Maps – GIS digital version

Task 2: Issue Identification and Key Strategies; Ongoing Research

Mintier Harnish will work closely with the City to identify and understand community concerns and establish a coordinated and realistic direction for the future founded on a community-based strategic vision. We will organize and facilitate a community engagement program that reaches and engages a broad range of citizens, generates a constructive dialogue, and addresses the core attributes that a General Plan can shape, including sustainability, economic health, physical character, and community identity. Mintier Harnish will engage the community on specific aspects of the General Plan, including their preferred direction for land use changes, circulation facilities, sustainability initiatives, and others. In addition to traditional outreach techniques, our engagement program includes neighborhood pop-up events, youth outreach, and Tagalog and Spanish translation. As part of Task 1.A, we will work with City staff to refine the engagement program to assure the best fit for the community.

Task 2.A: Meetings with Advisory Committees and Decision-Makers #1: Kick-off Workshop

Mintier Harnish and City staff will facilitate a Joint Study Session with the City Council and Planning Commission to kick off the project. The Joint Study Session will begin by introducing the project team and discussing key steps in the process, the strategy for community engagement, changes in State law and regulations since preparation of the existing General Plan elements, and other important issues affecting the Update process.

Following the informational presentation, we will facilitate a discussion with the Council and Commission to start the identification of issues and opportunities that should be addressed as part of the General Plan Update. We will also gather feedback on community aspirations for inclusion in the updated vision statement. To kick off the community's involvement in the Update, we will work with City staff to get word out to the community and invite them to the study session. We will also invite all members of the Advisory Committees to participate in the workshop.

Task 2.B: Stakeholder Interviews

Mintier Harnish will spend two consecutive days conducting a series of one-on-one and small-group interviews with key stakeholders and community groups to solicit input on issues and expectations for the General Plan Update. Our scope provides for 16 interviews. We will develop the list of interviewees in consultation with City staff, which may include community and business leaders, environmental groups, senior and other special needs representatives, developers and real estate brokers, business owners, landowners and/or businesses in areas where land use changes are being considered, transportation advocates, and other interest groups. We will prepare a memorandum summarizing input from the stakeholder interviews.

Task 2.C: Native American Outreach

Mintier Harnish will assist City staff with notification to the Native American Heritage Commission (NAHC) and tribes active in the planning area of the Update process, pursuant to SB 18 and AB 52. We will prepare correspondence, track responses, and recommend actions, as needed.

Task 2.D: E-Newsletter #1: General Plan Update Overview

Newsletters provide easy access to information and keep the community up to date on the development of the General Plan. Newsletter #1 will describe what a general plan is, how and why it is being updated, key issues to be addressed, the project schedule, and how the community can participate. We will also use the newsletter to promote Community Workshop #1, online engagement opportunities, and pop-up events. We will produce each e-newsletter and online survey to be distributed electronically, as well as to be printed and mailed. City staff will be responsible for printing and mailing if desired, or Mintier Harnish can provide this service for an additional fee.

Task 2.E: Community Workshop #1: Vision, Issues, and Priorities

Mintier Harnish and City staff will facilitate a community workshop designed to inform and energize the community. First, we will provide the community with an overview of the project and existing conditions and trends that will influence the future of the community. The second part of the workshop will involve interactive exercises designed to encourage participants to articulate the issues challenging the community, express values about what is important, and think in visionary terms about opportunities for the future. We will have exercises tailored to adults and children, and we may also enlist the participation of other departments to make this a fun and meaningful event. Examples of potential workshop activities include the following:

Assets, Issues, and Opportunities. This activity would include a table and a large wall map. Participants will be asked to write assets, issues, and opportunities directly on colored Post-It notes, and then place those notes on the map.

American Canyon Aspiration Mural. In this exercise, participants would select pieces of colored fabric that symbolize specific aspirational visions and opportunities expressed by the community during the issues and opportunities phase of the General Plan Update. Participants will mount the colored fabric on a multitude of boards which when filled will create a color mural of ideas, visionary concepts, and areas for improvement. This “living” mural of collective ideas will travel with Mintier Harnish to all public meetings and can be posted as a display in public gathering places such as City Hall and the American Canyon Library.

“Mad Libs” Vision Game. In this exercise, participants would be asked to develop their ideal vision of the city in 2040. Participants would be encouraged to brainstorm words, phrases, and ideas with other participants to come up with the most creative and inspirational vision. From this exercise, we obtain the key descriptors that are used to describe people’s aspirations for the future of the community. These inputs help identify what aspects are the most important and are used to frame the vision statement.

Postcards from the Future. In this exercise, participants would be asked to pretend they are sending a postcard from American Canyon in the year 2040. Participants draw a picture to illustrate their vision and write a message to someone describing their experience in the future.

Public Input Memorandum

Based on input collected from the community workshop, the Joint Study Session, and online engagement to date, Mintier Harnish will prepare a public input memorandum. This memorandum will synthesize input received as far and will be the foundation for a vision statement.

Task 2.F: Online Survey #1: Vision, Issues, and Priorities

Mintier Harnish will provide ample opportunities for the community to provide input on the updated General Plan. We will create an online survey that will mirror exercises from Community Workshop #1 so those unable to attend the workshop in person can share their ideas. We will feature the survey on the project website. Survey questions may include:

- Places people love in the community (map input)
- Areas for change (map input)
- Photo preference surveys (multiple choice inputs)
- We will summarize results of the survey in a memorandum.

Task 2.G: Roadshow Materials

Mintier Harnish will prepare four sets of roadshow materials for use at festivals, neighborhood meetings, and other community events. Each set will include poster boards, handouts, and other materials that inform participants on the key planning issues in the Update as well as interactive stations that allow attendees to express ideas. The roadshow event materials and timing will correspond with four major milestones in the project:

- Visioning;
- Land use and policy alternatives;
- Preferred land use alternative and key goals; and
- Draft General Plan.

The roadshow events will also include activities for children. We will have a Legos table where children can build a model of the city or their neighborhood (or just play). We will also encourage children to draw their own postcards from the future and describe why they love American Canyon.

To encourage participation, we will have periodic drawings for gift cards from local businesses. We will coordinate the roadshow events with the City’s online engagement platform, Maptionnaire, to give more residents the opportunity to provide input at each step.

The roadshow events can also provide an opportunity for City staff and Council members to connect with the community. The City could host a “Q&A” table at a roadshow event that offers people an opportunity to discuss City issues with staff and their elected representatives.

Task 2.H: Neighborhood and Pop-Up Outreach

Mintier Harnish will work with City staff to organize up to eight “pop-up” meetings in neighborhoods, using materials from the roadshow events. These events can be stand-alone meetings focused on the General Plan Update or consist of a booth at standing events or meetings, such as farmers markets, parent meetings, sport league opening days, cultural celebrations, or other festivals.

Task 2.I: Youth Outreach

Youth are the future of the community and integrating their concepts and ideas into the General Plan can lead to a more holistic vision. Mintier Harnish will work with City staff, local schools, and local community programs to identify youth leaders to participate in focused youth workshops. The workshops will either be held with the same group of students twice to facilitate an ongoing conversation or will involve two separate groups to broaden the reach of this effort. The workshops will focus on educating young people on the planning process and soliciting their input through engaging activities and discussion.

Task 2.J: Translation

As part of the Update process, we will have the online surveys and newsletters translated into Spanish and Tagalog. We will also translate promotional information and materials for community workshops, roadshow events, and pop-up neighborhood meetings, as necessary. In addition to printed and online materials, our partners, Rincon Consultants and GHD, have planning staff fluent in Spanish that will participate in public events to ensure we engage all interested participants. If appropriate, we will provide translators for verbal Tagalog translation.

Task 2.K: Community Vision and Guiding Principles

Mintier Harnish will prepare a General Plan vision statement and guiding principles to reflect what community members value most about American Canyon and their priorities for the future. The vision statement will be aspirational and paint a picture of American Canyon in 2040. The guiding principles will represent the City’s core values and will direct development of the General Plan goals, policies, and implementation strategies. The Community Vision and Guiding Principles document will be rich in graphics and illustrations.

We will prepare the vision and guiding principles based on language in the existing General Plan and input gathered at the Community Workshop, Roadshow events, Pop-Up Neighborhood Meetings, youth workshops, and Planning Commission and City Council Joint Study Session, as well as input from City staff.

Task 2.L: Meetings with Advisory Committees and Decision-Makers #2: Community Vision Advisory Committees

City Staff will present the draft vision statement and guiding principles to the Advisory Committees for review and refinement. Each Advisory Committee will focus on the guiding principles related to their subject-area of interest. The goal of these meetings will be to reach a consensus on the intent and priorities outlined in the vision statement and selected guiding principles.

Planning Commission

Mintier Harnish and City staff will present the draft vision statement and guiding principles and recommendations from the Advisory Committees to the Planning Commission. The goal of this meeting will be to reach a consensus on the intent and priorities outlined in the vision statement and guiding principles, and to provide recommendations for refinement to the City Council.

City Council

Mintier Harnish and City staff will present the draft vision statement and guiding principles, as well as the recommendations from the Advisory Committees and Planning Commission, to the City Council. The goal of this meeting will be for the City Council to refine and approve the vision statement and guiding principles.

Task 2 Deliverables:

- Meetings with Advisory Committees and Decision- Makers #1: Kick-off Workshop materials – meeting materials (i.e., PowerPoint presentation) and electronic copies (PDF)
- Stakeholder Interviews Summary Memorandum – one (1) electronic copy (PDF)
- Native American Outreach correspondence language – one (1) electronic copy (Word)
- E-Newsletter #1, General Plan Update Overview in English, Spanish, and Tagalog – one (1) electronic copy (PDF)
- Community Workshop #1 materials – workshop materials (i.e., PowerPoint presentation, poster boards) and electronic copies (PDF)
- Public Input Summary – one (1) electronic copy (PDF)
- Online Survey #1 – Maptionnaire digital version and mail-in option
- Roadshow materials (4 sets) – workshop materials (i.e., PowerPoint presentation, poster boards) and electronic copies (PDF)
- Neighborhood and Pop-up Outreach materials (up to 8 sets) – workshop materials (i.e., PowerPoint presentation, poster boards) and electronic copies (PDF)
- Youth Outreach materials (2 workshops) – workshop materials (i.e., PowerPoint presentation, poster boards) and electronic copies (PDF)
- Public Input Memorandum – one (1) electronic copy (PDF)
- Meetings with Advisory Committees and Decision- Makers #2 materials – meeting materials (i.e., PowerPoint presentation) and electronic copies (PDF)
- Community Vision and Guiding Principles – one (1) electronic copy (PDF)

Existing Conditions, Trends, and Opportunities Assessment

This task will focus on highlighting current conditions and trends and identifying future opportunities and constraints. The Mintier Harnish Team includes staff with the specific expertise and knowledge needed to accurately describe each of the topic areas outlined in the RFP clearly, concisely, and easy to understand. Information from this phase will lay the groundwork for subsequent policy development.

Task 3.A: Identify Planning Area

Mintier Harnish will work with City staff to define the Planning Area for the General Plan. At a minimum, it will include all land within the City's Urban Limit Line (ULL). The Planning Area may also include land outside the ULL, such as areas to which the City provides services (e.g., water and fire protection services).

Task 3.B: Conduct Land Use Survey/Vacant Parcel Survey

Mintier Harnish will prepare an inventory and analysis of existing land uses in the city, including identification of vacant and underutilized sites in accordance with Government Code Section 65583(a)(3). We will use the vacant and underutilized sites inventory from the 2015-2023 Housing Element, land use designations in the existing General Plan, parcel taxation information from the County Assessor, and local knowledge from City staff. The sites inventory will be parcel-specific, as required by AB 2348. We will code the information into a GIS existing land use layer.

Task 3.C: Vehicle Miles Traveled (VMT) Analysis

Mintier Harnish will prepare a vehicle miles traveled (VMT) analysis consistent with SB 743. We will consider appropriate thresholds of significance as well as operational performance evaluation for roadway facilities.

Task 3.D: Baseline Economic and Market Trends

Mintier Harnish will assess the underlying economic and market context for the American Canyon General Plan Update. The technical analysis will cover key demographic, economic, and real estate factors affecting the city and its role in the broader region. The goal will be to identify the strengths of the local economy, key competitive attributes and positioning, and challenges and opportunities influencing sustainable long-term growth that might be addressed by the General Plan Update.

Socioeconomic Trends

Mintier Harnish will analyze demographic and economic trends that inform and highlight land use opportunities and constraints in American Canyon. The primary purpose of the work is to offer context for community and stakeholder outreach discussions, to provide data for the visioning and planning process, and to support the land use alternatives and economic development policies for the General Plan. Relying on publicly available data (e.g., U.S. Census Bureau, California Department of Finance, California Employment Development Department) as well as proprietary, third-party data sources, Mintier Harnish will assemble and evaluate population and employment trends. The analysis will look back 10 to 15 years and consider American Canyon, nearby jurisdictions, and the region as a whole.

Major Economic Drivers and Business Trends

Mintier Harnish will assess city and regional economics to consider major economic drivers and business trends. It is anticipated that North Bay tourism, economic diversification, employment for residents, and the evolving retail industry will be key topics of the assessment. This effort will build on socioeconomic data and include additional subject-specific data collection and interviews. Mintier Harnish anticipate that the tourism evaluation will leverage data and other input from Visit Napa Valley, the official destination management organization for Napa County, which has conducted a number of visitor surveys over the years. We will combine quantitative and qualitative data with interview insights, industry-research, and institutional knowledge to provide analysis and recommendations.

Real Estate Market Trends

Mintier Harnish will establish and document real estate market potential in American Canyon. As part of the market analysis, we will consider broad market trends, as well as detailed information concerning new, high-performing local and regional comparable projects, including their market positioning, architectural formats, tenancing, amenity offerings, and market value.

Retail. Mintier Harnish will prepare a retail analysis that evaluates the market potential for new retail development in the Planning Area. As part of this work, we will consider relevant retail case studies to illustrate potential physical formats, retail market positioning, and market values. We will also consider the profile of retail demand (i.e., consumer spending patterns) and the local competitive landscape for retailers. We will seek to identify retail development opportunities and to generally characterize the retail tenant mix based on real estate and consumer market potential.

Residential. Mintier Harnish will prepare a residential real estate analysis that considers single-family and multifamily products. This work will examine recently constructed residential projects to evaluate their physical forms and market performance. In particular, the analysis will track sales data and lease rates to inform findings concerning market potential. This research will seek to identify achievable, market-supported residential building programs.

Office and Industrial/Flex. Mintier Harnish will prepare an office and industrial/flex analysis focused on newly built commercial products. This work will identify recently constructed projects to evaluate their design format and market performance. In particular, we will consider building heights, floorplates, parking, amenities, and other factors. The analysis also will track lease rates and building sales data. The research will seek to identify achievable, market-supported office and industrial/flex building programs.

Hotel. Mintier Harnish will establish an inventory of competitive existing and pipeline hotels in the region. The inventory will profile the hotel supply, including hotel locations, room counts, hotel age, amenities (e.g., business services, meeting rooms), and other factors affecting competitiveness. Considering hotel inventory, we will assess the potential market positioning of hotels in the Planning Area. The analysis will incorporate historical data on hotel performance, including room occupancy and room rates over time for a set of competitive hotels. The research will seek to identify achievable, market-supported hotel projects appropriate for American Canyon.

Task 3.E: Prepare Existing Conditions, Opportunities, and Challenges Map Atlas

Mintier Harnish will prepare an Existing Conditions, Opportunities, and Challenges Map Atlas to illustrate the story of American Canyon – where it has been, where it is today, and the trends that will shape its future. This Map Atlas will use infographics, charts, maps, and photographs to provide a detailed analysis of baseline conditions and identify opportunities and challenges to be addressed during the General Plan Update. The information in this Map Atlas will inform key environmental constraints and identify potential opportunities that influence planning policy and land use decisions, and relevant information will also be incorporated into the environmental setting sections of the PEIR. The Map Atlas, at a minimum, will cover the following topics:

Land Use and City Design

Mintier Harnish will map and analyze existing land uses based on information from the County Assessor and City GIS data, and identify opportunities and constraints for future development and reuse. Mintier Harnish will also describe current planning efforts and regulations affecting the city. This section will also summarize the community character of American Canyon neighborhoods and districts and the design characteristics of each. This will include describing building typologies, architectural patterns, activity nodes, community gateways, major corridors, and major geographic features that define the character of American Canyon.

This chapter will include the following subtopics:

- Planning boundaries
- Annexation and development trends
- Existing land use
- Opportunity sites
- General plan land use designations
- Specific plans land use designations
- Existing zoning
- Other city and agency plans
- Community character
- Urban design
- Major corridors and points of interest

Historic Resources

Mintier Harnish will provide an overview of historic resources in the city, and guidelines in place for ensuring their preservation. This chapter will include an inventory of historic resources, description of neighborhood design guidelines, and overview of other existing historic preservation programs. This chapter will also identify existing General Plan goals and policies related to historic resources.

Circulation

Mintier Harnish will cover key topics including existing roadway facilities, safety, traffic level-of-service (LOS) at key intersections and roadway segments, and the operative legislative framework. We will describe the current status and future needs of the following countywide sub-systems:

- Roadways
- Transit services
- Railway facilities
- Bikeway facilities
- Pedestrian facilities
- Goods movement
- Aviation facilities

Transportation demand management

Traffic Count Inventory Evaluation and Data Collection. Mintier Harnish will consolidate all existing traffic count data and stratify this data by count source, facility type, and age of count. We will examine existing traffic count databases from the Highway Performance Monitoring System (HPMS), City, NVTA, and SNABM travel demand model validation for applicability. In coordination with the City, we will identify new data collection needs that, when combined with the “usable” existing counts,” can properly reflect the existing condition of the City’s transportation infrastructure.

For SR 29, Mintier Harnish will use the most recently published traffic volume data from Caltrans and/or more recent information developed for the SR 29 Comprehensive Multimodal Corridor Plan (CMCP) that

is currently under development by Mintier Harnish. We will use published peak hour volumes or available traffic counts from Caltrans' Trend and/or Control Stations.

Traffic Background Conditions Analysis. Mintier Harnish will work with the City to establish appropriate full-trip length and boundary based VMT estimates for the City. The primary analysis tools for developing baseline VMT will be the Highway Performance Monitoring Program (HPMS) data, the City's citywide travel model, LEHD journey to work data and the SNABM regional model.

After all traffic count data has been obtained (existing counts and counts to fill gaps), processed, and input, Mintier Harnish will perform the existing conditions traffic operations analysis for local City roadways and portions of SR 29 that traverse the city. We will coordinate with the City as to whether intersections or multi-modal (Complete Streets) LOS analysis on select roadways within the City is desired. Based on this analysis relative to the applicable performance service standards for each facility analyzed, Mintier Harnish will identify existing deficiencies within the city.

For facilities identified as deficient, Mintier Harnish, working with the City and Caltrans District 4 staff (for State-owned facilities), will identify potential improvements.

Transit Background Conditions Analysis. Mintier Harnish will review and document the existing Napa Vine transit service's most recent transit ridership data available and summarize relevant information from the Vine Transit Express Bus Corridor Study and the NVTa Short Range Transit Plan. We will document weekday system diagnostic performance measures (i.e., fair box ratio, passenger service mile, revenue service hours, revenue service miles) typically tracked as part of the required Triennial Performance Audit process. We will identify unmet transit needs and any prominent needs that have been expressed by the community groups within the city for improved fixed route or ADA compliant social service transportation services. We will use the City's and/or NVTa's GIS database to prepare the following GIS maps:

- Transit service routes/lines
- Local Service Lines

Regional Service Lines

Rail Background Conditions Analysis. Mintier Harnish will review and document rail network and facilities and consider the potential for future passenger rail service with the SMART initiative that may provide passenger rail service to regions east of American Canyon, and regions to the west.

Bikeway Background Conditions Analysis. Mintier Harnish will review information provided in the NVTa Napa Countywide Bicycle Plan, Napa Countywide Pedestrian Plan, City of American Canyon Bicycle Master Plan, the NVTa Community Based Transportation Plan (CBTP), and the Metropolitan Transportation Commission Regional Transportation Plan & Sustainable Community Strategy (RTP/SCS). We will describe and prepare GIS maps of the city bicycle network, including Class I, Class II, Class III, and Class IV facilities. We will perform a connectivity assessment and Level of Traffic Stress (LTS) on the existing bicycle network within the city.

Pedestrian Background Conditions Analysis. Mintier Harnish will evaluate the existing conditions for pedestrians in the city, examining connectivity, access, and maintenance of the existing facilities. Using the GIS information as a starting point, we will identify the key pedestrian activity centers or corridors, including locations of public services, such as schools, hospitals, and government offices, as well as bus stops and transit centers. We will evaluate connectivity for pedestrian movements as well as pedestrian access within downtown pedestrian activity centers.

Goods Movement Background Conditions Analysis. Mintier Harnish will provide an assessment of goods movement. This analysis will address the primary modes of goods movement including truck, rail, and air, and a review of the linkages and coordination issues between these modes for goods movement within the city of American Canyon and Napa County. In consultation with City staff, we will identify City roadways with existing heavy-duty vehicle levels.

Aviation Facilities. Mintier Harnish will provide an assessment of general aviation and commercial passenger aviation at the Napa County Airport, as well as general aviation facilities. This assessment will include enplanement trends, commercial provider status, and a review of the accessibility and coordination linkages between aviation and other modes (e.g., transit services).

Air Quality, Greenhouse Gases (GHG), and Energy

Mintier Harnish will provide a summary of meteorological and climatological data for the city, as well as localized conditions in the vicinity of the city using data collected by the Bay Area Air Quality Management District (BAAQMD), the California Air Resources Board (ARB), and the U.S. Environmental Protection Agency. We will describe the pollutants of concern and their known health effects. The existing State and Federal ambient air quality standards; the region's attainment status with regard to those standards; and a discussion of applicable air quality goals, policies, and attainment plans of State and local agencies, including the region's most recent air quality plans, will be summarized to the extent that they relate to planning policy and land use decisions. This section will also describe the key concepts of climate change, the GHGs of greatest concern and their impacts on climate change, and the current climate change regulatory environment, in particular AB 32 and SB 32, as it applies to this General Plan Update.

Climate Adaptation and Resiliency

As required by SB 379, Mintier Harnish will address climate adaptation in the General Plan. Mintier Harnish will prepare a concise and easily digestible "State of the Science" climate hazard section that includes an analysis of historical and projected trends for temperature, precipitation, extreme heat, drought, urban flooding, sea level rise and coastal flooding, and air quality, among other climate hazards in American Canyon. Using this climate-related hazard data, Mintier Harnish will first prepare a vulnerability assessment describing the potential impacts of climate change on vulnerable physical assets (e.g., properties and buildings, transportation systems, open space and ecosystem areas) and populations. Where data is available, projected trends hazard data will include a mid-century and an end-of-century scenario. This analysis will help American Canyon begin to define and prioritize adaptation goals and actions. The vulnerability analysis will seek to uncover a broad range of direct and indirect climate impacts across key sectors, including infrastructure, buildings, natural systems, economic assets, and populations. The analysis will identify key sectors and their assets exposed to climate hazards, assess the sensitivity and adaptive capacity of each sector, and evaluate the vulnerability of each consistent with the California Adaptation Planning Guide and ART framework, pursuant to SB 379.

The vulnerability assessment will combine qualitative and quantitative analysis. Mintier Harnish will map American Canyon's critical infrastructure (e.g., roads and highways, railways, water systems), sensitive population groups and disadvantaged communities, parks and open space areas, and other key assets to better understand exposure to each climate hazard. We will combine this spatial/quantitative analysis with an assessment of existing plans and efforts underway to minimize the impacts of climate change to ascertain vulnerability, such as the Sustainable Communities Strategy and Napa County 2019 Multi-Jurisdictional Hazard Mitigation Plan. Where possible, the relative vulnerability will be mapped for each asset category, using maps in combination with text and tables that provide insight into the vulnerabilities.

Geology and Soils

Mintier Harnish will provide a summary of relevant information from the existing General Plan and available information from geologic, soil, and seismic mapping resources, including soils hazards from Natural Resources Conservation Service and seismic hazards from U.S. Geological Survey, to describe existing conditions.

Hazards and Hazardous Materials

Mintier Harnish will provide a summary of relevant information from the existing General Plan, and other relevant information sources such as hazardous materials and hazardous waste databases, including, but not limited to, EnviroStor, Envirofacts, SLIC, and HAZNET, to describe existing conditions with respect to hazardous materials and hazardous waste in American Canyon. A summary will also be provided for the American Canyon County Airport to describe existing conditions with respect to hazards presented by development in proximity to the airport, CALFIRE fire hazard severity zone maps to describe existing conditions with respect to wildfire hazard in the city, and established evacuation routes.

Hydrology, Flooding, and Water Quality

Mintier Harnish will provide a summary of existing information from the current General Plan, and other relevant information and reports available from the Federal Emergency Management Agency (FEMA), the Regional Water Quality Control Board (RWQCB), the California Department of Water Resources, and the affected Flood Control Districts, and other agencies and sources. The summary will include a description of the surface hydrology and hydrogeology of the city.

Noise

Mintier Harnish will provide a summary of existing information from the existing General Plan, aerial photography, and existing land use mapping to determine noise sensitive land uses. The summary will identify existing noise-generating sources such as major arterials, freeways, the Napa County Airport, and the Union Pacific Railroad line.

Public Facilities and Services

Mintier Harnish will research and analyze existing and planned infrastructure, resources, services, and facilities related to the following subtopics:

- Law Enforcement
- Fire Protection
- Emergency Services
- Health Care
- Schools

Utilities

Mintier Harnish will evaluate existing utilities based on information from water, wastewater, and stormwater master plan documents, including the current Urban Water Master Plan, supplemented with information from City staff to identify changes/additions since completion of the plans. We will also prepare figures of existing facilities (water, sewer, and stormwater systems) in GIS. This chapter will include the following subtopics:

- Utilities and major utility corridors (gas, electric)
- Water supply, treatment, and delivery
- Wastewater collection and treatment
- Storm drainage and flood protection
- Solid and hazardous waste disposal and recycling

For each topical area, we will estimate future demands based on currently projected development (under current General Plan) compared to available capacity and planned improvements, identifying potential facility and/or service shortfalls. Mintier Harnish will also assess if the General Plan must include information related to recent State mandates that require cities to identify service needs for unincorporated disadvantaged communities (SB 244) that may be within the identified Planning Area. This chapter will also include an evaluation of the feasibility of establishing municipal broadband service.

Task 3.F: Prepare Final Existing Conditions, Opportunities, and Challenges Map Atlas

Following City staff review of the draft Existing Conditions, Opportunities, and Challenges Map Atlas, Mintier Harnish will make any changes required and prepare the Final Map Atlas for public distribution.

Tasks 3.G and 3.H: Meetings with Advisory Committees and Decision-Makers #3: Existing Conditions and Community Vision

Advisory Committees

City staff will present key findings from the Map Atlas to the Advisory Committees to gather feedback on information and analysis in the report. The purpose of the meeting will be to give the Advisory Committees a factual background on existing conditions and trends that they will use to inform the alternatives analysis in the coming phase.

Joint City Council and Planning Commission Study Session

Mintier Harnish and City staff will facilitate a Joint Study Session with the City Council and Planning Commission to discuss existing conditions and trends, community vision, and issues and opportunities. Based on findings from the Map Atlas, Mintier Harnish will describe key opportunity areas and policy considerations for the General Plan Update. We will prompt interactive discussions to affirm the vision statement and guiding principles and gather direction for forming the land use alternatives.

Task 3 Deliverables:

- Existing Land Use GIS Layer – GIS digital version
- Vehicle Miles Traveled (VMT) Analysis – two (2) electronic copies (Word and PDF)
- Baseline Economic and Market Trends Analysis – two (2) electronic copies (Word and PDF)
- Draft Existing Conditions, Opportunities, and Challenges Map Atlas – one (1) electronic copy (PDF)
- Final Existing Conditions, Opportunities, and Challenges Map Atlas – one (1) electronic copy (PDF)
- Meetings with Advisory Committees and Decision-Makers #3 materials – meeting materials (i.e., PowerPoint presentation) and electronic copies (PDF)

Task 4: Alternatives

Mintier Harnish and City staff will facilitate dialogue with the community and decision-makers to establish community priorities for future growth and change. We will develop land use, circulation, and policy alternatives for the city, focusing on opportunity sites. We will evaluate the alternative plans to inform decision-making, which will include analyzing traffic impacts, infrastructure, economic implications, and population/employment growth. The purpose of this task is to develop consensus on a vision for the future of American Canyon.

Task 4.A: Preliminary Alternative Choices

Mintier Harnish will prepare up to three land use alternatives in “sketch plan” form. We will also evaluate issues and opportunities identified in Task 3 and develop policy alternatives to address these items. The alternatives will be consistent with the vision and guiding principles; reflect findings from the issues, opportunities, and constraints determined in Task 3; incorporate feedback from community members and decision-makers during the previous tasks; and offer real choices for the future.

We will refine the alternatives based on feedback from City staff. Alternatives will focus on alternative uses and mixes, building intensity, and locations for potential redevelopment and intensification, and explore issues related to revitalization of key corridors, neighborhood conservation, and economic development. We will also explore concepts related to connectivity and transportation.

Task 4.B: Real Estate Development Feasibility Assessment

Mintier Harnish will test the financial feasibility of up to five distinct real estate development prototypes. Feasibility testing will rely on a static (i.e., stabilized year) financial pro forma financial model that considers the potential value of a real estate development concept relative to its development cost. The analysis will provide a high-level screening of land use formats to inform the General Plan alternatives and ensure that proposed development scenarios are realistic. We will rely on value inputs collected and analyzed as part of the market research from Task 3.D. Real estate development costs will reflect current cost book estimates (e.g., RS Means and Leyland Saylor), recent Consultant project work, and input from City staff. City staff will provide key data concerning development permitting costs, applicable fees, and connection charges. If particular development concepts sought by the community are found to be marginally infeasible, we will identify potential strategies for addressing the value shortfall as part of Task 5.H (Financing for Infrastructure and Public Facilities).

Mintier Harnish will prepare a Real Estate Development Feasibility Assessment memorandum. City staff will provide one round of consolidated comments before Mintier Harnish finalize the deliverable.

Task 4.C: Meetings with Advisory Committees and Decision-Makers #4: Preliminary Alternatives

Advisory Committees

City staff will facilitate meetings with the Advisory Committees to present the preliminary alternatives and gather feedback and recommendations for refinements as necessary.

Planning Commission

Mintier Harnish and City staff will facilitate a meeting with the Planning Commission to present the preliminary alternatives, input from the Advisory Committees, and gather feedback and recommendations for further refinements as necessary.

City Council

Mintier Harnish and City staff will facilitate a meeting with the City Council to present the preliminary alternatives, input from the Advisory Committees and Planning Commission, and gather feedback and recommendations for refinements as necessary. The purpose of this meeting will be to gain City Council direction and confirmation to commence the detailed analysis.

Task 4.D: Finalize Alternatives

Based on direction from the City Council, Mintier Harnish will work with City staff to refine and finalize the alternative choices.

Task 4.E: Evaluate Alternatives

Using the land use alternatives generated during Task 4.D, Mintier Harnish will prepare an Alternatives Report that clearly communicates the potential implications of each alternative to support informed decision-making. For each policy alternative, Mintier Harnish will identify the issues for which there is clear policy choice and direction, as well as issues where policy choice and direction is not as clear. We will complete a quantitative comparative assessment of each alternative to assess population, housing, and employment projections based on buildout. The Alternatives Report will include maps and descriptions for land use and circulation alternatives as well as key policy options. As part this effort, we will prepare assumptions to quantify impacts and assess relative merits and disadvantages of each alternative. This will include:

Land Use, Population, and Employment. Evaluation of impacts on population, jobs/housing balance, and other factors of concern.

Economics and Fiscal Implications. Evaluation of impacts on General Fund revenues with the costs of providing General Fund services to identify the fiscal implications of various growth patterns/scenarios (e.g., amount and type of new development) and level of public service standards (e.g., new public facilities, public safety goals) based on an evaluation of the City's budget documents, interviews with service providers (e.g., Police, Fire, Public Works), and established budget forecasting techniques. Mintier Harnish will develop a static fiscal impact model to compare General Fund revenues and costs for up to three Land Use Alternatives.

Impacts on Public Service Costs. Mintier Harnish typically rely on per-capita estimates and case study research to establish public service costs. Per-capita estimates most commonly are relied on to forecast costs for departments that provide general government services, planning services, and communitywide services. Case study-based analyses are applied to other City services such as police and public works. As part of the case study analyses, we may incorporate calls-for-service data from the police department and cost-per-road-mile data for road maintenance. The appropriate methodologies in each case will depend on available City data and discussions with individual City service providers.

Impacts on General Fund Revenues. Similar to cost analysis, Mintier Harnish typically employ both per-capita and case study-based methods for estimating General Fund revenues. Sales tax, property tax, and transient occupancy tax (TOT) revenues are the most significant sources of General Fund revenue. The analysis will devote effort to evaluating these revenue sources. Sales tax and TOT revenue projections will be based on anticipated net new taxable sales generated, while property tax revenues will reflect anticipated real estate development deliveries, property value assumptions, and the City's property tax allocation factors. We will rely on market data from Task 3.D to inform assumptions, as appropriate. Other revenue estimates, such as charges for service, franchise fees, and licenses and permits will be based on the City's current revenue performance in these areas.

Net Fiscal Impact on General Fund. Based on the data obtained and analysis conducted under the prior subtasks, Mintier Harnish will compare service costs to revenues. For each of the three alternatives, we will evaluate the net annual fiscal impact. We will present the results at a single point in time and in constant dollars.

Transportation. Using the most current validated and accepted City of American Canyon travel demand model as a source for traffic forecasts, this evaluation will analyze roadway volumes and volume/capacity ratios to determine where improvements are needed to meet current General Plan LOS standards. Other high-level metrics, such as vehicle trips and vehicle miles traveled (VMT), will be provided for the alternatives, as well as a qualitative assessment of impacts and performance related to other transportation modes. The analyses performed as part of the Existing Conditions analysis will also be performed for each alternative under future year conditions (i.e., VMT and segment/intersection LOS).

Utility Infrastructure Assessment. Evaluation of utility infrastructure availability, including water, wastewater, storm drainage, and structural fire protection facilities and services; and cost estimates for necessary improvements to address infrastructure needs or deficiencies under each of the alternatives.

Task 4.F: E-Newsletter #2: Alternatives

The second newsletter will provide an overview of the alternatives, summarize key findings from the comparative assessment, and publicize upcoming community engagement opportunities.

Task 4.G: Online Survey #2: Alternatives

Mintier Harnish will conduct the second survey to gather community input on key choices presented in the alternatives. We will use Maptionnaire, an online, interactive map-based survey tool, to get specific feedback on land use, circulation, and other physical characteristics. In addition to the web-based survey, we will prepare a printed version, which will be mailed to all households in the city. The survey will include pre-paid postage for easy return. Mintier Harnish will code, synthesize, and analyze input from completed surveys received. We will present the results in a short report, which we will use to refine the Preferred Plan.

Task 4.H: Community Engagement: Land Use and Policy Alternatives

Community Workshop #2

Mintier Harnish and City staff will facilitate a second community workshop to present the draft land use alternatives and design concepts. The workshop will include educational components on the fiscal, transportation, environmental, and other considerations for confirming areas for growth and

revitalization and areas for preservation. We will use various stations, interactive exercises, and small group discussions to prompt community members to share input on how the city's major opportunity areas should change and revitalize to support the needs of the community and businesses, and ensure the continual provision of high quality services and infrastructure in the future. We will summarize the results in a brief memorandum.

We will also work with City staff to organize Roadshow Events for land use and policy alternatives (see Task 2.G) around the same time as Task 4.H. The events will be held at festivals, neighborhood meetings, or other community events, and will feature informational materials and exercises similar to those in Community Workshop #2.

Task 4.I: Meetings with Advisory Committees and Decision-Makers #5: Alternatives Assessment

Advisory Committees

City staff will facilitate meetings with the Advisory Committees to review the results of the alternatives analysis and community feedback from the survey and workshop. We will facilitate a discussion to solicit their feedback and recommendations on a preferred land use alternative and key policy choices.

Planning Commission

Mintier Harnish and City staff will facilitate a meeting with the Planning Commission to review the results of the alternatives analysis, community feedback from the survey and workshop, and input from the Advisory Committees. We will facilitate a discussion to solicit their feedback and recommendations on a preferred land use alternative and key policy choices.

City Council

Mintier Harnish and City staff will facilitate a meeting with the City Council to review the results of the alternatives analysis and community feedback. We will also present recommendations from the Advisory Committees and Planning Commission. We will facilitate a discussion to solicit their feedback and recommendations on a preferred land use alternative and key policy choices.

Task 4 Deliverables:

- Preliminary Alternative Plans (3 alternatives) – two (2) electronic copies (Word and PDF)
- Real Estate Development Feasibility Assessment (5 real estate development prototypes) – two (2) electronic copies (Word and PDF)
- Advisory Committee, Planning Commission, and City Council Meetings #4 materials – meeting materials (i.e., PowerPoint presentation) and electronic copies (PDF)
- Finalized Alternative Plans (3 alternatives) – two electronic copies (Word and PDF)
- Alternatives Evaluation report – two (2) electronic copies (Word and PDF)
- E-Newsletter #2 – one (1) electronic copy (PDF)
- Online Survey #2 – Maptionnaire digital version and mail-in option
- Online Survey #2 results report – one (1) electronic copy (PDF)

- Community Workshop #2 materials – workshop materials (i.e., PowerPoint presentation, poster boards) and electronic copies (PDF)
- Community Workshop #2 summary memorandum – one (1) electronic copy (PDF)
- Meetings with Advisory Committees and Decision-Makers Meeting #5 materials – meeting materials (i.e., PowerPoint presentation) and electronic copies (PDF)

Task 5: Preferred Plan and Key Goals

Mintier Harnish will identify the preferred land use plan and develop a framework for policy development, community enhancement, economic development, and circulation.

Task 5.A: Prepare Preliminary Preferred Plan

Mintier Harnish will prepare the Preliminary Preferred Plan based on public input and direction from the City Council and Planning Commission. We will work with City staff to refine, as needed. The Preferred Plan will cover land use, community/urban design, open space, and transportation/connectivity components.

Tasks 5.B and 5.C: Meetings with Advisory Committees and Decision-Makers #6: Preliminary Preferred Plan

Advisory Committees

City staff will facilitate meetings with the Advisory Committees to review the Preliminary Preferred Plan and provide recommendations to the Planning Commission and City Council.

Planning Commission

Mintier Harnish and City staff will facilitate a Study Session with the Planning Commission to further review and refine the Preliminary Preferred Plan.

City Council

Mintier Harnish and City staff will facilitate a Study Session with the City Council to review the Preliminary Preferred Plan, consider recommendations from the Planning Commission, and further refine the Plan.

Task 5.D: Prepare Recommended Preferred Plan and Key Policies

Mintier Harnish will revise the preliminary Preferred Plan to produce a Recommended Preferred Plan. The Recommended Preferred Plan will include a series of maps and key goals that support the new plan and respond to any gaps or needed updates identified.

Tasks 5.E and 5.F: Meetings with Advisory Committees and Decision-Makers #7: Recommended Preferred Plan and Policy Framework

Advisory Committees

City staff will facilitate meetings with the Advisory Committees to review and provide recommendations for refining the Preferred Plan and policy framework.

Planning Commission

Mintier Harnish and City staff will facilitate a meeting with the Planning Commission to review and refine the recommended Preferred Plan and policy framework.

City Council

Mintier Harnish and City staff will facilitate a City Council Study Session to review the recommended Preferred Plan and policy framework and consider input from the Planning Commission, before also providing direction on refinements. We will use feedback from the meeting to establish the Recommended Preferred Plan as the basis for the General Plan, the environmental analysis, and formulation of detailed Plan policies.

Task 5.G: Transportation Evaluation of Preferred Plan and Key Transportation Policy Topics

Mintier Harnish will produce a detailed analysis for evaluating the Final Recommended Preferred Plan and a list of recommended transportation improvements. We will prepare a report that summarizes the key differences between the previous three alternatives and the Final Recommended Preferred Plan. The report will also address several key transportation policy topics including the following:

- SB 743/VMT Compliance
- Establishing a citywide Traffic Demand Management (TDM) Program
- Complete Streets
- Equity Considerations Related to Transportation
- Emerging Transportation Considerations
- Financially Constrained Transportation System

The report will also describe options for incorporating equity considerations related to transportation in the General Plan process including GIS assessments of network completeness, modal accessibility, and access to key land use types. In this task, Mintier Harnish anticipate making use of City-maintained GIS data.

We will also describe alternative approaches for addressing the Complete Streets policy requirement in the report.

The report will also discuss emerging transportation considerations, including Transportation Network Companies (e.g., Uber, Lyft), shared transportation systems, enhanced technology and information systems, and partial or fully autonomous vehicles. We will also discuss potential effects of these emerging technologies on roadway needs, transit ridership, VMT, parking, and curbside management.

Recent litigation and the 2017 General Plan Guidelines have caused agencies to increase the level of analysis and policy considerations related to the need for a financially constrained transportation system. The report will describe policies and actions considered by other agencies to address transportation funding shortfalls.

Task 5.H: Infrastructure Evaluation of Preferred Plan

Mintier Harnish will prepare preliminary comparisons of public utility and infrastructure system needs for the Final Recommended Preferred Plan. This analysis will include planning level infrastructure evaluations and major infrastructure cost estimates. It is assumed that the Preferred Plan will be similar to one of the land use alternatives, and that much of the alternatives analysis will be relevant for the Preferred Plan evaluation. We will prepare a technical report to document key findings from the evaluations.

Task 5.I: Financing for Infrastructure and Public Facilities

Mintier Harnish will research and assess the financing tools and policies that may be available to the City and current and future stakeholders to finance the public and private costs articulated in the Preferred Plan. We will consider expected infrastructure costs with potential revenue sources based on the type of infrastructure investment sought. We may explore the following funding sources:

- Public-private joint development opportunities for shared infrastructure;
- Development impact fees;
- Value-capture techniques to convert fiscal benefits into financing tools;
- Districts (e.g., CFDs, EIFDs, CRIAs) for financing public improvements or facilities;
- Cost allocation strategies for required off-site improvements or facilities; and
- Other financial and fiscal measures or mitigation strategies to cover any fiscal deficits.

Mintier Harnish will focus on the range of funding sources and financing options available for development in California, primarily including development-based and City funding sources. While various innovative funding sources and financing techniques may be available, four primary funding sources will nearly always form the backbone of any financing program:

- Development-Based Funding
- Land-Secured Funding and Financing
- City Funding and Financing
- State and Federal Programs

This task will present each of the funding sources and financing mechanisms that fall under these general categories. For each funding and financing alternative, Mintier Harnish will articulate key considerations, including establishment requirements, payer base, benefits, and limitations.

Task 5 Deliverables:

- Preliminary Preferred Plan – two (2) electronic copies (PDF and Word)
- Meetings with Advisory Committees and Decision-Makers #6 materials – meeting materials (i.e., PowerPoint presentation) and electronic copies (PDF)
- Recommended Preferred Plan – two (2) electronic copies (PDF and Word)
- Meetings with Advisory Committees and Decision-Makers #7 materials – meeting materials (i.e., PowerPoint presentation) and electronic copies (PDF)
- Evaluation of the Preferred Plan technical report – one (1) electronic copy (PDF)

Task 6: Draft General Plan

Mintier Harnish will carefully review and update all Elements to ensure consistency and accuracy and introduce new policies that respond to community priorities. We will update all maps to maintain a consistent look and feel. Our scope assumes that the City's General Plan Element structure remains the same as is in the current document, with the exception of introducing a new Implementation Program. Some Elements may be reorganized or combined but still comply with the General Plan Guidelines.

In addition to ensuring internal consistency among the Elements, we will develop policies and programs based on sustainability principles that reflect a "Triple Bottom Line Analysis." The policies and programs will balance residents' quality of life with environmental sustainability and a land use plan that provides sufficient municipal revenues to meet City service level standards.

Task 6.A: Audit Existing General Plan

Mintier Harnish will work closely with City staff to audit the existing General Plan goals and policies to determine what is working, what is not working, and what is needed to align them with the Preferred Plan and the new Community Vision and Guiding Principles. We will integrate information and key findings from Task 1.B: Existing Conditions, Opportunities, and Challenges Map Atlas. We will do this with our proprietary General Plan Audit Tool, which is in a matrix format. Our General Plan Audit Tool will provide insights on the existing General Plan's clarity; linkages to other plans; progress in achieving desired outcomes; efficiency; and whether goals, policies, objectives, and actions should be carried forward, modified, or removed. This audit will also look at the additions needed to address changes in State law, the new 2017 OPR General Plan Guidelines, and contemporary planning practice and content. We will document the results of this review in a General Plan Audit Report.

Task 6.B: Administrative Draft General Plan

Mintier Harnish will work closely with City staff to prepare an Administrative Draft General Plan. We will format the General Plan to be attractive, contemporary, and user-friendly, using extensive photos, illustrations, and maps. As part of this task, we will ensure that the Administrative Draft General Plan covers all the requirements of State law, such as complete streets, flood risk reduction, adaptation, and resiliency. We will also ensure full compliance with the 2017 General Plan Guidelines. The Plan will reflect best practices for addressing contemporary planning issues, such as retail trends, transportation technology, and community health. We will also consider the potential to address cross-cutting themes (topics that relate to multiple elements) by including identifying icons. This may be appropriate for items such as environmental justice, community health, greenhouse gas reductions, and policies directly related to PEIR environmental mitigations. The updated General Plan will include:

Planning Context, Vision, and Guiding Principles. This chapter will provide a general introduction to the purpose and content of the General Plan and its relationship to other City planning documents. It will establish the foundational understanding for reading and using the General Plan.

Land Use and Community Design Element. This Element will include the location, density, and intensity of uses, along with policies that would result in general location and distribution of land uses for "open space, including agricultural and natural resources, recreation and enjoyment of scenic beauty" (pursuant to Government Code Section 65302(a)).

Circulation Element. This Element will include an update of the existing Circulation Element by developing transportation policies pursuant to Government Code Section 65302(b), SB 375, and the California Complete Streets Act. The Circulation Element will also include policies to address roadway network performance, the transit system, bicycle and pedestrian systems, truck travel, potential Sonoma SMART Train extension through American Canyon to Suisun City, emergency evacuation routes, a Citywide TDM Program, and alternative vehicle systems. The Circulation Element will consider appropriate VMT thresholds of significance per SB 743, as well as complete streets standards for all modes, including pedestrians, bicyclists, and transit.

Mintier Harnish will work closely with City staff to determine the best approach for retaining traffic level of service (LOS) standards while using VMT thresholds for CEQA. We will develop VMT-related policies, which will focus on setting VMT reduction expectations that could also be used as CEQA impact significance thresholds and to define the range of potential feasible mitigation measures. The Circulation Element will consider appropriate VMT thresholds of significance per SB 743, as well as complete streets standards for all modes, including pedestrians, bicyclists, and transit.

A main focus of this Element will be a policy framework for realizing a recommended alignment for the future “West Side Connector.”

Housing Element. This Element will be an update for the 2022-2030 RHNA cycle to adequately plan to meet the housing needs of everyone in the community, consistent with Government Code Section 65583.

Community Services Element. This Element will focus on goals and policies related to public services, including police, fire, and emergency services.

Open Space and Recreation Element. This Element will integrate recent work on the Parks and Recreation Needs Assessment, Clarke Ranch Master Plan, and Watson Ranch Specific Plan. This Element will be particularly robust and closer to a master plan level of detail that will provide direction for future plans and projects. This Element will address the wide variety of parks, trails, and open spaces serving the diverse recreation needs of American Canyon residents, particularly youth, and emphasize the unique features of the City’s natural environment – from the Newell Open Space to the east to the wetlands and trails to the west. We will develop the goals, policies, and programs in close collaboration with the community, Parks and Community Services Commission, Open Space Advisory Committee, and the Parks and Recreation Department. Identification of companion implementation programs, such as partnerships and funding strategies, will be an integral feature.

Education and Life-long Learning Element. This new Element will ensure adequate capacity in educational facilities including K-12 schools, childcare facilities, continuation schools, adult education programs, libraries, as well as the provision of a diversity of new educational facilities and programs offered through public, private, and nonprofit organizations.

Historic Resources Element. This Element will provide updated guidance on the City’s historic and archaeological resources, its approach to historic preservation, and strategies to promote education and awareness of American Canyon’s history.

Natural Resources Element. This Element will consider the effects of existing and planned development on natural resources located on public lands, including military installations, consistent with Government

Code Section 65302(d). This Element will address State law requirements, including air quality, greenhouse gas emissions, and climate change adaptation.

Safety Element. This Element will cover seismic activity, other geologic hazards, fire hazards, hazardous materials, flooding, and other potential hazards, consistent with Government Code Section 65302(g). It will also address Noise Element requirements, consistent with Government Code Section 65302(f), including new existing noise contours as well as projected noise contours based on future traffic volumes projected to arise from improvements planned for in the Circulation Element. Mintier Harnish will develop up to three noise contour maps that visually depict traffic noise levels in the city for the following scenarios: Existing, Future without Project, and Future with Project. We will review existing noise standards and update as needed.

Adaptation and Resiliency Strategy. Mintier Harnish will develop a set of policies and actions guided by the Vulnerability Assessment (Task 3.E) to improve resiliency and reduce or eliminate risks from natural hazards in American Canyon, pursuant to SB 379. Mintier Harnish will ensure climate change adaptation and resiliency policies and strategies are fully integrated into the General Plan with emphasis on land use, circulation, and safety in a way that is effective and implementable.

The Adaptation and Resiliency Strategy will include suggested projects, programs, and funding sources for natural hazard mitigation and response, and will directly tie to the 2019 Multi-Jurisdictional Hazard Mitigation Plan and Emergency Operations Plan. The strategy will be developed in coordination with City staff, including the Public Works and Community Development Department, local emergency response providers, and elected officials.

Economic Development Element. The Economic Development Element will focus on achieving citywide economic development priorities including promoting a diversity of commercial uses in the Downtown Commercial Area, encouraging local-serving commercial uses in the neighborhood- and resident-serving commercial areas, promoting and enhancing the economic viability of key planning areas, increasing the community's benefits from tourism while also preserving American Canyon's sense of place, and supporting diverse and thriving commercial nodes in the city. We will also analyze jobs/housing balance from the perspective of encouraging industries that pay adequate wages for employees to comfortably live in American Canyon. The policies and implementation measures will draw upon our professional experience, national best practices, and the organizational capacity and resources of the City and supporting entities. The recommendations will strive to capitalize on identified strengths and mitigate local and regional economic challenges. Strategies in this Element will focus on the City's goals for jobs, housing, environmental protection, fiscal health, and other factors going forward.

Utilities Element. This Element will include goals and policies to address local delivery of City-provided sewer and water services, as well as Pacific Gas and Electric's (PG&E) capacity to deliver electric and natural gas services. This Element will also provide a policy framework for the City to establish municipal broadband service.

Implementation. This chapter will be a comprehensive implementation strategy with discrete, tangible actions that the City will undertake to carry out all of the Plan's various goals, policies, and objectives. It will also highlight goals, policies, and programs related to administration of the General Plan. The chapter will detail timing, potential funding sources, and the responsible parties for each implementation measure. As part of developing this strategy, Mintier Harnish will review current City implementation

ordinances/regulations and include programs for ordinance revisions needed to maintain consistency with the General Plan. We will work closely with City staff to ensure that the implications, resource needs, and fiscal impacts of the implementation programs are clear so the City can make an informed decision about the work it is signing up to complete.

Tasks 6.C and 6.D: Meetings with Advisory Committees and Decision-Makers #8: Draft General Plan

Advisory Committees

City staff will facilitate one round of meetings with the Advisory Committees to review the draft General Plan and provide direction on recommendations for refinements to the Plan.

Planning Commission

Mintier Harnish and City staff will facilitate a study session with the Planning Commission to review and refine the Draft General Plan. The Planning Commission will recommend any revisions or adjustments to the Draft General Plan for consideration by the City Council.

City Council

Mintier Harnish and City staff will facilitate three study sessions with the City Council to review the Draft General Plan and consider recommendations from the Advisory Committees and Planning Commission. We will hold additional City Council meetings, if needed. The City Council will provide direction on revisions or adjustments to the Plan prior to Mintier Harnish conducting the CEQA analysis.

Task 6.E: Draft General Plan

Based on input and recommendations from the City Council, Planning Commission, and Advisory Committees, Mintier Harnish will refine the Administrative Draft and prepare a Public Review Draft General Plan for publication and environmental review.

Mintier Harnish will work with staff to organize Roadshow Events for the Draft General Plan (see Task 2.G) around the same time as Task 6.E. The events will be held at a festival, neighborhood meetings, or other community events, and we will feature informational materials to release key takeaways from the Draft General Plan.

Task 6.F: E-Newsletter #3: Draft General Plan

Mintier Harnish will prepare a third newsletter to summarize the Public Draft General Plan by providing highlights of the key features and changes in the new General Plan. We will also use the newsletter to announce the final roadshow events. The newsletter will be formatted for mail and/or electronic distribution.

Task 6 Deliverables:

- Existing General Plan Evaluation – one (1) electronic copy (PDF)
- Administrative Draft General Plan – two (2) electronic copies (PDF and Word)
- Meetings with Advisory Committees and Decision-Makers #8 materials – meeting materials (i.e., PowerPoint presentation) and electronic copies (PDF)

- Draft General Plan – 15 full-color reproducible copies, two (2) electronic copies (Word and PDF)
- E-Newsletter #3 – one (1) electronic copy (PDF)

Task HE: Housing Element

Task HE-1: Administrative Review Draft Housing Element

Subtask HE-1.A: Existing Housing Needs Analysis

The Existing Housing Needs Analysis is a comprehensive evaluation of current demographic, employment, housing, and housing market conditions and trends. We will use this section as the basis for determining the existing unmet housing needs in American Canyon. We will incorporate relevant findings from Task 3: Existing Conditions, Trends, and Opportunity Assessment into this analysis. This analysis will include the following topic areas:

Demographic Profile and Employment Profile. This section establishes “baseline” population and employment characteristics for the city, including population growth trends, age characteristics, race and ethnicity, income, and local employment trends, as well as population and employment projections.

Household Characteristics and Housing Stock. Mintier Harnish will use recent data sources to update the description of the existing housing stock in terms of housing stock growth and composition, vacancy rates, housing age and conditions, and overcrowding. Mintier Harnish will also describe housing cost burdens and the ability of households of different income levels to pay for housing. Mintier Harnish will describe current housing market trends, home sale prices, and rental rates using recent data sources (e.g., DataQuick, Zillow, CalREALTORS records) and based on conversations with local realtors.

Special Needs Housing Analysis. Mintier Harnish will update the analysis of housing needs for special needs populations, including senior households, persons with disabilities, large families, single female-headed households, farmworkers, seasonal workers, extremely low-income households, and persons in need of emergency shelter.

Subtask HE-1.B: Housing Resources and Opportunities

The Housing Resources and Opportunities section will include a description of the City’s 2022-2030 RHNA from ABAG. This analysis will examine the resources and opportunities available for the development, rehabilitation, and preservation of housing. It will include an inventory and analysis of the land resources (i.e., vacant and underutilized sites), as well as the financial and administrative resources available to support housing activities.

Units Approved, Built, or Under Construction. A jurisdiction is allowed to count units that are approved, built, or under construction as of the beginning of the projection period, or completed after that date, but before Housing Element adoption, against its RHNA and calculate the remaining housing need. Mintier Harnish will count any of these units against the RHNA and calculate the remaining housing need.

Sites Inventory. Mintier Harnish will prepare inventory and analysis in accordance of Government Code Section 65583(a)(3). To accomplish this, we will review and update the vacant and underutilized sites inventory using the 2015-2023 Housing Element and the existing and proposed land uses from the existing General Plan and 2040 General Plan Update. The sites inventory will be a parcel-specific land inventory,

as required by AB 2348, based on the current General Plan, the Zoning Ordinance, and other recent planning efforts related to land use.

We will strive to ensure that the inventory provides sufficient sites to meet the City's RHNA for both affordable and market-rate housing. This site inventory analysis will require further refinement than previous Housing Elements because of AB 1397, which enacted stricter requirements for the adequacy of housing sites, including non-vacant sites and sites that were identified in previous Housing Elements. The law requires that sites have sufficient available infrastructure and realistic dwelling unit count based on development of affordable housing at the assigned density, rather than the maximum density permitted. If this analysis reveals insufficient sites, Mintier Harnish will work with City staff to expand the inventory and propose possible sites for rezoning. We have experience with this process and, if necessary, will work with City staff to identify the most suitable sites for rezoning.

Adequacy of Public Facilities and Services. Mintier Harnish will prepare an assessment of the adequacy of water and wastewater infrastructure to meet existing and future housing needs, based on information from local water and wastewater master plans, specific plans, and City staff input.

Inventory of Financial and Administrative Resources. Mintier Harnish will describe local, State, and Federal financial and administrative resources available to help the City implement its housing programs.

Energy Conservation Opportunities. Mintier Harnish will describe opportunities for energy conservation, including the City's existing General Plan policies that promote energy conservation, and alternative energy and green building measures. Mintier Harnish will also describe local energy conservation programs, such as weatherization and rebate programs provided by local utility companies. In addition, Mintier Harnish will describe progress towards implementing the measures and standards set forth in the City's Energy Efficiency Climate Action Plan, which was adopted in December 2012.

Subtask HE-1.C: Housing Constraints

Mintier Harnish will review and update the analysis of both governmental and non-governmental constraints, such as land and development costs, site constraints, existing or planned infrastructure, land use controls, building code regulations, fees, and permit and processing procedures. We will also analyze constraints on housing for persons with disabilities, as well as the City's current permitting procedures for emergency shelters, transitional and supportive housing, and single-room occupancy units. Mintier Harnish will update this section to address the current economic, climate, and housing market.

The housing constraints analysis will also document local efforts to remove governmental constraints to improve the City's ability to meet its share of the regional housing needs and satisfy the requirements of the Government Code Section 65583 et seq.

Subtask HE-1.D: Evaluation of Previous Housing Element

Mintier Harnish will review and evaluate the implementation of the 2015-2023 Housing Element policies and programs based on information provided by City staff and annual Housing Element reports submitted to HCD. The evaluation will identify which programs have been accomplished, which programs have been the most successful, and why some housing programs have not been implemented or have been unsuccessful. Mintier Harnish will prepare an assessment memo summarizing the results from this analysis and recommending specific changes to be incorporated into the Housing Element Update.

Subtask HE-1.E: Administrative Review Draft Policy Document

Mintier Harnish will update the 2015-2023 Housing Element goals, policies, programs, and quantified objectives based on the evaluation of the 2015-2023 Housing Element, the housing needs and constraints identified in the Background Report, recent changes to State Housing Element law, public input from the community meetings, and feedback from City staff. Housing policies and programs will build upon the most successful policies and programs in the 2015-2023 Housing Element.

Task HE-2: Public Review Draft Housing Element

Mintier Harnish will prepare a Public Review Draft Housing Element based on comments received from City staff on the Administrative Review Draft Housing Element. Mintier Harnish will provide City staff with a digital copy of the Public Review Draft Housing Element to post on the City's website, and Mintier Harnish will email the Draft Housing Element to the stakeholders and community members on the contact list.

Task HE-3: Planning Commission Study Session

Mintier Harnish will attend a study session with the Planning Commission to solicit input on the Public Review Draft Housing Element and formulate a recommendation for the City Council to authorize City staff to submit the Housing Element to HCD for the mandated 60-day review period. Mintier Harnish will describe all input received from the community meetings and any revisions to the Public Review Draft Housing Element proposed in response to this input. Mintier Harnish will prepare and present a PowerPoint presentation.

Task HE-4: City Council Study Session

Mintier Harnish will attend a study session with the City Council to solicit input on the Public Review Draft Housing Element and request authorization to submit the Housing Element to HCD for the mandated 60-day review period. Mintier Harnish will describe all input received from the stakeholder interviews, community meetings, and Planning Commission study session and any revisions to the Public Review Draft Housing Element proposed in response to this input. Mintier Harnish will prepare and present a PowerPoint presentation.

Task HE-5: HCD Review Draft Housing Element, HCD Checklists, and Transmittal to HCD

Mintier Harnish will revise the Public Review Draft Housing Element based on direction from the Planning Commission and City Council and prepare the draft to be delivered to HCD. Mintier Harnish will provide a digital copy of the HCD Review Draft Housing Element for posting on the City website and will send out an email to stakeholders and community meeting attendees. Mintier Harnish will also prepare a cover memorandum to accompany submission of the Draft Housing Element to HCD. Mintier Harnish will hand-deliver the Draft Housing Element to HCD. Under State law, HCD has up to 60 days to review the Draft Housing Element. During the HCD review process, Mintier Harnish will maintain close contact with the designated HCD reviewer to respond to any questions he/she may have during the process.

Task HE-6: Meeting with HCD

Following submission of the HCD Review Draft Housing Element and prior to the end of the 60-day review period, Mintier Harnish and City staff will meet with HCD staff or conduct a phone call meeting to discuss

the Draft Housing Element and preliminary HCD comments. If necessary, Mintier Harnish will have additional meetings with HCD after submitting the response to comments to facilitate the review process.

Task HE-7: Response to HCD Comments

Following the City's receipt of HCD comments on the HCD Review Draft Housing Element, Mintier Harnish will prepare a preliminary response to HCD comments and provide this to City staff for their review. Based on comments received from City staff, Mintier Harnish will then prepare a formal written response to HCD comments and submit them to HCD. Mintier Harnish will work closely with HCD to seek a timely conditional approval letter prior to Planning Commission and City Council hearings.

Task HE-8: CEQA Compliance

Mintier Harnish will include the Housing Element Update in the environmental review of the General Plan Update, see Task 7: Draft and Final Program EIR. Use of a Program EIR provides the City with the opportunity to consider broad policy alternatives including any General Plan and Zoning Ordinance Amendments associated with the Housing Element Update and programwide mitigation measures and provides greater flexibility to address environmental issues and/or cumulative impacts on a comprehensive basis.

Task HE-9: Public Hearing Draft Housing Element

Mintier Harnish will prepare a Public Hearing Draft Housing Element that incorporates all of the responses to HCD comments. Mintier Harnish will provide a digital copy of the Public Hearing Draft Housing Element to post on the City website and will send out an email to stakeholders and the community.

Subtask HE-9.A: Public Hearings and Adoption (2)

Mintier Harnish will attend two public hearings – one before with the Planning Commission and one before with the City Council – to present the Draft Housing Element, respond to questions, and record the recommendations of the Planning Commission and the action of the City Council.

Task HE-10: Final Housing Element and Transmittal to HCD

Mintier Harnish will prepare the Final Housing Element that incorporates any changes made by the Planning Commission and City Council in adopting the Housing Element. Mintier Harnish will print hard copies and provide a digital copy of the Final Housing Element.

Mintier Harnish will prepare a cover memorandum to accompany submission of the Final Housing Element to HCD for the final 90-day review period.

Task HE Deliverables:

- Memorandum Assessing the 2015-2023 Housing Element – two (2) electronic copies (PDF and Word)
- Administrative Review Draft Housing Element – one (1) reproducible copy, two (2) electronic copies (Word and PDF)
- Public Review Draft Housing Element – 20 bound copies, two (2) electronic copies (Word and PDF)
- Planning Commission and City Council Study Sessions materials – meeting materials (i.e., PowerPoint presentation) and electronic copies (PDF)

- HCD Review Draft Housing Element – one (1) bound copy and two (2) electronic copies (PDF and Word)
- HCD Completeness Checklist – one (1) electronic copy (PDF)
- Response to HCD Comments – two (2) electronic copies (PDF and Word)
- Public Hearing Draft Housing Element – two (2) electronic copies (PDF and Word)
- Planning Commission and City Council Public Hearing materials – meeting materials (i.e., PowerPoint presentation) and electronic copies (PDF)
- Final Housing Element and transmittal memorandum to HCD – 20 bound copies and two (2) electronic copies (PDF and Word)

Task 7: Draft and Final Program EIR

Mintier Harnish will prepare a Program EIR to comply with the California Environmental Quality Act (CEQA). We will prepare the Draft PEIR in parallel with the development of the draft General Plan to the extent feasible. Use of a programmatic EIR provides the City with the opportunity to consider broad policy alternatives and programwide mitigation measures and greater flexibility to address environmental issues and/or cumulative impacts on a comprehensive basis. Once the City Council has certified a PEIR, subsequent activities within the program, such as a development application consistent with the General Plan, may be evaluated to determine its consistency with the Program EIR. This comparison will directly support the decision as to what, if any, additional CEQA documentation needs to be prepared. If the PEIR addresses the program's effects as specifically and comprehensively as possible, many subsequent activities could be found to be consistent with the PEIR mitigation parameters and additional environmental documentation may not be required (CEQA Guidelines Sections 15168(c) and 15183). In such a scenario, the PEIR serves as a valuable first-tier environmental analysis that will assist in streamlining and possibly exempting future projects from CEQA.

The PEIR will evaluate the potential physical impacts of the General Plan's goals, policies, objectives, and strategies. The PEIR will encompass a geographic area to include the Planning Area (current city limits, proposed changes to Sphere of Influence, and other areas determined to have association with the City's planning). While we will strive to prepare a self-mitigating General Plan, the environmental process may reveal additional policy direction that can be folded back into the elements, thereby streamlining future actions consistent with the General Plan.

Task 7.A: Notice of Preparation

Mintier Harnish will develop a preliminary project description and prepare a draft Notice of Preparation (NOP) pursuant to the CEQA Guidelines. The NOP is geared toward other public agencies, but it also intended to inform the broader public of the pending environmental review.

Mintier Harnish will submit a draft NOP to City staff for review. We will make any necessary changes to the NOP and provide an electronic copy to City staff for signatures, publication, and distribution. Mintier Harnish will distribute the NOP to the State Clearinghouse and distribute the NOP to the County Clerk/Registrar Recorder and the City's list of local interested parties, commencing a 30-day public review period.

Mintier Harnish will include all comment letters received during the NOP period in the PEIR appendices and will delineate in a table in the PEIR, along with where their requested topics/issues are addressed in the PEIR.

Task 7.B: Scoping Meeting

In coordination with City staff, Mintier Harnish will conduct a public scoping meeting during the 30-day NOP period to provide an overview of the PEIR process and obtain input on the PEIR scope of work. The scoping process may also help in framing possible alternatives that would avoid potential significant environmental impacts. We will strive to hold this meeting in conjunction with a draft General Plan rollout meeting, underscoring the value of reviewing both the draft plan and the incumbent environmental analysis together.

The scoping meeting will include an oral presentation supported with graphic information designed to stimulate input and comments from attendees related to the PEIR. Mintier Harnish assume that the scoping meeting location identification, invitation, logistics, and other noticing will be arranged by City staff. The scoping meeting details would also be included in the NOP itself. Mintier Harnish will summarize input gathered during the scoping meeting as well as all written input received during the 30-day NOP review period. Mintier Harnish assume that City staff will be the point of contact responsible for gathering public comments outside of the scoping meeting.

Task 7.C: Transportation Impact Study

Mintier Harnish will prepare a Transportation Impact Study (TIS) that we will subsequently incorporate into the Administrative Draft Program EIR. The TIS will cover topics related to the roadway, transit, bicycle, pedestrian, water, rail, air, and truck components of the transportation system.

Mintier Harnish will measure potential significant impacts based on changes to baseline conditions that occur under the cumulative plus project scenario consistent with CEQA Guidelines Section 15125(a). We will use VMT as the threshold for evaluating the traffic impacts of the project, and up to two land use alternatives, in addition to a “no project” alternative. Mintier Harnish will advise the City on the most advantageous approach to developing VMT thresholds of significance for land use alternatives, consistent with the CEQA Guidelines in effect at the time the study is prepared. We will prepare VMT forecasts using the new City of American Canyon travel demand model and potentially other tools to be determined in consultation with the City. Mintier Harnish will work with the City to develop VMT significance criteria to evaluate the transportation system in compliance with the Office of Planning and Research (OPR) General Plan Guidelines and Senate Bill 743. We will coordinate with the City to establish appropriate percent reductions of VMT by land use type and apply these to average trip length or per capita VMT baseline information.

Mintier Harnish will also qualitatively evaluate the impacts on transit and non-motorized systems of the No Project and the Preferred Alternative and recommend mitigation measures to address potentially significant impacts of the Plan. We will summarize the results of the assessment in a technical memorandum during the development of the Circulation chapter of the EIR.

Mintier Harnish will use the City of American Canyon citywide travel model to evaluate the General Plan and two project alternatives using VMT estimates, including citywide VMT, home-based VMT, and employment-based VMT relative to specific land uses or trip types. We will also use the SNABM regional

model as well as LEHD journey to work survey data to examine full trip lengths for all internal-external (I-X) and external-internal (X-I) trip lengths. For future year LOS forecasts, Mintier Harnish will produce up to 30 daily roadway segments traffic forecasts and intersection turn movement forecasts for the preferred alternative. Based on the LOS analysis, Mintier Harnish will also identify the major transportation infrastructure necessary to address the deficiencies identified through modeling.

The approach to transit, bicycle, pedestrian, water, rail, air, and truck impact evaluation will be qualitative and generally rely on potential disruptions to these system components that could be caused or exacerbated by the proposed project.

Mintier Harnish will also address CEQA Guidelines Section 15130(d) requiring an analysis that examines inconsistencies between the currently adopted general plan and the proposed plan by comparing transportation network performance differences between the cumulative no project and cumulative plus project scenarios. These differences do not constitute impacts, as impacts will be determined as described above, but the information is required to be disclosed for CEQA purposes.

Task 7.D: Administrative Draft Program EIR

Mintier Harnish will prepare an Administrative Draft PEIR that will address each topic in accordance with the CEQA Guidelines. Upon completion, printed copies and electronic versions of the administrative draft document will be delivered to City staff for review and comment. The Administrative Draft PEIR will include the following sections:

- Executive Summary
- Introduction
- Project Description
- Environmental Setting
- Discussion of Existing Conditions, Environmental Impacts, Mitigation Measures, and Cumulative Impacts
- Effects Found Not to be Significant
- Other CEQA-Mandated Sections
- References and Organizations/Persons Consulted

The project description, to be developed closely with the City and General Plan team, will contain the City's primary objectives for the General Plan, a description of the plan's jurisdictional boundaries, and existing conditions. It will present proposed land uses, infrastructure concepts, policies, programs, and development regulations. We will also include phasing information, if available. We will describe the information through text, tabular, and graphic forms (maps and diagrams).

Mintier Harnish typically orient analyses around clear impact statements that are separately highlighted in the text. This allows a more precise statement of the specific issue at hand and sets the stage for the technical discussion that follows. If the impact level warrants mitigation measures, they are indexed to and immediately follow the numbered impact in question. Mintier Harnish have found that such an

approach focuses the analysis and becomes clearer for the public and decision-makers to follow. Each topical section will include:

- Existing environmental conditions and pertinent regulatory policies;
- Thresholds of significance;
- A description of environmental changes that would result from implementation of the General Plan and whether those changes would be significant;
- Mitigation measures to reduce or avoid the potentially significant impacts;
- A conclusion as to whether significant impacts would remain after implementation of mitigation measures; and
- A discussion of cumulative impacts.

Issues to be analyzed in a programmatic framework will include:

- Aesthetics
- Agriculture/Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Tribal Resources
- Utilities and Service Systems
- Wildfire

Mintier Harnish will discuss approaches to the impact analysis for the Program EIR with City staff, and we will ensure consistency with the assumptions and methodologies used in recent EIRs in the City of American Canyon to the greatest extent possible. In general, the impact analysis will focus on the issues present in the Planning Area and likely to be affected or impacted by the General Plan Update. Some issues, such as agriculture/forestry resources and mineral resources may not require a detailed analysis relative to other issues because they do not occur in American Canyon or would be unaffected by the project. For such issue areas, the analysis will be contained in the "Effects Found Not to be Significant" section of the Program EIR.

Alternatives Analysis. Mintier Harnish will consider a range of alternatives in the Program EIR. State CEQA Guidelines require consideration of the “No Project” Alternative. For purposes of this Program EIR, the No Project Alternative would be a continuation of the existing General Plan without any updates or additions. In addition to the “No Project” Alternative, Mintier Harnish will consider other alternatives (such as alternative land use scenarios) that were developed during the General Plan Update. Evaluation of alternatives will be in less detail than that for the proposed project, though the analysis will provide decision-makers and the public adequate information to decide between alternatives. This section will also identify the “environmentally superior alternative.” If the “No Project” Alternative is determined to be environmentally superior, the Program EIR will identify the environmentally superior alternative among the remaining scenarios.

Cumulative Impacts. The document will evaluate cumulative impacts based on planning documents for the Planning Area. The contribution of the proposed project to the overall cumulative impact will also be estimated and discussed.

Other CEQA Sections. The Program EIR will provide, in addition to the sections discussed above, all other required CEQA sections, including areas of known controversy, growth inducement effects, and significant unavoidable impacts.

Task 7.E: Draft Program EIR

After the City has reviewed the Administrative Draft PEIR, Mintier Harnish will meet with City staff to review the City’s comments and strategize on how best to address important issues (e.g., future streamlining, SB 743, project specific analysis). Following this meeting with City staff, Mintier Harnish will respond to City comments on the Administrative Draft PEIR.

After addressing the City’s comments, Mintier Harnish will provide the requisite number of printed copies of the Draft PEIR to City staff for distribution and a PDF file optimized for web posting and public noticing. Mintier Harnish will oversee the submittal of the PEIR to the State Clearinghouse for the 45-day public review period.

Task 7.F: Notice of Completion

Mintier Harnish will prepare a Notice of Completion and Summary Form for submittal to the State Clearinghouse with the submittal of the Draft PEIR.

Task 7.G: Notice of Availability

Mintier Harnish will prepare an electronic copy of the Notice of Availability (NOA) of the Draft PEIR for filing with the Napa County Clerk/Recorder. Mintier Harnish will be responsible for mailing the Notice of Availability to the County Clerk, responsible and local agencies, stakeholders, and a newspaper of general circulation during the Draft PEIR 45-day public review period.

Task 7.H: Public Hearings

Mintier Harnish will attend the Planning Commission hearing on the PEIR. Attendance will include oral presentations to the hearing body and graphic presentations, if desired. The Planning Commission will consider the comments made during the public hearing and make recommendations to the City Council. This hearing is expected to be scheduled and selected at the City’s discretion.

Mintier Harnish will attend a public hearing with the City Council to review the Draft General Plan and Final Program EIR. The City Council will consider the Planning Commission's recommendations and public comments received. After the first hearing, the City Council will direct Mintier Harnish to incorporate their recommendations and prepare the Final General Plan and Final Program EIR.

Task 7.I: Response to Comments

Upon receipt of public comments on the Draft PEIR, Mintier Harnish will prepare responses to comments for City review and prepare the Administrative Draft Final PEIR. We will prepare responses to comments received on the Draft PEIR in accordance with CEQA Guidelines Section 15088. We will prepare written responses for each comment that addresses environmental issues. General comments or comments not pertaining to the impact analysis will be acknowledged, but no further response will be prepared. As necessary, Mintier Harnish will modify text or data in the Final PEIR based on the responses to comments and as requested by the City.

Task 7.J: Mitigation Monitoring and Reporting Program

Mintier Harnish will prepare a Mitigation Monitoring and Reporting Program (MMRP), which we will present as a table listing all mitigation measures, indicating what monitoring actions are required, the department(s) and or agencies responsible for monitoring, and when monitoring is to occur.

Task 7.K: Administrative Final Program EIR

Mintier Harnish will prepare an Administrative Final PEIR that will incorporate the Response to Comments document, MMRP, and revisions to the Draft PEIR. Upon completion, printed copies and electronic versions of the administrative draft document will be delivered to City staff for review and comment. The Administrative Final PEIR will include the following sections:

- Introduction
- Responses to Comments
- Revisions to the Draft PEIR
- References and Organizations/Persons Consulted

Task 7.L: Final Program EIR

Mintier Harnish will finalize the Final PEIR based on comments by City staff on the Administrative Draft Final PEIR. This will be the "hearing draft" version of the PEIR for use by the decision-makers when they consider the project for final action. Upon certification of the Final PEIR and project approval, Mintier Harnish will prepare a Final PEIR that includes any Planning Commission or City Council directed changes and submit this to the City in PDF and Microsoft Word formats.

Task 7.M: Findings and Statement of Overriding Considerations

Mintier Harnish will assist the City with the preparation of the required CEQA Findings of Fact. If the Draft PEIR identifies one or more significant impacts, Mintier Harnish will assist the City with the preparation of a Statement of Overriding Considerations. We will include the Statement of Overriding Considerations as part of the Final CEQA Findings that the City Council will be consider along with the Final PEIR.

Task 7.N: Notice of Determination

Mintier Harnish will assist City staff with the preparation and filing of a Notice of Determination (NOD) with the County Clerk's office. It is assumed the City will be responsible for filing the NOD with the County Clerk.

Task 7 Deliverables:

- Notice of Preparation (NOP) – one (1) electronic copy (PDF)
- Scoping Meeting materials – meeting materials (i.e., PowerPoint presentation) and electronic copies (PDF)
- Transportation Impact Study (TIS) – one (1) electronic copy (PDF)
- Administrative Draft PEIR – one (1) electronic copy (PDF)
- Draft PEIR – 10 bound copies, up to 30 CDs/thumb drives (15 of which will be submitted to the State Clearinghouse), and two (2) electronic copies (PDF and Word)
- Notice of Completion (NOC) – one (1) electronic copy (PDF)
- Notice of Availability (NOA) – one (1) electronic copy (PDF)
- Public Hearings materials – meeting materials (i.e., PowerPoint presentation) and electronic copies (PDF)
- Mitigation Monitoring and Reporting Program – one (1) electronic copy (PDF)
- Administrative Final PEIR – one (1) electronic copy (PDF)
- Final PEIR – 10 bound copies, up to 30 CDs/thumb drives, and two (2) electronic copies (PDF and Word)
- Findings of Fact (FOF) or Statement of Overriding Considerations (SOC) – one (1) electronic copy (PDF)
- Notice of Determination (NOD) – one (1) electronic copy (PDF)

Task 8: Hearings and Adoption

During this task, Mintier Harnish will prepare the final documents and facilitate Public Hearings, certification of the Final Program EIR, and adoption of the General Plan. Following General Plan adoption, we will prepare the final version of the adopted General Plan and print final copies.

Task 8.A: Public Hearings

Mintier Harnish will attend two public hearings with the Planning Commission and two public hearings with the City Council to review the Draft General Plan and Final Program EIR. After the first set of the hearings, the Planning Commission will provide recommendations and comments for the Council's consideration, then the City Council will direct Mintier Harnish to incorporate their recommendations and prepare the Final General Plan and Final Program EIR. At the final hearing, the City Council will certify the Final Program EIR and adopt the Final General Plan.

Task 8.B: Prepare City Council-Approved Plan Update

Following public review of the Draft General Plan, Mintier Harnish will prepare the Final General Plan for adoption.

Task 8 Deliverables:

- Public Hearings materials (4 meetings) – meeting materials (i.e., PowerPoint presentation) and electronic copies (PDF)
- Final General Plan – 10 full-color bound copies, two (2) electronic copies (Word and PDF)

Task 9: Web-based General Plan

Mintier Harnish will design the final General Plan as an interactive web-based General Plan using the enCode Plus Web Plan platform. Mintier Harnish and enCode Plus have a strong working relationship and enCode Plus is exclusive with Mintier Harnish in the state of California. The web-based plan will not simply be a document that is published online but will be a dynamic communication tool that provides transparency, accessibility, and efficiency in local government.

The web-based plan will be structured and designed to meet the specific needs of the City. It will be fully searchable, allowing decision-makers and others to quickly locate relevant information.

Task 9.A: Web Design and Branding

Mintier Harnish will facilitate up to two one-hour Webex sessions to discuss desired Web Design and Branding components for the Web-based General Plan.

Task 9.B: Administrative Draft Web-based General Plan

Mintier Harnish will prepare an Administrative Draft Web-based General Plan based on the contents of the adopted American Canyon General. The Administrative Draft Web-based General Plan will include the design elements, formatting, and graphic elements desired by City staff in Task 9.A (Web Design and Branding).

Task 9.C: Staff Review

Following completion of the Administrative Draft Web-based General Plan, City staff will review the format, design, and usability of the site, and provide comments and edits to Mintier Harnish in preparation of a Public Review Draft. As part of this Task, Mintier Harnish will facilitate up to two one-hour Webex sessions to walk through any questions City staff may have.

Task 9.D: Public Review Draft Web-based General Plan

Mintier Harnish will prepare a Public Review Draft Web-based General Plan based on staff comments and edits.

Task 9.E: Staff Training

Mintier Harnish will attend a one- to two- day training for City staff on how to use and edit the web-based General Plan.

Task 9.F: Final Web-based General Plan

Mintier Harnish will prepare the Final Web-based General Plan. During this Task, Mintier Harnish will publish the General Plan online, making it active for the community to view and use.

Task 10: Qualified Greenhouse Gas Reduction Plan Built into the General Plan Update

Mintier Harnish will conduct an analysis of the City's vulnerability to climate change and identify local opportunities to prepare for and adapt to the adverse effects of climate change, thereby meeting the requirements of SB 379. By integrating climate change holistically into the General Plan Update and analyzing these issues in the Program EIR, the City will be able to meet statutory and regulatory requirements, while also avoiding potential future additional costs associated with stand-alone climate action plans or related CEQA documents.

Mintier Harnish will lead this work and advise the City on climate change-related issues through all phases of the General Plan Update process, including background research and issue definition, policy development, technical study and quantification, environmental review and Program EIR preparation, and development of implementation tools, programs and related procedures to enable project-level GHG analysis streamlining. In addition, Mintier Harnish will support City staff by providing tools and training so that City staff throughout the life of the General Plan can routinely review, update as needed, and ensure the GHG reduction plan is on path to achieve the City's goals. To the extent possible for American Canyon, the GHG reduction plan will use the City's existing (though not qualified) Energy Efficiency Climate Action Plan and build upon that base of data, goals, policies, and implementation measures.

Task 10.A: Update GHG Inventory and GHG Forecast

Mintier Harnish will prepare a GHG inventory using the most recent data available for citywide emissions to establish an updated baseline.

Task 10.B: Recommendations for GHG Reduction Targets

Mintier Harnish' approach to target setting is iterative, which is essential to identifying GHG reduction targets that are practical, defensible, and consistent with current State recommendations, including SB 32 and SB 100, as well as other City commitments. The emissions reduction target would be the quantity of GHG emissions that American Canyon is adopting as its emissions reduction objective — the amount by which GHG emissions are planned to be reduced by the target year. Mintier Harnish will develop at least two reduction targets for the years 2030 and 2045. All targets would identify:

- The baseline year and the makeup of emission sources in the baseline year
- The target years (2030 and 2045) in which the reduction will be achieved and the amount of reduction to be achieved by the designated year
- The GHG and emission sources to which the target applies (as identified in the GHG inventory)

Task 10.C: Development of Climate Reduction Measures

Mintier Harnish will prepare a comprehensive list of existing local and regional policies, programs, and actions (collectively referred to as "measures") that will reduce American Canyon's GHG emissions from

the baseline and/or facilitate climate change adaptation and resiliency. In addition, Mintier Harnish will conduct a review of the City's policy documents (including the General Plan Update). Once Mintier Harnish have a comprehensive list, we will organize the measures by GHG reduction area (e.g., transportation, energy, solid waste, climate change adaptation/resiliency, procurement, food, social, etc.). We will then present this list to City staff for review and input.

From this foundation, Mintier Harnish will assess any policy or program gaps and identify additional opportunities. Additional measures will be developed from best practices of other similar cities, as well as those recommended by organizations and agencies, such as the California Air Pollution Control Officers Association (CAPCOA), the Attorney General's Office, and the Air Resources Board (ARB).

For each measure, Mintier Harnish will identify implementation actions and conduct quantitative analyses to inform the selection of measures. Specifically, Mintier Harnish will quantify the GHG reduction potential, implementation costs, and potential savings associated with each measure. We will quantify GHG emissions reductions using established and transparent sources as well as standardized methodologies, including those from CAPCOA's report, Quantifying Greenhouse Gas Mitigation Measures (2010). We will also provide costs estimates as implementation costs, when reliable data is available. We will present savings in terms of annual savings resulting from implementation. Note that reliable data is available for most measures; however, when reliable data is not available, Mintier Harnish will quantify or qualitatively describe a range of costs and saving for the measure.

Each measure, along with its estimated GHG reduction potential, costs, and savings will be presented to American Canyon in an Excel spreadsheet, which will allow American Canyon staff and stakeholders to evaluate the measures and get a sense of how each action contributes to the City's GHG reduction targets.

Task 10.D: Development of General Plan Goals, Policies, and Implementation Measures

Mintier Harnish will incorporate Climate Reduction Measures (Task 10 C) throughout the updated elements of the General Plan fully embedding the GHG reduction strategy.

Proposal Cost Estimate ⁽¹⁾⁽²⁾
Mintier Harnish

TASKS	AMERICAN CANYON GENERAL PLAN UPDATE							MINTIER HARNISH		
	RUST Project Advisor	GIBBONS Advisor	HARNISH Project Manager	FUNSTON Deputy Project Manager	YANG Associate Planner	LESTER/ GIBBONS Planner	SUPPORT	SUBTOTAL HOURS	SUBTOTAL COSTS	
PHASE 1: Initial Conditions and Existing Conditions Research										
Task 1.A: Conduct a Kick-Off Meeting with City Staff	8		8	12				28	\$5,340	
Task 1.B: Review Background Information			4	12	12	16		44	\$6,220	
Task 1.C: Prepare GIS Database			16					16	\$5,160	
Subtotal	16	0	12	40	12	24	0	104	\$17,720	
PHASE 2: Vision, Goals, and Objectives										
Task 2.A: Meetings with Advisory Committees and Decision-Makers #1: Kick-off Workshop	8	8	8	16	8	12		60	\$10,180	
Task 2.B: Stakeholder Interviews			20	20		8		48	\$8,880	
Task 2.C: Native American Outreach								0	\$0	
Task 2.D: E-Newsletter #1			2	4		8		14	\$2,170	
Task 2.E: Community Workshop #1			8	16	16	40		80	\$12,240	
Task 2.F: Online Survey #1: Vision, Issues, and Priorities	4							4	\$1,880	
Task 2.G: Roadshow Material			12	40	24	40	4	120	\$18,540	
Task 2.H: Neighborhood and Pop-Up Outreach			12	40	24	40		116	\$18,140	
Task 2.I: Youth Outreach			8	16	8	16		48	\$7,760	
Task 2.J: Translation (direct expense)								0	\$0	
Task 2.K: Community Vision and Guiding Principles	4	4	12	24	8	8	4	64	\$10,740	
Task 2.L: Meetings with Advisory Committees and Decision-Makers #2: Community Vision			16	40		8		64	\$11,040	
Subtotal	16	12	96	168	88	168	8	626	\$101,570	
PHASE 3: Preliminary Conditions and Opportunities Assessment										
Task 3.A: Identify Planning Area	4	4	4	12		12		36	\$5,900	
Task 3.B: Conduct Land Use Survey/Vacant Parcel Survey	4		4	24		40		72	\$10,860	
Task 3.C: Vehicle Miles Traveled (VMT) Analysis								0	\$0	
Task 3.D: Baseline Economic and Market Trends								0	\$0	
Task 3.E: Prepare Existing Conditions, Opportunities, and Challenges Map Atlas	8	8	12	40	24	80	8	180	\$27,300	
Task 3.F: Prepare Final Existing Conditions, Opportunities, and Challenges Map Atlas	4			16	8	24		56	\$8,700	
Task 3.G: Advisory Committee Meetings: Existing Conditions			8	24				32	\$5,600	
Task 3.H: Joint City Council and Planning Commission Study Session: Present Existing Conditions and Community Vision			8	12		12		32	\$5,360	
Subtotal	20	12	40	128	32	168	8	408	\$63,720	
PHASE 4: Preliminary Alternatives										
Task 4.A: Preliminary Alternative Plans	8	8	16	60	24	60		176	\$27,840	
Task 4.B: Real Estate Development Feasibility Assessment								0	\$0	
Task 4.C: Meetings with Advisory Committees and Decision-Makers #4: Preliminary Alternatives			16	24		12		52	\$9,100	
Task 4.D: Finalize Alternatives			8	24	12	20		64	\$10,160	
Task 4.E: Evaluate Alternatives	8	8	12	60	24	80		192	\$29,600	
Task 4.F: E-Newsletter #2			2	4		8		14	\$2,170	
Task 4.G: Online Survey #2: Alternatives	2					8		10	\$1,480	
Task 4.H: Community Engagement: Land Use and Policy Alternatives (Community Workshop #2)			12	32	16	40		100	\$15,660	
Task 4.I: Meetings with Advisory Committees and Decision-Makers #5: Alternatives Assessment			12	24				36	\$6,540	
Subtotal	18	16	78	226	76	228	0	644	\$102,550	
PHASE 5: Preferred Plan and Key Transportation										
Task 5.A: Prepare Preliminary Preferred Plan	8	8	16	60	24	40		176	\$28,240	
Task 5.B: Meetings with Advisory Committees #6: Preliminary Preferred Plan			8	16		16		40	\$6,160	
Task 5.C: Study Sessions: Preliminary Preferred Plan			12	16				28	\$5,300	
Task 5.D: Prepare Recommended Preferred Plan and Key Policies			8	24	12	24		68	\$10,700	
Task 5.E: Planning Commission Study Session: Recommended Preferred Plan and Policy Framework			8			8		16	\$2,860	
Task 5.F: City Council Study Session: Preferred Plan and Policy Framework			8			4		12	\$2,420	
Task 5.G: Transportation Evaluation of Preferred Plan and Key Transportation Policy Topics			8					8	\$1,880	
Task 5.H: Infrastructure Evaluation of Preferred Plan			8					8	\$1,880	
Task 5.I: Financing for Infrastructure and Public Facilities			8					8	\$1,880	
Subtotal	8	8	88	126	36	76	0	348	\$59,620	
PHASE 6: Draft General Plan										
Task 6.A: Audit Existing General Plan			4	20			40	64	\$8,010	
Task 6.B: Administrative Draft General Plan	8	8	20	80	24	100		240	\$37,280	
Task 6.C: Meetings			40	20				60	\$12,500	
Task 6.D: City Council Study Sessions			8	16		24		48	\$7,460	
Task 6.E: Draft General Plan			12	24	12	24		72	\$11,640	
Task 6.F: E-Newsletter #3			2	4		8		14	\$2,170	
Subtotal	8	8	86	164	36	132	40	474	\$75,990	
PHASE 7: Draft Housing Element										
Task HE-1: Administrative Review Draft Housing Element	12		8	60		20		100	\$16,280	
Task HE-2: Public Review Draft Housing Element	8			20		4	8	40	\$6,040	
Task HE-3: Planning Commission Study Session	8			8		8		24	\$3,920	
Task HE-4: City Council Study Session	8			8		4		20	\$3,380	
Task HE-5: HCD Review Draft Housing Element, HCD Checklists, and Transmittal to HCD	4			6		2		12	\$2,000	
Task HE-6: Meeting with HCD	6			8		8		22	\$3,440	
Task HE-7: Response to HCD Comments	8			8				16	\$2,840	
Task HE-8: CEQA Compliance	8							8	\$1,600	
Task HE-9: Public Hearing Draft Housing Element	4			16		8		28	\$4,360	
Task HE-10: Final Housing Element and Transmittal to HCD	4			8		2		14	\$2,310	
Subtotal	70	0	8	142	0	48	8	276	\$45,170	
PHASE 8: Draft Program EIR										
Task 7.A: Notice of Preparation			2					2	\$470	
Task 7.B: Scoping Meeting								0	\$0	
Task 7.C: Transportation Impact Study								0	\$0	
Task 7.D: Administrative Draft Program EIR			40	8				48	\$10,640	
Task 7.E: Draft Program EIR			8	8				16	\$3,120	
Task 7.F: Notice of Completion								0	\$0	
Task 7.G: Notice of Availability								0	\$0	
Task 7.H: Public Hearings			8	16				24	\$3,680	
Task 7.I: Response to Comments			8					8	\$1,880	
Task 7.J: Mitigation Monitoring and Reporting Program								0	\$0	
Task 7.K: Administrative Final Program EIR								0	\$0	
Task 7.L: Final Program EIR			4					4	\$940	
Task 7.M: Findings and Statement of Overriding Considerations								0	\$0	
Task 7.N: Notice of Determination								0	\$0	
Subtotal	0	0	70	16	0	0	0	86	\$18,930	
PHASE 9: Public Hearing										
Task 8.A: Public Hearing			16	16				32	\$5,240	
Task 8.B: Prepare City Council-Approved Plan Update	4	4	12	20		24		64	\$10,640	
Subtotal	4	4	28	36	0	24	0	96	\$16,880	
PHASE 10: Web-Based General Plan										
Task 9.A: Web Design and Branding		4						4	\$680	
Task 9.B: Administrative Draft Web-Based General Plan		10						10	\$1,700	
Task 9.C: Staff Review		8						8	\$1,360	
Task 9.D: Public Review Draft Web-Based General Plan		8						8	\$1,360	
Task 9.E: Staff Training		16						16	\$2,720	
Task 9.F: Final Web-Based General Plan		4						4	\$680	
Subtotal	0	50	0	0	0	0	0	50	\$8,500	
PHASE 11: GHG Reduction Strategy										
Task 10.A: GHG Inventory and Forecasting Analysis								0	\$0	
Task 10.B: Review and Quantification of Existing Measures								0	\$0	
Task 10.C: GHG Reduction Targets and Gap Analysis								0	\$0	
Task 10.D: GHG Reduction Measure Development								0	\$0	
Task 10.E: Background and Methodology Reporting								0	\$0	
Task 10.F: General Plan GHG Reduction Strategy								0	\$0	
Subtotal	0	0	0	0	0	0	0	0	\$0	
Subtotal			80	80		120	280		\$48,200	
TOTAL HOURS	160	106	584	1,186	280	888	184	3,392		
2019 Billing Rates (subject to change every January 1st)	\$200	\$170	\$235	\$155	\$155	\$135	\$100			
Subtotal	\$32,000	\$18,020	\$137,240	\$183,830	\$43,400	\$119,880	\$18,400		\$559,450	
Direct Expenses (e.g., printing, travel, translation services)									\$20,000	
TOTAL COST									\$579,450	

1) This represents a total cost based on the provided scope of work.
2) The distribution of hours between firms, staff categories, and tasks are an estimate. While the total costs will not change, the distribution of hours/costs may vary depending on actual execution.

Proposal Cost Estimate ⁽¹⁾⁽²⁾
Mintier Hamish

AMERICAN CANYON GENERAL PLAN UPDATE				RINCON CONSULTANTS										
				ACOSTA /BERSBACH Senior Professional I	KREMIN/ CARMACK Director	ZAIAC/HAAS/ MCARTHUR Professional III	Technical Editor	Associate III	Production Staff	Senior GIS Specialist	Clerical	SUBTOTAL HOURS		
TASKS				MADDOX PIC										
Task 1: Project Initiation														
Task 1.A: Conduct a Kick-Off Meeting with City Staff				8	8							16		
Task 1.B: Review Background Information				4	4		8					16		
Task 1.C: Prepare GIS Database				2							16	18		
Subtotal				14	12	0	8	0	0	0	16	50		
Task 2: Issue Identification and Key Strategies/Opinion Research														
Task 2.A: Meetings with Advisory Committees and Decision-Makers #1: Kick-off Workshop					16							16		
Task 2.B: Stakeholder Interviews												0		
Task 2.C: Native American Outreach							8					8		
Task 2.D: E-Newsletter #1												0		
Task 2.E: Community Workshop #1					8							8		
Task 2.F: Online Survey #1: Vision, Issues, and Priorities												0		
Task 2.G: Roadshow Material					16							16		
Task 2.H: Neighborhood and Pop-Up Outreach					24							24		
Task 2.I: Youth Outreach												0		
Task 2.J: Translation (direct expense)												0		
Task 2.K: Community Vision and Guiding Principles												0		
Task 2.L: Meetings with Advisory Committees and Decision-Makers #2: Community Vision												0		
Subtotal				0	64	0	8	0	0	0	0	72		
Task 3: Existing Conditions, Trends, and Opportunities Assessment														
Task 3.A: Identify Planning Area												0		
Task 3.B: Conduct Land Use Survey/Vacant Parcel Survey												0		
Task 3.C: Vehicle Miles Traveled (VMT) Analysis												0		
Task 3.D: Baseline Economic and Market Trends												0		
Task 3.E: Prepare Existing Conditions, Opportunities, and Challenges Map Atlas				4	12	8	40	8			16	4	92	
Task 3.F: Prepare Final Existing Conditions, Opportunities, and Challenges Map Atlas					8		12						20	
Task 3.G: Advisory Committee Meetings Existing Conditions													0	
Task 3.H: Joint City Council and Planning Commission Study Session: Present Existing Conditions and Community Vision													0	
Subtotal				4	20	8	52	8	0	0	16	4	132	
Task 4: Alternatives														
Task 4.A: Preliminary Alternative Plans					8								8	
Task 4.B: Real Estate Development Feasibility Assessment													0	
Task 4.C: Meetings with Advisory Committees and Decision-Makers #4: Preliminary Alternatives													0	
Task 4.D: Finalize Alternatives													0	
Task 4.E: Evaluate Alternatives				4	8	4	32	8			8		64	
Task 4.F: E-Newsletter #2													0	
Task 4.G: Online Survey #2: Alternatives													0	
Task 4.H: Community Engagement: Land Use and Policy Alternatives (Community Workshop #2)					8								8	
Task 4.I: Meetings with Advisory Committees and Decision-Makers #5: Alternatives Assessment													0	
Subtotal				4	24	4	32	8	0	0	8	0	80	
Task 5: Preferred Plan and Key Goals														
Task 5.A: Prepare Preliminary Preferred Plan					12								12	
Task 5.B: Meetings with Advisory Committees #6: Preliminary Preferred Plan													0	
Task 5.C: Study Sessions: Preliminary Preferred Plan													0	
Task 5.D: Prepare Recommended Preferred Plan and Key Policies					8								8	
Task 5.E: Planning Commission Study Session: Recommended Preferred Plan and Policy Framework													0	
Task 5.F: City Council Study Session: Preferred Plan and Policy Framework													0	
Task 5.G: Transportation Evaluation of Preferred Plan and Key Transportation Policy Topics													0	
Task 5.H: Infrastructure Evaluation of Preferred Plan													0	
Task 5.I: Financing for Infrastructure and Public Facilities													0	
Subtotal				0	20	0	0	0	0	0	0	0	20	
Task 6: Draft General Plan														
Task 6.A: Audit Existing General Plan													0	
Task 6.B: Administrative Draft General Plan				12	40	24	60	16		8	8		168	
Task 6.C: Meetings													0	
Task 6.D: City Council Study Sessions													0	
Task 6.E: Draft General Plan													0	
Task 6.F: E-Newsletter #3													0	
Subtotal				12	40	24	60	16	0	8	8	0	168	
Task 7: Housing Element														
Task HE-1: Administrative Review Draft Housing Element													0	
Task HE-2: Public Review Draft Housing Element													0	
Task HE-3: Planning Commission Study Session													0	
Task HE-4: City Council Study Session													0	
Task HE-5: HCD Review Draft Housing Element, HCD Checklists, and Transmittal to HCD													0	
Task HE-6: Meeting with HCD													0	
Task HE-7: Response to HCD Comments													0	
Task HE-8: CEQA Compliance													0	
Task HE-9: Public Hearing Draft Housing Element													0	
Task HE-10: Final Housing Element and Transmittal to HCD													0	
Subtotal				0	0	0	0	0	0	0	0	0	0	
Task 8: Draft Final Program EIR														
Task 8.A: Notice of Preparation				4	4	4	4	16				24	8	64
Task 8.B: Scoping Meeting				6	4	4								14
Task 8.C: Transportation Impact Study														0
Task 8.D: Administrative Draft Program EIR				30	106	32	272	28		28	22	17		535
Task 8.E: Draft Program EIR				4	16	6	24	8		16		12		86
Task 8.F: Notice of Completion				1			2							3
Task 8.G: Notice of Availability				1			6							7
Task 8.H: Public Hearings				6		6								12
Task 8.I: Response to Comments				8	32	10	24	6		2				82
Task 8.J: Mitigation Monitoring and Reporting Program				2			6							8
Task 8.K: Administrative Final Program EIR				4	16	4	16	4		4		4		52
Task 8.L: Final Program EIR				2				4		2		2		10
Task 8.M: Findings and Statement of Overriding Considerations				4			12	4						20
Task 8.N: Notice of Determination				1			4							5
Subtotal				73	178	66	370	70	0	52	48	41		898
Task 9: Draft General Plan Update														
Task 9.A: Public Hearings				6	6									12
Task 9.B: Prepare City Council-Approved Plan Update				6	6									12
Subtotal				12	12	0	0	0	0	0	0	0		24
Task 10: Web-Based Plan														
Task 10.A: Web Design and Branding														0
Task 10.B: Administrative Draft Web-Based General Plan														0
Task 10.C: Staff Review														0
Task 10.D: Public Review Draft Web-Based General Plan														0
Task 10.E: Staff Training														0
Task 10.F: Final Web-Based General Plan														0
Subtotal				0	0	0	0	0	0	0	0	0		0
Task 11: GHG Reduction Strategy														
Task 11.A: GHG Inventory and Forecasting Analysis				8	32					82				122
Task 11.B: Review and Quantification of Existing Measures				6	18					46				70
Task 11.C: GHG Reduction Targets and Gap Analysis				4	14					28				46
Task 11.D: GHG Reduction Measure Development				6	32					60				98
Task 11.E: Background and Methodology Reporting				4	18					32				54
Task 11.F: General Plan GHG Reduction Strategy				4	20					38				62
Subtotal				32	134	0	0	0	286	0	0	0		452
Task 12: Implementation														
Subtotal				2	16	32								50
TOTAL														
Total Hours				153	570	134	530	102	286	60	96	45		1,926
2019 Billing Rates (subject to change every January 1st)				\$720	\$160	\$220	\$130	\$112	\$95	\$88	\$140	\$75		
Labor Subtotals				\$33,660	\$83,200	\$29,480	\$68,900	\$11,424	\$27,170	\$5,280	\$13,440	\$3,375		
Direct Expenses (e.g., printing, travel, translation services)														
TOTAL COST														

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Proposal Cost Estimate ⁽¹⁾⁽²⁾
Minter Harnish

AMERICAN CANYON GENERAL PLAN UPDATE	
TASKS	SUBTOTAL COSTS
Task 1: Project Initiation	
Task 1.A: Conduct a Kick-Off Meeting with City Staff	\$9,040
Task 1.B: Review Background Information	\$1,560
Task 1.C: Prepare GIS Database	\$2,680
Subtotal	\$13,280
Task 2: Issue Identification and Key Strategies/Outgoing Research	
Task 2.A: Meetings with Advisory Committees and Decision-Makers #1: Kick-off Workshop	\$2,560
Task 2.B: Stakeholder Interviews	\$0
Task 2.C: Native American Outreach	\$1,040
Task 2.D: E-Newsletter #1	\$0
Task 2.E: Community Workshop #1	\$1,280
Task 2.F: Online Survey #1: Vision, Issues, and Priorities	\$0
Task 2.G: Roadshow Material	\$2,560
Task 2.H: Neighborhood and Pop-Up Outreach	\$3,840
Task 2.I: Youth Outreach	\$0
Task 2.J: Translation (direct expense)	\$0
Task 2.K: Community Vision and Guiding Principles	\$0
Task 2.L: Meetings with Advisory Committees and Decision-Makers #2: Community Vision	\$0
Subtotal	\$11,280
Task 3: Existing Conditions, Trends, and Opportunities Assessment	
Task 3.A: Identify Planning Area	\$0
Task 3.B: Conduct Land Use Survey/Vacant Parcel Survey	\$0
Task 3.C: Vehicle Miles Travelled (VMT) Analysis	\$0
Task 3.D: Baseline Economic and Market Trends	\$0
Task 3.E: Prepare Existing Conditions, Opportunities, and Challenges Map Atlas	\$19,198
Task 3.F: Prepare Final Existing Conditions, Opportunities, and Challenges Map Atlas	\$2,840
Task 3.G: Advisory Committee Meetings Existing Conditions	\$0
Task 3.H: Joint City Council and Planning Commission Study Session: Present Existing Conditions and Community Vision	\$0
Subtotal	\$16,036
Task 4: Alternatives	
Task 4.A: Preliminary Alternative Plans	\$1,280
Task 4.B: Real Estate Development Feasibility Assessment	\$0
Task 4.C: Meetings with Advisory Committees and Decision-Makers #4: Preliminary Alternatives	\$0
Task 4.D: Realize Alternatives	\$0
Task 4.E: Evaluate Alternatives	\$9,216
Task 4.F: E-Newsletter #2	\$0
Task 4.G: Online Survey #2: Alternatives	\$0
Task 4.H: Community Engagement: Land Use and Policy Alternatives (Community Workshop #2)	\$1,280
Task 4.I: Meetings with Advisory Committees and Decision-Makers #5: Alternatives Assessment	\$0
Subtotal	\$11,776
Task 5: Preferred Plan and Key Goals	
Task 5.A: Prepare Preliminary Preferred Plan	\$1,520
Task 5.B: Meetings with Advisory Committees #6: Preliminary Preferred Plan	\$0
Task 5.C: Study Sessions: Preliminary Preferred Plan	\$0
Task 5.D: Prepare Recommended Preferred Plan and Key Policies	\$1,280
Task 5.E: Planning Commission Study Session: Recommended Preferred Plan and Policy Framework	\$0
Task 5.F: City Council Study Session: Preferred Plan and Policy Framework	\$0
Task 5.G: Transportation Evaluation of Preferred Plan and Key Transportation Policy Topics	\$0
Task 5.H: Infrastructure Evaluation of Preferred Plan	\$0
Task 5.I: Financing for Infrastructure and Public Facilities	\$0
Subtotal	\$3,200
Task 6: Draft General Plan	
Task 6.A: Audit Existing General Plan	\$0
Task 6.B: Administrative Draft General Plan	\$25,736
Task 6.C: Meetings	\$0
Task 6.D: City Council Study Sessions	\$0
Task 6.E: Draft General Plan	\$0
Task 6.F: E-Newsletter #3	\$0
Subtotal	\$25,736
Task 7: Housing Element	
Task HE-1: Administrative Review Draft Housing Element	\$0
Task HE-2: Public Review Draft Housing Element	\$0
Task HE-3: Planning Commission Study Session	\$0
Task HE-4: City Council Study Session	\$0
Task HE-5: HCD Review Draft Housing Element, HCD Checklists, and Transmittal to HCD	\$0
Task HE-6: Meeting with HCD	\$0
Task HE-7: Response to HCD Comments	\$0
Task HE-8: CEQA Compliance	\$0
Task HE-9: Public Hearing Draft Housing Element	\$0
Task HE-10: Final Housing Element and Transmittal to HCD	\$0
Subtotal	\$0
Task 8: Draft and Final Program EIR	
Task 7.A: Notice of Preparation	\$6,672
Task 7.B: Scoping Meeting	\$2,840
Task 7.C: Transportation Impact Study	\$0
Task 7.D: Administrative Draft Program EIR	\$75,915
Task 7.E: Draft Program EIR	\$11,084
Task 7.F: Notice of Completion	\$480
Task 7.G: Notice of Availability	\$1,000
Task 7.H: Public Hearings	\$2,640
Task 7.I: Response to Comments	\$0
Task 7.J: Mitigation Monitoring and Reporting Program	\$12,320
Task 7.K: Administrative Final Program EIR	\$7,200
Task 7.L: Final Program EIR	\$1,344
Task 7.M: Findings and Statement of Overriding Considerations	\$2,888
Task 7.N: Notice of Determination	\$740
Subtotal	\$129,371
Task 9: Draft and Final Adoption	
Task 8.A: Public Hearings	\$1,280
Task 8.B: Prepare City Council-Approved Plan Update	\$2,280
Subtotal	\$4,560
Task 9: Web-Based Plan	
Task 9.A: Web Design and Branding	\$0
Task 9.B: Administrative Draft Web-Based General Plan	\$0
Task 9.C: Staff Review	\$0
Task 9.D: Public Review Draft Web-Based General Plan	\$0
Task 9.E: Staff Training	\$0
Task 9.F: Final Web-Based General Plan	\$0
Subtotal	\$0
Task 10: GHG Reduction Strategy	
Task 10.A: GHG Inventory and Forecasting Analysis	\$14,670
Task 10.B: Review and Quantification of Existing Measures	\$8,520
Task 10.C: GHG Reduction Targets and Gap Analysis	\$5,760
Task 10.D: GHG Reduction Measure Development	\$32,140
Task 10.E: Background and Methodology Reporting	\$6,800
Task 10.F: General Plan GHG Reduction Strategy	\$7,690
Subtotal	\$65,580
Project Management	
Subtotal	\$10,040
TOTAL	
Total Hours	
2019 Billing Rates (subject to change every January 1st)	
Labor Subtotals	\$275,929
Direct Expenses (e.g., printing, travel, translation services)	\$10,885
TOTAL COST	\$286,864

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Proposal Cost Estimate ⁽¹⁾⁽²⁾
Minter Hamish

AMERICAN CANYON GENERAL PLAN UPDATE		ECONOMIC AND PLANNING SYSTEMS, INC.					
TASKS	SIGMAN Principal	TRAYNOR Senior Associate	Research Analyst	Production Staff	SUBTOTAL HOURS	SUBTOTAL COSTS	
Task 1: Project Initiation							
Task 1.A: Conduct a Kick-Off Meeting with City Staff	8	8			16	\$3,440	
Task 1.B: Review Background Information					0	\$0	
Task 1.C: Prepare GIS Database					0	\$0	
Subtotal	8	8	0	0	16	\$3,440	
Task 2: Issue Identification and Key Strategies/Options Research							
Task 2.A: Meetings with Advisory Committees and Decision-Makers #1: Kick-off Workshop		8			8	\$1,320	
Task 2.B: Stakeholder Interviews					0	\$0	
Task 2.C: Native American Outreach					0	\$0	
Task 2.D: E-Newsletter #1					0	\$0	
Task 2.E: Community Workshop #1					0	\$0	
Task 2.F: Online Survey #1: Vision, Issues, and Priorities					0	\$0	
Task 2.G: Roadshow Material					0	\$0	
Task 2.H: Neighborhood and Pop-Up Outreach					0	\$0	
Task 2.I: Youth Outreach					0	\$0	
Task 2.J: Translation (direct expense)					0	\$0	
Task 2.K: Community Vision and Guiding Principles					0	\$0	
Task 2.L: Meetings with Advisory Committees and Decision-Makers #2: Community Vision	8	8			16	\$3,440	
Subtotal	8	16	0	0	24	\$4,760	
Task 3: Existing Conditions, Trends, and Opportunities Assessment							
Task 3.A: Identify Planning Area					0	\$0	
Task 3.B: Conduct Land Use Survey/Vacant Parcel Survey					0	\$0	
Task 3.C: Vehicle Miles Traveled (VMT) Analysis					0	\$0	
Task 3.D: Baseline Economic and Market Trends	24	60	30	4	118	\$20,840	
Task 3.E: Prepare Existing Conditions, Opportunities, and Challenges Map Atlas					0	\$0	
Task 3.F: Prepare Final Existing Conditions, Opportunities, and Challenges Map Atlas					0	\$0	
Task 3.G: Advisory Committee Meetings Existing Conditions	6	8			14	\$2,910	
Task 3.H: Joint City Council and Planning Commission Study Session: Present Existing Conditions and Community Vision					0	\$0	
Subtotal	30	68	30	4	132	\$23,750	
Task 4: Alternatives							
Task 4.A: Preliminary Alternative Plans					0	\$0	
Task 4.B: Real Estate Development Feasibility Assessment	12	30	8	4	54	\$9,630	
Task 4.C: Meetings with Advisory Committees and Decision-Makers #4: Preliminary Alternatives	20				20	\$5,900	
Task 4.D: Finalize Alternatives					0	\$0	
Task 4.E: Evaluate Alternatives	20	60	12	4	96	\$17,260	
Task 4.F: E-Newsletter #2					0	\$0	
Task 4.G: Online Survey #2: Alternatives					0	\$0	
Task 4.H: Community Engagement: Land Use and Policy Alternatives (Community Workshop #2)		8			8	\$1,320	
Task 4.I: Meetings with Advisory Committees and Decision-Makers #5: Alternatives Assessment	20				20	\$5,900	
Subtotal	72	98	20	8	190	\$37,490	
Task 5: Preferred Plan and Key Goals							
Task 5.A: Prepare Preliminary Preferred Plan					0	\$0	
Task 5.B: Meetings with Advisory Committees #6: Preliminary Preferred Plan		8			8	\$1,320	
Task 5.C: Study Sessions: Preliminary Preferred Plan					0	\$0	
Task 5.D: Prepare Recommended Preferred Plan and Key Policies			4		4	\$660	
Task 5.E: Planning Commission Study Session: Recommended Preferred Plan and Policy Framework					0	\$0	
Task 5.F: City Council Study Session: Preferred Plan and Policy Framework					0	\$0	
Task 5.G: Transportation Evaluation of Preferred Plan and Key Transportation Policy Topics					0	\$0	
Task 5.H: Infrastructure Evaluation of Preferred Plan	6	10	4	4	24	\$4,180	
Task 5.I: Financing for Infrastructure and Public Facilities	6	10	4	4	20	\$3,800	
Subtotal	12	32	8	4	56	\$9,960	
Task 6: Draft General Plan							
Task 6.A: Audit Existing General Plan					0	\$0	
Task 6.B: Administrative Draft General Plan	12	24	16	4	56	\$9,760	
Task 6.C: Meetings		8			8	\$1,320	
Task 6.D: City Council Study Sessions					0	\$0	
Task 6.E: Draft General Plan		8			8	\$1,320	
Task 6.F: E-Newsletter #3					0	\$0	
Subtotal	12	40	16	4	72	\$12,400	
Task 7: Housing Element							
Task HE-1: Administrative Review Draft Housing Element					0	\$0	
Task HE-2: Public Review Draft Housing Element					0	\$0	
Task HE-3: Planning Commission Study Session					0	\$0	
Task HE-4: City Council Study Session					0	\$0	
Task HE-5: HCD Review Draft Housing Element, HCD Checklists, and Transmittal to HCD					0	\$0	
Task HE-6: Meeting with HCD					0	\$0	
Task HE-7: Response to HCD Comments					0	\$0	
Task HE-8: CEQA Compliance					0	\$0	
Task HE-9: Public Hearing Draft Housing Element					0	\$0	
Task HE-10: Final Housing Element and Transmittal to HCD					0	\$0	
Subtotal	0	0	0	0	0	\$0	
Task 8: Draft and Final Program EIR							
Task 7.A: Notice of Preparation					0	\$0	
Task 7.B: Scoping Meeting					0	\$0	
Task 7.C: Transportation Impact Study					0	\$0	
Task 7.D: Administrative Draft Program EIR					0	\$0	
Task 7.E: Draft Program EIR					0	\$0	
Task 7.F: Notice of Completion					0	\$0	
Task 7.G: Notice of Availability					0	\$0	
Task 7.H: Public Hearings					0	\$0	
Task 7.I: Response to Comments					0	\$0	
Task 7.J: Mitigation Monitoring and Reporting Program					0	\$0	
Task 7.K: Administrative Final Program EIR					0	\$0	
Task 7.L: Final Program EIR					0	\$0	
Task 7.M: Findings and Statement of Overriding Considerations					0	\$0	
Task 7.N: Notice of Determination					0	\$0	
Subtotal	0	0	0	0	0	\$0	
Task 9: Hearings and Adoption							
Task 9.A: Public Hearings	16	16			32	\$6,880	
Task 9.B: Prepare City Council-Approved Plan Update					0	\$0	
Subtotal	16	16	0	0	32	\$6,880	
Task 10: Web-Based Plan							
Task 9.A: Web Design and Branding					0	\$0	
Task 9.B: Administrative Draft Web-Based General Plan					0	\$0	
Task 9.C: Staff Review					0	\$0	
Task 9.D: Public Review Draft Web-Based General Plan					0	\$0	
Task 9.E: Staff Training					0	\$0	
Task 9.F: Final Web-Based General Plan					0	\$0	
Subtotal	0	0	0	0	0	\$0	
Task 11: GHG Reduction Strategy							
Task 10.A: GHG Inventory and Forecasting Analysis					0	\$0	
Task 10.B: Review and Quantification of Existing Measures					0	\$0	
Task 10.C: GHG Reduction Targets and Gap Analysis					0	\$0	
Task 10.D: GHG Reduction Measure Development					0	\$0	
Task 10.E: Background and Methodology Reporting					0	\$0	
Task 10.F: General Plan GHG Reduction Strategy					0	\$0	
Subtotal	0	0	0	0	0	\$0	
Project Management							
Subtotal					0	\$0	
TOTAL							
Total Hours	158	278	74	20	522		
2019 Billing Rates (subject to change every January 1st)	\$265	\$165	\$140	\$95			
Labor/Subtotals	\$41,870	\$45,870	\$10,360	\$1,900		\$99,600	
Direct Expenses (e.g., printing, travel, translation services)						\$4,000	
TOTAL COST						\$102,600	

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2) The distribution of hours between firms, staff categories, and tasks are an estimate. While the total costs will not change, the distribution of hours/costs may vary depending on actual execution.

Proposal Cost Estimate ⁽¹⁾⁽²⁾
Minter Harnish

AMERICAN CANYON GENERAL PLAN UPDATE		GHD							SUBTOTAL HOURS	SUBTOTAL COSTS
TASKS	TREGENZA Task Manager	DAMKOWITZ Senior Transportation Engineer	VEDULA Senior Traffic Engineer	RAMSEY Senior Transportation Planner	ANDERSON Senior Civil Engineer	Engineer / Planner / Analyst				
Task 1: Project Initiation										
Task 1.A: Conduct a Kick-Off Meeting with City Staff	8	8			8			24	\$4,000	
Task 1.B: Review Background Information	4	4			4			12	\$2,000	
Task 1.C: Prepare GIS Database								0	\$0	
Subtotal	12	12	0	0	12	8		52	\$9,620	
Task 2: Issue Identification and Key Strategies; Ongoing Research										
Task 2.A: Meetings with Advisory Committees and Decision-Makers #1: Kick-off Workshop	4				4			8	\$1,540	
Task 2.B: Stakeholder Interviews								0	\$0	
Task 2.C: Native American Outreach								0	\$0	
Task 2.D: E-Newsletter #1								0	\$0	
Task 2.E: Community Workshop #1	8					4		12	\$2,120	
Task 2.F: Online Survey #1 Vision, Issues, and Priorities								0	\$0	
Task 2.G: Roadshow Material								0	\$0	
Task 2.H: Neighborhood and Pop-Up Outreach								0	\$0	
Task 2.I: Youth Outreach								0	\$0	
Task 2.J: Translation (direct expense)								0	\$0	
Task 2.K: Community Vision and Guiding Principles								0	\$0	
Task 2.L: Meetings with Advisory Committees and Decision-Makers #2: Community Vision	4				4			8	\$2,060	
Subtotal	16	0	0	0	4	4		22	\$5,720	
Task 3: Existing Conditions, Trends, and Opportunities Assessment										
Task 3.A: Identify Planning Area								0	\$0	
Task 3.B: Conduct Land Use Survey/Vacant Parcel Survey								0	\$0	
Task 3.C: Vehicle Miles Travelled (VMT) Analysis	8	12	4					60	\$13,680	
Task 3.D: Baseline Economic and Market Trends								0	\$0	
Task 3.E: Prepare Existing Conditions, Opportunities, and Challenges Map Atlas	8	4	2	16	16	120		166	\$25,680	
Task 3.F: Prepare Final Existing Conditions, Opportunities, and Challenges Map Atlas	4	2	2	8	8	32		56	\$9,160	
Task 3.G: Advisory Committee Meetings Existing Conditions	4			4	4	16		24	\$2,820	
Task 3.H: Joint City Council and Planning Commission Study Session: Present Existing Conditions and Community Vision	8				8	4		20	\$3,640	
Subtotal	32	18	6	28	28	220		342	\$54,980	
Task 4: Alternatives										
Task 4.A: Preliminary Alternative Plans	4				4	40		48	\$7,140	
Task 4.B: Real Estate Development Feasibility Assessment								0	\$0	
Task 4.C: Meetings with Advisory Committees and Decision-Makers #4: Preliminary Alternatives	4				4	4		12	\$2,100	
Task 4.D: Finalize Alternatives								0	\$0	
Task 4.E: Evaluate Alternatives	8	4	8	8	8	100		136	\$21,360	
Task 4.F: E-Newsletter #2								0	\$0	
Task 4.G: Online Survey #2: Alternatives								0	\$0	
Task 4.H: Community Engagement: Land Use and Policy Alternatives (Community Workshop #2)	8					4		12	\$2,100	
Task 4.I: Meetings with Advisory Committees and Decision-Makers #5: Alternatives Assessment	4				4	4		12	\$2,100	
Subtotal	32	4	8	8	20	168		232	\$36,280	
Task 5: Preferred Plan and Key Goals										
Task 5.A: Prepare Preliminary Preferred Plan	4				4	8		16	\$2,660	
Task 5.B: Meetings with Advisory Committees #6: Preliminary Preferred Plan	4					12		16	\$2,100	
Task 5.C: Study Session: Preliminary Preferred Plan	4					8		12	\$1,540	
Task 5.D: Prepare Recommended Preferred Plan and Key Policies	4	2				16		22	\$3,480	
Task 5.E: Planning Commission Study Session: Recommended Preferred Plan and Policy Framework								0	\$0	
Task 5.F: City Council Study Session: Preferred Plan and Policy Framework								0	\$0	
Task 5.G: Transportation Evaluation of Preferred Plan and Key Transportation Policy Topics	8			8		40		56	\$8,600	
Task 5.H: Infrastructure Evaluation of Preferred Plan					4	40		44	\$6,360	
Task 5.I: Financing for Infrastructure and Public Facilities					4	8		12	\$1,880	
Subtotal	24	2	0	8	20	116		170	\$26,620	
Task 6: Draft General Plan										
Task 6.A: Audit Existing General Plan								0	\$0	
Task 6.B: Administrative Draft General Plan	8	4			8	56		76	\$11,840	
Task 6.C: Meetings	4			4		4		12	\$2,060	
Task 6.D: City Council Study Sessions	4				4	4		12	\$2,100	
Task 6.E: Draft General Plan	8	8			8	24		48	\$8,780	
Task 6.F: E-Newsletter #3								0	\$0	
Subtotal	24	12	0	4	20	88		148	\$24,220	
Task 7: Draft Housing Element										
Task 7E-1: Administrative Review Draft Housing Element								0	\$0	
Task 7E-2: Public Review Draft Housing Element								0	\$0	
Task 7E-3: Planning Commission Study Session								0	\$0	
Task 7E-4: City Council Study Session								0	\$0	
Task 7E-5: HCD Review Draft Housing Element, HCD Checklists, and Transmittal to HCD								0	\$0	
Task 7E-6: Meeting with HCD								0	\$0	
Task 7E-7: Response to HCD Comments								0	\$0	
Task 7E-8: CEQA Compliance								0	\$0	
Task 7E-9: Public Hearing Draft Housing Element								0	\$0	
Task 7E-10: Final Housing Element and Transmittal to HCD								0	\$0	
Subtotal	0	0	0	0	0	0		0	\$0	
Task 7: Draft and Final Program EIR										
Task 7.A: Notice of Preparation								0	\$0	
Task 7.B: Scoping Meeting								0	\$0	
Task 7.C: Transportation Impact Study	8	4	2			40		54	\$8,540	
Task 7.D: Administrative Draft Program EIR								0	\$0	
Task 7.E: Draft Program EIR	4	4				16		24	\$3,940	
Task 7.F: Notice of Completion								0	\$0	
Task 7.G: Notice of Availability								0	\$0	
Task 7.H: Public Hearings								0	\$0	
Task 7.I: Response to Comments	4	4	2			16		26	\$4,420	
Task 7.J: Mitigation Monitoring and Reporting Program								0	\$0	
Task 7.K: Administrative Final Program EIR	4					16		20	\$3,020	
Task 7.L: Final Program EIR	4	4	2			16		26	\$4,420	
Task 7.M: Findings and Statement of Overriding Considerations								0	\$0	
Task 7.N: Notice of Determination								0	\$0	
Subtotal	24	16	6	0	0	104		150	\$24,360	
Task 8: Plan Approval/Adoption										
Task 8.A: Public Hearings	8	8			4	12		32	\$5,840	
Task 8.B: Prepare City Council-Approved Plan Update								0	\$0	
Subtotal	8	8	0	0	4	12		32	\$5,840	
Task 9: Web-Based Plan										
Task 9.A: Web Design and Branding								0	\$0	
Task 9.B: Administrative Draft Web-Based General Plan								0	\$0	
Task 9.C: Staff Review								0	\$0	
Task 9.D: Public Review Draft Web-Based General Plan								0	\$0	
Task 9.E: Staff Training								0	\$0	
Task 9.F: Final Web-Based General Plan								0	\$0	
Subtotal	0	0	0	0	0	0		0	\$0	
Task 10: GHG Reduction Strategy										
Task 10.A: GHG Inventory and Forecasting Analysis								0	\$0	
Task 10.B: Review and Quantification of Existing Measures								0	\$0	
Task 10.C: GHG Reduction Targets and Gap Analysis								0	\$0	
Task 10.D: GHG Reduction Measure Development								0	\$0	
Task 10.E: Background and Methodology Reporting								0	\$0	
Task 10.F: General Plan GHG Reduction Strategy								0	\$0	
Subtotal	0	0	0	0	0	0		0	\$0	
Project Management										
Subtotal	0	0	0	0	0	0		0	\$0	
TOTAL										
Total Hours	172	72	22	52	116	724		1,158		
2019 Billing Rates (subject to change every January 1st)	\$195	\$230	\$240	\$180	\$190	\$140				
Labor Subtotal	\$33,540	\$16,560	\$5,280	\$9,360	\$22,040	\$101,360			\$187,700	
Direct Expenses (e.g., printing, travel, translation services)									\$10,000	
TOTAL COST										\$197,700

1) This represents a total cost based on the provided scope of work.
2) The distribution of hours between firms, staff categories, and tasks are an estimate. While the total costs will not change, the distribution of hours/costs may vary depending on actual execution.

Proposal Cost Estimate ⁽¹⁾⁽²⁾
Mintier Harnish

AMERICAN CANYON GENERAL PLAN UPDATE				RRM DESIGN GROUP			ENCODE PLUS				
		BATHGATE PIC	FARBER WILLIAMS Consulting Principal	CHAVEZ Landscape Architect	SUPPORT	SUBTOTAL HOURS	SUBTOTAL COSTS	KEAST President	CADENA Design Associate	SUBTOTAL HOURS	SUBTOTAL COSTS
TASKS											
Task 1: Project Initiation											
Task 1.A: Conduct a Kick-Off Meeting with City Staff											
Task 1.B: Review Background Information											
Task 1.C: Prepare GIS Database											
Subtotal											
Task 2: Issue Identification and Key Strategies; Ongoing Research											
Task 2.A: Meetings with Advisory Committees and Decision-Makers #1: Kick-off Workshop											
Task 2.B: Stakeholder Interviews											
Task 2.C: Native American Outreach											
Task 2.D: E-Newsletter #1											
Task 2.E: Community Workshop #1											
Task 2.F: Online Survey #1 Vision, Issues, and Priorities											
Task 2.G: Roadshow Material											
Task 2.H: Neighborhood and Pop-Up Outreach											
Task 2.I: Youth Outreach											
Task 2.J: Translation (direct expense)											
Task 2.K: Community Vision and Guiding Principles											
Task 2.L: Meetings with Advisory Committees and Decision-Makers #2: Community Vision											
Subtotal											
Task 3: Existing Conditions, Trends, and Opportunities Assessment											
Task 3.A: Identify Planning Area											
Task 3.B: Conduct Land Use Survey/Vacant Parcel Survey											
Task 3.C: Vehicle Miles Travelled (VMT) Analysis											
Task 3.D: Baseline Economic and Market Trends											
Task 3.E: Prepare Existing Conditions, Opportunities, and Challenges Map Atlas											
Task 3.F: Prepare Final Existing Conditions, Opportunities, and Challenges Map Atlas											
Task 3.G: Advisory Committee Meetings Existing Conditions											
Task 3.H: Joint City Council and Planning Commission Study Session: Present Existing Conditions and Community Vision											
Subtotal											
Task 4: Alternatives											
Task 4.A: Preliminary Alternative Plans											
Task 4.B: Real Estate Development Feasibility Assessment											
Task 4.C: Meetings with Advisory Committees and Decision-Makers #4: Preliminary Alternatives											
Task 4.D: Public Alternatives											
Task 4.E: Evaluate Alternatives											
Task 4.F: E-Newsletter #2											
Task 4.G: Online Survey #2: Alternatives											
Task 4.H: Community Engagement: Land Use and Policy Alternatives (Community Workshop #2)											
Task 4.I: Meetings with Advisory Committees and Decision-Makers #5: Alternatives Assessment											
Subtotal											
Task 5: Preferred Plan Policy Framework											
Task 5.A: Prepare Preliminary Preferred Plan											
Task 5.B: Meetings with Advisory Committees #6: Preliminary Preferred Plan											
Task 5.C: Study Sessions: Preliminary Preferred Plan											
Task 5.D: Prepare Recommended Preferred Plan and Key Policies											
Task 5.E: Planning Commission Study Session: Recommended Preferred Plan and Policy Framework											
Task 5.F: City Council Study Session: Preferred Plan and Policy Framework											
Task 5.G: Transportation Evaluation of Preferred Plan and Key Transportation Policy Topics											
Task 5.H: Infrastructure Evaluation of Preferred Plan											
Task 5.I: Financing for Infrastructure and Public Facilities											
Subtotal											
Task 6: Draft General Plan											
Task 6.A: Audit Existing General Plan											
Task 6.B: Administrative Draft General Plan											
Task 6.C: Meetings											
Task 6.D: City Council Study Sessions											
Task 6.E: Draft General Plan											
Task 6.F: E-Newsletter #3											
Subtotal											
Task 7: Draft Housing Element											
Task HE-1: Administrative Review Draft Housing Element											
Task HE-2: Public Review Draft Housing Element											
Task HE-3: Planning Commission Study Session											
Task HE-4: City Council Study Session											
Task HE-5: HCD Review Draft Housing Element, HCD Checklists, and Transmittal to HCD											
Task HE-6: Meeting with HCD											
Task HE-7: Response to HCD Comments											
Task HE-8: CEQA Compliance											
Task HE-9: Public Hearing Draft Housing Element											
Task HE-10: Final Housing Element and Transmittal to HCD											
Subtotal											
Task 8: Draft Program EIR											
Task 7.A: Notice of Preparation											
Task 7.B: Scoping Meeting											
Task 7.C: Transportation Impact Study											
Task 7.D: Administrative Draft Program EIR											
Task 7.E: Draft Program EIR											
Task 7.F: Notice of Completion											
Task 7.G: Notice of Availability											
Task 7.H: Public Hearings											
Task 7.I: Response to Comments											
Task 7.J: Mitigation Monitoring and Reporting Program											
Task 7.K: Administrative Final Program EIR											
Task 7.L: Final Program EIR											
Task 7.M: Findings and Statement of Overriding Considerations											
Task 7.N: Notice of Determination											
Subtotal											
Task 9: Draft General Plan Update											
Task 8.A: Public Hearings											
Task 8.B: Prepare City Council-Approved Plan Update											
Subtotal											
Task 10: Draft General Plan Update											
Task 9.A: Web Design and Branding											
Task 9.B: Administrative Draft Web-Based General Plan											
Task 9.C: Staff Review											
Task 9.D: Public Review Draft Web-Based General Plan											
Task 9.E: Staff Training											
Task 9.F: Final Web-Based General Plan											
Subtotal											
Task 11: GHG Inventory and Forecasting Strategy											
Task 10.A: GHG Inventory and Forecasting Analysis											
Task 10.B: Review and Quantification of Existing Measures											
Task 10.C: GHG Reduction Targets and Gap Analysis											
Task 10.D: GHG Reduction Measure Development											
Task 10.E: Background and Methodology Reporting											
Task 10.F: General Plan GHG Reduction Strategy											
Subtotal											
Task 12: Final Report											
Task 11.A: Final Report											
Subtotal											
TOTAL											
Total Hours											
2019 Billing Rates (subject to change every January 1st)											
Labor Subtotal											
Direct Expenses (e.g., printing, travel, translation services)											
TOTAL COST											

1) This represents a total cost based on the provided scope of work.
2) The distribution of hours between firms, staff categories, and tasks are an estimate. While the total costs will not change, the distribution of hours/costs may vary depending on actual execution.

Proposal Cost Estimate ⁽¹⁾⁽²⁾
Mintier Harnish

AMERICAN CANYON GENERAL PLAN UPDATE	
TASKS	TOTAL COSTS
PHASE 1: PROJECT INITIATION	\$223,460
Task 1.A: Conduct a Kick-Off Meeting with City Staff	\$23,460
Task 1.B: Review Background Information	\$21,200
Task 1.C: Prepare GIS Database	\$7,940
Subtotal	\$52,500
PHASE 2: PUBLIC IDENTIFICATION AND KEY STRATEGIES/ONGOING RESEARCH	\$137,450
Task 2.A: Meetings with Advisory Committees and Decision-Makers #1: Kick-off Workshop	\$17,450
Task 2.B: Stakeholder Interviews	\$6,880
Task 2.C: Native American Outreach	\$1,040
Task 2.D: E-Newsletter #1	\$2,170
Task 2.E: Community Workshop #1	\$20,640
Task 2.F: Online Survey #1: Vision, Issues, and Priorities	\$1,880
Task 2.G: Roadshow Material	\$21,100
Task 2.H: Neighborhood and Pop-Up Outreach	\$21,980
Task 2.I: Youth Outreach	\$7,760
Task 2.J: Translation (direct expense)	\$0
Task 2.K: Community Vision and Guiding Principles	\$11,960
Task 2.L: Meetings with Advisory Committees and Decision-Makers #2: Community Vision	\$19,160
Subtotal	\$134,050
PHASE 3: EXISTING CONDITIONS, TRENDS, AND OPPORTUNITIES ASSESSMENT	\$179,366
Task 3.A: Identify Planning Area	\$5,900
Task 3.B: Conduct Land Use Survey/Vacant Parcel Survey	\$10,860
Task 3.C: Vehicle Miles Travelled (VMT) Analysis	\$13,680
Task 3.D: Baseline Economic and Market Trends	\$20,640
Task 3.E: Prepare Existing Conditions, Opportunities, and Challenges Map Atlas	\$80,316
Task 3.F: Prepare Final Existing Conditions, Opportunities, and Challenges Map Atlas	\$25,580
Task 3.G: Advisory Committee Meetings Existing Conditions	\$13,190
Task 3.H: Joint City Council and Planning Commission Study Session: Present Existing Conditions and Community Vision	\$9,000
Subtotal	\$179,366
PHASE 4: ALTERNATIVES	\$230,076
Task 4.A: Preliminary Alternative Plans	\$56,160
Task 4.B: Real Estate Development Feasibility Assessment	\$9,630
Task 4.C: Meetings with Advisory Committees and Decision-Makers #4: Preliminary Alternatives	\$20,220
Task 4.D: Finalize Alternatives	\$21,000
Task 4.E: Evaluate Alternatives	\$78,976
Task 4.F: E-Newsletter #2	\$2,170
Task 4.G: Online Survey #2: Alternatives	\$1,480
Task 4.H: Community Engagement: Land Use and Policy Alternatives (Community Workshop #2)	\$21,080
Task 4.I: Meetings with Advisory Committees and Decision-Makers #5: Alternatives Assessment	\$17,660
Subtotal	\$230,076
PHASE 5: PREPARED PREFERRED KEY POLICIES	\$145,000
Task 5.A: Prepare Preliminary Preferred Plan	\$45,000
Task 5.B: Meetings with Advisory Committees #6: Preliminary Preferred Plan	\$9,780
Task 5.C: Study Sessions: Preliminary Preferred Plan	\$6,840
Task 5.D: Prepare Recommended Preferred Plan and Key Policies	\$24,020
Task 5.E: Planning Commission Study Session: Recommended Preferred Plan and Policy Framework	\$2,960
Task 5.F: City Council Study Session: Preferred Plan and Policy Framework	\$2,420
Task 5.G: Transportation Evaluation of Preferred Plan and Key Transportation Policy Topics	\$10,480
Task 5.H: Infrastructure Evaluation of Preferred Plan	\$12,420
Task 5.I: Financing for Infrastructure and Public Facilities	\$7,560
Subtotal	\$123,480
PHASE 6: DRAFT GENERAL PLAN	\$154,868
Task 6.A: Audit Existing General Plan	\$9,520
Task 6.B: Administrative Draft General Plan	\$94,376
Task 6.C: Meetings	\$18,300
Task 6.D: City Council Study Sessions	\$6,460
Task 6.E: Draft General Plan	\$24,240
Task 6.F: E-Newsletter #3	\$2,170
Subtotal	\$154,868
PHASE 7: HOUSING ELEMENT	\$45,170
Task HE-1: Administrative Review Draft Housing Element	\$16,280
Task HE-2: Public Review Draft Housing Element	\$6,040
Task HE-3: Planning Commission Study Session	\$3,920
Task HE-4: City Council Study Session	\$3,380
Task HE-5: HCD Review Draft Housing Element, HCD Checklists, and Transmittal to HCD	\$2,000
Task HE-6: Meeting with HCD	\$2,440
Task HE-7: Response to HCD Comments	\$3,840
Task HE-8: CEQA Compliance	\$1,600
Task HE-9: Public Hearing Draft Housing Element	\$4,360
Task HE-10: Final Housing Element and Transmittal to HCD	\$2,310
Subtotal	\$45,170
PHASE 8: DRAFT ENVIRONMENTAL IMPACT STATEMENT	\$172,661
Task 7.A: Notice of Preparation	\$9,142
Task 7.B: Scoping Meeting	\$2,840
Task 7.C: Transportation Impact Study	\$9,360
Task 7.D: Administrative Draft Program EIR	\$86,555
Task 7.E: Draft Program EIR	\$18,144
Task 7.F: Notice of Completion	\$480
Task 7.G: Notice of Availability	\$1,000
Task 7.H: Public Hearings	\$4,520
Task 7.I: Response to Comments	\$19,348
Task 7.J: Mitigation Monitoring and Reporting Program	\$9,320
Task 7.K: Administrative Final Program EIR	\$10,520
Task 7.L: Final Program EIR	\$6,704
Task 7.M: Findings and Statement of Overriding Considerations	\$2,888
Task 7.N: Notice of Determination	\$740
Subtotal	\$172,661
PHASE 9: FINAL PLAN AND PUBLIC HEARINGS	\$25,680
Task 8.A: Public Hearings	\$25,680
Task 8.B: Prepare City Council Approved Plan Update	\$14,400
Subtotal	\$40,080
PHASE 10: ONLINE PLAN	\$29,700
Task 9.A: Web Design and Branding	\$2,680
Task 9.B: Administrative Draft Web-Based General Plan	\$11,300
Task 9.C: Staff Review	\$3,760
Task 9.D: Public Review Draft Web-Based General Plan	\$4,960
Task 9.E: Staff Training	\$5,120
Task 9.F: Final Web-Based General Plan	\$11,880
Subtotal	\$29,700
PHASE 11: CLIMATE ACTION STRATEGY	\$55,650
Task 10.A: GHG Inventory and Forecasting Analysis	\$14,670
Task 10.B: Review and Quantification of Existing Measures	\$8,570
Task 10.C: GHG Reduction Targets and Gap Analysis	\$5,780
Task 10.D: GHG Reduction Measure Development	\$12,140
Task 10.E: Background and Methodology Reporting	\$6,800
Task 10.F: General Plan GHG Reduction Strategy	\$7,690
Subtotal	\$55,650
PHASE 12: MONTHLY PLAN	\$68,040
Subtotal	\$68,040
TOTAL HOURS	1,000,000
2019 Billing Rates (subject to change every January 1st)	
Subtotal	(\$1,285,639)
Direct Expenses (e.g., printing, travel, translation services)	\$47,935
TOTAL COST	\$1,333,574

1) This represents a total cost based on the provided scope of work.

2) The distribution of hours between firms, staff categories, and tasks are an estimate. While the total costs will not change, the distribution of hours/costs may vary depending on actual execution.

EXHIBIT B
PAYMENT AND SCHEDULE OF PAYMENTS

1. TOTAL COMPENSATION

City shall compensate Consultant for the satisfactory performance of the work described in this Agreement to not exceed the amount of \$ One Million, Four Hundred Sixty Six thousand, Five Hundred Seventy Four dollars (\$1,466,574) which consists of a task fee of \$1,333,574 plus a 10% contingency of \$133,000.

- 2.** Consultant shall submit an itemized statement to City on a City approved form for its services performed, which shall include documentation setting forth in detail a description of the services rendered, and the hours of service, if appropriate. City shall compensate Consultant the amount of such billing within thirty (30) days receipt of same.
- 3.** There shall be no right to reimbursement of expenses incurred by Consultant except as specified in Exhibit A to this Agreement.

EXHIBIT C
INSURANCE REQUIREMENTS

Please refer to the insurance requirements listed below. Those that have an "X" indicated in the space before the requirement apply to Contractor's or Consultant's Agreement.

Commercial General Liability (CGL):

- _____ Contractor shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than two million dollars (\$2,000,000) per occurrence for bodily injury, personal injury, and property damage, including without limitation, blanket contractual liability. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. Contractor's general liability policies shall be primary and non-contributory, and be endorsed using Insurance Services Office form CG 20 10 (or equivalent) to provide that City and its officers, officials, employees, attorneys, and agents shall be additional insureds under such policies. For construction contracts, an endorsement providing completed operations to the additional insured, ISO form CG 20 37, is also required.

- _____ Contractor shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than one million dollars (\$1,000,000) per occurrence for bodily injury, personal injury, and property damage, including without limitation, blanket contractual liability. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. Contractor's general liability policies shall be primary and non-contributory, and be endorsed using Insurance Services Office form CG 20 10 (or equivalent) to provide that City and its officers, officials, employees, attorneys and agents shall be additional insureds under such policies. For construction contracts, an endorsement providing completed operations to the additional insured, ISO form CG 20 37, is also required.

- _____ Contractor shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than five million dollars (\$5,000,000) per occurrence for bodily injury, personal injury, and property damage, including without limitation, blanket contractual liability. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. Contractor's general liability policies shall be primary and non-contributory, and be endorsed using Insurance Services Office form CG 20 10 (or equivalent) to provide that City and its officers, officials, employees, attorneys, and agents shall be additional

insureds under such policies. For construction contracts, an endorsement providing completed operations to the additional insured, ISO form CG 20 37, is also required.

Commercial General Liability (CGL) - Completed Operations Coverage

- ___ Contractor shall maintain and provide completed operations coverage and to the additional insured using ISO form CG 20 37. Contractor shall maintain insurance as required by this Agreement to the fullest amount allowed by law and shall maintain insurance for a minimum of five (5) years following the completion of this project. In the event Contractor fails to obtain or maintain completed operations coverage as required by this Agreement, the City at its sole discretion may purchase the coverage required and the cost will be paid by Contractor.

Automobile Liability:

- ___ Contractor shall provide auto liability coverage for owned, non-owned, and hired autos using ISO Business Auto Coverage form CA 00 01, or the exact equivalent, with a limit of no less than one million dollars (\$1,000,000) per accident. If Contractor owns no vehicles, this requirement may be met through a non-owned auto endorsement to the CGL policy.
- ___ Contractor shall provide auto liability coverage for owned, non-owned, and hired autos using ISO Business Auto Coverage form CA 00 01, or the exact equivalent, with a limit of no less than five million dollars (\$5,000,000) per accident. If Contractor owns no vehicles, this requirement may be met through a non-owned auto endorsement to the CGL policy.
- ___ Garage keepers' extra liability endorsement to extend coverage to all vehicles in the care, custody and control of the Contractor or Consultant, regardless of where the vehicles are kept or driven.

Professional Liability (Errors and Omissions):

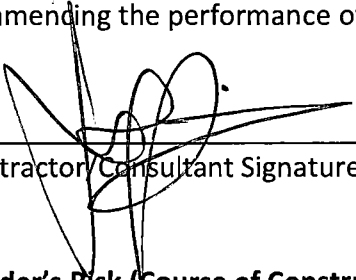
- ___ Contractor shall maintain professional liability insurance that insures against professional errors and omissions that may be made in performing the Services to be rendered in connection with this Agreement, in the minimum amount of one million dollars (\$1,000,000) per claim and in the aggregate. Any policy inception date, continuity date, or retroactive date must be before the effective date of this agreement, and Contractor agrees to maintain continuous coverage through a period no less than three years after completion of the services required by this agreement.
- ___ Contractor shall maintain professional liability insurance that insures against professional errors and omissions that may be made in performing the Services to be rendered in connection with this Agreement, in the minimum amount of two million dollars (\$2,000,000) per claim and in the aggregate. Any policy inception date, continuity date, or retroactive date must be before the effective date of this agreement, and Contractor agrees to maintain continuous coverage through a period no less than three years after completion of the services required by this agreement.

Workers' Compensation Insurance:

- ____ Contractor shall maintain Workers' Compensation Insurance (Statutory Limits) and Employer's Liability Insurance with limits of at least one million dollars (\$1,000,000). Contractor shall submit to City, along with the certificate of insurance, a Waiver of Subrogation endorsement in favor of City, its officers, agents, employees, and volunteers.

The Contractor or Consultant makes the following certification, required by section 1861 of the California Labor Code:

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.



Contractor/Consultant Signature

Builder's Risk (Course of Construction):

Builder's Risk (Course of Construction Insurance) (applicable to Construction Contracts only)

- ____ Contractor shall provide Builders Risk Insurance utilizing an "All Risk" (Special Perils) coverage form, with limits equal to the completed value of the project and no coinsurance penalty provisions.

Upon commencement of construction and with approval of City, Contractor shall obtain and maintain Builder's Risk/Course of Construction insurance. Policy shall be provided for replacement value on an "all-risk" basis. The City shall be named as Loss Payee on the policy and there shall be no coinsurance penalty provision in any such policy. Policy must include: (1) coverage for removal of debris, and insuring the buildings, structures, machinery, equipment, materials, facilities, fixtures, and all other properties constituting a part of the project; (2) coverage with limits sufficient to insure the full replacement value of any property or equipment stored either on or off the project site. Such insurance shall be on a form acceptable to City to ensure adequacy of terms and limits. Contractor shall not be required to maintain property insurance for any portion of the Project following transfer of control thereof to City.

Surety Bonds:

Contractor shall provide the following Surety Bonds:

- _____ Bid Bond
- _____ Performance Bond
- _____ Payment Bond
- _____ Warrantee Bond

The Payment Bond and Performance Bond shall be in a sum equal to the contract price. If the Performance Bond provides for a one-year warranty a separate Warrantee Bond is not necessary. If the warranty period specified in the contracts is for longer than one (1) year a Warrantee Bond equal to ten percent (10%) of the contract price is required. Bonds shall be duly executed by a responsible corporate surety, authorized to issue such bonds in the State of California and secured through an authorized agent with an office in California.

Contractor's or Consultant's Pollution Legal Liability:

- _____ Pollution Coverage shall be provided on a Contractors Pollution Liability form or other form acceptable to City providing coverage for liability arising out of sudden, accidental and gradual pollution and remediation. The policy limit shall be no less than two million dollars (\$2,000,000) per claim. All activities contemplated in this agreement shall be specifically scheduled on the policy as "covered operations." The policy shall provide coverage for the hauling of waste from the project site to the final disposal location, including non-owned disposal sites.

Specific Insurance Provisions

Insurance Limits:

The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of City (if agreed to in a written contract or agreement) before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

If the Contractor or Consultant maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the Contractor or Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to City.

Notice of Cancellation, Suspension or Otherwise Voiding Policies:

Each insurance policy required above shall contain, or be endorsed to contain **that coverage shall not be suspended, voided, canceled or reduced in coverage or in limits except with thirty (30) days' prior written notice** by certified mail, return receipt requested to the City.

Waiver of Subrogation:

Contractor or Consultant hereby grants to City a waiver of any right to subrogation which any insurer of said Contractor or Consultant may acquire against the City by virtue of the payment of any loss under such insurance. Contractor or Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

Deductibles and Self-Insured Retentions ("SIR"):

Any deductibles or self-insured retentions above \$25,000 must be declared to and approved by City. The City may require the Contractor or Consultant to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. At the option of the City, either (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees; or (2) the Contractor or Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

All SIRs must be disclosed to Risk Management for approval and shall not reduce the limits of liability.

Policies containing any SIR provision shall be endorsed to provide that the SIR may be satisfied by either the named insured or the City.

City reserves the right to obtain a full-certified copy of any insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of right to exercise later.

Acceptability of Insurers:

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A-:VII, unless otherwise acceptable to City.

Claims Made Policies: (note - should be applicable only to professional liability, see below)

1. The Retroactive Date must be shown, and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided **for at least five (5) years after completion of contract of work.**
3. If coverage is canceled or non-renewed, and not replaced **with another claims-made policy form with a Retroactive Date prior to** the contract effective date, the Contractor or Consultant must purchase "extended reporting" coverage for a minimum of **five (5) years** after completion of work.
4. A copy of the claims reporting requirements must be submitted to the City for review.
5. If the services involve lead-based paint or asbestos identification/remediation, the Contractor's Pollution Liability Policy shall not contain lead-based paint or asbestos exclusions. If the services involve mold identification/remediation, the Contractors Pollution Liability Policy shall not contain a mold exclusion, and the definition of Pollution shall include microbial matter, including mold.

Subcontractors:

Contractor or Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors.

Subcontractor agrees to be bound to Contractor and City in the same manner and to the same extent as Contractor is bound to City under this Agreement and any other contract documents. Subcontractor further agrees to include the same requirements and provisions of this Agreement, including the indemnity and insurance requirements, with any sub-subcontractor to the extent they apply to the scope of the sub-subcontractor's work. A copy of the City indemnity and insurance provisions will be furnished to the subcontractor upon request.

Verification of Coverage:

Contractor or Consultant shall furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor or Consultant's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Special Risks or Circumstances

City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage or other special circumstances.

Failure to Comply:

Each insurance policy required above shall contain or be endorsed to contain that any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its elected and appointed officials, officers, attorneys, agents, and employees.

Applicability of Coverage:

Each insurance policy required above shall contain or be endorsed to contain that the Contractor's or Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

EXHIBIT D
FACILITIES AND EQUIPMENT

City shall furnish physical facilities such as desks, filing cabinets, and conference space, as may be reasonably necessary for Consultant's use while consulting with City employees and reviewing records and the information in possession of City. The location, quantity, and time of furnishing said physical facilities shall be in the sole discretion of City. In no event shall City be obligated to furnish any facility which may involve incurring any direct expense, including, but not limiting the generality of this exclusion, long-distance telephone or other communication charges, vehicles, and reproduction facilities. Consultant shall not use such services, premises, facilities, supplies or equipment for any purpose other than in the performance of Consultant's obligations under this Agreement.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/22/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER CorRisk Solutions 180 N Stetson Ave Suite 4500 Chicago, IL 60601	CONTACT NAME: Karen Bronson		
	PHONE (A/C, No, Ext): 312-637-8755	FAX (A/C, No, Ext):	
	E-MAIL ADDRESS: kbronson@corriskolutions.com		
	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: New Hampshire Insurance Company		23841
INSURED Mintier Harnish 1415 20th Street Sacramento, CA 95811	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		
	INSURER F:		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADD'L INSRD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY ☐ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☐ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PROJECT ☐ LOC			DOES NOT APPLY			EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & AND INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ HIRED AUTOS ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS			DOES NOT APPLY			COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS MADE DED ☐ RETENTION \$			DOES NOT APPLY			EACH OCCURRENCE AGGREGATE
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICE/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below ☐ Y/N	N/A		DOES NOT APPLY			WC STATUTORY LIMITS ☐ OTHER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT
A	Professional Liability			064990819-04	11/21/19	11/21/20	Per Occurrence: \$2,000,000 Annual Aggregate: \$2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACCORD 101, Additional Remarks Schedule, if more space is required)

American Cayon General Plan Update

CERTIFICATE HOLDER

CANCELLATION

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

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

E. Allen



CERTIFICATE OF LIABILITY INSURANCE

MINTI-1

OP ID: CC

DATE (MM/DD/YYYY)

11/26/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Point West Insurance Assoc. 1455 Response Road #240 Sacramento, CA 95815 M Stuart Nelson	CONTACT NAME:	
	PHONE (A/C, No, Ext):	FAX (A/C, No):
INSURED Mintier Harnish LP dba:Mintier Harnish 1415 20th Street Sacramento, CA 95814	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A : Hartford Casualty Company	NAIC # 29424
	INSURER B : Hartford Fire Insurance Co	19682
	INSURER C :	
	INSURER D :	
INSURER E :		
INSURER F :		

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	Y	57SBAEF2053	04/24/2019	04/24/2020	EACH OCCURRENCE \$ 2,000,000
	☒ COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000
	☐ CLAIMS-MADE ☒ OCCUR					MED EXP (Any one person) \$ 10,000
	☒ Hired/NOwned Auto					PERSONAL & ADV INJURY \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					GENERAL AGGREGATE \$ 4,000,000
	☒ POLICY ☐ PROJECT ☐ LOC					PRODUCTS - COMP/OP AGG \$ 4,000,000
	AUTOMOBILE LIABILITY					H/NO Auto \$ 2,000,000
	ANY AUTO					COMBINED SINGLE LIMIT (Ea accident) \$
	ALL OWNED AUTOS					BODILY INJURY (Per person) \$
	HIRED AUTOS					BODILY INJURY (Per accident) \$
	UMBRELLA LIAB					PROPERTY DAMAGE (PER ACCIDENT) \$
	EXCESS LIAB					
	DED					EACH OCCURRENCE \$
	RETENTION \$					AGGREGATE \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	N/A	57WECNU9666	04/24/2019	04/24/2020	☒ WC STATU-TORY LIMITS ☐ OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)					E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
						E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

General Liability Additional Insured and Primary coverage is evidenced in the SS0008 04/05 endorsement attached which forms a part of f the listed policy.

CERTIFICATE HOLDER**CANCELLATION**

City of American Canyon
Attn: Brent Cooper, Community
Development Director
4381 Broadway St., Ste. 201
American Canyon, CA 94503

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

M. Stuart Nelson

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BUSINESS LIABILITY COVERAGE FORM

Various provisions in this policy restrict coverage. Read the entire policy carefully to determine rights, duties and what is and is not covered.

Throughout this policy the words "you" and "your" refer to the Named Insured shown in the Declarations. The words "we", "us" and "our" refer to the stock insurance company member of The Hartford providing this insurance.

The word "insured" means any person or organization qualifying as such under Section C. - Who Is An Insured.

Other words and phrases that appear in quotation marks have special meaning. Refer to Section G. - Liability And Medical Expenses Definitions.

A. COVERAGES

1. BUSINESS LIABILITY COVERAGE (BODILY INJURY, PROPERTY DAMAGE, PERSONAL AND ADVERTISING INJURY)

Insuring Agreement

- a. We will pay those sums that the insured becomes legally obligated to pay as damages because of "bodily injury", "property damage" or "personal and advertising injury" to which this insurance applies. We will have the right and duty to defend the insured against any "suit" seeking those damages. However, we will have no duty to defend the insured against any "suit" seeking damages for "bodily injury", "property damage" or "personal and advertising injury" to which this insurance does not apply.

We may, at our discretion, investigate any "occurrence" or offense and settle any claim or "suit" that may result. But:

- (1) The amount we will pay for damages is limited as described in Section D. - Liability And Medical Expenses Limits Of Insurance; and
- (2) Our right and duty to defend ends when we have used up the applicable limit of insurance in the payment of judgments, settlements or medical expenses to which this insurance applies.

No other obligation or liability to pay sums or perform acts or services is covered unless explicitly provided for under Coverage Extension - Supplementary Payments.

- b. This insurance applies:

- (1) To "bodily injury" and "property damage" only if:

- (a) The "bodily injury" or "property damage" is caused by an "occurrence" that takes place in the "coverage territory";

- (b) The "bodily injury" or "property damage" occurs during the policy period; and

- (c) Prior to the policy period, no insured listed under Paragraph 1. of Section C. - Who Is An Insured and no "employee" authorized by you to give or receive notice of an "occurrence" or claim, knew that the "bodily injury" or "property damage" had occurred, in whole or in part. If such a listed insured or authorized "employee" knew, prior to the policy period, that the "bodily injury" or "property damage" occurred, then any continuation, change or resumption of such "bodily injury" or "property damage" during or after the policy period will be deemed to have been known prior to the policy period.

- (2) To "personal and advertising injury" caused by an offense arising out of your business, but only if the offense was committed in the "coverage territory" during the policy period.

- c. "Bodily injury" or "property damage" will be deemed to have been known to have occurred at the earliest time when any insured listed under Paragraph 1. of Section C. - Who Is An Insured or any "employee" authorized by you to give or receive notice of an "occurrence" or claim:

- (1) Reports all, or any part, of the "bodily injury" or "property damage" to us or any other insurer;

BUSINESS LIABILITY COVERAGE FORM

- (2) Receives a written or verbal demand or claim for damages because of the "bodily injury" or "property damage"; or
 - (3) Becomes aware by any other means that "bodily injury" or "property damage" has occurred or has begun to occur.
- d. Damages because of "bodily injury" include damages claimed by any person or organization for care, loss of services or death resulting at any time from the "bodily injury".

e. Incidental Medical Malpractice

- (1) "Bodily injury" arising out of the rendering of or failure to render professional health care services as a physician, dentist, nurse, emergency medical technician or paramedic shall be deemed to be caused by an "occurrence", but only if:
 - (a) The physician, dentist, nurse, emergency medical technician or paramedic is employed by you to provide such services; and
 - (b) You are not engaged in the business or occupation of providing such services.
- (2) For the purpose of determining the limits of insurance for incidental medical malpractice, any act or omission together with all related acts or omissions in the furnishing of these services to any one person will be considered one "occurrence".

2. MEDICAL EXPENSES

Insuring Agreement

- a. We will pay medical expenses as described below for "bodily injury" caused by an accident:
- (1) On premises you own or rent;
 - (2) On ways next to premises you own or rent; or
 - (3) Because of your operations;
- provided that:
- (1) The accident takes place in the "coverage territory" and during the policy period;
 - (2) The expenses are incurred and reported to us within three years of the date of the accident; and
 - (3) The injured person submits to examination, at our expense, by physicians of our choice as often as we reasonably require.

- b. We will make these payments regardless of fault. These payments will not exceed the applicable limit of insurance. We will pay reasonable expenses for:

- (1) First aid administered at the time of an accident;
- (2) Necessary medical, surgical, x-ray and dental services, including prosthetic devices; and
- (3) Necessary ambulance, hospital, professional nursing and funeral services.

3. COVERAGE EXTENSION - SUPPLEMENTARY PAYMENTS

- a. We will pay, with respect to any claim or "suit" we investigate or settle, or any "suit" against an insured we defend:
- (1) All expenses we incur.
 - (2) Up to \$1,000 for the cost of bail bonds required because of accidents or traffic law violations arising out of the use of any vehicle to which Business Liability Coverage for "bodily injury" applies. We do not have to furnish these bonds.
 - (3) The cost of appeal bonds or bonds to release attachments, but only for bond amounts within the applicable limit of insurance. We do not have to furnish these bonds.
 - (4) All reasonable expenses incurred by the insured at our request to assist us in the investigation or defense of the claim or "suit", including actual loss of earnings up to \$500 a day because of time off from work.
 - (5) All costs taxed against the insured in the "suit".
 - (6) Prejudgment interest awarded against the insured on that part of the judgment we pay. If we make an offer to pay the applicable limit of insurance, we will not pay any prejudgment interest based on that period of time after the offer.
 - (7) All interest on the full amount of any judgment that accrues after entry of the judgment and before we have paid, offered to pay, or deposited in court the part of the judgment that is within the applicable limit of insurance.
- Any amounts paid under (1) through (7) above will not reduce the limits of insurance.

b. If we defend an insured against a "suit" and an indemnitee of the insured is also named as a party to the "suit", we will defend that indemnitee if all of the following conditions are met:

- (1) The "suit" against the indemnitee seeks damages for which the insured has assumed the liability of the indemnitee in a contract or agreement that is an "insured contract";
- (2) This insurance applies to such liability assumed by the insured;
- (3) The obligation to defend, or the cost of the defense of, that indemnitee, has also been assumed by the insured in the same "insured contract";
- (4) The allegations in the "suit" and the information we know about the "occurrence" are such that no conflict appears to exist between the interests of the insured and the interest of the indemnitee;
- (5) The indemnitee and the insured ask us to conduct and control the defense of that indemnitee against such "suit" and agree that we can assign the same counsel to defend the insured and the indemnitee; and
- (6) The indemnitee:
 - (a) Agrees in writing to:
 - (i) Cooperate with us in the investigation, settlement or defense of the "suit";
 - (ii) Immediately send us copies of any demands, notices, summonses or legal papers received in connection with the "suit";
 - (iii) Notify any other insurer whose coverage is available to the indemnitee; and
 - (iv) Cooperate with us with respect to coordinating other applicable insurance available to the indemnitee; and
 - (b) Provides us with written authorization to:
 - (i) Obtain records and other information related to the "suit"; and
 - (ii) Conduct and control the defense of the indemnitee in such "suit".

So long as the above conditions are met, attorneys' fees incurred by us in the defense of that indemnitee, necessary litigation expenses incurred by us and necessary litigation expenses incurred by the indemnitee at our request will be paid as Supplementary Payments.

Notwithstanding the provisions of Paragraph 1.b.(b) of Section B. – Exclusions, such payments will not be deemed to be damages for "bodily injury" and "property damage" and will not reduce the Limits of Insurance.

Our obligation to defend an insured's indemnitee and to pay for attorneys' fees and necessary litigation expenses as Supplementary Payments ends when:

- (1) We have used up the applicable limit of insurance in the payment of judgments or settlements; or
- (2) The conditions set forth above, or the terms of the agreement described in Paragraph (6) above, are no longer met.

B. EXCLUSIONS

1. Applicable To Business Liability Coverage

This insurance does not apply to:

a. Expected Or Intended Injury

- (1) "Bodily injury" or "property damage" expected or intended from the standpoint of the insured. This exclusion does not apply to "bodily injury" or "property damage" resulting from the use of reasonable force to protect persons or property; or
- (2) "Personal and advertising injury" arising out of an offense committed by, at the direction of or with the consent or acquiescence of the insured with the expectation of inflicting "personal and advertising injury".

b. Contractual Liability

- (1) "Bodily injury" or "property damage"; or
- (2) "Personal and advertising injury"

for which the insured is obligated to pay damages by reason of the assumption of liability in a contract or agreement.

This exclusion does not apply to liability for damages because of:

- (a) "Bodily injury", "property damage" or "personal and advertising injury" that the insured would have in the absence of the contract or agreement; or

(b) "Bodily injury" or "property damage" assumed in a contract or agreement that is an "insured contract", provided the "bodily injury" or "property damage" occurs subsequent to the execution of the contract or agreement. Solely for the purpose of liability assumed in an "insured contract", reasonable attorneys' fees and necessary litigation expenses incurred by or for a party other than an insured are deemed to be damages because of "bodily injury" or "property damage" provided:

- (i) Liability to such party for, or for the cost of, that party's defense has also been assumed in the same "insured contract", and
- (ii) Such attorneys' fees and litigation expenses are for defense of that party against a civil or alternative dispute resolution proceeding in which damages to which this insurance applies are alleged.

c. Liquor Liability

"Bodily injury" or "property damage" for which any insured may be held liable by reason of:

- (1) Causing or contributing to the intoxication of any person;
- (2) The furnishing of alcoholic beverages to a person under the legal drinking age or under the influence of alcohol; or
- (3) Any statute, ordinance or regulation relating to the sale, gift, distribution or use of alcoholic beverages.

This exclusion applies only if you are in the business of manufacturing, distributing, selling, serving or furnishing alcoholic beverages.

d. Workers' Compensation And Similar Laws

Any obligation of the insured under a workers' compensation, disability benefits or unemployment compensation law or any similar law.

e. Employer's Liability

"Bodily injury" to:

- (1) An "employee" of the insured arising out of and in the course of:
 - (a) Employment by the insured; or

(b) Performing duties related to the conduct of the insured's business, or

- (2) The spouse, child, parent, brother or sister of that "employee" as a consequence of (1) above.

This exclusion applies:

- (1) Whether the insured may be liable as an employer or in any other capacity; and
- (2) To any obligation to share damages with or repay someone else who must pay damages because of the injury.

This exclusion does not apply to liability assumed by the insured under an "insured contract".

f. Pollution

- (1) "Bodily injury", "property damage" or "personal and advertising injury" arising out of the actual, alleged or threatened discharge, dispersal, seepage, migration, release or escape of "pollutants":
 - (a) At or from any premises, site or location which is or was at any time owned or occupied by, or rented or loaned to any insured. However, this subparagraph does not apply to:
 - (i) "Bodily injury" if sustained within a building and caused by smoke, fumes, vapor or soot produced by or originating from equipment that is used to heat, cool or dehumidify the building, or equipment that is used to heat water for personal use, by the building's occupants or their guests;
 - (ii) "Bodily injury" or "property damage" for which you may be held liable, if you are a contractor and the owner or lessee of such premises, site or location has been added to your policy as an additional insured with respect to your ongoing operations performed for that additional insured at that premises, site or location and such premises, site or location is not and never was owned or occupied by, or rented or loaned to, any insured, other than that additional insured; or

- (iii) "Bodily injury" or "property damage" arising out of heat, smoke or fumes from a "hostile fire";
 - (b) At or from any premises, site or location which is or was at any time used by or for any insured or others for the handling, storage, disposal, processing or treatment of waste;
 - (c) Which are or were at any time transported, handled, stored, treated, disposed of, or processed as waste by or for:
 - (i) Any insured; or
 - (ii) Any person or organization for whom you may be legally responsible;
 - (d) At or from any premises, site or location on which any insured or any contractors or subcontractors working directly or indirectly on any insured's behalf are performing operations if the "pollutants" are brought on or to the premises, site or location in connection with such operations by such insured, contractor or subcontractor. However, this subparagraph does not apply to:
 - (i) "Bodily injury" or "property damage" arising out of the escape of fuels, lubricants or other operating fluids which are needed to perform the normal electrical, hydraulic or mechanical functions necessary for the operation of "mobile equipment" or its parts, if such fuels, lubricants or other operating fluids escape from a vehicle part designed to hold, store or receive them. This exception does not apply if the "bodily injury" or "property damage" arises out of the intentional discharge, dispersal or release of the fuels, lubricants or other operating fluids, or if such fuels, lubricants or other operating fluids are brought on or to the premises, site or location with the intent that they be discharged, dispersed or released as part of the operations being performed by such insured, contractor or subcontractor;
 - (ii) "Bodily injury" or "property damage" sustained within a building and caused by the release of gases, fumes or vapors from materials brought into that building in connection with operations being performed by you or on your behalf by a contractor or subcontractor; or
 - (iii) "Bodily injury" or "property damage" arising out of heat, smoke or fumes from a "hostile fire"; or
 - (e) At or from any premises, site or location on which any insured or any contractors or subcontractors working directly or indirectly on any insured's behalf are performing operations if the operations are to test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to, or assess the effects of, "pollutants".
- (2) Any loss, cost or expense arising out of any:
- (a) Request, demand, order or statutory or regulatory requirement that any insured or others test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to, or assess the effects of, "pollutants"; or
 - (b) Claim or suit by or on behalf of a governmental authority for damages because of testing for, monitoring, cleaning up, removing, containing, treating, detoxifying or neutralizing, or in any way responding to, or assessing the effects of, "pollutants".
- However, this paragraph does not apply to liability for damages because of "property damage" that the insured would have in the absence of such request, demand, order or statutory or regulatory requirement, or such claim or "suit" by or on behalf of a governmental authority.

g. Aircraft, Auto Or Watercraft

"Bodily injury" or "property damage" arising out of the ownership, maintenance, use or entrustment to others of any aircraft, "auto" or watercraft owned or operated by or rented or loaned to any insured. Use includes operation and "loading or unloading".

This exclusion applies even if the claims against any insured allege negligence or other wrongdoing in the supervision, hiring, employment, training or monitoring of others by that insured, if the "occurrence" which caused the "bodily injury" or "property damage" involved the ownership, maintenance, use or entrustment to others of any aircraft, "auto" or watercraft that is owned or operated by or rented or loaned to any insured.

This exclusion does not apply to:

- (1) A watercraft while ashore on premises you own or rent;
- (2) A watercraft you do not own that is:
 - (a) Less than 51 feet long; and
 - (b) Not being used to carry persons for a charge;
- (3) Parking an "auto" on, or on the ways next to, premises you own or rent, provided the "auto" is not owned by or rented or loaned to you or the insured;
- (4) Liability assumed under any "insured contract" for the ownership, maintenance or use of aircraft or watercraft;
- (5) "Bodily injury" or "property damage" arising out of the operation of any of the equipment listed in Paragraph f.(2) or f.(3) of the definition of "mobile equipment"; or
- (6) An aircraft that is not owned by any insured and is hired, chartered or loaned with a paid crew. However, this exception does not apply if the insured has any other insurance for such "bodily injury" or "property damage", whether the other insurance is primary, excess, contingent or on any other basis.

h. Mobile Equipment

"Bodily injury" or "property damage" arising out of:

- (1) The transportation of "mobile equipment" by an "auto" owned or operated by or rented or loaned to any insured; or

- (2) The use of "mobile equipment" in, or while in practice or preparation for, a prearranged racing, speed or demolition contest or in any stunting activity.

i. War

"Bodily injury", "property damage" or "personal and advertising injury", however caused, arising, directly or indirectly, out of:

- (1) War, including undeclared or civil war;
- (2) Warlike action by a military force, including action in hindering or defending against an actual or expected attack, by any government, sovereign or other authority using military personnel or other agents; or
- (3) Insurrection, rebellion, revolution, usurped power, or action taken by governmental authority in hindering or defending against any of these.

j. Professional Services

"Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of or failure to render any professional service. This includes but is not limited to:

- (1) Legal, accounting or advertising services;
- (2) Preparing, approving, or failing to prepare or approve maps, shop drawings, opinions, reports, surveys, field orders, change orders, designs or drawings and specifications;
- (3) Supervisory, inspection, architectural or engineering activities;
- (4) Medical, surgical, dental, x-ray or nursing services treatment, advice or instruction;
- (5) Any health or therapeutic service treatment, advice or instruction;
- (6) Any service, treatment, advice or instruction for the purpose of appearance or skin enhancement, hair removal or replacement or personal grooming;
- (7) Optical or hearing aid services including the prescribing, preparation, fitting, demonstration or distribution of ophthalmic lenses and similar products or hearing aid devices;

- (8) Optometry or optometric services including but not limited to examination of the eyes and the prescribing, preparation, fitting, demonstration or distribution of ophthalmic lenses and similar products;
- (9) Any:
 - (a) Body piercing (not including ear piercing);
 - (b) Tattooing, including but not limited to the insertion of pigments into or under the skin; and
 - (c) Similar services;
- (10) Services in the practice of pharmacy; and
- (11) Computer consulting, design or programming services, including web site design.

Paragraphs (4) and (5) of this exclusion do not apply to the Incidental Medical Malpractice coverage afforded under Paragraph 1.e. in Section A. - Coverages.

k. Damage To Property

"Property damage" to:

- (1) Property you own, rent or occupy, including any costs or expenses incurred by you, or any other person, organization or entity, for repair, replacement, enhancement, restoration or maintenance of such property for any reason, including prevention of injury to a person or damage to another's property;
- (2) Premises you sell, give away or abandon, if the "property damage" arises out of any part of those premises;
- (3) Property loaned to you;
- (4) Personal property in the care, custody or control of the insured;
- (5) That particular part of real property on which you or any contractors or subcontractors working directly or indirectly on your behalf are performing operations, if the "property damage" arises out of those operations; or
- (6) That particular part of any property that must be restored, repaired or replaced because "your work" was incorrectly performed on it.

Paragraphs (1), (3) and (4) of this exclusion do not apply to "property damage" (other than damage by fire) to premises, including the contents of such premises, rented to you for a period of 7 or fewer consecutive days. A separate Limit of Insurance applies to Damage To Premises Rented To You as described in Section D. - Limits Of Insurance.

Paragraph (2) of this exclusion does not apply if the premises are "your work" and were never occupied, rented or held for rental by you.

Paragraphs (3) and (4) of this exclusion do not apply to the use of elevators.

Paragraphs (3), (4), (5) and (6) of this exclusion do not apply to liability assumed under a sidetrack agreement.

Paragraphs (3) and (4) of this exclusion do not apply to "property damage" to borrowed equipment while not being used to perform operations at a job site.

Paragraph (6) of this exclusion does not apply to "property damage" included in the "products-completed operations hazard".

l. Damage To Your Product

"Property damage" to "your product" arising out of it or any part of it.

m. Damage To Your Work

"Property damage" to "your work" arising out of it or any part of it and included in the "products-completed operations hazard".

This exclusion does not apply if the damaged work or the work out of which the damage arises was performed on your behalf by a subcontractor.

n. Damage To Impaired Property Or Property Not Physically Injured

"Property damage" to "impaired property" or property that has not been physically injured, arising out of:

- (1) A defect, deficiency, inadequacy or dangerous condition in "your product" or "your work"; or
- (2) A delay or failure by you or anyone acting on your behalf to perform a contract or agreement in accordance with its terms.

This exclusion does not apply to the loss of use of other property arising out of sudden and accidental physical injury to "your product" or "your work" after it has been put to its intended use.

o. Recall Of Products, Work Or Impaired Property

Damages claimed for any loss, cost or expense incurred by you or others for the loss of use, withdrawal, recall, inspection, repair, replacement, adjustment, removal or disposal of:

- (1) "Your product";
- (2) "Your work"; or
- (3) "Impaired property";

if such product, work or property is withdrawn or recalled from the market or from use by any person or organization because of a known or suspected defect, deficiency, inadequacy or dangerous condition in it.

p. Personal And Advertising Injury

"Personal and advertising injury":

- (1) Arising out of oral, written or electronic publication of material, if done by or at the direction of the insured with knowledge of its falsity;
- (2) Arising out of oral, written or electronic publication of material whose first publication took place before the beginning of the policy period;
- (3) Arising out of a criminal act committed by or at the direction of the insured;
- (4) Arising out of any breach of contract, except an implied contract to use another's "advertising idea" in your "advertisement";
- (5) Arising out of the failure of goods, products or services to conform with any statement of quality or performance made in your "advertisement";
- (6) Arising out of the wrong description of the price of goods, products or services;
- (7) Arising out of any violation of any intellectual property rights such as copyright, patent, trademark, trade name, trade secret, service mark or other designation of origin or authenticity.

However, this exclusion does not apply to infringement, in your "advertisement", of

- (a) Copyright;
- (b) Slogan, unless the slogan is also a trademark, trade name, service mark or other designation of origin or authenticity; or

(c) Title of any literary or artistic work;

(8) Arising out of an offense committed by an insured whose business is:

- (a) Advertising, broadcasting, publishing or telecasting;
- (b) Designing or determining content of web sites for others; or
- (c) An Internet search, access, content or service provider.

However, this exclusion does not apply to Paragraphs **a.**, **b.** and **c.** under the definition of "personal and advertising injury" in Section **G.** – Liability And Medical Expenses Definitions.

For the purposes of this exclusion, placing an "advertisement" for or linking to others on your web site, by itself, is not considered the business of advertising, broadcasting, publishing or telecasting;

- (9) Arising out of an electronic chat room or bulletin board the insured hosts, owns, or over which the insured exercises control;
- (10) Arising out of the unauthorized use of another's name or product in your e-mail address, domain name or metatags, or any other similar tactics to mislead another's potential customers;
- (11) Arising out of the violation of a person's right of privacy created by any state or federal act.

However, this exclusion does not apply to liability for damages that the insured would have in the absence of such state or federal act;

(12) Arising out of:

- (a) An "advertisement" for others on your web site;
- (b) Placing a link to a web site of others on your web site;
- (c) Content from a web site of others displayed within a frame or border on your web site. Content includes information, code, sounds, text, graphics or images; or
- (d) Computer code, software or programming used to enable:
 - (i) Your web site; or
 - (ii) The presentation or functionality of an "advertisement" or other content on your web site;

- (13) Arising out of a violation of any anti-trust law;
- (14) Arising out of the fluctuation in price or value of any stocks, bonds or other securities; or
- (15) Arising out of discrimination or humiliation committed by or at the direction of any "executive officer", director, stockholder, partner or member of the insured.

q. Electronic Data

Damages arising out of the loss of, loss of use of, damage to, corruption of, inability to access, or inability to manipulate "electronic data".

r. Employment-Related Practices

"Bodily injury" or "personal and advertising injury" to:

- (1) A person arising out of any:
 - (a) Refusal to employ that person;
 - (b) Termination of that person's employment; or
 - (c) Employment-related practices, policies, acts or omissions, such as coercion, demotion, evaluation, reassignment, discipline, defamation, harassment, humiliation or discrimination directed at that person; or
- (2) The spouse, child, parent, brother or sister of that person as a consequence of "bodily injury" or "personal and advertising injury" to the person at whom any of the employment-related practices described in Paragraphs (a), (b), or (c) above is directed.

This exclusion applies:

- (1) Whether the insured may be liable as an employer or in any other capacity; and
- (2) To any obligation to share damages with or repay someone else who must pay damages because of the injury.

s. Asbestos

- (1) "Bodily injury", "property damage" or "personal and advertising injury" arising out of the "asbestos hazard".
- (2) Any damages, judgments, settlements, loss, costs or expenses that:

(a) May be awarded or incurred by reason of any claim or suit alleging actual or threatened injury or damage of any nature or kind to persons or property which would not have occurred in whole or in part but for the "asbestos hazard";

(b) Arise out of any request, demand, order or statutory or regulatory requirement that any insured or others test for, monitor, clean up, remove, encapsulate, contain, treat, detoxify or neutralize or in any way respond to or assess the effects of an "asbestos hazard"; or

(c) Arise out of any claim or suit for damages because of testing for, monitoring, cleaning up, removing, encapsulating, containing, treating, detoxifying or neutralizing or in any way responding to or assessing the effects of an "asbestos hazard".

t. Violation Of Statutes That Govern E-Mails, Fax, Phone Calls Or Other Methods Of Sending Material Or Information

"Bodily injury", "property damage", or "personal and advertising injury" arising directly or indirectly out of any action or omission that violates or is alleged to violate:

- (1) The Telephone Consumer Protection Act (TCPA), including any amendment of or addition to such law;
- (2) The CAN-SPAM Act of 2003, including any amendment of or addition to such law; or
- (3) Any statute, ordinance or regulation, other than the TCPA or CAN-SPAM Act of 2003, that prohibits or limits the sending, transmitting, communicating or distribution of material or information.

Damage To Premises Rented To You - Exception For Damage By Fire, Lightning or Explosion

Exclusions c. through h. and k. through o. do not apply to damage by fire, lightning or explosion to premises rented to you or temporarily occupied by you with permission of the owner. A separate Limit of Insurance applies to this coverage as described in Section D. - Liability And Medical Expenses Limits Of Insurance.

2. Applicable To Medical Expenses Coverage

We will not pay expenses for "bodily injury":

a. Any Insured

To any insured, except "volunteer workers".

b. Hired Person

To a person hired to do work for or on behalf of any insured or a tenant of any insured.

c. Injury On Normally Occupied Premises

To a person injured on that part of premises you own or rent that the person normally occupies.

d. Workers' Compensation And Similar Laws

To a person, whether or not an "employee" of any insured, if benefits for the "bodily injury" are payable or must be provided under a workers' compensation or disability benefits law or a similar law.

e. Athletics Activities

To a person injured while practicing, instructing or participating in any physical exercises or games, sports or athletic contests.

f. Products-Completed Operations Hazard

Included with the "products-completed operations hazard".

g. Business Liability Exclusions

Excluded under Business Liability Coverage.

C. WHO IS AN INSURED

1. If you are designated in the Declarations as:

- a.** An individual, you and your spouse are insureds, but only with respect to the conduct of a business of which you are the sole owner.
- b.** A partnership or joint venture, you are an insured. Your members, your partners, and their spouses are also insureds, but only with respect to the conduct of your business.
- c.** A limited liability company, you are an insured. Your members are also insureds, but only with respect to the conduct of your business. Your managers are insureds, but only with respect to their duties as your managers.
- d.** An organization other than a partnership, joint venture or limited liability company, you are an insured. Your "executive officers" and directors are insureds, but only with respect to their duties as your officers or directors. Your stockholders are also insureds, but only with respect to their liability as stockholders.

- e.** A trust, you are an insured. Your trustees are also insureds, but only with respect to their duties as trustees.

2. Each of the following is also an insured:

a. Employees And Volunteer Workers

Your "volunteer workers" only while performing duties related to the conduct of your business, or your "employees", other than either your "executive officers" (if you are an organization other than a partnership, joint venture or limited liability company) or your managers (if you are a limited liability company), but only for acts within the scope of their employment by you or while performing duties related to the conduct of your business.

However, none of these "employees" or "volunteer workers" are insureds for:

- (1)** "Bodily injury" or "personal and advertising injury":

- (a)** To you, to your partners or members (if you are a partnership or joint venture), to your members (if you are a limited liability company), or to a co-"employee" while in the course of his or her employment or performing duties related to the conduct of your business, or to your other "volunteer workers" while performing duties related to the conduct of your business;

- (b)** To the spouse, child, parent, brother or sister of that co-"employee" or that "volunteer worker" as a consequence of Paragraph **(1)(a)** above;

- (c)** For which there is any obligation to share damages with or repay someone else who must pay damages because of the injury described in Paragraphs **(1)(a)** or **(b)** above; or

- (d)** Arising out of his or her providing or failing to provide professional health care services.

If you are not in the business of providing professional health care services, Paragraph **(d)** does not apply to any nurse, emergency medical technician or paramedic employed by you to provide such services.

- (2)** "Property damage" to property:

- (a)** Owned, occupied or used by,

- (b) Rented to, in the care, custody or control of, or over which physical control is being exercised for any purpose by you, any of your "employees", "volunteer workers", any partner or member (if you are a partnership or joint venture), or any member (if you are a limited liability company).

b. Real Estate Manager

Any person (other than your "employee" or "volunteer worker"), or any organization while acting as your real estate manager.

c. Temporary Custodians Of Your Property

Any person or organization having proper temporary custody of your property if you die, but only:

- (1) With respect to liability arising out of the maintenance or use of that property; and
- (2) Until your legal representative has been appointed.

d. Legal Representative If You Die

Your legal representative if you die, but only with respect to duties as such. That representative will have all your rights and duties under this insurance.

e. Unnamed Subsidiary

Any subsidiary and subsidiary thereof, of yours which is a legally incorporated entity of which you own a financial interest of more than 50% of the voting stock on the effective date of this Coverage Part.

The insurance afforded herein for any subsidiary not shown in the Declarations as a named insured does not apply to injury or damage with respect to which an insured under this insurance is also an insured under another policy or would be an insured under such policy but for its termination or upon the exhaustion of its limits of insurance.

3. Newly Acquired Or Formed Organization

Any organization you newly acquire or form, other than a partnership, joint venture or limited liability company, and over which you maintain financial interest of more than 50% of the voting stock, will qualify as a Named Insured if there is no other similar insurance available to that organization. However:

- a. Coverage under this provision is afforded only until the 180th day after you acquire or form the organization or the end of the policy period, whichever is earlier; and

- b. Coverage under this provision does not apply to:

- (1) "Bodily injury" or "property damage" that occurred; or
- (2) "Personal and advertising injury" arising out of an offense committed before you acquired or formed the organization.

4. Operator Of Mobile Equipment

With respect to "mobile equipment" registered in your name under any motor vehicle registration law, any person is an insured while driving such equipment along a public highway with your permission. Any other person or organization responsible for the conduct of such person is also an insured, but only with respect to liability arising out of the operation of the equipment, and only if no other insurance of any kind is available to that person or organization for this liability. However, no person or organization is an insured with respect to:

- a. "Bodily injury" to a co-"employee" of the person driving the equipment; or
- b. "Property damage" to property owned by, rented to, in the charge of or occupied by you or the employer of any person who is an insured under this provision.

5. Operator of Nonowned Watercraft

With respect to watercraft you do not own that is less than 51 feet long and is not being used to carry persons for a charge, any person is an insured while operating such watercraft with your permission. Any other person or organization responsible for the conduct of such person is also an insured, but only with respect to liability arising out of the operation of the watercraft, and only if no other insurance of any kind is available to that person or organization for this liability.

However, no person or organization is an insured with respect to:

- a. "Bodily injury" to a co-"employee" of the person operating the watercraft; or
- b. "Property damage" to property owned by, rented to, in the charge of or occupied by you or the employer of any person who is an insured under this provision.

6. Additional Insureds When Required By Written Contract, Written Agreement Or Permit

The person(s) or organization(s) identified in Paragraphs a. through f. below are additional insureds when you have agreed, in a written

contract, written agreement or because of a permit issued by a state or political subdivision, that such person or organization be added as an additional insured on your policy, provided the injury or damage occurs subsequent to the execution of the contract or agreement, or the issuance of the permit.

A person or organization is an additional insured under this provision only for that period of time required by the contract, agreement or permit.

However, no such person or organization is an additional insured under this provision if such person or organization is included as an additional insured by an endorsement issued by us and made a part of this Coverage Part, including all persons or organizations added as additional insureds under the specific additional insured coverage grants in Section F. – Optional Additional Insured Coverages.

a. Vendors

Any person(s) or organization(s) (referred to below as vendor), but only with respect to "bodily injury" or "property damage" arising out of "your products" which are distributed or sold in the regular course of the vendor's business and only if this Coverage Part provides coverage for "bodily injury" or "property damage" included within the "products-completed operations hazard".

- (1) The insurance afforded to the vendor is subject to the following additional exclusions:

This insurance does not apply to:

- (a) "Bodily injury" or "property damage" for which the vendor is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the vendor would have in the absence of the contract or agreement;
- (b) Any express warranty unauthorized by you;
- (c) Any physical or chemical change in the product made intentionally by the vendor;
- (d) Repackaging, except when unpacked solely for the purpose of inspection, demonstration, testing, or the substitution of parts under instructions from the manufacturer, and then repackaged in the original container;

- (e) Any failure to make such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products;

- (f) Demonstration, installation, servicing or repair operations, except such operations performed at the vendor's premises in connection with the sale of the product;

- (g) Products which, after distribution or sale by you, have been labeled or relabeled or used as a container, part or ingredient of any other thing or substance by or for the vendor; or

- (h) "Bodily injury" or "property damage" arising out of the sole negligence of the vendor for its own acts or omissions or those of its employees or anyone else acting on its behalf. However, this exclusion does not apply to:

- (i) The exceptions contained in Subparagraphs (d) or (f); or

- (ii) Such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products.

- (2) This insurance does not apply to any insured person or organization from whom you have acquired such products, or any ingredient, part or container, entering into, accompanying or containing such products.

b. Lessors Of Equipment

- (1) Any person or organization from whom you lease equipment; but only with respect to their liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your maintenance, operation or use of equipment leased to you by such person or organization.

- (2) With respect to the insurance afforded to these additional insureds, this insurance does not apply to any "occurrence" which takes place after you cease to lease that equipment.

c. Lessors Of Land Or Premises

- (1) Any person or organization from whom you lease land or premises, but only with respect to liability arising out of the ownership, maintenance or use of that part of the land or premises leased to you.
- (2) With respect to the insurance afforded to these additional insureds, this insurance does not apply to:
- (a) Any "occurrence" which takes place after you cease to lease that land or be a tenant in that premises; or
 - (b) Structural alterations, new construction or demolition operations performed by or on behalf of such person or organization.

d. Architects, Engineers Or Surveyors

- (1) Any architect, engineer, or surveyor, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:
- (a) In connection with your premises; or
 - (b) In the performance of your ongoing operations performed by you or on your behalf.
- (2) With respect to the insurance afforded to these additional insureds, the following additional exclusion applies:
- This insurance does not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of or the failure to render any professional services by or for you, including:
- (a) The preparing, approving, or failure to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders, designs or drawings and specifications; or
 - (b) Supervisory, inspection, architectural or engineering activities.

e. Permits Issued By State Or Political Subdivisions

- (1) Any state or political subdivision, but only with respect to operations performed by you or on your behalf for which the state or political subdivision has issued a permit.
- (2) With respect to the insurance afforded to these additional insureds, this insurance does not apply to:
- (a) "Bodily injury", "property damage" or "personal and advertising injury" arising out of operations performed for the state or municipality; or
 - (b) "Bodily injury" or "property damage" included within the "products-completed operations hazard".

f. Any Other Party

- (1) Any other person or organization who is not an insured under Paragraphs **a.** through **e.** above, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:
- (a) In the performance of your ongoing operations;
 - (b) In connection with your premises owned by or rented to you; or
 - (c) In connection with "your work" and included within the "products-completed operations hazard", but only if
 - (i) The written contract or written agreement requires you to provide such coverage to such additional insured; and
 - (ii) This Coverage Part provides coverage for "bodily injury" or "property damage" included within the "products-completed operations hazard".
- (2) With respect to the insurance afforded to these additional insureds, this insurance does not apply to:
- "Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:

- (a) The preparing, approving, or failure to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders, designs or drawings and specifications; or
- (b) Supervisory, inspection, architectural or engineering activities.

The limits of insurance that apply to additional insureds are described in Section **D. – Limits Of Insurance.**

How this insurance applies when other insurance is available to an additional insured is described in the Other Insurance Condition in Section **E. – Liability And Medical Expenses General Conditions.**

No person or organization is an insured with respect to the conduct of any current or past partnership, joint venture or limited liability company that is not shown as a Named Insured in the Declarations.

D. LIABILITY AND MEDICAL EXPENSES LIMITS OF INSURANCE

1. The Most We Will Pay

The Limits of Insurance shown in the Declarations and the rules below fix the most we will pay regardless of the number of:

- a. Insureds;
- b. Claims made or "suits" brought; or
- c. Persons or organizations making claims or bringing "suits".

2. Aggregate Limits

The most we will pay for:

- a. Damages because of "bodily injury" and "property damage" included in the "products-completed operations hazard" is the Products-Completed Operations Aggregate Limit shown in the Declarations.
- b. Damages because of all other "bodily injury", "property damage" or "personal and advertising injury", including medical expenses, is the General Aggregate Limit shown in the Declarations.

This General Aggregate Limit applies separately to each of your "locations" owned by or rented to you.

"Location" means premises involving the same or connecting lots, or premises whose connection is interrupted only by a street, roadway or right-of-way of a railroad.

This General Aggregate limit does not apply to "property damage" to premises while rented to you or temporarily occupied by you with permission of the owner, arising out of fire, lightning or explosion.

3. Each Occurrence Limit

Subject to **2.a.** or **2.b** above, whichever applies, the most we will pay for the sum of all damages because of all "bodily injury", "property damage" and medical expenses arising out of any one "occurrence" is the Liability and Medical Expenses Limit shown in the Declarations.

The most we will pay for all medical expenses because of "bodily injury" sustained by any one person is the Medical Expenses Limit shown in the Declarations.

4. Personal And Advertising Injury Limit

Subject to **2.b.** above, the most we will pay for the sum of all damages because of all "personal and advertising injury" sustained by any one person or organization is the Personal and Advertising Injury Limit shown in the Declarations.

5. Damage To Premises Rented To You Limit

The Damage To Premises Rented To You Limit is the most we will pay under Business Liability Coverage for damages because of "property damage" to any one premises, while rented to you, or in the case of damage by fire, lightning or explosion, while rented to you or temporarily occupied by you with permission of the owner.

In the case of damage by fire, lightning or explosion, the Damage to Premises Rented To You Limit applies to all damage proximately caused by the same event, whether such damage results from fire, lightning or explosion or any combination of these.

6. How Limits Apply To Additional Insureds

The most we will pay on behalf of a person or organization who is an additional insured under this Coverage Part is the lesser of:

- a. The limits of insurance specified in a written contract, written agreement or permit issued by a state or political subdivision; or
- b. The Limits of Insurance shown in the Declarations.

Such amount shall be a part of and not in addition to the Limits of Insurance shown in the Declarations and described in this Section.

If more than one limit of insurance under this policy and any endorsements attached thereto applies to any claim or "suit", the most we will pay under this policy and the endorsements is the single highest limit of liability of all coverages applicable to such claim or "suit". However, this paragraph does not apply to the Medical Expenses limit set forth in Paragraph 3. above.

The Limits of Insurance of this Coverage Part apply separately to each consecutive annual period and to any remaining period of less than 12 months, starting with the beginning of the policy period shown in the Declarations, unless the policy period is extended after issuance for an additional period of less than 12 months. In that case, the additional period will be deemed part of the last preceding period for purposes of determining the Limits of Insurance.

E. LIABILITY AND MEDICAL EXPENSES GENERAL CONDITIONS

1. Bankruptcy

Bankruptcy or insolvency of the insured or of the insured's estate will not relieve us of our obligations under this Coverage Part.

2. Duties In The Event Of Occurrence, Offense, Claim Or Suit

a. Notice Of Occurrence Or Offense

You or any additional insured must see to it that we are notified as soon as practicable of an "occurrence" or an offense which may result in a claim. To the extent possible, notice should include:

- (1) How, when and where the "occurrence" or offense took place;
- (2) The names and addresses of any injured persons and witnesses; and
- (3) The nature and location of any injury or damage arising out of the "occurrence" or offense.

b. Notice Of Claim

If a claim is made or "suit" is brought against any insured, you or any additional insured must:

- (1) Immediately record the specifics of the claim or "suit" and the date received; and
- (2) Notify us as soon as practicable.

You or any additional insured must see to it that we receive a written notice of the claim or "suit" as soon as practicable.

c. Assistance And Cooperation Of The Insured

You and any other involved insured must:

- (1) Immediately send us copies of any demands, notices, summonses or legal papers received in connection with the claim or "suit";
- (2) Authorize us to obtain records and other information;
- (3) Cooperate with us in the investigation, settlement of the claim or defense against the "suit"; and
- (4) Assist us, upon our request, in the enforcement of any right against any person or organization that may be liable to the insured because of injury or damage to which this insurance may also apply.

d. Obligations At The Insured's Own Cost

No insured will, except at that insured's own cost, voluntarily make a payment, assume any obligation, or incur any expense, other than for first aid, without our consent.

e. Additional Insured's Other Insurance

If we cover a claim or "suit" under this Coverage Part that may also be covered by other insurance available to an additional insured, such additional insured must submit such claim or "suit" to the other insurer for defense and indemnity.

However, this provision does not apply to the extent that you have agreed in a written contract, written agreement or permit that this insurance is primary and non-contributory with the additional insured's own insurance.

f. Knowledge Of An Occurrence, Offense, Claim Or Suit

Paragraphs **a.** and **b.** apply to you or to any additional insured only when such "occurrence", offense, claim or "suit" is known to:

- (1) You or any additional insured that is an individual;
- (2) Any partner, if you or an additional insured is a partnership;
- (3) Any manager, if you or an additional insured is a limited liability company;
- (4) Any "executive officer" or insurance manager, if you or an additional insured is a corporation;
- (5) Any trustee, if you or an additional insured is a trust; or
- (6) Any elected or appointed official, if you or an additional insured is a political subdivision or public entity.

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This Paragraph **f.** applies separately to you and any additional insured.

3. Financial Responsibility Laws

- a. When this policy is certified as proof of financial responsibility for the future under the provisions of any motor vehicle financial responsibility law, the insurance provided by the policy for "bodily injury" liability and "property damage" liability will comply with the provisions of the law to the extent of the coverage and limits of insurance required by that law.
- b. With respect to "mobile equipment" to which this insurance applies, we will provide any liability, uninsured motorists, underinsured motorists, no-fault or other coverage required by any motor vehicle law. We will provide the required limits for those coverages.

4. Legal Action Against Us

No person or organization has a right under this Coverage Form:

- a. To join us as a party or otherwise bring us into a "suit" asking for damages from an insured; or
- b. To sue us on this Coverage Form unless all of its terms have been fully complied with.

A person or organization may sue us to recover on an agreed settlement or on a final judgment against an insured; but we will not be liable for damages that are not payable under the terms of this insurance or that are in excess of the applicable limit of insurance. An agreed settlement means a settlement and release of liability signed by us, the insured and the claimant or the claimant's legal representative.

5. Separation Of Insureds

Except with respect to the Limits of Insurance, and any rights or duties specifically assigned in this policy to the first Named Insured, this insurance applies:

- a. As if each Named Insured were the only Named Insured; and
- b. Separately to each insured against whom a claim is made or "suit" is brought.

6. Representations

a. When You Accept This Policy

By accepting this policy, you agree:

- (1) The statements in the Declarations are accurate and complete;
- (2) Those statements are based upon representations you made to us; and

- (3) We have issued this policy in reliance upon your representations.

b. Unintentional Failure To Disclose Hazards

If unintentionally you should fail to disclose all hazards relating to the conduct of your business at the inception date of this Coverage Part, we shall not deny any coverage under this Coverage Part because of such failure.

7. Other Insurance

If other valid and collectible insurance is available for a loss we cover under this Coverage Part, our obligations are limited as follows:

a. Primary Insurance

This insurance is primary except when **b.** below applies. If other insurance is also primary, we will share with all that other insurance by the method described in **c.** below.

b. Excess Insurance

This insurance is excess over any of the other insurance, whether primary, excess, contingent or on any other basis:

(1) Your Work

That is Fire, Extended Coverage, Builder's Risk, Installation Risk or similar coverage for "your work";

(2) Premises Rented To You

That is fire, lightning or explosion insurance for premises rented to you or temporarily occupied by you with permission of the owner;

(3) Tenant Liability

That is insurance purchased by you to cover your liability as a tenant for "property damage" to premises rented to you or temporarily occupied by you with permission of the owner;

(4) Aircraft, Auto Or Watercraft

If the loss arises out of the maintenance or use of aircraft, "autos" or watercraft to the extent not subject to Exclusion **g.** of Section **A.** – Coverages.

(5) Property Damage To Borrowed Equipment Or Use Of Elevators

If the loss arises out of "property damage" to borrowed equipment or the use of elevators to the extent not subject to Exclusion **k.** of Section **A.** – Coverages.

(6) When You Are Added As An Additional Insured To Other Insurance

That is other insurance available to you covering liability for damages arising out of the premises or operations, or products and completed operations, for which you have been added as an additional insured by that insurance; or

(7) When You Add Others As An Additional Insured To This Insurance

That is other insurance available to an additional insured.

However, the following provisions apply to other insurance available to any person or organization who is an additional insured under this Coverage Part:

(a) Primary Insurance When Required By Contract

This insurance is primary if you have agreed in a written contract, written agreement or permit that this insurance be primary. If other insurance is also primary, we will share with all that other insurance by the method described in **c.** below.

(b) Primary And Non-Contributory To Other Insurance When Required By Contract

If you have agreed in a written contract, written agreement or permit that this insurance is primary and non-contributory with the additional insured's own insurance, this insurance is primary and we will not seek contribution from that other insurance.

Paragraphs **(a)** and **(b)** do not apply to other insurance to which the additional insured has been added as an additional insured.

When this insurance is excess, we will have no duty under this Coverage Part to defend the insured against any "suit" if any other insurer has a duty to defend the insured against that "suit". If no other insurer defends, we will undertake to do so, but we will be entitled to the insured's rights against all those other insurers.

When this insurance is excess over other insurance, we will pay only our share of the amount of the loss, if any, that exceeds the sum of:

- (1)** The total amount that all such other insurance would pay for the loss in the absence of this insurance; and
- (2)** The total of all deductible and self-insured amounts under all that other insurance.

We will share the remaining loss, if any, with any other insurance that is not described in this Excess Insurance provision and was not bought specifically to apply in excess of the Limits of Insurance shown in the Declarations of this Coverage Part.

c. Method Of Sharing

If all the other insurance permits contribution by equal shares, we will follow this method also. Under this approach, each insurer contributes equal amounts until it has paid its applicable limit of insurance or none of the loss remains, whichever comes first.

If any of the other insurance does not permit contribution by equal shares, we will contribute by limits. Under this method, each insurer's share is based on the ratio of its applicable limit of insurance to the total applicable limits of insurance of all insurers.

8. Transfer Of Rights Of Recovery Against Others To Us**a. Transfer Of Rights Of Recovery**

If the insured has rights to recover all or part of any payment, including Supplementary Payments, we have made under this Coverage Part, those rights are transferred to us. The insured must do nothing after loss to impair them. At our request, the insured will bring "suit" or transfer those rights to us and help us enforce them. This condition does not apply to Medical Expenses Coverage.

b. Waiver Of Rights Of Recovery (Waiver Of Subrogation)

If the insured has waived any rights of recovery against any person or organization for all or part of any payment, including Supplementary Payments, we have made under this Coverage Part, we also waive that right, provided the insured waived their rights of recovery against such person or organization in a contract, agreement or permit that was executed prior to the injury or damage.

F. OPTIONAL ADDITIONAL INSURED COVERAGES

If listed or shown as applicable in the Declarations, one or more of the following Optional Additional Insured Coverages also apply. When any of these Optional Additional Insured Coverages apply, Paragraph 6. (Additional Insureds When Required by Written Contract, Written Agreement or Permit) of Section C., Who Is An Insured, does not apply to the person or organization shown in the Declarations. These coverages are subject to the terms and conditions applicable to Business Liability Coverage in this policy, except as provided below:

1. Additional Insured - Designated Person Or Organization

WHO IS AN INSURED under Section C. is amended to include as an additional insured the person(s) or organization(s) shown in the Declarations, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- a. In the performance of your ongoing operations; or
- b. In connection with your premises owned by or rented to you.

2. Additional Insured - Managers Or Lessors Of Premises

a. WHO IS AN INSURED under Section C. is amended to include as an additional insured the person(s) or organization(s) shown in the Declarations as an Additional Insured - Designated Person Or Organization; but only with respect to liability arising out of the ownership, maintenance or use of that part of the premises leased to you and shown in the Declarations.

- b. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to:

- (1) Any "occurrence" which takes place after you cease to be a tenant in that premises; or
- (2) Structural alterations, new construction or demolition operations performed by or on behalf of such person or organization.

3. Additional Insured - Grantor Of Franchise

WHO IS AN INSURED under Section C. is amended to include as an additional insured the person(s) or organization(s) shown in the Declarations as an Additional Insured - Grantor Of Franchise, but only with respect to their liability as grantor of franchise to you.

4. Additional Insured - Lessor Of Leased Equipment

a. WHO IS AN INSURED under Section C. is amended to include as an additional insured the person(s) or organization(s) shown in the Declarations as an Additional Insured - Lessor of Leased Equipment, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your maintenance, operation or use of equipment leased to you by such person(s) or organization(s).

- b. With respect to the insurance afforded to these additional insureds, this insurance does not apply to any "occurrence" which takes place after you cease to lease that equipment.

5. Additional Insured - Owners Or Other Interests From Whom Land Has Been Leased

a. WHO IS AN INSURED under Section C. is amended to include as an additional insured the person(s) or organization(s) shown in the Declarations as an Additional Insured - Owners Or Other Interests From Whom Land Has Been Leased, but only with respect to liability arising out of the ownership, maintenance or use of that part of the land leased to you and shown in the Declarations.

- b. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to:

- (1) Any "occurrence" that takes place after you cease to lease that land; or
- (2) Structural alterations, new construction or demolition operations performed by or on behalf of such person or organization.

6. Additional Insured - State Or Political Subdivision - Permits

a. WHO IS AN INSURED under Section C. is amended to include as an additional insured the state or political subdivision shown in the Declarations as an Additional

Insured – State Or Political Subdivision - Permits, but only with respect to operations performed by you or on your behalf for which the state or political subdivision has issued a permit.

- b. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to:

- (1) "Bodily injury", "property damage" or "personal and advertising injury" arising out of operations performed for the state or municipality; or
- (2) "Bodily injury" or "property damage" included in the "product-completed operations" hazard.

7. Additional Insured – Vendors

- a. WHO IS AN INSURED under Section C. is amended to include as an additional insured the person(s) or organization(s) (referred to below as vendor) shown in the Declarations as an Additional Insured - Vendor, but only with respect to "bodily injury" or "property damage" arising out of "your products" which are distributed or sold in the regular course of the vendor's business and only if this Coverage Part provides coverage for "bodily injury" or "property damage" included within the "products-completed operations hazard".

- b. The insurance afforded to the vendor is subject to the following additional exclusions:

- (1) This insurance does not apply to:

- (a) "Bodily injury" or "property damage" for which the vendor is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the vendor would have in the absence of the contract or agreement;
- (b) Any express warranty unauthorized by you;
- (c) Any physical or chemical change in the product made intentionally by the vendor;
- (d) Repackaging, unless unpacked solely for the purpose of inspection, demonstration, testing, or the substitution of parts under instructions from the manufacturer, and then repackaged in the original container;

- (e) Any failure to make such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products;

- (f) Demonstration, installation, servicing or repair operations, except such operations performed at the vendor's premises in connection with the sale of the product;

- (g) Products which, after distribution or sale by you, have been labeled or relabeled or used as a container, part or ingredient of any other thing or substance by or for the vendor; or

- (h) "Bodily injury" or "property damage" arising out of the sole negligence of the vendor for its own acts or omissions or those of its employees or anyone else acting on its behalf. However, this exclusion does not apply to:

- (i) The exceptions contained in Subparagraphs (d) or (f); or

- (ii) Such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products.

- (2) This insurance does not apply to any insured person or organization from whom you have acquired such products, or any ingredient, part or container, entering into, accompanying or containing such products.

8. Additional Insured – Controlling Interest

WHO IS AN INSURED under Section C. is amended to include as an additional insured the person(s) or organization(s) shown in the Declarations as an Additional Insured – Controlling Interest, but only with respect to their liability arising out of:

- a. Their financial control of you; or
- b. Premises they own, maintain or control while you lease or occupy these premises.

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This insurance does not apply to structural alterations, new construction and demolition operations performed by or for that person or organization.

9. Additional Insured – Owners, Lessees Or Contractors – Scheduled Person Or Organization

a. WHO IS AN INSURED under Section C. is amended to include as an additional insured the person(s) or organization(s) shown in the Declarations as an Additional Insured – Owner, Lessees Or Contractors, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

(1) In the performance of your ongoing operations for the additional insured(s); or

(2) In connection with "your work" performed for that additional insured and included within the "products-completed operations hazard", but only if this Coverage Part provides coverage for "bodily injury" or "property damage" included within the "products-completed operations hazard".

b. With respect to the insurance afforded to these additional insureds, this insurance does not apply to "bodily injury", "property damage" or "personal an advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:

(1) The preparing, approving, or failure to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders, designs or drawings and specifications; or

(2) Supervisory, inspection, architectural or engineering activities.

10. Additional Insured – Co-Owner Of Insured Premises

WHO IS AN INSURED under Section C. is amended to include as an additional insured the person(s) or Organization(s) shown in the Declarations as an Additional Insured – Co-Owner Of Insured Premises, but only with respect to their liability as co-owner of the premises shown in the Declarations.

The limits of insurance that apply to additional insureds are described in Section D. – Limits Of Insurance.

How this insurance applies when other insurance is available to an additional insured is described in the Other Insurance Condition in Section E. – Liability And Medical Expenses General Conditions.

G. LIABILITY AND MEDICAL EXPENSES DEFINITIONS

1. "Advertisement" means the widespread public dissemination of information or images that has the purpose of inducing the sale of goods, products or services through:

- a. (1) Radio;
- (2) Television;
- (3) Billboard;
- (4) Magazine;
- (5) Newspaper;

b. The Internet, but only that part of a web site that is about goods, products or services for the purposes of inducing the sale of goods, products or services; or

c. Any other publication that is given widespread public distribution.

However, "advertisement" does not include:

a. The design, printed material, information or images contained in, on or upon the packaging or labeling of any goods or products; or

b. An interactive conversation between or among persons through a computer network.

2. "Advertising idea" means any idea for an "advertisement".

3. "Asbestos hazard" means an exposure or threat of exposure to the actual or alleged properties of asbestos and includes the mere presence of asbestos in any form.

4. "Auto" means a land motor vehicle, trailer or semi-trailer designed for travel on public roads, including any attached machinery or equipment. But "auto" does not include "mobile equipment".

5. "Bodily injury" means physical:

- a. Injury;
- b. Sickness; or
- c. Disease

sustained by a person and, if arising out of the above, mental anguish or death at any time.

6. "Coverage territory" means:

- a. The United States of America (including its territories and possessions), Puerto Rico and Canada;
- b. International waters or airspace, but only if the injury or damage occurs in the course of travel or transportation between any places included in a. above;
- c. All other parts of the world if the injury or damage arises out of:
 - (1) Goods or products made or sold by you in the territory described in a. above;
 - (2) The activities of a person whose home is in the territory described in a. above, but is away for a short time on your business; or
 - (3) "Personal and advertising injury" offenses that take place through the Internet or similar electronic means of communication

provided the insured's responsibility to pay damages is determined in the United States of America (including its territories and possessions), Puerto Rico or Canada, in a "suit" on the merits according to the substantive law in such territory, or in a settlement we agree to.

- 7. "Electronic data" means information, facts or programs:
 - a. Stored as or on;
 - b. Created or used on; or
 - c. Transmitted to or from computer software, including systems and applications software, hard or floppy disks, CD-ROMS, tapes, drives, cells, data processing devices or any other media which are used with electronically controlled equipment.
- 8. "Employee" includes a "leased worker". "Employee" does not include a "temporary worker".
- 9. "Executive officer" means a person holding any of the officer positions created by your charter, constitution, by-laws or any other similar governing document.
- 10. "Hostile fire" means one which becomes uncontrollable or breaks out from where it was intended to be.
- 11. "Impaired property" means tangible property, other than "your product" or "your work", that cannot be used or is less useful because:
 - a. It incorporates "your product" or "your work" that is known or thought to be defective, deficient, inadequate or dangerous; or

- b. You have failed to fulfill the terms of a contract or agreement;

if such property can be restored to use by:

- a. The repair, replacement, adjustment or removal of "your product" or "your work"; or
- b. Your fulfilling the terms of the contract or agreement.

12. "Insured contract" means:

- a. A contract for a lease of premises. However, that portion of the contract for a lease of premises that indemnifies any person or organization for damage by fire, lightning or explosion to premises while rented to you or temporarily occupied by you with permission of the owner is subject to the Damage To Premises Rented To You limit described in Section D. – Liability and Medical Expenses Limits of Insurance.
- b. A sidetrack agreement;
- c. Any easement or license agreement, including an easement or license agreement in connection with construction or demolition operations on or within 50 feet of a railroad;
- d. Any obligation, as required by ordinance, to indemnify a municipality, except in connection with work for a municipality;
- e. An elevator maintenance agreement; or
- f. That part of any other contract or agreement pertaining to your business (including an indemnification of a municipality in connection with work performed for a municipality) under which you assume the tort liability of another party to pay for "bodily injury" or "property damage" to a third person or organization, provided the "bodily injury" or "property damage" is caused, in whole or in part, by you or by those acting on your behalf. Tort liability means a liability that would be imposed by law in the absence of any contract or agreement.

Paragraph f. includes that part of any contract or agreement that indemnifies a railroad for "bodily injury" or "property damage" arising out of construction or demolition operations within 50 feet of any railroad property and affecting any railroad bridge or trestle, tracks, road-beds, tunnel, underpass or crossing.

However, Paragraph f. does not include that part of any contract or agreement:

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- (1) That indemnifies an architect, engineer or surveyor for injury or damage arising out of:
- (a) Preparing, approving or failing to prepare or approve maps, shop drawings, opinions, reports, surveys, field orders, change orders, designs or drawings and specifications; or
 - (b) Giving directions or instructions, or failing to give them, if that is the primary cause of the injury or damage; or
- (2) Under which the insured, if an architect, engineer or surveyor, assumes liability for an injury or damage arising out of the insured's rendering or failure to render professional services, including those listed in (1) above and supervisory, inspection, architectural or engineering activities.
13. "Leased worker" means a person leased to you by a labor leasing firm under an agreement between you and the labor leasing firm, to perform duties related to the conduct of your business. "Leased worker" does not include a "temporary worker".
14. "Loading or unloading" means the handling of property:
- a. After it is moved from the place where it is accepted for movement into or onto an aircraft, watercraft or "auto";
 - b. While it is in or on an aircraft, watercraft or "auto"; or
 - c. While it is being moved from an aircraft, watercraft or "auto" to the place where it is finally delivered;
- but "loading or unloading" does not include the movement of property by means of a mechanical device, other than a hand truck, that is not attached to the aircraft, watercraft or "auto".
15. "Mobile equipment" means any of the following types of land vehicles, including any attached machinery or equipment:
- a. Bulldozers, farm machinery, forklifts and other vehicles designed for use principally off public roads;
 - b. Vehicles maintained for use solely on or next to premises you own or rent;
 - c. Vehicles that travel on crawler treads;
 - d. Vehicles, whether self-propelled or not, on which are permanently mounted:
- (1) Power cranes, shovels, loaders, diggers or drills; or
 - (2) Road construction or resurfacing equipment such as graders, scrapers or rollers;
- e. Vehicles not described in a., b., c., or d. above that are not self-propelled and are maintained primarily to provide mobility to permanently attached equipment of the following types:
- (1) Air compressors, pumps and generators, including spraying, welding, building cleaning, geophysical exploration, lighting and well servicing equipment; or
 - (2) Cherry pickers and similar devices used to raise or lower workers;
- f. Vehicles not described in a., b., c., or d. above maintained primarily for purposes other than the transportation of persons or cargo.
- However, self-propelled vehicles with the following types of permanently attached equipment are not "mobile equipment" but will be considered "autos":
- (1) Equipment, of at least 1,000 pounds gross vehicle weight, designed primarily for:
 - (a) Snow removal;
 - (b) Road maintenance, but not construction or resurfacing; or
 - (c) Street cleaning;
 - (2) Cherry pickers and similar devices mounted on automobile or truck chassis and used to raise or lower workers; and
 - (3) Air compressors, pumps and generators, including spraying, welding, building cleaning, geophysical exploration, lighting and well servicing equipment.
16. "Occurrence" means an accident, including continuous or repeated exposure to substantially the same general harmful conditions.
17. "Personal and advertising injury" means injury, including consequential "bodily injury", arising out of one or more of the following offenses:
- a. False arrest, detention or imprisonment;
 - b. Malicious prosecution;

- c. The wrongful eviction from, wrongful entry into, or invasion of the right of private occupancy of a room, dwelling or premises that the person occupies, committed by or on behalf of its owner, landlord or lessor;
 - d. Oral, written or electronic publication of material that slanders or libels a person or organization or disparages a person's or organization's goods, products or services;
 - e. Oral, written or electronic publication of material that violates a person's right of privacy;
 - f. Copying, in your "advertisement", a person's or organization's "advertising idea" or style of "advertisement";
 - g. Infringement of copyright, slogan, or title of any literary or artistic work, in your "advertisement"; or
 - h. Discrimination or humiliation that results in injury to the feelings or reputation of a natural person.
18. "Pollutants" means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals and waste. Waste includes materials to be recycled, reconditioned or reclaimed.
19. "Products-completed operations hazard";
- a. Includes all "bodily injury" and "property damage" occurring away from premises you own or rent and arising out of "your product" or "your work" except:
 - (1) Products that are still in your physical possession; or
 - (2) Work that has not yet been completed or abandoned. However, "your work" will be deemed to be completed at the earliest of the following times:
 - (a) When all of the work called for in your contract has been completed.
 - (b) When all of the work to be done at the job site has been completed if your contract calls for work at more than one job site.
 - (c) When that part of the work done at a job site has been put to its intended use by any person or organization other than another contractor or subcontractor working on the same project.

Work that may need service, maintenance, correction, repair or replacement, but which is otherwise complete, will be treated as completed.

The "bodily injury" or "property damage" must occur away from premises you own or rent, unless your business includes the selling, handling or distribution of "your product" for consumption on premises you own or rent.

- b. Does not include "bodily injury" or "property damage" arising out of:
 - (1) The transportation of property, unless the injury or damage arises out of a condition in or on a vehicle not owned or operated by you, and that condition was created by the "loading or unloading" of that vehicle by any insured; or
 - (2) The existence of tools, uninstalled equipment or abandoned or unused materials.
20. "Property damage" means:
- a. Physical injury to tangible property, including all resulting loss of use of that property. All such loss of use shall be deemed to occur at the time of the physical injury that caused it; or
 - b. Loss of use of tangible property that is not physically injured. All such loss of use shall be deemed to occur at the time of "occurrence" that caused it.
- As used in this definition, "electronic data" is not tangible property.
21. "Suit" means a civil proceeding in which damages because of "bodily injury", "property damage" or "personal and advertising injury" to which this insurance applies are alleged. "Suit" includes:
- a. An arbitration proceeding in which such damages are claimed and to which the insured must submit or does submit with our consent; or
 - b. Any other alternative dispute resolution proceeding in which such damages are claimed and to which the insured submits with our consent.
22. "Temporary worker" means a person who is furnished to you to substitute for a permanent "employee" on leave or to meet seasonal or short-term workload conditions.
23. "Volunteer worker" means a person who:
- a. Is not your "employee";

BUSINESS LIABILITY COVERAGE FORM

- b. Donates his or her work;
- c. Acts at the direction of and within the scope of duties determined by you; and
- d. Is not paid a fee, salary or other compensation by you or anyone else for their work performed for you.

24. "Your product":

a. Means:

- (1) Any goods or products, other than real property, manufactured, sold, handled, distributed or disposed of by:
 - (a) You;
 - (b) Others trading under your name; or
 - (c) A person or organization whose business or assets you have acquired; and
- (2) Containers (other than vehicles), materials, parts or equipment furnished in connection with such goods or products.

b. Includes:

- (1) Warranties or representations made at any time with respect to the fitness, quality, durability, performance or use of "your product"; and

- (2) The providing of or failure to provide warnings or instructions.

- c. Does not include vending machines or other property rented to or located for the use of others but not sold.

25. "Your work":

a. Means:

- (1) Work or operations performed by you or on your behalf; and
- (2) Materials, parts or equipment furnished in connection with such work or operations.

b. Includes:

- (1) Warranties or representations made at any time with respect to the fitness, quality, durability, performance or use of "your work"; and
- (2) The providing of or failure to provide warnings or instructions.



THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**WAIVER OF OUR RIGHT TO RECOVER FROM
OTHERS ENDORSEMENT - CALIFORNIA**

Policy Number: 57 WEC NU9666

Endorsement Number:

Effective Date: 04/24/19 Effective hour is the same as stated on the Information Page of the policy.

Named Insured and Address: MINTIER HARNISH LP
1415 20TH ST
SACRAMENTO CA 95811

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. (This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.)

You must maintain payroll records accurately segregating the remuneration of your employees while engaged in the work described in the Schedule.

The additional premium for this endorsement shall be 2 % of the California workers' compensation premium otherwise due on such remuneration.

SCHEDULE

Person or Organization

Job Description

Any person or organization from whom you are required by written contract or agreement to obtain this waiver of rights from us

Countersigned by _____
Authorized Representative

Form WC 04 03 06 (1) Printed in U.S.A.

Process Date: 03/14/19

Policy Expiration Date: 04/24/20



CITY COUNCIL AGENDA STAFF REPORT

DECEMBER 3, 2019
BUSINESS

SUBJECT

Adopt Resolutions approving an Agreement with Mintier Harnish to provide consulting services for the Comprehensive General Plan 2040 Update in an amount not to exceed \$1,466,574 and appointing members to the Circulation Element Advisory Committee and the Education and Lifelong Learning Element Advisory Committee.

SUBMITTED BY

Brent Cooper, AICP, Community Development Director

Agenda	Finance	City Attorney	City Manager
Review	11/24/19	11/27/19	11/25/19

BACKGROUND AND ISSUES

In 1994, the City adopted its first General Plan. Over 25 years, the General Plan has guided the City through significant growth and change. A fresh look at the General Plan with a "Comprehensive Update" will bring new opportunities to light for a better City.



On September 17, 2019, in a joint meeting with the Planning Commission, the City Council conducted a workshop to review the Comprehensive General Plan 2040 Update Request for Proposals (RFP). The RFP requires the General Plan Consultant address all requirements described in the Office of Planning and Research General Plan Guidelines. In addition, the RFP includes attention to the following Key Focus Areas:

- Circulation Element: Led by the Public Works Department, the recommended alignment for the "West Side Connector" will be determined. The team will include a Council-appointed ad-hoc committee ("Circulation Element Advisory Committee") to evaluate the preferred roadway alternative.
- Parks and Recreation Element: Led by the Parks and Recreation Department, the Parks and Community Services Commission and Open Space Advisory Committee will prepare an updated Parks and Recreation Element. It is anticipated that this effort will effectively result in a new Parks and Community Services Master Plan.
- A Utilities Element: Specifying the City as provider of water, wastewater and recycled water services in the future. In light of Pacific Gas & Electric (PG&E)'s bankruptcy, the Element will discuss PG&E's capacity to provide natural gas and electricity to the City.
- An Education and Lifelong Learning Element: The Element will evaluate educational needs based on demographic analysis and projections over the General Plan 2040 horizon. In addition, the Element will identify needs and policies to facilitate lifelong learning for children younger than public school age and adults of post-secondary education age. The team will include a Council-

appointed ad-hoc committee ("Education and Lifelong Learning Element Advisory Committee") to evaluate the full-spectrum of community educational needs.

On October 24, 2019, the RFP was posted on the City's website and emailed to 8 General Plan Update Consulting firms. On October 10, 2019, staff conducted a workshop for prospective General Plan consultants. Approximately 12 consultant representatives attended the meeting.

On October 31, 2019, the City received three proposals: De Novo, PlaceWorks, and Mintier Harnish. Each proposing firm "teamed up" with other consultants who would bring specialized technical expertise to the Project.

On November 1, 2019, the proposals were distributed to the General Plan Review Team consisting of: City Manager Jason Holley, Park and Recreation Director Creighton Wright, Communications Manager Jennifer Kansanback, Associate Planner William He, and Community Development Director Brent Cooper. The Team reviewed and scored each proposal for Mandatory Elements; Required Proposal Information; and Experience and Expertise. All three proposing firms passed the initial screening and were interviewed on November 15, 2019.

At a debrief following the interviews, the General Plan Review Team agreed that all three firms presented a team that displayed a full understanding of the tasks necessary to meet the RFP requirements including:

- Strategies to develop a General Plan that "self-mitigates" environmental impacts.
- Transportation partners to transition the City's traffic analyses to a Vehicle Miles Travelled (VMT) metric consistent with SB 743.
- Fun and engaging public outreach program ideas.

In the final analysis, the top scoring firm is Mintier Harnish. Examples that distinguished Mintier Harnish are described below:

1. Numerous suggestions and options in the Proposal to improve the General Plan process. These were depicted throughout the proposal.
2. Mintier Harnish and their Partners have the greatest amount of relevant American Canyon experience. For example:
 - RRM Design Group prepared the Clarke Ranch Master Plan and managed the Watson Ranch Specific Plan on behalf of the City.
 - EPS conducted an economic feasibility study of the Napa Valley Ruins and Gardens.
 - Mintier Harnish completed the American Canyon Housing Element.
 - GHD (formerly Omni-Means) completed American Canyon Circulation Element and is currently working on the SR 29 Comprehensive Multimodal Corridor Plan of which the City of American Canyon is a significant participant and financial contributor.
3. RRM Design Group was the only firm with Park Planning expertise, which will be valuable resource to successfully complete the updated Parks and Recreation Element and updated Parks Master Plan Focus Area.
4. Mintier Harnish was the only firm with previous experience preparing an Education and Lifelong Learning Element (i.e.: City of Hayward 2040 General Plan).
5. All three firms felt that a 24-month General Plan update process was very fast. Mintier Harnish was the only firm to suggest using a Charette Process to expedite public input on a Focus Area.
6. The Proposal included a detailed process for the Housing Element.
7. As an Optional Task, Mintier Harnish proposed a Web-based General Plan using the enCode Plus Web Plan platform. This platform enables the General Plan to be:
 - Fully indexable that can cross reference policies.

- Capability to embed video to record public input and provide visual explanations to technical general plan issues.
- Incorporate updates to the status of achieving General Plan policies so the Plan remains fresh and tracks its progress.

Taking into consideration expertise needed to address the City's RFP, staff recommends Mintier Harnish for the General Plan update.

Focus Area Committees

On August 17, 2019, the City Council approved establishment of a "Circulation Element Advisory Committee" and an "Education and Lifelong Learning Element Advisory Committee." These Committees are "Ad-Hoc" which means they are limited-term and will cease upon approval of the Comprehensive General Plan 2040 Update. The application period for both Ad-Hoc committees opened on September 27, 2019 and closed on November 15, 2019.

The Circulation Element Advisory Committee will advise the Council on a recommended alignment for the "West Side Connector" and multimodal travel policies. The focus group member participants will be open to any resident of American Canyon. As shown on the table below, 25 applications were received. A copy of the Circulation Element Advisory Committee applications is included as Attachment 3. Staff reviewed the applicants and recommends that they all be appointed to the Circulation Element Advisory Committee.

Table 1 - Circulation Element Advisory Committee Members

Committee Member	Committee Member
William Baker	Joy Malinowski
Joan Bennett	Andrea Maniscalco
Stephen R. Brook	Rebecca Mannella
Heidi Brown	Beth Marcus
Glen Couch	Helen Moody
Julie Foster	Hugh Marquez
Brian Goldhammer	Arvind Nischal
Gina Griggs	Yvonne C. Pond
Christina Hall	Jamie Potter
Christopher James	Devin Reza
Noemi Camargo Jepsen	Kathryn Ross
Tracey Jones	Marion Sullivan
	Honeylou Tionson

The Education and Lifelong Learning Element Advisory Committee will advise the Council on the full-spectrum of community educational needs based on demographic analysis and projections over the General Plan 2040 horizon. In addition, the Element will identify needs and policies to facilitate lifelong learning for children younger than public school age and adults of post-secondary education age.

The focus group member participants will be open to any resident of American Canyon. As shown on the Table below, 16 applications were received. Staff reviewed the applicants and recommends that they all be appointed to the Education and Lifelong Learning Element Advisory Committee along with a representative member from these organizations: American Canyon Community & Parks Foundation (ACCPF); Boys and Girls Club of Napa Valley (B&GC); Children's Museum of Napa Valley (CMONV); Napa County Office of Education (NCOE); Napa Valley College (NVC); Napa Valley Unified School District

(NVUSD); and Watson Ranch Specific Plan (WRSP). A copy of the Education and Lifelong Learning Element Advisory Committee applications are included as Attachment 4.

Table 2 - Education and Lifelong Learning Element Ad-Hoc Advisory Committee Members

Committee Member	Committee Member
Sindy Biederman (NCOE)	Rina Mitchell
Megan Dameron	Jeremy Profitt
Patricia Gamboa	Charlie Pummer
Elizabeth L. Goff (NVC)	Jeremiah E. Quinn
Rob Hall	Sande Sutter
Ray A. Hill	Vickie Zupo
Joy Hilton	ACCPF Representative
Melissa Lamattina	B&GC Representative
Cynthia Lederer	CMONV Representative
Kasama Lee	NVUSD Representative
Terrance McGrath (WRSP)	

Staff further recommends the Council adopt a Resolution to appoint the members of both committees is included as Attachment 2.

Next Steps

Following approval of the Agreement, staff will schedule a “kick-off” meeting with the consultant in December. Thereafter, the first Advisory Committee meetings will commence in January, 2020. Staff is currently planning a community-wide General Plan Town Hall in conjunction with the 2020 State of the City scheduled for February 18, 2020.

COUNCIL PRIORITY PROJECTS AND PROGRAMS

Completing a Comprehensive General Plan Update will facilitate accomplishment of all the City Council’s Strategic Plan Goals.

FISCAL IMPACTS

The contract cost of the General Plan Update is \$1.33 million plus a 10% contingency of \$130,000. Thus, the total contract cost would be \$1.46 million. Costs for the remaining of the current fiscal year is equal \$732,700, this amount is included in the Fiscal Year 2019-20 Budget. The remaining as of yet unbudgeted costs are anticipated to be included in the FY 20/21 Budget.

Staff recommends approving the Agreement now for the full amount, and then executing of a purchase order only for the amount of the current fiscal year budget (\$732,000) to cover costs in FY19/20. Costs in subsequent fiscal years are recommended to be included in the following budget cycles.

ENVIRONMENTAL DETERMINATION

The Recommended Action described in this Agenda Report is not subject to CEQA, pursuant to General Rule section 15060(b)(3), No effect on environment.

STAFF RECOMMENDATION

Adopt Resolutions approving an Agreement with Mintier Harnish to provide consulting services for the Comprehensive General Plan 2040 Update in an amount not to exceed \$1,466,574 and appointing

members to the Circulation Element Advisory Committee and the Education and Lifelong Learning Element Advisory Committee.

Attachments

1. Resolution to authorize the City Manager to execute a contract with Mintier Harnish to provide Comprehensive General Plan 2040 Update consulting services
2. Resolution to approve Members of the Circulation Element Committee and the Education and Lifelong Learning Element Advisory Committee
3. Circulation Element Advisory Committee Applications
4. Education and Lifelong Learning Element Advisory Committee Applications

Copies to:

Jim Harnish, Mintier Harnish LP
American Canyon Community & Parks Foundation
Boys and Girls Club of Napa Valley
Children's Museum of Napa Valley
Napa County Office of Education
Napa Valley Unified School District

RESOLUTION NO. 2019-88

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON APPROVING AN AGREEMENT WITH MINTIER HARNISH TO PROVIDE CONSULTING SERVICES FOR THE COMPREHENSIVE GENERAL PLAN 2040 UPDATE IN AN AMOUNT NOT TO EXCEED \$1,466,574

WHEREAS, on September 17, 2019, in a joint meeting with the Planning Commission, the City Council conducted a workshop to review the Comprehensive General Plan 2040 Update Request for Proposals (RFP); and

WHEREAS, on October 31, 2019, the City received a proposal from Mintier Harnish, De Novo, and PlaceWorks to prepare a Comprehensive General Plan 2040 Update; and

WHEREAS, on November 15, 2019, all proposing firms were interviewed with Mintier Harnish ("Contractor") achieving the highest combined score consisting of Mandatory Elements; Required Proposal Information; and Experience and Expertise; and

WHEREAS, due to the specialized nature of Comprehensive General Plan work, the City lacks the qualified personnel to provide the specified work product; and

WHEREAS, the City and Mintier Harnish ("Parties") seek a contract for General Plan 2040 Update Services as described in the scope of services identified in Exhibit A with a "Total Compensation" as provided by contract Exhibit B not to exceed \$1,333,574 with a 10% contingency of \$133,000 for a total of \$1,466,574; and

WHEREAS, consistent with the "A/B/C Test" standard of the *Dynamex Operations West Inc. v. Superior Court* (230 Cal. 4th 718 (2018)), the Contractor is a contractor free from the control and direction of the City in connection with the performance of the work sought, who performs work that is outside the usual course of the City's business and is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed for the City; and

WHEREAS, on December 3, 2019 the City Council conducted a duly noticed public hearing and considered all of the written and oral testimony presented at the public meeting in making its decision.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of American Canyon hereby determines that the Contractor is free from the control and direction of the City in connection with the performance of the work, both under the contract for the performance of such work and in fact.

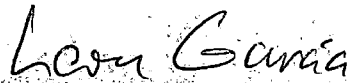
NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of American Canyon hereby determines that the Contractor performs work that is outside the usual course of the City's business.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of American Canyon hereby determines that the Contractor is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed for the City.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of American Canyon hereby approves an Agreement with Mintier Harnish to provide consulting services for the Comprehensive General Plan 2040 Update as shown in Exhibit A and incorporated by reference.

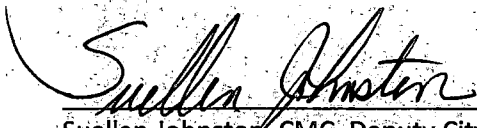
PASSED, APPROVED and ADOPTED at a regularly scheduled meeting of the City Council of the City of American Canyon held on the 3rd day of December, 2019, by the following vote:

AYES:	Council Members Joseph, Leary, Oro, Vice Mayor Aboudamous, Mayor Garcia
NOES:	None
ABSTAIN:	None
ABSENT:	None



Leon Garcia, Mayor

ATTEST:



Suellen Johnston, CMC, Deputy City Clerk

APPROVED AS TO FORM:



William D. Ross, City Attorney

Attachments:

1. Exhibit A – Mintier Harnish Agreement

Project Management

CIP Project Accounting

User: tgill

Printed: 12/13/19 08:36:22

Fiscal Year 0000 - Periods 00 to 15

Date Range All

Tran Date	Sort Field	Description	Hours										
	CD19-0100	CD Update P											
Tran Date	Account No	Name	Description	Batch	Check No	Invoice No	Hours	Type-Budget	Type-Reven	Type-Mat/S	Type-Materi	Type-Salarie	Total Amt
07/01/18			Reso 2018-7	0-0-0	0	Not Applicab	0	(500,000.00)	-	-	-	-	(500,000.00)
07/01/19			Reso 2019-4	0-0-0	0	Not Applicab	0	(232,700.00)	-	-	-	-	(232,700.00)
	CD19-0100	CD Update P	0					Total Budget	(732,700.00)	-	-	-	(732,700.00)



Alternative 3

1. The most “indirect” connector.
(West, South, East, South, West)
2. Hillside terrain between Commerce and Hess Rd.
3. Older, existing roads may need to be widened.
4. Many homes along the route.

Alternative 3A

1. East on Green Island Road
2. South on Commerce to north side of Eucalyptus Grove
3. East from Commerce to Hess Road
4. South on Hess Road
5. East on Napa Junction Road
6. South on Theresa Avenue
7. West on Eucalyptus Drive

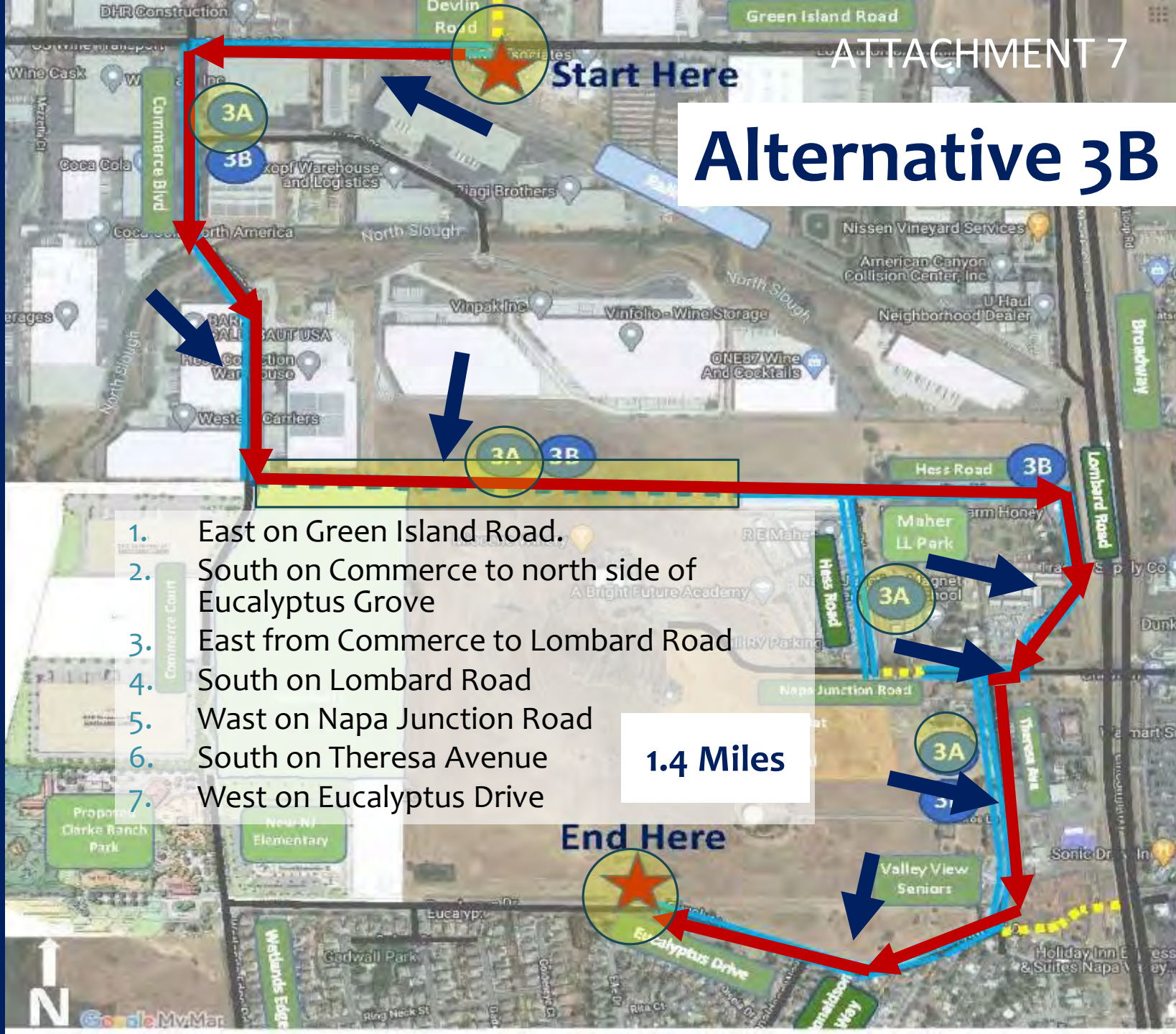
1.2 Miles



Alternative 3B

1. East on Green Island Road.
2. South on Commerce to north side of Eucalyptus Grove
3. East from Commerce to Lombard Road
4. South on Lombard Road
5. West on Napa Junction Road
6. South on Theresa Avenue
7. West on Eucalyptus Drive

1.4 Miles





California Department of Housing and Community Development

Affirmatively Furthering Fair Housing

Guidance for All Public Entities and for Housing Elements

(April 2021 Update)





California Department of Housing and Community Development

Affirmatively Furthering Fair Housing

Guidance for All Public Entities and for Housing Elements

(April 2021 Update)



Housing & Community Development
2020 W. El Camino Avenue | Sacramento, CA 95833

Phone: 916-743-2244

State Housing and Community Development Department | **Housing Policy Division**





California Department of Housing and Community Development

Director Gustavo Velasquez

Message Re: **AB 686 Affirmatively Furthering Fair Housing**

April is fair housing month, and April 2021 marks a momentous time in the recent history of fair housing in America. Racial and economic inequity have been catapulted to the forefront of public discourse through the lenses of a deadly pandemic and ongoing structural racism, clearly capturing which of our neighbors are affected most, and why. For the well-being of our state, it is vital that we maintain a sharp focus on addressing the challenges we face in achieving racial equity and opportunity for all Californians.

President Joe Biden is following through with his early commitment to make racial equity and fair housing advancement a cornerstone of his administration's policy and has committed to reinstate the 2015 Affirmatively Furthering Fair Housing rule and the 2013 Disparate Impact rule. California also recognizes and fully commits to addressing the role that public policy – at all levels of government – played in creating the patterns of segregation and racially concentrated areas of poverty that we see in our state today.

In 2018, California passed AB 686 as the statewide framework to affirmatively further fair housing; to promote inclusive communities, further housing choice, and address racial and economic disparities through government programs, policies, and operations. AB 686 is one of the most important tools that our local jurisdictions and partners can use to address systemic racism in housing and achieve positive impact for all Californians through public policies. AB 686 applies to all public agencies in all activities related to housing and community development. The duty to affirmatively further fair housing must be taken with the utmost diligence and cannot be ignored by any of us if it is to be successful.

Together, we must ameliorate past actions that led to inequity. As decision-makers we must create land-use and funding policies to increase affordable housing in high-resource neighborhoods that have often been exclusionary and bring additional resources to traditionally under-resourced neighborhoods.

Affirmatively furthering fair housing in California is about achieving better outcomes for all Californians regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, disability, and all other protected characteristics. These principles and requirements are necessary in addressing the racial wealth and homeownership gap, income disparities, and unequal access to opportunities. When everyone has better housing, health, and economic outcomes, we all do better as a whole.

Please join HCD and the many devoted partners in promoting stronger and more inclusive, sustainable communities. We know that our shared struggle for racial equity is centuries in the making and that there is more work to be done. We are honored to be part of a legacy of stepping up and making things better, for all of us.

Purpose

This guidance memo is a more comprehensive update to the AB 686 summary of requirements in housing element law that the Department of Housing and Community Development (HCD) released April 23, 2020, which can be found at hcd.ca.gov. This guidance is meant to assist public agencies and local governments meet AB 686 requirements. The guidance will be updated periodically in collaboration with practitioners and stakeholders to provide additional samples and best practices.

This guidance is adopted pursuant to Department of Housing and Community Development's (HCD's) general authority to provide technical assistance on the preparation of housing elements. Local jurisdictions' use of this guidance will support their legal obligation to comply with the duty to affirmatively further fair housing. HCD is also cognizant of its own duty to affirmatively further fair housing in this guidance.

Acknowledgements

The Department appreciates the contributions of the many individuals and organizations and sincerely thanks the guidance, expertise and partnership of:

- » Governor's Office of Planning and Research
- » Strategic Growth Council
- » University of California, Berkeley – Center for Community Innovation, Othering and Belonging Institute and Terner Center
- » Furthering Fair Housing MIT Research Consortium
- » University of Minnesota Center for Urban and Regional Affairs
- » National Housing Law Project
- » Western Center on Law and Poverty
- » PolicyLink
- » Public Advocates
- » Public Interest Law Project
- » California Rural Legal Assistance
- » Disability Rights
- » Leadership Counsel for Justice and Accountability
- » Poverty and Race Research Action Council
- » Housing Rights Center
- » The Law Foundation of Silicon Valley
- » Public Law Center
- » Public Interest Advocacy
- » California Housing Partnership Corporation

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Background and History of Affirmatively Furthering Fair Housing

Where we call home has far-reaching impacts on our lives and futures. Home can provide us with the building blocks to success: a sense of belonging, safety, and access to economic and social opportunities. Housing is a key determinant in whether or not people have the resources to live healthy lives and achieve their full potential. Land use policies and planning often translate into the ability of families to access neighborhoods of opportunity, with high-performing schools, greater availability of jobs that afford entry to the middle class, and convenient access to transit and services. The limits on housing choice and access experienced by people within protected classes, such as race, sexual orientation, or disability, have far-reaching impacts on access to job opportunity, quality education, and mental and physical health.

Residential segregation and exclusion, whether by race, ethnicity, disability, or income, is a result of numerous housing policies, practices, and procedures—both public and private—that have had enduring and pervasive negative impacts. Overt and covert housing discrimination through land use policy, shifting housing markets, and patterns of investment and disinvestment, have restricted meaningful fair housing choice and equitable access to opportunity, particularly for communities of color. Historic patterns of segregation persist in California despite the long-standing federal mandate, established by the Fair Housing Act of 1968 (FHA), that federal agencies and federal grantees affirmatively further the purposes of the FHA.

In the decades preceding and since the passage of the FHA, government and non-governmental policies and practices have disproportionately and unfairly impacted people and communities. Rampant exclusionary tactics and disparate treatment such as redlining, racially restrictive covenants, and biased mortgage lending practices were a few of the methods in the housing system that federal, state, and local lawmakers developed or explicitly supported to encourage spatial inequality based on race. State-sponsored, racially explicit practices fostered economic inequality and created a systematic wealth gap, as some groups were excluded from accessing homeownership and thereby denied the ability to create intergenerational wealth through investments in real estate.

In 1968, the FHA was enacted to remedy significant and long-standing inequities borne by protected classes, particularly Black and Hispanic people. As amended in subsequent years, the FHA mandates broad protections, prohibiting housing discrimination based upon race, color, religion, sex, disability, familial status, or national origin. Importantly, it advances the need to go beyond prohibiting housing discrimination and create opportunities for real housing choice through affirmatively furthering fair housing.¹

¹ The Fair Housing Act of 1968 originally only protected against discrimination based on race, color, religion, and national origin. The FHA was later amended in 1974 to include sex and then again in 1988 to include discrimination based on disability and familial status.

Although federal mandates prohibit overt forms of discrimination in housing, forces driving residential segregation have persisted, sometimes taking on new forms to achieve the same discriminatory ends. Racially explicit practices were subtly replaced by race-neutral methods to exclude people of color from predominantly white neighborhoods. Over time, single-family zoning emerged and replaced race-based zoning as a tool for segregating communities by restricting more affordable housing options, such as apartments or condominiums. Exclusionary zoning policies have made it difficult for lower-income residents to access certain communities and in turn has had a discriminatory effect on protected characteristics such as race, disability, and familial status. Furthermore, federal, state, and local subsidized programs failed to construct affordable housing in high-resource neighborhoods, which are disproportionately white, thereby reinforcing the spatial segregation of low-income communities of color.²

Past and present discriminatory policies and practices, including long-term disinvestment, have resulted in neighborhoods with concentrated poverty and poor housing stock, limited access to opportunity, unsafe environmental conditions, underfunded schools, dilapidated infrastructure, and other disproportionately experienced problems. In addition, governmental policies have subsidized the development of segregated, high-resourced suburbs in metropolitan areas by constructing new highway systems—often through lower income communities of color—to ensure access to job opportunities in urban centers. This physical and policy infrastructure supports patterns of discrimination and high levels of segregation that continue to persist in California and across the country. All of these conditions persist despite the over 50-year-old obligation to prohibit discrimination and affirmatively further fair housing.

2 As of 2017, the State of California had 391 racially and ethnically concentrated areas of poverty (R/ECAP) areas, which represents a notable 40 percent increase from the 278 R/ECAP areas documented in 2010. Between 2000, when the state had 182 R/ECAP areas, and 2017, California has seen a 115 percent increase in R/ECAP areas (Final 2020 Analysis of Impediments (AI), p. 165).

Housing policy, program guidelines, and regulations were essential in creating current inequities, and they are equally important in both preventing further segregation and concentration of poverty, as well as increasing access to opportunity. In order to ameliorate past actions that led to inequity, decision-makers must create land-use and funding policies to increase affordable housing in high resource neighborhoods that have often been exclusionary (explicitly or in effect of costs and zoning policies) and bring additional resources to traditionally under-resourced neighborhoods.

To address these conditions, Assembly Bill 686 (AB 686), signed in 2018, establishes an independent state mandate that expands the duty of all California’s public agencies to affirmatively further fair housing (AFFH). AB 686 added to existing protections in California. The Fair Employment and Housing Act (FEHA) provides broad protections to California residents, prohibiting housing discrimination through public or private land-use practices, decisions, and authorizations based upon “race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, or genetic information.”³ Also, Government Code section 65008 prohibits discrimination against affordable housing based on financing or occupancy by low- and moderate-income households. With the passage of AB 686, state and local public agencies are required to affirmatively further fair housing through deliberate action to explicitly address, combat, and relieve disparities resulting from past and current patterns of segregation to foster more inclusive communities. Importantly, AB 686 also creates new housing element requirements applying to all housing elements due to be revised on or after January 1, 2021. These requirements include an assessment of fair housing practices, an analysis of the relationship between available sites and areas of high or low resources, and concrete actions in the form of programs to affirmatively further fair housing. The purpose of this assessment and analysis is to replace segregated living patterns with truly integrated and balanced living patterns and to transform racially and ethnically concentrated areas of poverty (R/ECAP) into areas of opportunity. The purpose of this memo is to assist in that assessment and analysis.

3 Gov. Code, §§ 12900-12996.

Chart 1: Summary of AB 686 Requirements



Overview of AB 686 Changes to Law

AB 686 (Chapter 958, Statutes of 2018) makes changes to laws in two broad areas:

1. Duty of All Public Agencies to Affirmatively Further Fair Housing
2. Affirmatively Furthering Fair Housing Changes to Housing Element Law

Duty of All Public Agencies to Affirmatively Further Fair Housing

Existing federal law requires departments and agencies to administer programs relating to housing in a way that affirmatively furthers fair housing.⁴ These obligations extend to state and local governments that receive funds or contract with the federal government. For example, a local government receiving Community Development Block Grant (CDBG) dollars directly from the federal government is obligated to affirmatively further fair housing; under federal law this included completing an assessment of fair housing to inform the consolidated plan. However, federal planning requirements are subject to shifting promulgation of laws through various mechanisms such as regulations, rules, and program guidelines.⁵

As of January 1, 2019, AB 686 extends the obligation to affirmatively further fair housing to all public agencies in the State of California. This affirmative duty is not limited to those agencies with relationships with the federal government and is to be broadly applied throughout agencies at the state and local level.⁶ Now, all public agencies must both (1) administer programs and activities relating to housing and community development in a manner that affirmatively furthers fair housing, and (2) take no action inconsistent with this obligation. Affirmatively furthering fair housing means “taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities.”⁷ These new statutory obligations charge all public agencies with broadly examining their existing and future policies, plans, programs, rules, practices, and related activities and make proactive changes to promote more inclusive communities.⁸

Affirmatively Furthering Fair Housing Changes to Housing Element Law

Even prior to the passage of AB 686, Housing Element Law inherently promoted more inclusive communities, such as by addressing the disproportionate housing needs of lower income households, and households with special needs (e.g., persons with disabilities, elderly, large households, single

4 See [Executive Order 12892](#) – Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing. January 17, 1994.

5 Effective September 8, 2020, HUD replaced the final AFFH rule with the [Preserving Community and Neighborhood Choice rule](#) [[federalregister.gov](#)]. Under the new rule entities are not required to complete a fair housing assessment (AFH or AI). They must AFFH, which has been redefined to read as, “means to take any action rationally related to promoting any attribute or attributes of fair housing as defined in the preceding subsection” (24 C.F.R. §5.150 (2020)).

6 Gov. Code, § 8899.50, subd. (a)(2).

7 Id., subd. (a)(1).

8 Id., subds. (a)(1), (a)(2), (b), (c), and (d).

parent households, farmworkers, and people experiencing homelessness).⁹ For example, Housing Element Law requires local governments to make diligent efforts to include all segments of the community in public participation. Housing Element Law requires specific analysis of persons and households with special needs and commensurate development of policies and programs.¹⁰ Housing Element Law, among many other things, also requires zoning for a variety of housing choices, the identification of sites to accommodate the housing needs of all incomes, and specific programs to promote fair housing.¹¹

AB 686 makes changes to Housing Element Law to ensure the long-standing duty to affirmatively further fair housing is part of the housing element of the general plan,¹² which is the fundamental guiding document for community development for all local governments.¹³

Major changes include:

Outreach and Capacity

The preparation, adoption, and implementation of a housing element requires a diligent effort to include all economic segments of the community.¹⁴ AB 686 reinforces and builds on this requirement. Under AB 686 and changes to Housing Element Law, the housing element must also include a summary of fair housing outreach and capacity.¹⁵ The element must describe meaningful, frequent, and ongoing community participation, consultation, and coordination that is integrated with the broader stakeholder outreach and community participation process for the overall housing element.¹⁶

Outreach plans should consider geographic barriers to participation, especially in geographically extensive jurisdictions and rural areas, and should plan to hold in-person meetings in various locations to ensure residents from across the jurisdiction have the opportunity to participate. Jurisdictions should seek sites that are transit-accessible and/or consider options to assist residents without vehicle access with transportation.¹⁷ Meetings should be held outside of work hours, including on evenings and weekends, to facilitate participation.¹⁸ Drafts of the housing element should be made available to the public for review and comment with ample time before submission to the Department of Housing and Community Development (HCD) for review. In-person and electronic options for participation should also be made available. Also, housing element outreach should be aligned with the SB 1000 (2016)

9 See, e.g., Gov. Code, § 65583, subds. (a)(1), (a)(7); HCD, Building Blocks, at <https://www.hcd.ca.gov/community-development/building-blocks/index.shtml>.

10 Gov. Code, § 65583, subds. (a)(7), (c).

11 See, e.g., Gov. Code, § 65583, subd. (a)(4), (c)(1).

12 See, e.g., Gov. Code, § 65583, subd. (c)(5).

13 *DeVita v. County of Napa* (1995) 9 Cal.4th 763, 772–773 (“general plan ... remains, a ‘constitution’ for future development”); *Leshner Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540 (general plan is located at the top of “the hierarchy of local government law regulating land use”).

14 Gov. Code, § 65583, subd. (c)(9).

15 See, e.g., Gov. Code, § 65583, subd. (c)(10)(A)(i).

16 Gov. Code, §§ 65583, subds. (c)(9), (c)(10), 8899.50, subds. (a), (b), (c); see also AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42292–42302, 42353–42360, esp. 42354–42356 (July 16, 2015).

17 Gov. Code, § 8899.50, subds. (a), (b), (c); see also AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42353–42360, esp. 42354–42356 (July 16, 2015); HCD, Building Blocks, Public Participation at <https://www.hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml>.

18 Gov. Code, § 8899.50, subds. (a), (b), (c); see also AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42292–42302, 42353–42360, esp. 42354–42356 (July 16, 2015); HCD, Building Blocks, Public Participation at <https://www.hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml>.

(Environmental Justice Element)¹⁹ outreach to the extent possible, given the overlapping topic areas.

Examples of key stakeholders:

- Community-based and other organizations (CBOs) that represent protected class members
- Public housing authorities
- Housing and community development providers
- Lower income community members and households that include persons in protected classes
- Fair housing agencies
- Independent living centers
- Regional centers
- Homeless services agencies
- Churches and community service organizations that serve ethnic/linguistic minorities

Important components of meaningful engagement:

- Translation of materials and making translation available at meetings
- Working with CBOs and other community stakeholders to develop effective outreach and engagement plans
- Making accessible information materials that avoid use of overly technical language
- Offering mini-grants to CBOs and other stakeholders to assist with engagement of low-income households and protected classes

Assessment of Fair Housing: Summary of Issues and Analysis of Patterns, Trends, and Disproportionate Housing Needs

The housing element now incorporates planning and analysis which is collectively referred to as an assessment of fair housing (AFH),²⁰ which generally includes:

- A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and outreach capacity; and
- An analysis and summary of fair housing issues utilizing available federal, state, and local data and knowledge. The analysis must include a variety of factors, such as trends and patterns within the locality and in comparison to the broader region, and the analysis must address:
 - » Integration and segregation;
 - » Racially or ethnically concentrated areas of poverty;
 - » Disparities in access to opportunity, including for persons with disabilities; and
 - » Disproportionate housing needs (this may include things like overpayment, overcrowding, housing conditions disproportionately affecting protected classes), including displacement risk.

¹⁹ Gov. Code, § 65302, subd. (h).

²⁰ Gov. Code, §§ 65583, subds. (c)(9), (c)(10), 8899.50, subds. (a), (b), (c); AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42292-42302, 42343-42344, 42353-42360 (July 16, 2015).

Site Inventory

Prior to AB 686, Housing Element Law required jurisdictions to inventory and identify adequate sites appropriately zoned and available to accommodate its Regional Housing Need Allocation (RHNA).²¹ The housing element must demonstrate that there are adequate sites zoned for the development of housing for households at each income level sufficient to accommodate the number of new housing units needed at each income level as identified in the RHNA.²²

AB 686 now requires that a jurisdiction identify sites throughout the community in a manner that is consistent with its duty to affirmatively further fair housing (AFFH) and the findings of its assessment of fair housing, pursuant to Government Code section 65583, subdivision (c)(10)(A).²³ In the context of AFFH, the site identification requirement involves not only an analysis of site capacity to accommodate the RHNA, but also whether the identified sites serve the purpose of replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity.²⁴

Identification and Prioritization of Contributing Factors

Existing Housing Element Law requires various analyses, such as a housing needs assessment, housing needs of persons with special needs, housing conditions, potential governmental and non-governmental constraints, site inventory to accommodate the projected housing need (i.e., regional housing need allocation), and identification of units at risk of converting to market-rate uses.²⁵ Each of these analyses inform the goals, policies and schedule of actions to address the existing and projected housing needs over the planning period.²⁶ AB 686 advances this same framework and requires linking analysis with policy and action formulation. AB 686 requires an identification and prioritization of contributing factors to fair housing issues based on all the previously required analysis (outreach, fair housing assessment, site inventory).²⁷ This identification and prioritization must give highest priority to factors that limit or deny fair housing choice or access to opportunity or negatively impact fair housing or civil rights.²⁸

Goals and Actions

Existing Housing Element Law requires programs with a schedule of actions with timelines and specific commitment to have a “beneficial impact” within the planning period to achieve the goals and objectives of the housing element. Programs must address various statutorily mandated areas, such as identification of adequate sites, zoning for a variety of types, assisting development for lower and moderate income households, addressing governmental and non-governmental constraints,

21 See, e.g., Gov. Code, § 65583, subds. (a)(3); HCD, Building Blocks, at <https://www.hcd.ca.gov/community-development/building-blocks/index.shtml>.

22 Ibid.

23 Gov. Code, § 65583.2, subd. (a).

24 Gov. Code, § 8890.50, subd. (b).

25 See, e.g., Gov. Code, § 65583, subd. (a); HCD, Building Blocks, at <https://www.hcd.ca.gov/community-development/building-blocks/index.shtml>.

26 See, e.g., Gov. Code, § 65583, subds. (b), (c); HCD, Building Blocks, at <https://www.hcd.ca.gov/community-development/building-blocks/index.shtml>.

27 See, e.g., Gov. Code, § 65583, subd. (c)(10)(A)(iii); Gov. Code, § 8899.50, subds. (a)(1), (b).

28 See, e.g., Gov. Code, § 65583, subd. (c)(10)(A)(iv).

conserving the existing housing stock, preserving at-risk units, and promoting housing opportunities for all people.²⁹ AB 686 builds upon these program requirements, including modifying the existing program requirement to promote fair housing opportunities to now include actions that promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons. As part of this requirement, the housing element now requires an identification of priorities and goals based on identified contributing factors that limit or deny fair housing choice or access to opportunity, or that negatively impact fair housing or civil rights compliance.³⁰ Similar to the existing Housing Element Law, AB 686 also requires identification of metrics or quantified objectives and milestones for determining what fair housing results will be achieved.³¹ Strategies and actions to implement priorities and goals may include, but are not limited to:

- Enhancing mobility strategies and promoting inclusion for protected classes
- Encouraging development of new affordable housing in high-resource areas
- Implementing place-based strategies to encourage community revitalization, including preservation of existing affordable housing
- Protecting existing residents from displacement

These actions, taken together, must significantly address disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, fostering and maintaining compliance with civil rights; and must affirmatively further fair housing.

Consistency with the Affirmatively Furthering Fair Housing Rule

The passage of AB 686 in 2018 enshrined the duty to affirmatively further fair housing within California state law, regardless of future federal actions. California's law essentially preserves the U.S. Department of Housing and Urban Development's (HUD) 2015 Affirmatively Furthering Fair Housing Final Rule as published in the Federal Register in 2015.³² This was done to ensure the 2015 AFFH Final Rule remained the law in California, despite the potential federal rollback of the rule and tool. (The 2015 rule was suspended in 2018 and ultimately terminated in 2020.) State law is clear, California's AFFH duty remains regardless of subsequent amendment, suspension, or revocation of the 2015 AFFH Final Rule.

29 Gov. Code, § 65583, subd. (c).

30 Gov. Code, §§ 65583, subds. (c)(10), 8899.50, subds. (a), (b), (c); AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42353-42360, esp. 42358 (July 16, 2015).

31 Gov. Code, § 65583, subds. (c)(10)(A)(iv).

32 Per Government Code section 8899.50, subdivision (c), the section shall be interpreted consistent with the AFFH Final Rule and accompanying commentary as published by [HUD in volume 80 of the Federal Register, Number 136, pages 42272 to 42371, inclusive, dated July 16, 2015](#). Note that, at times, this document cites to the 2016 the Code of Federal Regulations; this is because the rule adopted in July 2015 was too late to be codified in the 2015 Code and was codified in the regulations for the first time in the 2016.

Part 1:

Duty of All Public Agencies to Affirmatively Further Fair Housing

AB 686 strengthens existing California fair housing and civil rights laws. California's Fair Employment and Housing Act (FEHA) provides broad protections to California residents, prohibiting housing discrimination based upon "race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information."³³ California's Government Code section 65008 prohibits discrimination in housing based on occupation, age, or protected characteristic; method of financing; or the intended occupancy by lower or moderate income people. While state law prohibited discrimination through public or private land use practices, decisions, and authorizations based on any of these characteristics, it had not included a state requirement to affirmatively further fair housing. As of January 1, 2019, AB 686 creates a state mandate requiring public agencies and jurisdictions to go beyond combating discrimination to affirmatively further fair housing.

"Affirmatively furthering fair housing" means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a public agency's activities and programs relating to housing and community development. - (Gov. Code, § 8899.50, subd. (a)(1).)

Beyond the housing element requirements, AB 686 requires all public agencies (including, but not limited to, all cities and counties, and housing authorities) to ensure that their housing and community development programs and activities—taken together—affirmatively further fair housing, and that they take no action materially inconsistent with this obligation.³⁴

Affirmatively furthering fair housing includes taking proactive and meaningful actions that have a

³³ Gov. Code, §§ 12900-12996.

³⁴ Gov. Code, § 8890.50, subds. (a)(1), (b), (d).

significant impact in integrating living patterns and socio-economic concentrations—well beyond combating discrimination or mitigating disparities. Meaningful actions must be taken in concert with each other and address all of the following:³⁵

1. Significant Disparities in Housing Needs and in Access to Opportunity: Examples include incentivizing new residential development to include below-market rate housing; conserving affordability of existing housing, such as limitations on rents or conversion of such housing to higher rent or higher priced housing; encouraging systematic code enforcement activities that maintain housing stock while ensuring such enforcement does not cause displacement; and promoting housing mobility strategies and displacement mitigation strategies to ensure equitable access to opportunity. Housing mobility strategies may include providing affordable and accessible transportation options to enhance access to education and economic development opportunities. Displacement mitigation strategies may include tenant protections, conservation of existing stock, preservation of units at-risk of conversion to market-rate uses, acquisition and rehabilitation of existing stock, including naturally occurring affordable housing, and removing barriers to building affordable housing.

2. Replacing Segregated Living Patterns with Truly Integrated and Balanced Living Patterns: Examples include community benefits agreements that balance development proposals with tangible, local benefits to residents in the area (e.g., creating affordable housing, funding renter assistance programs for nearby residents, or other investments that meet community-identified needs, such as infrastructure and community amenities). Other examples include inclusionary zoning requirements and land-value recapture mechanisms, zoning for a variety of housing types, particularly those that may be lacking from the community or neighborhood, including: multifamily housing, low-barrier navigation centers, group homes, supportive housing, and accessible units. Promote education on how restrictions on multifamily housing, such as limited multifamily zoning and height and density limitations, impact inclusive communities. Seek local input on housing proposals while recognizing that “local vetoes” of affordable and mixed-income housing in racially segregated concentrated areas of affluence create fair housing issues.³⁶

3. Transforming Racially and Ethnically Concentrated Areas of Poverty (R/ECAP) into Areas of Opportunity: Examples include community-led, place-based strategies to revitalize communities, such as economic development strategies and prioritizing investment in R/ECAPs that meet the needs of existing low-income residents, such as safe routes to school, transit, parks, schools, bike and pedestrian infrastructure, urban forestry, other neighborhood improvements; preserving naturally occurring affordable housing, such as mobilehome parks; and preservation as affordable housing of market-rate units where low-income households live; and promoting mixed-income development coupled with strong anti-displacement protections. Conduct outreach and advertise city program to persons with limited English proficiency. Other examples include community engagement in planning processes, including targeted outreach, technical assistance to help apply for grants, economic development strategies, workforce development, youth engagement and educational programs, healthy food access, affordable energy, and transportation access.

35 Gov. Code, §§ 8890.50, subds. (a)(1), (b), (d), 65583, subds. (c)(5), (c)(10); AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42353-42360 (July 16, 2015); 24 C.F.R. §§ 5.152, 5.154 (2016).

36 The Internal Revenue Service Revenue Ruling 2016-29 states that the Internal Revenue Code neither forces nor encourages local approval in decisions allocating Low Income Housing Credits, based on the concern that this practice perpetuates racial segregation. State housing agencies are not required or encouraged to honor local vetoes.

4. Fostering and Maintaining Compliance with Civil Rights and Fair Housing Laws: Agencies must diligently comply with civil rights and fair housing laws, including the California Fair Employment and Housing Act (FEHA) (Part 2.8 (commencing with section 12900) of Division 3 of Title 2), Government Code sections 8899.50, 65008, 65583, subdivisions (c)5 and (c)10), and 11135, Civil Code section 51 (the Unruh Civil Rights Act), and FEHA regulations in California Code of Regulations, title 2, sections 12005-12271.

In addition to taking meaningful action, public agencies must not take any action materially inconsistent with the obligation to affirmatively further fair housing. Examples of materially inconsistent actions include those that:

- Hinder any of the affirmative actions public agencies take to further fair housing (e.g., lack of enforcement of rules intended to promote fair housing choices, diminishing fair housing principles from program guidelines, and inequitable implementation or enforcement of programs and activities)
- Perpetuate discrimination, segregation, R/ECAPs, and barriers that restrict access to opportunity based on protected characteristics (e.g., lack of affirmative marketing in funded housing developments, excluding accessibility modifications from eligible uses in funding, absence of community revitalization strategies in programs and policies)
- Are inconsistent with the housing element or the No-Net-Loss Law³⁷ (e.g., downzoning without upzoning, zoning barriers to housing choices, removing tenant protections)
- Have a disparate impact on protected classes (e.g., zoning or siting toxic or polluting land uses or projects near a disadvantaged community, lack of investment in concentrated areas of poverty, lack of multifamily housing or affordable housing options in high-resource areas, investment without ant-displacement strategies in areas of disproportionate housing need)

Public agencies must ensure housing and community development programs and activities are designed and can be reasonably expected to achieve a significant and tangible positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity.

All Public Agencies

Existing federal law requires departments and agencies to administer programs relating to housing in a way that affirmatively furthers fair housing. These obligations apply to state and local governments that receive funds or contract with the federal government and are often limited to housing programs. However, California Government Code section 8899.50 extends well beyond those agencies with federal funds or contracts and includes virtually all public agencies in California.

Public agencies include all subdivisions of the state, such as officers, offices, agencies, commissions, bureaus, boards, departments and divisions. Examples include the Department of Housing and Community Development (HCD), California Housing Finance Agency, Department of Developmental Services, Department of Health Services, Department of Social Services, Tax Credit Allocation Com-

³⁷ Gov. Code, § 65863.

mittee, Governor’s Office of Planning and Research, including the Strategic Growth Council, California Department of Transportation, California Transportation Commission, California Department of Education, Department of Conservation, California Coastal Commission, Natural Resources Agency, California Environmental Protection Agency, State Water Resources Control Board, Department of Water Resources, and many more. Public agencies also include all public housing authorities, redevelopment successor agencies, cities, counties, cities and counties, and charter cities and counties.³⁸

Programs and Activities

The obligation to AFFH for public agencies applies to all housing and community development programs and activities. Programs and activities should be considered expansively and not in a manner to limit affirmatively furthering fair housing. For example, most state agencies are involved in some combination of planning, financial investment, regulatory function, or technical assistance, outreach and education. All of these broad categories should be considered programs and activities. This expansive application of programs and activities also applies to local governments. For example, capital improvement plans, code enforcement and other regulatory functions, housing assistance programs, and planning and zoning documents should all affirmatively further fair housing.

38 Gov. Code, § 8899.50, subd. (a)(2).

Programs and Activities Related to Housing and Community Development

All public agencies are required to administer programs and activities relating to housing and community development in a manner to affirmatively further fair housing. Housing and community development should be broadly construed and should not be interpreted in a limited manner. For example, an agency’s name does not need to explicitly bear the words “housing” or “community” or “development” to have activities or programs related to housing and community development. Any program or activities that impact housing and community development should address the obligation to affirmatively further fair housing. Community development should be considered broadly as any processes or issues related to community members or social and physical surroundings. Housing and community development are not limited to housing programs and activities. For example, public agencies with programs and activities in any way related to land use or access to opportunity based on where a person lives pertains to community development, which in turn involves housing. In this way, programs and activities that involve transportation, land conservation, hazard planning, infrastructure, economic issues, public facilities, social services, coastal resources, other environmental resources, and more should be affirmatively furthering fair housing. The same applies to local agencies. This obligation is not limited to investment, planning, and outreach related to housing, but also broader community development, such as infrastructure, public schools, parks and recreation, and other capital improvements.

Tips for Implementation

To affirmatively further fair housing through programs and activities, public agencies should consider a variety of factors and consult with other agencies. Agencies should also consider a process to incorporate affirmatively furthering fair housing in programs and activities.

For example:

- 1. Gather and Analyze Data:** To better understand affirmatively furthering fair housing, agencies should explore available data related to the topic area to identify spatial patterns and trends and evaluate the impacts of programs and activities. For data options, see “Part 3 Resources” or visit HCD’s website at www.hcd.ca.gov/community-development/affh/.
- 2. Engage the Community:** Proactively reach out to individuals and organizations that represent lower income households, people in protected classes, and households with special needs to develop open and mutual communication. Solicit input and communicate on a regular and ongoing basis, not just during formal public comment periods.
- 3. Assess Programs and Activities:** Inventory programs and activities and explore opportunities to affirmatively further fair housing.
- 4. Develop a Plan with Clear Timelines:** Identify goals and actions and establish a schedule. Proactively seek the public’s input on the plan and make it available prior to finalizing.
- 5. Implement the Plan and Monitor Progress:** Assign a lead and prioritize the plan to carry out the actions and achieve the goals. Regularly monitor (e.g., biannually) progress and make adjustments.

Engagement: Early, Often, Ongoing and More

Outreach early in the development and throughout the completion of programs and activities is foundational to affirmatively furthering fair housing. Public agencies should seek a variety of methods to gather input from key stakeholders, such as community-based and other organizations that include and represent protected class members, lower income households and households with special needs (e.g., elderly, persons with disabilities, large households, farmworkers, female-headed households and persons experiencing homelessness), public housing authorities, community members that are lower income, and members of protected classes.

- **Early:** Public agencies should involve stakeholders well before releasing drafts of programs and in the early stages of development of other activities. This early engagement often yields better program results and at a nimbler stage in the development of a program. Early engagement is also key to building stronger working relationships and products that are more inclusive by design.
- **Often:** Many times, the development of programs and activities at a state and local level can take months and even years. An effective and inclusive outreach process will have multiple contact points throughout the development.

- **Ongoing:** Outreach should not stop after a program or activity is developed. An inclusive process will continue outreach through marketing, technical assistance, implementation, and evaluation of a program or activity.
- **More:** Outreach should employ a variety of strategies and methods to promote access (e.g., effective communication and reasonable accommodations for persons with disabilities, and meaningful access for persons with limited English proficiency) and consider feedback loops to keep stakeholders and individuals informed whenever possible.

Inventory and Amend Existing Programs and Activities

Public agencies should review all programs and activities for opportunities to affirmatively further fair housing. For state programs, example areas include planning documents, eligibility and scoring criteria and other provisions for funding programs, geographic distribution criteria, outreach, marketing and technical assistance, regulatory enforcement, and lack of exception processes. For local programs, example areas include assessing land use and zoning policies against patterns of racial segregation, marketing and outreach, prioritization of areas of concentrated poverty or lack of access to opportunity, funding, capital improvements such as infrastructure investment, anti-displacement policies, workforce development training, and economic development strategies.

Public agencies should also incorporate racial and equity inclusion into regulatory and technical assistance functions by prioritizing assistance to combat racial segregation, foster inclusion, and benefit areas of concentrated poverty, eliminate disparities in access to opportunity, and address disproportionate housing need, including displacement and housing and transportation cost burden. For example, a local government could adopt zoning and incentives for more housing choices and affordability in higher resource areas; target resources for rehabilitation and maintenance of existing housing and anti-displacement policies in lower resource areas; develop pathways to homeownership for people in lower resource areas; seek to creatively engage communities; and create decision-making opportunities for communities in low resource areas regarding outcomes for health, economic development, planning, housing, and transportation.

Make a Schedule and Regularly Evaluate and Modify Programs

All public agencies should immediately evaluate all programs and activities for opportunities to affirmatively further fair housing. A comprehensive evaluation and modification of programs and activities may be time-consuming for larger agencies, especially when regulation and legal changes are required. To address these challenges, make a schedule and allocate adequate staff time and resources to make affirmatively furthering fair housing a deliberate and consistent effort. Also, whenever updates occur, ensure that equity and inclusion are considered and addressed. This will require a thorough analysis of potential intended and unintended impacts of policy decisions on protected class members, lower income households, households with special needs, areas of concentrated poverty, lower resource areas, and areas of disproportionate housing need. Examples include updates to regulations, guidelines, notices of funding availability, scoring rubrics, and planning document updates such as general plans, community plans, zoning codes and capital improvement plans. Engaging residents and representative organizations into policy decisions is the best way to understand the full breadth of impacts of policy change.

Cultivate Values of Inclusion

Fostering inclusion in an agency's values can have a huge impact in program and activity design. Agencies could consider implementing a variety of diversity, equity, and inclusion initiatives, such as racial equity trainings, incorporating racial equity into hiring practices and promotional opportunities, and committing to creating an organizational culture of inclusion and open communication. Making sure that staff and leadership are better trained and consistently practicing inclusion will have an ongoing impact throughout the processes.

A Public Agency AFFH Success: In partnership with [Race Forward](#), the Public Health Institute, and the [California Endowment](#), the California Strategic Growth Council (SGC) is leading a variety of activities to affirmatively further fair housing in the agency. Specifically, SGC supports the Capitol Collaborative on Race & Equity (CCORE)—a racial equity capacity-building program for State of California employees. CCORE builds on the success of a 2018-2019 Government Alliance for Race and Equity Capitol Cohort pilot initiative, and offers two cohorts for participants to receive training to learn about, plan for, and implement activities that embed racial equity approaches into institutional culture, policies, and practices. In 2020, SGC adopted a [Racial Equity Action Plan](#), which outlines concrete actions that SGC is taking to achieve racial equity in the organization's operations, programs and policies in order to achieve its vision that all people in California live in healthy, thriving and resilient communities regardless of race.

Part 2:

Affirmatively Furthering Fair Housing Changes to Housing Element Law

As discussed in Part 1, AB 686 requires virtually all state and local agencies (including, but not limited to, all cities, counties, cities and counties, and housing authorities) to ensure that their laws, programs and activities affirmatively further fair housing, and that they take no action inconsistent with this obligation.³⁹ In addition, AB 686 amends Housing Element Law⁴⁰ to better affirmatively further fair housing by adding several new requirements related to:

- Outreach
- Assessment of Fair Housing
- Site Inventory
- Identification and Prioritization of Contributing Factors
- Goals and Actions

Outreach

The preparation, adoption, and implementation of a housing element includes a diligent effort to include public participation from all economic segments of the community.⁴¹ A diligent effort means going beyond simply giving the public an opportunity to provide input and should be proactively and broadly conducted through a variety of methods to assure access and participation.⁴² AB 686 also requires jurisdictions to include a summary of their fair housing outreach capacity.⁴³ To address these requirements, the housing element must describe meaningful, frequent, and ongoing public participation with key stakeholders.⁴⁴ Among others, examples of key stakeholders must include public housing authorities, housing and community development providers, advocacy groups (local, regional, and state level), community members who are lower income, persons and households with special needs, members of protected classes, representative advocacy organizations and other similarly interested parties, fair housing agencies, independent living centers, regional centers, and

39 Gov. Code, § 8899.50, subd. (a)(2).

40 Gov. Code, § 65583, subds. (c)(5), (c)(10).

41 Gov. Code, §§ 65583, subds. (c)(9).

42 Gov. Code, §§ 65583, subds. (c)(9), (c)(10)(A)(i), 8899.50, subds. (a), (b), (c); see also AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42353-42360 (esp. 42354-42356), 42363-42364 (July 16, 2015).

43 Gov. Code, §§ 65583, subds. (c)(9), (c)(10)(A)(i).

44 Gov. Code, §§ 65583, subds. (c)(9), (c)(10)(A)(i), 8899.50, subds. (a), (b), (c); see also AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42353-42360 (July 16, 2015). See details in, for instance, 24 C.F.R. § 5.158 (2016).

homeless service agencies. The element must describe:⁴⁵

- Outreach activities intended to reach a broad audience, such as utilizing a variety of methods, broad and proactive marketing, including targeted areas and needs, promoting language access and accessibility for persons with disabilities (which can include effective communication, reasonable accommodations, and remote participation opportunities), and consulting with relevant organizations;
- List of organizations contacted and consulted in the process and for what purpose;
- Summary of comments and how the comments are considered and incorporated (including comments that were not incorporated), particularly with changes to the housing element; and
- Summary of issues that contributed to lack of participation in the housing element process by all economic segments, particularly people with protected characteristics, if that proves to be the case.

While localities must undertake diligent outreach efforts throughout the entire housing element preparation, some key areas to seek input include:

- **Review of Past Actions:** The housing element requires a review of the previous housing element for progress in implementation, effectiveness of programs in meeting goals, and appropriateness of modifying programs for the current planning period. Localities should make a specific effort to gather input from all segments of the community on the effectiveness of these programs and how to make adjustments moving forward.
- **Assessment of Fair Housing:** The assessment of fair housing requires various analyses such as segregation, integration, disparities in access to opportunity, and disproportionate housing needs. Localities should reach out to fair housing organizations for any available data to complement readily available state or federal data.
- **Potential Constraints on Housing for Persons with Disabilities:** Localities should seek individuals and advocates for persons with disabilities to better identify barriers and promote access to fair housing choices. Examples of agencies to reach include independent living centers, regional centers for developmental services, information from institutions including jails and prisons, state hospitals, etc. Disability outreach should include place-based/neighborhood-based groups and senior groups, like area associations on aging and others, including those that serve distinct ethnic or linguistic communities.
- **Policies and Actions:** Specific outreach to all segments of the community will assist and strengthen policy formulation to result in meaningful actions that have a significant positive impact.

Assessment of Fair Housing

The housing element includes a housing needs assessment, which includes various requirements such as analysis of household characteristics (e.g., overpayment, overcrowding), housing conditions, and persons with special needs.⁴⁶ These analyses, in turn, guide policy and action formulation. As part of the housing needs assessment, the element is now required to include an assessment of fair

⁴⁵ Gov. Code, §§ 65583, subds. (c)(9), (10)(A)(i), 8899.50, subds. (a), (b), (c); see also AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42292-42297, 42353-42360 (July 16, 2015). See details in, for instance, 24 C.F.R. §§ 5.514(d)(6), 5.158 (2016).

⁴⁶ Gov. Code, §§ 65583, subd. (c)(10)(A), 8899.50, subds. (a), (b), (c); see also AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42348-42351, 42353-42360, esp. 42353-42354 (July 16, 2015).

housing, including a summary of fair housing issues. A summary of fair housing issues is an essential step to informing and prioritizing contributing factors and, eventually, goals and actions.

A **fair housing issue** is a condition in a geographic area of analysis that restricts fair housing choice or access to opportunity, and includes such conditions as ongoing local or regional segregation or lack of integration, racially or ethnically concentrated areas of poverty and affluence, significant disparities in access to opportunity, disproportionate housing needs, and evidence of discrimination or violations of civil rights law or regulations related to housing.

Fair housing choice means that individuals and families have the information, opportunity, and options to live where they choose without unlawful discrimination and other barriers related to race, color, religion, sex, familial status, national origin, disability, or other protected characteristics. Fair housing choice encompasses: **(1) Actual choice**, which means the existence of realistic housing options; **(2) Protected choice**, which means housing that can be accessed without discrimination; and **(3) Enabled choice**, which means realistic access to sufficient information regarding options so that any choice is informed. For persons with disabilities, fair housing choice and access to opportunity include access to accessible housing and housing in the most integrated setting appropriate to an individual's needs as required under federal civil rights law, including equitably provided disability-related services that an individual needs to live in such housing.

Examples:

- People with mobility impairments have **actual choice** when realistic housing options (e.g., units with accessible features) exist in their housing market area at an affordable cost. Persons with disabilities who are unable to use stairs or need a zero-step shower may not have actual housing choice without the presence of housing units with these accessibility features.
- People with lower incomes have **actual choice** when units that are affordable and well maintained exist in all parts of a jurisdiction and region.
- In order for families to have **protected choice** they need to access housing options without discrimination. In a 2016 housing discrimination study, researchers found that compared to households without children, households with children were shown slightly fewer units and were commonly told about units that were slightly larger, and as a result, slightly more expensive to rent. This differential treatment is considered discrimination and a type of steering, which occurs on a racial basis as well.⁴⁷
- Households participating in the Housing Voucher Program have **enabled choice** when they are provided with sufficient information regarding their housing options so that any choice is informed. For example, researchers found that, "if given the appropriate information and opportunities, more voucher families would move to better schools when their children reach school age."⁴⁸

47 For additional information see HUD's December 2016 study, "Discrimination Against Families with Children in Rental Housing Markets: Findings of the Pilot Study" available at: <https://www.huduser.gov/portal/sites/default/files/pdf/HDSFamiliesFinalReport.pdf>.

48 NYU Furman Center, "Why Don't Housing Choice Voucher Recipients Live Near Better Schools? Insights from Big Data" published in June 2016 available at: <https://furmancenter.org/research/publication/why-don8217t-housing-voucher-recipients-live-near-better-schools-insights-f>.

Analysis Requirements

An assessment of fair housing must consider the elements and factors that cause, increase, contribute to, maintain, or perpetuate segregation, racially or ethnically concentrated areas of poverty, significant disparities in access to opportunity, and disproportionate housing needs.⁴⁹ Such an assessment would at least include all of the following components:⁵⁰

- **Identification and Analysis of Patterns and Trends:** First, the assessment should identify the conditions using either narration, data tables, maps or a combination of all three. See “Part 3: Resources” for sample data tables. The identification of conditions should spatially describe concentrations of all the assessment of fair housing components (e.g., fair housing enforcement and outreach, integration and segregation, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs including displacement risk). Using the data tables and maps, the housing element must analyze differences in geographies. The analysis must address patterns at a regional and local level and trends in patterns over time.⁵¹ Patterns at a regional level must compare conditions at the local level to the rest of the region. This analysis should compare the locality at a county level or even broader regional level such as a Council of Government, where appropriate, for the purposes of promoting more inclusive communities. For localities near county borders, trends and patterns across county boundaries should be addressed. Patterns at a local level must address whether certain areas strongly differ from other areas and should utilize a data level (i.e., census tract or block group) that is most meaningful for this analysis. At minimum, the analysis should compare patterns from the most recent 5-Year American Community Survey and the prior 10-year census and could address trends over longer periods of time. The analysis should also examine differences in housing tenure (ownership vs. rental) among members of protected classes.
- **Local Data and Knowledge:** In addition to using federal or state level data sources, local jurisdictions are also expected to use local data and knowledge to analyze local fair housing issues, including information obtained through community participation or consultation, such as narrative descriptions of people’s lived experiences. Federal and state level data identify fair housing issues that exist within a community, but local data and knowledge can be especially important to developing an understanding of why the problems exist and why they persist. Using point-in-time federal and state level data sets alone to identify areas may misrepresent areas that are experiencing more current and rapid changes or may be primed to do so in the near future. Also, federal and state data sets might not be available or could be less accurate at a smaller geography. For these reasons, an additional screen of local data and knowledge is necessary and should complement available federal and state data sources. There may be rare circumstances in which a jurisdiction has no local data or local knowledge for a particular topic and should include a statement that it has no local data or local knowledge it can use to address that particular assessment component.

49 Gov. Code, §§ 65583, subds. (c)(10)(A), (c)(10)(B), 8899.50, subds. (a), (b), (c); see also AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271 (July 16, 2015). See also 24 C.F.R. §§ 5.150, 5.152, 5.154(a), (d)(2) (2016).

50 Gov. Code, §§ 65583, subds. (c)(10)(A), (c)(10)(B), 8899.50, subds. (a), (b), (c); see also AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42274, 42282-42283, 42322, 42323, 42336, 42339, 42353-42360, esp. 42355-42356 (July 16, 2015). See also 24 C.F.R. §§ 5.150, 5.154(b)(2) (2016).

51 Gov. Code, §§ 65583, subds. (c)(9), (c)(10), 8899.50, subds. (a), (b), (c); see also AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271; 24 C.F.R. §§ 5.150, 5.154(d)(6), 5.158 (2016).

- Other Relevant Factors:** A discussion of other relevant factors is an important piece of evaluating patterns and trends, policies and practices, and other factors that lead to fair housing conditions. Other relevant factors should consider information beyond data that identifies and compares concentrations of groups with protected characteristics. Examples of other relevant factors include changes and barriers in zoning and land use rules, information about past redlining/greenlining, patterns of institutionalization, restrictive covenants and other discriminatory practices, presence and history of place-based investment, mobility option patterns, and outreach and community engagement. Demographic trends can include population growth, age, housing tenure by protected characteristics, race, educational attainment, rates of homelessness, construction, and rent and sales prices. Policies and practices should include governmental barriers or lack of action, preservation of housing and development of new affordable housing, and addressing the needs of renters and unhoused or unstably housed people. This discussion should also incorporate the public participation process. Localities could engage the community around these patterns and trends to better identify policies and practices that led, or could lead, to less fair housing choice. This discussion should also include topics and information that complement the data at a regional and local level and sub-geographies within a locality. Other useful information could be the location and type of publicly assisted housing, such as housing financed with federal, state, and local financing. Trends related to housing choice vouchers can show patterns of concentration and integration to inform needed actions. Outcomes and policies related to inclusionary ordinances, general plans or specific plans can also be a good source of past practices to promote integration.
- Conclusions and Summary of Issues:** A complete assessment must identify and summarize key issues to better identify and prioritize contributing factors to fair housing issues. An analysis will point to the clearest fair housing issue trends and patterns both within the jurisdiction and in comparison to the region, and will highlight the primary practices and other factors that have led to current conditions. In addition to utilizing the data and mapping resources, the jurisdiction must draw upon relevant and easily obtainable local data and knowledge when describing fair housing issues and trends. Local data may be more up-to-date and available at a more granular level. The summary of issues must be detailed and comprehensive enough so that later in the Assessment of Fair Housing it is clear what it would take for an action or program to not only address, but overcome and undo, the identified fair housing issues.

Data Sources and Using the Statewide AFFH Data Viewer

The assessment of fair housing should use a variety of data, such as the U.S. Census, American Community Survey, local data and knowledge, and issues identified in the community participation process. Local data and knowledge refer to any locally gathered and available information, such as a survey with a reasonable statistical validity or usefulness for identifying contributing factors, policies, and actions. Localities must also collaborate with regional agencies to collect the appropriate data for the assessment of fair housing. For additional information on data sources see “Part 3: Resources.”

Examples of Common Zoning and Land Use Barriers Include:

- Lack of zoning for a variety of housing types throughout a jurisdiction such as multifamily, duplexes to fourplexes, group housing, transitional and supportive housing at a variety of need levels, shelters, single room occupancy, residential motels, mobilehomes, and accessory dwelling units
- Predominance of single family uses and larger lot sizes in racially concentrated areas of affluence
- Voter initiatives that restrict multifamily developments, rezoning to higher density, height limits or similar measures that limit housing choices
- Multifamily height requirements
- Minimum unit sizes
- Parking requirements
- Lack of new affordable housing choices in high resource areas
- Lack of anti-displacement policies, including nonet loss of units in the case of demolitions and replacement housing, and relocation ordinances
- Lack of incentives and other land use mechanisms to promote affordable housing throughout the community
- Excluding group homes or residential care (greater than six persons) from single family zones or excessive spacing/concentration requirements
- Family definitions or other occupancy requirements
- Nuisance or crime free ordinances or programs
- Ordinances prohibiting excessive use of city services
- Restrictive historic preservation districts
- Zoning that does not allow for residential uses in commercial zones
- Failure to allow supportive housing by right
- Failure to allow emergency shelters by right
- Lack of zoning on land appropriate for accessible development

Examples of Common Investment Barriers Include:

- Lack of infrastructure investment, including community infrastructure such as parks, community amenities in lower resource areas, disadvantaged communities, and areas of concentrated poverty
- Lack of targeted housing preservation/conservation and tenant protection programs in areas at risk of displacement
- Lack of public (local, state, or federal) funds invested in the development of affordable housing
- Absence of housing choice vouchers
- Limited housing stock affordable to lower income households or households with special needs
- Lack of proactive outreach with developers of affordable housing and non-profit service providers
- Lack of proactive measures to assist maintenance and rehabilitation of existing housing
- Lack of multilingual tenant counseling or foreclosure assistance

AFFH Data Viewer: In addition to various data sources, HCD has developed a statewide AFFH Data Viewer. The AFFH Data Viewer assembles various data sources and provides options for addressing each of the components within the full scope of the assessment of fair housing. The AFFH Data Viewer may be utilized to address the data components of new requirements to affirmatively further fair housing but must be used in combination with other data such as local or regionally available data. The AFFH Data Viewer consists of map data layers organized by: 1) Fair Housing Enforcement and Outreach Capacity, 2) Segregation and Integration, 3) Disparities in Access to Opportunity, 4) Disproportionate Housing Needs, including Displacement Risks, 5) Racially and Ethnically Concentrated Areas of Poverty and Affluence and 6) Supplemental Data. The AFFH Data Viewer is intended to be useful to a broad audience, such as local and regional governments, and organizations involved in the housing element process. For more information, visit the HCD's website at www.hcd.ca.gov/community-development/affh/.

Incorporate HUD Assessment of Fair Housing into Housing Elements

Generally, local jurisdictions that complete or revise an assessment of fair housing (AFH) or an analysis of impediments to fair housing choice (AI) pursuant to past federal requirements (prior to August 17, 2015) may incorporate relevant portions into the AFH portion of their housing element. This may include localities participating in a regional AI. For example, the housing element AFH may include various data points from their HUD AFH or AI, such as fair housing issues, analysis of patterns and trends, and identification of priorities that can be incorporated in concert with other data collection and analysis required in the housing element. Identification and prioritization of contributing factors to fair housing issues may also be useful as part of the housing element. However, incorporating these documents, particularly the analysis of impediments, may not meet all requirements or might include less relevant information than required for the housing element. For example, a regional HUD AI might not have relevant local data or contributing factors tailored to fair housing issues. Information in a HUD AFH or AI may also be outdated or incomplete depending on how recently that information was prepared. Also, a HUD AI likely will not have the specific actions and programs that will be required in the housing element. The housing element must have programs with specific timelines, milestones, and metrics to ensure a meaningful impact. Local governments should seek to incorporate only the relevant portions in a manner that complements the analysis, identification of contributing factors and strategies and action. Jurisdictions may not simply add the HUD AFH or AI as an appendix, or place sections into the housing element without context or purpose, in lieu of engaging in the requisite analysis.⁵²

Components of the Housing Element Assessment of Fair Housing⁵³

An assessment of fair housing must identify and analyze patterns, trends, conditions, and practices that result in less fair housing choice and must address all of the following assessment components. This section addresses each of the required components:

1. Summary of fair housing enforcement and outreach capacity;
2. Integration and segregation patterns, and trends related to people with protected characteristics;
3. Racially or ethnically concentrated areas of poverty;

⁵² Gov. Code, § 65583, subd. (c)(10)(B).

⁵³ Gov. Code, §§ 65583, subd. (c)(10), 8899.50, subds. (a), (b), (c); see also AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42353-42360 (esp. 42354-42356), 42361-42362 (July 16, 2015); 24 C.F.R. §§ 5.150, 5.152, 5.154(a), (b)(2), (d) (2016).

4. Disparities in access to opportunity for people with protected characteristics, including persons with disabilities; and
5. Disproportionate housing needs within the jurisdiction, including displacement risk.

1. Fair Housing Enforcement and Outreach Capacity

Fair housing enforcement and outreach capacity relates to the ability of a locality and fair housing entities to disseminate information related to fair housing and provide outreach and education to assure community members are well aware of fair housing laws and rights. In addition, enforcement and outreach capacity includes the ability to address compliance with fair housing laws, such as investigating complaints, obtaining remedies, and engaging in fair housing testing. The summary should include (1) a listing of local, regional and state agencies and organizations active in the locality, (2) description of primary activities and capacity for each entity, including actions taken by the locality, such as provision of dedicated resources, (3) evaluation of impacts on protected characteristics and geographic trends, and (4) any additional relevant information about fair housing enforcement, outreach capacity, and resources in the jurisdiction and region affecting groups with other protected characteristics.⁵⁴

This summary will provide valuable information for local jurisdictions to evaluate fair housing issues that exist within the community, highlighting needs for remediation of existing fair housing concerns. Wherever possible, the summary should include a discussion of fair housing enforcement and outreach at a geographic level appropriate to better determine any locational trends—simply reporting information at a city-wide level will not fully display patterns and impacts on protected characteristics. Examples of appropriate geographic levels include census tracts, block groups, neighborhoods, housing development, or any other sub-section of a locality. Additionally, fair housing organizations and other non-profits that receive funding through the Fair Housing Initiatives Program are a valuable resource for information, trends, and patterns to tailor and complete an adequate summary of fair housing enforcement and outreach capacity. An adequate discussion of fair housing enforcement and outreach will provide the necessary background information that can be analyzed with other components of the assessment of fair housing and site inventory to better inform contributing factors, priorities, and meaningful actions.

This summary must address:⁵⁵

- Findings, lawsuits, enforcement actions, settlements, or judgments related to fair housing or civil rights;
- Compliance with existing fair housing laws and regulations;
- Fair housing enforcement and housing outreach capacity; and
- Conclusion and findings: Summary of fair housing issues related to enforcement and outreach capacity and relationship to other fair housing issue areas (e.g., segregation and integration, racially and ethnically concentrated areas of poverty, etc.).

⁵⁴ Gov. Code, §§ 65583, subd. (c)(10), 8899.50, subds. (a), (b), (c); see also AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42353-42360 (esp. 42354-42356), 42361-42362 (July 16, 2015).

⁵⁵ Gov. Code, §§ 65583, subd. (c)(10), 8899.50, subds. (a), (b), (c); AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42353-42360 (July 16, 2015); 24 CFR § 5.154 (2016).

Findings, Lawsuits, Enforcement Actions, Settlements or Judgments Related to Fair Housing and Civil Rights

This section lists and summarizes legal actions that have or have not been resolved, including a charge or letter of finding from HUD concerning a violation of a civil rights-related law, a cause determination from the Department of Fair Employment and Housing (DFEH) or local fair housing agency concerning a violation of a state or local fair housing law, a letter of findings or notice of violation issued by HCD, or a letter of findings issued by or lawsuit filed or joined by the U.S. Department of Justice or the State of California Department of Justice, Office of the Attorney General, alleging a pattern or practice or systemic violation of a state and/or federal fair housing or civil rights law, or a claim under the False Claims Act related to fair housing, nondiscrimination, or civil rights generally, including an alleged failure to affirmatively further fair housing.

Compliance with Existing Fair Housing Laws and Regulations

The element should include a description of state and local fair housing laws and how the locality complies with those laws.

Examples of state fair housing laws include:

- California Fair Employment and Housing Act (FEHA) (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2)
- FEHA Regulations (California Code of Regulations (CCR), title 2, sections 12005-12271)
- Government Code section 65008 covers actions of a city, county, city and county, or other local government agency, and makes those actions null and void if the action denies an individual or group of individuals the enjoyment of residence, landownership, tenancy, or other land use in the state because of membership in a protected class, the method of financing, and/or the intended occupancy.
 - » For example, a violation under Government Code section 65008 may occur if a jurisdiction applied more scrutiny to reviewing and approving an affordable development as compared to market-rate developments, or multifamily housing as compared to single family homes.
 - » Government Code section 65008, subdivision (e), authorizes preferential treatment of affordable housing
- Government Code section 8899.50 requires all public agencies to administer programs and activities relating to housing and community development in a manner to affirmatively further fair housing and avoid any action that is materially inconsistent with its obligation to affirmatively further fair housing.
- Government Code section 11135 et seq. requires full and equal access to all programs and activities operated, administered, or funded with financial assistance from the state, regardless of one's membership or perceived membership in a protected class.
- Density Bonus Law (Gov. Code, § 65915.)
- Housing Accountability Act (Gov. Code, § 65589.5.)
- No-Net-Loss Law (Gov. Code, § 65863)

- Least Cost Zoning Law (Gov. Code, § 65913.1)
- Excessive subdivision standards (Gov. Code, § 65913.2.)
- Limits on growth controls (Gov. Code, § 65302.8.)
- Housing Element Law (Gov. Code, § 65583, esp. subds. (c)(5), (c)(10).)

Examples of local fair housing laws include:

- San Francisco’s “No Eviction without Representation Act” which provides eligible tenants who have received an eviction notice, or been served with an unlawful detainer (eviction) lawsuit, free legal representation.
- Local rent control or rent freezes
- Voter initiatives to fund affordable and/or supportive housing
- Local ordinances that limit rent increases and limit late fees
- Ordinances facilitating community land trusts and tenant opportunities to purchase their multi-family housing
- Local ordinances designed to prevent displacement of mobilehome residents
- Local relocation ordinances
- Local ordinances that prohibit unlawful harassment of tenants including things such as illegal lockouts, utility shutoffs, and removing tenants’ belongings from the unit.
- The City of Oakland’s tenant protection ordinance which makes it illegal for landlords to misrepresent or conceal material facts related to a tenant vacating
- Inclusionary ordinances
- Laws/regulations or agreements related to the use of local housing funds
- Eviction protection ordinances enacted to protect renters during the COVID-19 pandemic and rental relief programs to protect tenancies that accumulated rental debt during the pandemic

2. Integration and Segregation Patterns and Trends Related to People with Protected Characteristics and Lower Incomes

To inform priorities, policies, and actions, the housing element must include an analysis of integration and segregation, including patterns and trends, related to people with protected characteristics.⁵⁶ Importantly, the analysis must address both integration and segregation to holistically evaluate the patterns and practices and better identify and prioritize contributing factors to fair housing issues.⁵⁷ A strong analysis would also address segregation and integration of households with lower incomes.⁵⁸

56 Gov. Code, §§ 65583, subd. (c)(10), 8899.50, subds. (a), (b), (c); see also AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42305, 42336, 42353-42360 (July 16, 2015); 24 C.F.R. § 5.152 (2016).

57 Gov. Code, §§ 65583, subd. (c)(10), 8899.50, subds. (a), (b), (c); see also AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42305, 42336, 42353-42360 (July 16, 2015); 24 C.F.R. §§ 5.152, 5.154 (2016).

58 Gov. Code, §§ 65008, 65583 [“shall make adequate provision for the existing and projected needs for all economic segments of the community] and subd. (c)(10), 8899.50, subds. (a), (b), (c); see also AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42305, 42336, 42353-42360 (July 16, 2015); 24 C.F.R. §§ 5.152, 5.154 (2016).

Defining Integration and Segregation

Integration generally means a condition in which there is not a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a particular type of disability when compared to a broader geographic area.

Segregation generally means a condition in which there is a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a type of disability in a particular geographic area when compared to a broader geographic area.

The analysis must address areas of ongoing and concentrated segregation and integration and compare concentrations of protected characteristics and incomes at both a regional and local level.⁵⁹ The analysis should consist of comparisons using data tables or maps. To compare, the analysis should discuss the degrees of segregation and integration for protected characteristics and incomes. At minimum, the analysis must discuss levels of segregation and integration for race and ethnicity, income, familial status, persons with disabilities, and identify the groups that experience the highest levels of segregation.⁶⁰

Data Considerations

Two quantitative metrics can be used to analyze the relative extent of racial and ethnic segregation in entitlement jurisdictions for federal housing programs.⁶¹ These are known as the dissimilarity index and the isolation index. The dissimilarity index is a primary quantitative metric used for identifying patterns of geographic segregation. The isolation index, another quantitative metric for identifying patterns of geographic segregation, compares a group's share of the overall population to the average share within a given sub-area (such as block group). Data to calculate dissimilarity index and isolation index are available at the Census Tract or block group level from the American Community Survey: <https://www.census.gov/programs-surveys/acs/data.html>. Smaller jurisdictions may wish to utilize block group level data to better capture trends and patterns. Additional sources and approaches include the Entropy Index, the Divergency Index and the Exposure Index. For more information on formulas, see "Part 3: Resources."

Identifying Dissimilarity at a Regional Level: To determine dissimilarity at a regional level, data tables or maps should be utilized to compare the locality to the broader region. See "Part 3: Resources" for sample data tables.

Identifying Dissimilarity at a Local Level: To determine dissimilarity or isolation at a local level, the housing element should identify and compare indices across census tracts, block group or some

59 Gov. Code, §§ 65583, subd. (c)(10), 8899.50, subds. (a), (b), (c); see also AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42305, 42336, 42353-42360 (July 16, 2015); 24 C.F.R. §§ 5.152, 5.154 (2016).

60 Gov. Code, § 8899.50; 24 C.F.R. 51.154(d) (2016); see also AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42284-42285 (July 16, 2015).

61 HUD. (2013). AFFH Data Documentation. Available at: http://www.huduser.org/portal/publications/pdf/FR-5173-P-01_AFFH_data_documentation.pdf; Glaeser, E. and Vigdor, J. (2001). Racial Segregation in the 2000 Census: Promising News. Washington, DC: The Brookings Institution, Center on Urban and Metropolitan Policy. Available at: <https://www.brookings.edu/wp-content/uploads/2016/06/glaeser.pdf>

other geography at a level that best highlights patterns of segregation and integration. Data tables or maps may be utilized.

Identifying Dissimilarity for Lower Income Households: Using readily available data, local jurisdictions should map concentrations of low- and moderate-income (LMI) households within the community. Particularly for smaller jurisdictions with relatively few Census Tracts, this tool can enhance understanding of where there are pockets of concentrated low and moderate-income households within the community, because data are available at the block group level.

Data for this analysis are available in the form of HUD Low and Moderate Income Summary Data (LMISD), based on the American Community Survey (2011-2015). The data are available at the block group level from the following website: <https://www.hudexchange.info/programs/acs-low-mod-summary-data/acs-low-mod-summary-data-block-groups-places/> The data file includes records for each block group with a calculation of the percentage of households that are LMI.

The LMISD data for the local jurisdiction can be thematically mapped to show the block groups where there are high concentrations of LMI households. Local jurisdictions should use this tool as part of the needs assessment to understand where there are concentrations of lower-income households within the community and identify the need for housing element policies and programs that can help to better distribute households of all income levels across the community. This can also highlight the need for housing element policies and programs that can help to provide better access to opportunity for households that live in areas where there are high concentrations of lower-income households.

This map can be overlaid with R/ECAP maps to identify areas where there are concentrations of LMI households as well as higher levels of segregation. Because the block group data available for this tool enables a more fine-grained geographic analysis of patterns low-income concentration and racial/ethnic segregation, this approach may be particularly useful in jurisdictions with relatively low populations spread across small numbers of census tracts where tools that rely on data only available at the census tract level may not provide sufficient resolution for meaningful analysis (e.g., see R/ECAP tool, below).

3. Racially & Ethnically Concentrated Areas of Poverty (R/ECAP)

The housing element must include an analysis of racially and ethnically concentrated areas of poverty.⁶² A strong analysis will separately evaluate significant concentrations of poverty and concentrations of Black, Indigenous and people of color (BIPOC) populations. The analysis must be conducted at a regional and a local level where the incidence of concentrated areas of poverty is discussed relative to the region and within the locality.⁶³ Importantly, this regional comparison should discuss the incidence of racial concentrations in areas of affluence. For example, a jurisdiction might not have areas of concentrated poverty, but have areas of affluence or vice versa, which might be unique when compared to the rest of the region. Identifying this difference between the locality and the region

62 Gov. Code, §§ 65583, subd. (c)(10), 8899.50, subds. (a), (b), (c); see also AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42305, 42336, 42353-42360 (July 16, 2015); 24 C.F.R. §§ 5.152, 5.154(c) (2016).

63 Gov. Code, §§ 65583, subd. (c)(10), 8899.50, subds. (a), (b), (c); see also AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42771, 42273, 42275, 42338-42342 (July 16, 2015); 24 C.F.R. §§ 5.152, 5.154(d), 5.156(d) (2016).

is an essential part of evaluating policies, practices and investments to better identify and prioritize contributing factors to fair housing issues. The analysis should evaluate the patterns and changes over time and consider other relevant factors, such as public participation, past policies, practices, and investments and demographic trends.

Data Considerations

R/ECAP: To assist communities in identifying racially and ethnically concentrated areas of poverty (also known as R/ECAPs), HUD developed a definition that relies on a racial and ethnic concentration threshold, as well as a poverty test. For an area to be identified as having a racial and ethnic concentration, the threshold is that a RCAP or ECAP have a non-White population of 50 percent or more, within metropolitan or micropolitan areas. In locations outside these areas, where the non-White populations are likely to be much smaller than 50 percent, the threshold is set at 20 percent. The poverty test defines areas of “extreme poverty” as those where 40 percent or more of the population lives at or below the federal poverty line, or those where the poverty rate is three times the average poverty rate in the metropolitan area, whichever is less. An area that meets either the racial or ethnic concentration and also meets the poverty test would be considered a RCAP or ECAP; broadly referred to as R/ECAPs.

The R/ECAP database is available online at:

https://hudgis-hud.opendata.arcgis.com/datasets/56de4edea8264fe5a344da9811ef5d6e_0.

TCAC/HCD Opportunity Map: The High Segregation & Poverty category in the TCAC/HCD Opportunity Area Map may also be used in identifying R/ECAPS and is available online at:

<https://www.treasurer.ca.gov/ctcac/opportunity.asp>

Much like the R/ECAP, the High Segregation and Poverty category uses an absolute threshold for poverty. However, instead of a threshold for race, the TCAC/HCD approach uses a location quotient for racial segregation. The poverty threshold is 30 percent of the population living below the poverty line and the location quotient is essentially a measure of the concentration of race in a small area compared to a county level.

Local jurisdictions can use the HUD data to map or the TCAC/HCD Opportunity Area Map for High Segregation and Poverty to identify and analyze the presence of R/ECAPS in their community.

Racially Concentrated Areas of Affluence: In addition to identifying and analyzing racially and ethnically concentrated areas of poverty, an analysis should also consider concentrated areas of affluence to better evaluate trends, patterns, policies, and practices and to guide meaningful goals and actions to address fair housing issues. In response to the R/ECAPs utilized by HUD in its 2015 AFFH rule, scholars at the University of Minnesota Humphrey School of Public Affairs have created the Racially Concentrated Areas of Affluence (RCAAs) metric to more fully tell the story of segregation in the United States.⁶⁴ Based on their research, RCAAs are defined as census tracts where 1) 80 percent or more of the population is white, and 2) the median household income is \$125,000 or greater (slightly more than double the national the median household income in 2016). While this is a useful measure nationwide, HCD has adjusted the RCAA methodology to better reflect California’s relative diversity.

⁶⁴ Goetz, E. G., Damiano, A., & Williams, R. A. (2019). [Racially Concentrated Areas of Affluence: A Preliminary Investigation](#). *Cityscape: A Journal of Policy Development and Research*, 21(1), 99–124.

HCD's version of the RCAA map and accompanying data can be accessed using the AFFH Data Viewer, and HCD encourages jurisdictions to use this metric as they prepare their R/ECAP analysis.

When analyzing patterns and trends of segregation and proposing policy approaches, localities should not only focus on communities of color. Segregation is a continuum, with polarity between race, poverty, and affluence, which can be a direct product of the same policies and practices. To better evaluate these conditions, both sides of the continuum should be considered and compare patterns within the community and across the region. This more holistic approach will better unveil deeply rooted policies and practices and improve identification and prioritization of contributing factors to inform more meaningful actions.

Local jurisdictions should use this information to understand where there are racial/ethnic concentrations of poverty and affluence as a starting point. A complete analysis will then address the trends, patterns, policies, practices, and conditions in combination with other relevant factors to summarize issues and better inform goals and actions.

4. Disparities in Access to Opportunity⁶⁵

The housing element must identify and analyze significant disparities in access to opportunity. While the analysis can consider indices of various access to opportunity variables, it must also independently address access to opportunity variables. For example, the analysis may evaluate total access to opportunity (e.g., high, moderate, low), but must also individually address access to opportunity for education, transportation, economic development, and environment. This more complete understanding of what types of disparities in access to opportunity exist for what populations and in what geographies is necessary to identify and prioritize contributing factors to fair housing issues and formulation of goals and actions. This analysis must be conducted at a regional and local level and should address substantial differences in access to education, transportation, economic, environment and other important opportunities based on socio-economic characteristics (e.g., race, income, familial status, disability, income, poverty). Patterns over time should be discussed as well as policies, practices, and investments that affect access to opportunity. Local data and knowledge and other relevant factors must be considered, including incorporating public outreach and targeted community engagement. This analysis is a key opportunity to engage residents to learn what they want/need, but lack access to, as well as essential community assets to preserve.

What is Access to Opportunity?

Access to opportunity is a concept to approximate place-based characteristics linked to critical life outcomes. Access to opportunity oftentimes means both improving the quality of life for residents of low-income communities, as well as supporting mobility and access to 'high resource' neighborhoods. This encompasses education, employment, economic development, safe and decent housing, low rates of violent crime, transportation, and other opportunities, including recreation, food and healthy environment (air, water, safe neighborhood, safety from environmental hazards, social services, and cultural institutions).

⁶⁵ Gov. Code, §§ 65583, subd. (c)(10), 8899.50, subds. (a), (b), (c); see also AFFH Final Rule and Commentary (AFFH Rule), 80 Fed. Reg. 42271, 42305, 42338, 42336, 42353-42360 (July 16, 2015).

Housing Element Access to Opportunity Analysis

Through maps, data tables and discussion, the access to opportunity analysis must address the following opportunity variables: education, transportation, economic, environment, and other factors.

For educational opportunities, the analysis should, at minimum:

- Describe any differences amongst schools within a jurisdiction and whether access to more proficient schools has any patterns across protected characteristics (e.g., race and ethnicity, familial status, persons with disabilities);
- Analyze the proximity of proficient and less proficient schools to areas of segregation and racial and ethnic concentrated areas of poverty; and
- Evaluate the presence or lack of policies, practices, and investment to promote access to more proficient schools or that contribute to a disparity in access to opportunity.

For employment opportunities, the analysis should, at minimum:

- Describe any disparities in access to jobs by protected groups;
- Address where protected groups live and how that affects their ability to obtain a job; and
- Evaluate employment trends by protected groups.

For transportation opportunities, the analysis should, at minimum:

- Compare concentrations of protected groups with access to transportation options;
- Assess any disproportionate transportation needs for members of protected classes; and
- Analyze combined housing and transportation cost impacts on protected groups.

For access to a healthy environment, the analysis should, at a minimum:

- Describe any disparities in access to environmentally healthy neighborhoods by protected class groups;
- Consider available statewide data such as CalEnviroScreen at <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>;
- Evaluate consistency with the environmental justice element; and
- Discuss policies, practices and investments that impact access to environmentally healthy neighborhoods.

Additional factors to consider in the analysis should, at minimum:

- Patterns in Disparities in Access to Opportunity
 - » Identify and discuss any overarching patterns of access to opportunity for members of protected classes, including trends over time;
 - » Identify areas that experience an aggregate of poor access to opportunity; and
 - » Include how these patterns compare to patterns of segregation and R/ECAPs.

- Additional Information
 - » Provide additional relevant information, including local data and knowledge and community input, about disparities in access to opportunity in the locality and relative to the region.

Data Considerations

In collaboration, the California Tax Credit Allocation Committee (TCAC) and HCD developed the TCAC/HCD Opportunity Maps, a mapping tool that identifies areas of higher and lower resources to evaluate access to opportunity. The tool maps areas of highest resource, high resource, moderate resource, moderate resource (rapidly changing), low resource and high segregation and poverty. Note: The moderate resource (rapidly changing) designation is still being evaluated to understand its efficacy at predicting future trends. The tool may be utilized to identify areas of high and low resources to address this analysis and is available at:

<https://www.treasurer.ca.gov/ctcac/opportunity.asp>

The TCAC/HCD Opportunity Maps can help to identify areas within the community that provide good access to opportunity for residents or, conversely, provide low access to opportunity. They can also help to highlight areas that are rapidly changing (potentially creating risk of displacement for lower-income households) and areas where there are high levels of segregation and poverty. The information from the opportunity mapping can help to highlight the need for housing element policies and programs that would help to remediate conditions in low resource areas and areas of high segregation and poverty and to encourage better access for LMI and BIPOC households to housing in high resource areas.

Disparities in Access to Opportunity for Persons with Disabilities

An analysis of disparities in access to opportunity must specifically address the housing and community development needs of persons with disabilities. According to the U.S. Census Bureau, over four million Californians have a disability. Health and safety are directly linked to housing, and yet, many people with disabilities face enormous barriers in finding suitable housing to accommodate their needs. Additionally, because people with disabilities have faced a history of institutionalization—in state hospitals, developmental centers, jails and prisons, etc. – ensuring that appropriate community-based housing with appropriate supports exists is critical. People with disabilities are also overrepresented in the unhoused population and any solutions related to homelessness must address appropriate accommodations and accessibility. Critically, there are significant disparities by race within the population with disabilities, so jurisdictions should engage in an intersectional analysis of needs. The assessment should consider the unique needs and barriers faced by persons with disabilities and whether persons with disabilities are able to access housing choices and services in an integrated community-based setting. Examples include accessibility features for housing, transportation, education, jobs and other types of community elements to enable fair housing choices.

Disability types include hearing difficulty, vision difficulty, cognitive difficulty, ambulatory difficulty, self-care difficulty, and independent living difficulty.

Data and factors to consider in an analysis of access to opportunity for persons with disabilities could include:

- Prevalence of Disability by Type (e.g., vision, hearing, cognitive, ambulatory, self-care and independent living)
- Disability by Age Group
- Disability by Race/Ethnicity/National Origin
- Assessment of Supportive Housing Stock and Other Housing Stock Including Group Homes, Homes for People with Intellectual or Developmental Disabilities and Mental Health Disabilities
- Assessment of Accessibility of Homelessness Programs and Coordinated Entry System
- General or Estimated Number of “Covered Multifamily Dwellings” – Adaptable Units under the Fair Housing Act⁶⁶
 - » Federal law triggers specific accessibility requirements in fourplex and larger developments with covered multifamily dwellings.
- Estimated Number of Units with Mobility and Communication Accessibility Features under California Building Code Ch. 11B for public housing projects⁶⁷ – housing provided by, for, or on behalf of a public entity, or as part of a public entity’s program to provide housing
 - » 5 percent of these units are required to have mobility features, 2 percent of the units are required to have communication features regardless of first occupancy date or number of units in a building, including multistory dwellings and single-family dwellings. **Note:** Jurisdictions should consider higher requirements commensurate with identified need.
- Estimated Number of Multifamily Units pursuant to Government Code section 12955.1(b)
 - » 10 percent of units in multifamily buildings without elevators consisting of three or more rental units or four or more condominium units are subject to accessibility building standards.

To address the housing needs of persons with disabilities and better inform the formulation of policies and actions, the analysis should include, where available: (1) data tables to evaluate trends, magnitude of needs relative to disability at a local, regional and state level (see Resources section for sample tables), (2) maps to analyze spatial patterns relative to accessibility features and services, in comparison to racial and ethnically concentrated areas of poverty, (3) housing accessibility, such as the dispersion of housing choices and zoning to encourage a variety of housing types, (4) efforts to integrate persons with disabilities into community based settings, and (5) a discussion of disproportionate housing needs, including policies and practices such as zoning barriers and gaps, disparities in access to accessibility features, services, resources and strategies, including geographically. Examples of data sources include U.S Census and American Community Survey. When evaluating spatial patterns, an analysis should address whether persons with disabilities are concentrated or integrated throughout the jurisdiction and region and if there are any geographic patterns for persons with disabilities by age.

⁶⁶ The Fair Housing Act requires all “covered multifamily dwellings” designed and constructed for first occupancy after March 13, 1991 to be accessible to and usable by people with disabilities. Covered multifamily dwellings are all dwelling units in buildings containing four or more units with one or more elevators, and all ground floor units in buildings containing four or more units, without an elevator. Federal regulations adopted by the Department of Housing and Urban Development at [24 C.F.R. § 100.201](#) define covered multi-family dwellings.

⁶⁷ California Building Code Chapter 11B covers public housing and generally meets 2010 Americans with Disabilities Act Standards, Fair Housing Act requirements when applicable by requiring adaptability features of FHA to other covered multifamily dwelling units if built for first occupancy as housing on or after March 13, 1991.

This disparities analysis for people with disabilities may be included in the disparities in access to opportunity section, segregation and integration section, as part of the section of the housing element that addresses the housing needs of persons with special needs, or in the specific analysis required on potential constraints on housing for persons with disabilities. Additionally, the analysis must go beyond simply identifying and removing barriers and constraints. The analysis should discuss resources and strategies to encourage housing options and access to opportunity to better inform meaningful and proactive goals and actions to address the housing and community development needs of persons with disabilities.

Common Zoning Barriers for Persons with Disabilities

- **Reasonable Accommodation Procedure:** The lack of a procedure to address disability issues is one of the most prominent zoning barriers because a strong process can be utilized to provide exception to zoning and land use policies that impact housing choices and livability for persons with disabilities. Other common issues with reasonable accommodation procedures include excessive findings of approval, burden on applicants to prove the need for exception, application costs, and discretionary approvals.
- **Family Definition:** Family definitions in zoning or other land use related documents can directly impact housing choices for persons with disabilities, particularly group home situations. Examples of common elements in family definitions that have an exclusionary effect include regulating the number of people, or requiring occupants to be related or under one lease agreement.
- **Excluding Group Homes:** Excluding group homes, community or residential care homes for seven or more persons, or subjecting these homes to a conditional use permit in single family zones acts as a barrier to housing choice for persons with disabilities.
- **Spacing Requirements:** Excessive spacing requirements, such 500 feet or more, between group homes or community or residential care facilities can have a direct impact on the supply of housing choices.
- **Unit Types and Sizes:** The lack of multifamily housing or zoned capacity for multifamily and a variety of sizes from efficiency to four or more bedrooms can constrain the ability of persons with disabilities to live in a more integrated community setting.
- **Lack of Accessible Accessory Dwelling Units (ADUs):** ADUs can provide an important housing choice for persons with disabilities or care providers, including independent and integrated living patterns.
- **Nuisance and Crime Free Ordinances:** Ordinances that can be used or have the effect of disproportionately targeting persons with disabilities.
- **Lack of By Right Zoning for Supportive Housing:** By right zoning for supportive housing can result in more objective processes that are less likely to discriminate or have the effect of discriminating against persons with disabilities.

5. Disproportionate Housing Needs, Including Displacement

The housing element must include an assessment of disproportionate housing needs, including displacement risk, on people with protected characteristics and households with low incomes. This analysis is important to understand how some groups of persons experience severe housing needs when compared to other populations within a local level and when compared to a region. Particularly important to this analysis is local data and knowledge, since some areas could be impacted by market conditions that put households at risk of displacement, or pending or upcoming planning decisions may exacerbate displacement risk.

Disproportionate Housing Needs generally refers to a condition in which there are significant disparities in the proportion of members of a protected class experiencing a category of housing need when compared to the proportion of members of any other relevant groups, or the total population experiencing that category of housing need in the applicable geographic area. For purposes of this definition, categories of housing need are based on such factors as cost burden and severe cost burden, overcrowding, homelessness, and substandard housing conditions.

At minimum, the analysis must address:

- **Cost Burden and Severe Cost Burden:** Cost burden is the fraction of a household's total gross income spent on housing costs. There are two levels of cost burden: (1) "Cost Burden" refers to the number of households for which housing cost burden is greater than 30 percent of their income; and (2) "Severe Cost Burden" refers to the number of households paying 50 percent or more of their income for housing. This analysis must address the burdens on both owners and renters (tenure).
- **Overcrowding:** Households having more than 1.01 to 1.5 persons per room are considered overcrowded and those having more than 1.51 persons per room are considered severely overcrowded. The person per room analysis excludes bathrooms, porches, foyers, halls, or half-rooms. This analysis must address the overcrowding on both owners and renters.
- **Substandard Housing:** As defined by the U.S. Census, there are two types of substandard housing problems: (1) Households without hot and cold piped water, a flush toilet and a bathtub or shower; and (2) Households with kitchen facilities that lack a sink with piped water, a range or stove, or a refrigerator. Given the limits of this measure, the analysis must incorporate local data and knowledge, such as housing conditions surveys or code enforcement activities.
- **Homelessness:** Includes individuals or families who lack or are perceived to lack a fixed, regular, and adequate nighttime residence, or who have a primary nighttime residence in a shelter, on the street, in a vehicle, or in an enclosure or structure that is not authorized or fit for human habitation. People experiencing homelessness are vulnerable to violence and criminalization due to their unhoused status.

The analysis should address these factors for protected characteristics and at least race and ethnicity, familial status, persons with disabilities and incomes. The analysis may use data tables or maps and at least must compare the locality to the broader region and the sub-geographies within the locality. Other considerations for the analysis include:

- Identifying the protected groups (e.g., race/ethnicity, familial status, persons with disabilities and income) that experience higher rates of housing cost burden, overcrowding, homelessness, or substandard housing when compared to other groups;
- Discussing the areas of a locality that experience the greatest disproportionate housing needs and any coincidence with protected groups;
- Comparing the needs of families with the availability of housing stock with two and three or more bedrooms; and,
- Evaluating significant disparities relative to other factors such as renter and owner rates.

Displacement

Shifts in neighborhood composition are often framed and perpetuated by established patterns of racial inequity and segregation. Neighborhood change is influenced by three processes: movement of people, public policies and investments, such as capital improvements and planned transit stops, and flows of private capital (Zuk et al 2015)⁶⁸. These processes can disproportionately impact people of color, as well as lower income households, persons with disabilities, large households, and persons at-risk or experiencing homelessness. These processes can also displace people to the extent of homelessness. An assessment of displacement within a city should address these three processes and their mutual dependencies, particularly as mediated by race and scale. For the purposes of this guidance, displacement is used to describe any involuntary household move caused by landlord action or market changes. Displacement is fueled by a combination of rising housing costs, rising income inequality, stagnant wages, and insufficient market-rate housing production (Been, Ellen, & O'Regan 2018)⁶⁹. Decades of disinvestment in low-income communities, coupled with investor speculation, can result in a rent gap or a disparity between current rental income of the land, and potentially achievable rental income if the property is converted to its most profitable use.

Displacement can broadly be understood to be caused by disinvestment, investment-fueled gentrification, or a process combining the two. Low-income neighborhoods experience displacement due to disinvestment resulting from both public and private sector decisions. Similarly, both public and private investments fuel displacement by attracting residents with higher incomes and higher educational attainments into low-income communities (Chapple 2020).⁷⁰ These forces can cause both physical displacement, preventing low-income communities of color from benefiting from the new economic growth; cultural displacement, as cultural resources disappear and communities are disrupted; and/or exclusionary displacement, with increasing housing prices preventing the entrance of low-income households (Cash et al. 2020).⁷¹

68 Zuk, M., et al. (2015). Gentrification, Displacement, and the Role of Public Investment. Federal Reserve Bank of San Francisco, 32.

69 Been, V., Ingrid, E., & O'Regan, K. (2019). Supply Skepticism: Housing Supply and Affordability. Housing Policy Debate, 29(1), 25-40.

70 Chapple, K. (2020). "On the Brink of Homelessness: How the Affordable Housing Crisis and the Gentrification of America Is Leaving Families Vulnerable." Written statement for the record before the House Financial Services Committee, Washington DC: January 14, 2020. <https://docs.house.gov/meetings/BA/BA00/20200114/110362/HHRG-116-BA00-Wstate-ChappleK-20200114.pdf>Desmon

71 Cash, Anna et al. (2019). Building a National Narrative of Anti-Displacement Strategies: Key Takeaways From SPARCCC Regions. Urban Displacement Project, University of California, Berkeley.

Disinvestment-driven Displacement: Historically, low-income communities in California with large populations of people of color have received fewer public sector investments in infrastructure, impacting everything from parks and schools to streets and sewers. Racially exclusionary housing policies and limited access to credit have limited and shaped private-sector investments in the same communities with lasting impact on homeownership and intergenerational wealth building (Troun-
stine 2018).⁷² Together, these forms of neighborhood disinvestment can lead to displacement of low- and moderate-income communities and communities of color. Disinvestment-fueled displacement can occur when the value of a property does not justify investing in its maintenance, often resulting in abandonment and decay (Zuk et al 2015).⁷³ These displaced residents can often endure “hyper-
mobility” when forced moves to substandard housing compel them to rapidly move again, creating a destructive cycle of housing instability (Desmond et al. 2015).⁷⁴

Investment-driven Displacement: Displacement can take place as a neighborhood undergoes a process of gentrification, particularly within the context of the increasing desirability of housing in urban cores. Often following decades of disinvestment, a flood of public and private sector invest-
ments can lead to real estate speculation, improvements in transit access, and changes in land use. While these investments and changes can be positive, they are also associated with displacement, as historic residents cannot afford to stay and benefit from investments in housing, transit infrastructure, and access to healthy foods. Studies of gentrification and investment-driven displacement consis-
tently describe a pattern of whiter, wealthier, and more educated residents moving into historically disinvested neighborhoods, matching an outflow of poorer renters of color displaced by rising resi-
dential rents (Zuk et al. 2015).⁷⁵

The foreclosure crisis contributed to making low-income communities vulnerable to gentrification and displacement. In these communities, disproportionate levels of predatory subprime lending resulted in waves of foreclosures, leaving the neighborhoods vulnerable to investors looking to purchase and flip homes. This displacement has been financed by banks, private equity, and Wall Street firms. Capital providers often work with real estate speculators and serial evictor corporate landlords who purchase properties with the intention of evicting tenants and small businesses.

Gentrification: A process of neighborhood change that includes economic change in a histor-
ically disinvested neighborhood —by means of real estate investment and new higher-income
residents moving in - as well as demographic change - not only in terms of income level, but
also in terms of changes in the education level or racial make-up of residents.⁷⁶

72 Jessica Troun-
stine, *Segregation By Design: Local Politics and Inequality in American Cities*. (Cambridge University Press, 2018).

73 Zuk, M., et al. (2015). Gentrification, Displacement, and the Role of Public Investment. Federal Reserve Bank of San Francisco, 32.

74 Desmond, M., Gershenson, C., & Kiviat, B. (2015). Forced Relocation and Residential Instability among Urban Renters. *Social Science Review* 89(2). 237-262.

75 Zuk, M., et al. (2015). Gentrification, Displacement, and the Role of Public Investment. Federal Reserve Bank of San Francisco, 32.

76 [Gentrification Explained | Urban Displacement Project](#)

Disaster-driven Displacement: The geologic and climate forces that have helped shape California’s natural beauty also make the state susceptible to environmental disasters and their ensuing potential for displacement. California’s recent history has shown that environmental disasters such as wild-fires, earthquakes and floods can be significant causes of displacement, and that climate change is accelerating the risk from such disaster events. The risk of climate disaster can also put pressure on lower income communities as wealthy people seek to relocate to safer locations. An analysis should address the potential displacement from local environmental hazards. Jurisdictions should make reference to their Local Hazard Mitigation Plan, Safety Element, Environmental Justice Element, and any recent locally available hazard data in detailing the types of environmental hazards present in the community, the location of high hazard risk areas in the community, and what type of populations live in those areas of heightened hazard risk. FEMA flood maps are a good starting point for assessing flood risk, but jurisdictions are encouraged to utilize any more recent local flood risk data available, as FEMA flood maps can oftentimes be outdated and fail to account for climate change.⁷⁷ Addressing disaster risk is not a justification for furthering segregation, and policies that seek to address this risk should include strategies that mitigate the risk of displacement and exclusion.

In this analysis, jurisdictions should make note of potential impacts of disasters on protected classes and low-income residents, particularly low-income renter populations. Research has shown that low-income renter populations are disproportionately exposed to environmental hazards and that housing tenure is a telling determinant of social vulnerability to disasters.⁷⁸ Renters bear the brunt of the existing affordable housing shortage, and their adaptive capacity to cope and recover from the impacts of environmental hazards may be reduced due to systemic inequities and limited resources. Furthermore, renters also face the added physical challenges because they do not control the housing units they live in, and are more likely to be displaced post-disaster because of the following forces:

- Lack of control of when or if their housing unit will be rebuilt
- Lack of control of the maintenance or possible addition of resilience investments to the property
- Fewer financial resources to rebuild rental housing than for homeowners
- Rental price increases as rental housing supply decreases
- Evictions
- More likely to live in housing typologies such as apartments or duplexes, which can take longer to rebuild post-disaster

Any analysis of disaster-driven displacement risk should call out how those risks impact low-income renters in the community, and any programs or resources in place meant to increase resiliency and address those hazard risks. Disaster risk is not a justification for the perpetuation of patterns of segregation. Jurisdictions should creatively utilize both land use planning and public investments in mitigation measures to solve for the issues of environmental hazard risk, climate change adaptation, fair housing, and housing affordability simultaneously.

77 Homeland Security Inspector General – FEMA Needs to Improve Management of its Flood Mapping Programs, 2017, <https://www.documentcloud.org/documents/4066233-OIG-17-110-Sep17.html>

78 Lee & Van Zandt, 2018, Social Vulnerability to Disasters: A Review of the Evidence

Data Considerations: Through maps, data tables, and discussion, the analysis must address the concentrations of risk of displacement. The analysis might consider the following variables that are associated with risk of displacement and neighborhood change.

Other Considerations:

- **Public Infrastructure Investments:** Government investments in physical infrastructure, such as rail transit, schools, parks, and highways can be associated with increasing home values and subsequent displacing forces (Zuk et al. 2015).
- **Historically Disinvested Areas:** Today's displacement is built upon a history of dispossession and exclusion, fueled by racism, and perpetuated by the logic of capitalism. Historical exclusionary housing policies such as redlining, racially restrictive covenants, implicitly racial zoning, racialized public housing policies, and urban renewal continue to shape wealth accumulation and access to resources like high-quality schools and job centers.
- **At-risk Affordable Units:** The conversion of federally-and -state-subsidized affordable rental developments to market-rate units can constitute a substantial loss of housing opportunity for low-income residents. There are approximately 149,000 units of privately owned, federally assisted, multifamily rental housing, as well as tax-credit and mortgage revenue bond properties, often with project-based rental assistance. As the subsidy contracts or regulatory agreements expire, a large percentage of these units may convert to market-rate. These at-risk units are home to seniors and families with low incomes who are at risk of displacement if the developments convert.

Income Variables		
Variable	Data Source	Association
Income Diversity	U.S. Census Table P007 ACS % Year Estimates Table B03002	Higher income diversity is associated with higher risk of neighborhood change
% of renters paying >35% of income	ACS 5 Year Estimates, DP04	Higher share of rent-burdened tenants is associated with higher risk of displacement
% of owners paying >35% of income	ACS 5 Year Estimates, DP04	Higher share of over-burdened owners associated with less risk of displacement

Demographic Variables		
Variable	Data Source	Association
% non-family households	ACS 5 Year Estimates, DP02, B09029	Larger share of non-family households associated with higher risk of displacement
% non-Hispanic whites	ACS 5 Year Estimates, DP05	Larger share of non-Hispanic whites associated with lower risk of displacement
Educational Attainment	ACS 5 Year Estimates, S21501	Increasing share of high educational attainment associated with active displacement

Housing Variables		
Variable	Data Source	Association
% of dwellings units in buildings with 3+ units	ACS 5 Year Estimates, DP04	Higher share of multi-unit buildings is associated with higher risk of displacement
% renter-occupied housing	ACS 5 Year Estimates, DP04	Higher share of renter-occupied housing is associated with higher risk of displacement
Median gross rent	ACS 5 Year Estimates, DP04	Lower median gross rent compared to nearby higher rents is associated with higher risk of displacement
Overcrowding	ACS 5 Year Estimates, DP04	Higher rates of overcrowding are associated with higher risk of displacement

Site Inventory

The purpose of the housing element's site inventory is to identify and analyze specific land (site) that is available and suitable to accommodate the regional housing need by income group. The site inventory enables the jurisdiction to determine whether there are sufficient and adequate sites to accommodate the RHNA by income category. A site inventory and analysis will determine whether program actions must be adopted to "make sites available" with appropriate zoning, development standards, and infrastructure capacity to accommodate the new development need.

AB 686 requires a jurisdiction's site inventory "...shall be used to identify sites throughout the community, consistent with..." its duty to affirmatively further fair housing.⁷⁹ Sites must be identified and evaluated relative to the full scope of the assessment of fair housing (e.g., segregation and integration, racially and ethnically concentrated areas of poverty and affluence, access to opportunity, etc.). The site inventory and accompanying analysis must identify and analyze selected sites, map the location of the sites, indicate the number of projected units for each site and represent the assumed affordability (i.e., lower, moderate and above moderate) for each site, and evaluate relative to socio-economic patterns. Importantly, the analysis ought not be limited to the identification of sites for lower income households. Rather, it should incorporate the jurisdiction's projected housing development at all income levels and assess the extent to which that development will either further entrench or help to ameliorate existing patterns of segregation and/or exclusion of members of protected categories. Where the analysis of the inventory indicates that the community has insufficient sites appropriately zoned and located to accommodate its lower income RHNA in a manner that affirmatively furthers fair housing, the housing element must include a program to address this inconsistency, such as making additional sites available to accommodate its lower income RHNA in a manner that affirmatively furthers fair housing. To evaluate the site inventory's consistency with the obligation to affirmatively furthering fair housing, the site inventory analysis should address:

- **Improved Conditions:** A discussion of how the sites are identified in a manner that better integrates the community with a consideration for the historical patterns and trends, number of existing households, the magnitude (e.g., number of units) of the RHNA by income group and impacts on patterns of socio-economic and racial concentrations.
- **Exacerbated Conditions:** Similar to above, an explanation of identified sites relative to the impact on existing patterns of segregation and number of households relative to the magnitude (e.g., number of units) of the RHNA by income group.
- **Isolation of the RHNA:** An evaluation of whether the RHNA by income group is concentrated in areas of the community.
- **Local Data and Knowledge:** A consideration of current, planned and past developments, investment, policies, practices, demographic trends, public comment and other factors.

⁷⁹ Gov. Code, §§ 65583.2, 65583, subd. (c)(10)(A), 8899.50; see also HCD, Building Blocks, at <https://www.hcd.ca.gov/community-development/building-blocks/index.shtml>; 24 C.F.R. § 5.154 (2016).

- **Other Relevant Factors:** Any other factors that influence the impacts of the identification of sites to accommodate the regional housing need on socio-economic patterns and segregation. This requirement should address any pending or approved plans, other elements of the general plan and relevant portions of the housing element and site inventory analysis requirements including, but not limited to, effectiveness of past programs in achieving the goals of the housing element, suitability of sites, existing uses and impacts of additional development potential, including potential for displacement of residents, businesses and other community amenities and infrastructure capacity.

Summary of Conclusions and Approach to Policies and Programs: Based on the outcomes of the analysis, the element must summarize conclusions and directly identify policies and programs needed to address identifying and making available adequate sites to accommodate the RHNA in a manner that affirmatively furthers fair housing. Policies and programs must include “meaningful actions” beyond combating discrimination to overcome patterns of segregation and foster inclusive, affordable and stable communities.

Specifically, the analysis must include each of the fair housing issue areas: (1) segregation and integration, (2) racially and ethnically concentrated areas of poverty (R/ECAPs), (3) access to opportunity, and (4) disproportionate housing needs, including displacement. The analysis should not be limited to the jurisdiction itself, but should include the surrounding region and an understanding of the role the jurisdiction plays in current and historical trends of segregation at a regional level.

Segregation and Integration

The analysis must address identified sites relative to segregation and integration of protected classes. This analysis may focus on households by income but must address segregation and integration of other protected classes as well, including population by race, disability and familial status; the analysis must address the effects of economic segregation on members of protected classes. The analysis must show how the site inventory decreases the segregation index scores for protected classes and along income within the jurisdiction, as well as the segregation indices at the regional scale. It should provide an estimate of how much the sites identified are expected to decrease the dissimilarity and isolation index scores. Furthermore, the analysis should include an evaluation of current and historical spatial patterns of subsidized housing within and surrounding the jurisdiction, including emergency shelters, subsidized affordable housing, supportive housing, and usage of housing choice vouchers, and how the site inventory decreases patterns of segregation given these trends. This analysis of subsidized housing can provide insights into patterns of segregation and integration at a more granular scale that may prove helpful when U.S. Census data is only available at large geographies like tracts and block groups.

Data Considerations: Sample Methodology for Analysis by Income Group (should also be applied to race, disability and familial status)

1. Identify the percentage of the total local households that are lower, moderate and above moderate income.

2. **A.** Calculate the percentage of households in each census tract or block group that are lower, moderate and above moderate income.

B. As a secondary indicator, identify those tracts or block groups where the percentage of households at the appropriate income level is significantly higher than the community-wide average. The actual level chosen should be sensitive to the local context. For example, if a community has a very low existing percentage of lower income households, an appropriate measure might be block groups where the percentage of lower income households is double the community-wide average. In communities where the percentage of existing lower income households is relatively high, then a standard of 25 or 50 percent higher than the community-wide average may be appropriate. When tracts or block groups contain relatively small numbers of households, the percentage calculations will have relatively high margins of error (MOE). MOEs are also included in each record in the LMISD data. The MOEs should be considered when interpreting the results of this analysis.

3. Identify the existing percentage of LMI households in each block group where there is a residential capacity targeted to accommodate the RHNA for LMI households.

4. **A.** Calculate the total percentage of housing units counted towards satisfaction of the RHNA for lower income households where the existing block group percentage of LMI households exceeds the overall average for the jurisdiction.

B. Calculate the total percentage of housing units counted towards satisfaction of the RHNA for LMI households where the existing block group percentage of LMI households exceeds the secondary standard for concentration of LMI households that is significantly higher than the overall jurisdiction average.

5. If the percentage of housing units from #4 A. is significantly higher than the percentage from #2 A., and/or if the percentage of housing units from #4 B. is significantly higher than the percentage from #2 B., then this is an indicator that the site inventory for development of housing for lower income households is overly concentrated in areas that the housing sites would tend to encourage over-concentration of lower income households and sites targeted for lower income housing development should be better located among tracts or block groups where the percentage of lower income households is below the exiting citywide average.

6. Analyze local and regional data and knowledge, policies, practices and investments, demographic trends and other factors.

Racially and Ethnically Concentrated Areas of Poverty and Affluence

The analysis must evaluate both the location of identified sites and the location of capacity (number of units) by income group relative to racially and ethnically concentrated areas of poverty and affluence. The analysis should address whether sites are located in or near areas of concentrated poverty and race and affluence, and whether the identified sites significantly concentrate capacity (number of units) to accommodate lower income households in or near racially and ethnically concentrated areas of poverty. The analysis should also evaluate the relationship between the location where the capacity for the lower-income housing need is accommodated in comparison to the housing need for above moderate income households. For example, whether sites to accommodate above moderate income households are significantly concentrated in areas of affluence. This analysis of R/ECAPs and RCAAs should include looking at neighborhoods of the jurisdiction where there are no identified sites in the site inventory and evaluating if the absence of sites in those neighborhoods perpetuates patterns of R/ECAPs or RCAAs.

Disparities in Access to Opportunity

The analysis must address the location of identified sites and the location of capacity (number of units) by income group relative to overall access to opportunity and various categories of access to opportunity (e.g., education, transportation, employment, environment). The analysis should not only address an overall score value of access to opportunity, but must also individually address access to education, transportation, economic prosperity, areas with low rates of violent crime, parks and recreation areas, environmentally healthy neighborhoods and other important opportunities. This is an important place to include local data, such as school performance and enrollment boundaries, local bicycle and pedestrian data, and access to critical local and cultural institutions if available, although the analysis should extend beyond the jurisdiction's boundaries when considering access to opportunity. This analysis should be quantitative where possible and qualitative at least to guide appropriate goals and actions resulting from the analysis. Even where information about these indicators of opportunity is more qualitative or anecdotal than quantitative, it is a valuable and necessary component of developing appropriate actions.

Local jurisdictions using the TCAC/HCD Opportunity Maps should note that rural areas are scored relative to other rural areas in the same county, meaning they are not scored on the same scale as non-rural areas. This is important to note in jurisdictions that include a mix of rural and non-rural areas. While the TCAC/HCD Opportunity Maps provide data at a block group level in rural areas, data tools for rural areas and lower population areas sometimes do not fully capture the nuance of the socio-economic patterns, which highlights the importance of using local data and knowledge as a complement.

Disproportionate Housing Needs, including Displacement Risk

The identification of sites should be informed by the findings of the disproportionate housing needs section of the assessment of fair housing. To analyze sites relative to disproportionate housing needs, including displacement risk, a locality must identify and evaluate sites according to cost burdens, overcrowding and substandard housing. This analysis must also address displacement risks as well as any other disproportionate housing needs addressed in the assessment of fair housing based on local data and knowledge. Factors of disproportionate housing need (e.g., overpayment, overcrowding, displacement, etc.) may be considered together to the extent there is a significant coincidence. The analysis must also address ways in which development of the identified sites will impact displacement risk. Where development of the identified sites is likely to increase displacement risk, then the element must include programs to mitigate the risks and impacts of displacement.

Identification and Prioritization of Contributing Factors

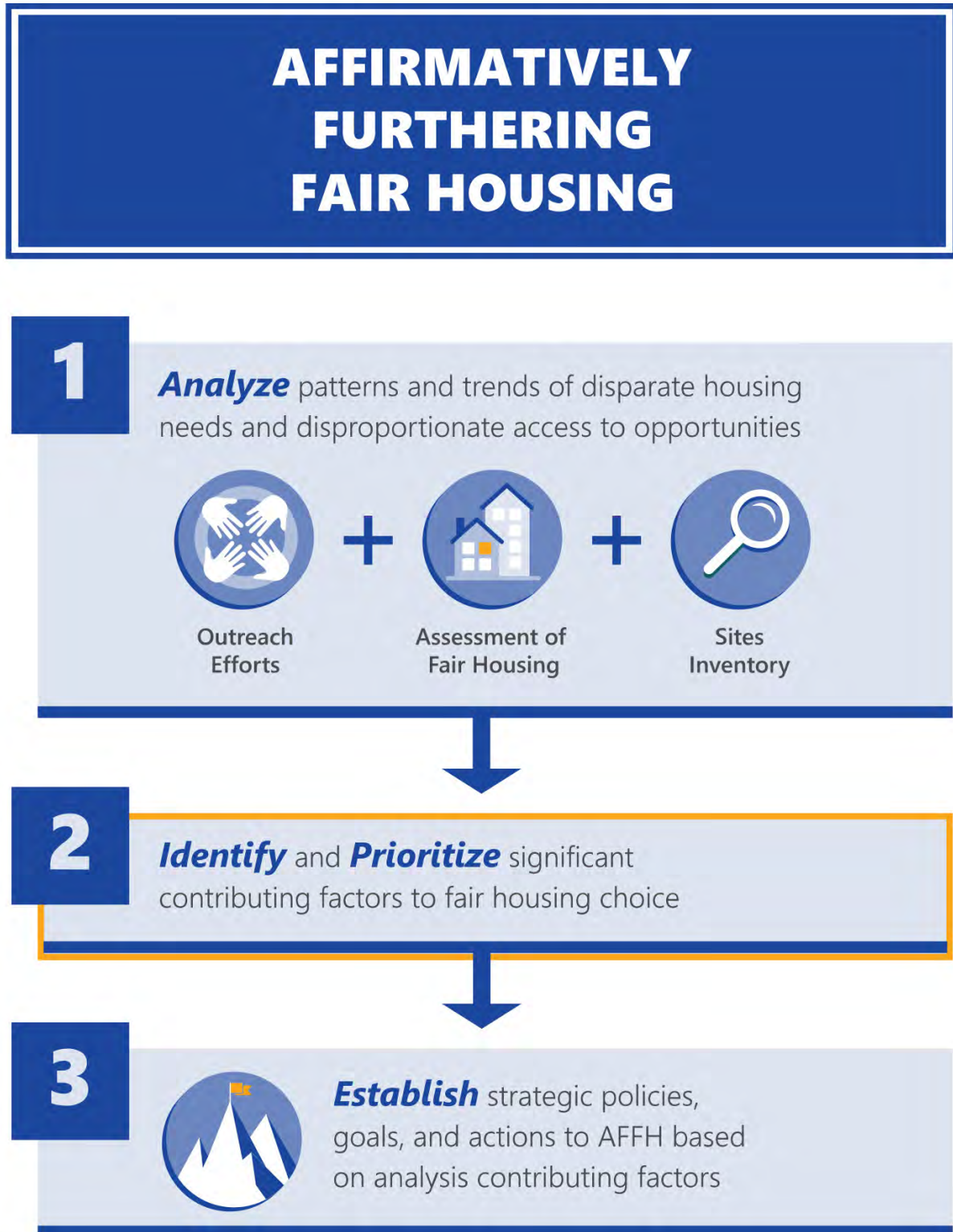
The housing element must include an identification and prioritization of significant contributing factors to segregation, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs. Fair housing contributing factor (or contributing factor) means a factor that creates, contributes to, perpetuates, or increases the severity of one or more fair housing issues. See “Part 3: Resources” for examples of contributing factors by fair housing issue area. Contributing factors should be based on all the prior efforts and analyses: outreach, assessment of fair housing, and site inventory. Contributing factors must also be prioritized in terms of needed impact on fair housing choice and strongly connect to goals and actions.

The identification and evaluation of contributing factors must:

- Identify fair housing issues and significant contributing factors;
- Prioritize contributing factors, including any local information and knowledge, giving highest priority to those factors that most limit or deny fair housing choice or access to opportunity or negatively impact fair housing or civil rights compliance; and
- Discuss strategic approaches to inform and strongly connect to goals and actions.

For more information, see “Part 3: Resources” (Sample Contributing Factors and Action Matrix)

Chart 2: Contributing Factors Relationship Between Assessment of Fair Housing and Goals and Actions



The Importance of Prioritization

In any given community, there will be several contributing factors. However, listing contributing factors without analysis will not result in meaningful actions. For example, a list of 50 contributing factors that are not analyzed will likely result in less guided and impactful goals and actions. Instead, the housing element must prioritize contributing factors and should consider a manageable list (e.g., 4-6) to strongly connect to goals and actions, focus resources and maximize impact in the planning period. Further, the element should consider regular evaluation of the effectiveness of goals and actions and adjust and re-prioritize contributing factors and goals and actions as necessary.

Contributing factors are not limited to public actions. Private actions can also contribute to patterns of segregation, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs. While public agencies do not directly control private actions or contributing factors beyond a locality's boundaries, the actions of public agencies can influence private action and have impacts beyond local boundaries. As a result, regardless of whether contributing factors are public or private or local, region, state or federal, the housing element must recognize a broader social and legal obligation to affirmatively further fair housing and still identify and prioritize those contributing factors to commit to commensurate goals and actions.

Using Other Consolidated Plan Documents

Localities may utilize an assessment of fair housing or analysis of impediments created pursuant to past federal requirements to identify and prioritize contributing factors to fair housing issues. Also, the statewide analysis of impediments and, if available, a regional analysis of impediments may be useful. While these documents may be a sufficient starting point, in all cases, contributing factors must be tailored to local conditions or must be re-evaluated and prioritized based on the assessment of fair housing in the housing element. Note that information in an AFH or AI may also be outdated or incomplete depending on how recently that information was prepared and may need to be updated.

Goals, Policies, and Actions

The housing element must include goals, policies and most specifically, a schedule of actions during the planning period. Actions must be specific with timelines, discrete steps and measurable outcomes to have a "beneficial impact" during the planning period. The schedule of actions must reflect the results of analyses and is intended to be adequate to address the housing needs of all economic segments of the community. The schedule of actions must address the following statutory areas:

- Identify adequate sites, with appropriate zoning and development standards and services to accommodate the locality's share of the regional housing needs for each income level;
- Assist in the development of adequate housing to meet the needs of extremely low-, very low-, low-, and moderate-income households;

- Address and, where possible, remove governmental and non-governmental constraints to the maintenance, improvement, and development of housing, including housing for people at all income levels, as well as housing for people with disabilities and providing reasonable accommodation;
- Conserve and improve the condition of the existing affordable housing stock;
- Preserve assisted housing developments at risk of conversion to market rate;
- Promote housing opportunities 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; and
- Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at an affordable rent.

What is “Beneficial Impact”

Programs in the element must have specific commitment to deliverables, measurable metrics or objectives, definitive deadlines, dates, or benchmarks for implementation. Deliverables should occur early in the planning period to ensure actual housing outcomes. For example, programs to “explore” or “consider” on an “ongoing” basis are inadequate to demonstrate a beneficial impact in the planning period. Conversely, a program with clear and specific commitment and numerical objectives such as “rezone 50 acres to high density by June 2022” is adequate to demonstrate a beneficial impact. This specific and clear commitment combined with numerical objectives and timelines is called “beneficial impact.” Similarly, programs to affirmatively furthering fair housing must have specific and clear commitment, milestones, and metrics or numerical and anticipated outcomes.

Goals and Policies

Goals and policies typically are utilized to determine a direction in the implementation of a schedule of actions. Through this direction, actions can be interpreted, prioritized, adjusted and carried out to best achieve the necessary outcomes to address the identified needs without re-evaluating over-arching principles or re-starting legislative or complex policy-making processes. To affirmatively further fair housing, goals and policies must have a specific connection to outreach, the assessment of fair housing, the analysis of the site inventory and most importantly, the prioritization of contributing factors to fair housing issues. Goals, policies and actions must be aggressively set to overcome those contributing factors to meet the “meaningful impact” requirement in statute and to avoid actions that are materially inconsistent with the obligation to affirmatively further fair housing. Goals and policies must be created with the intention to have a significant impact, well beyond a continuation of past actions, and to provide direction and guidance for meaningful action.

What If Goals Are Outside of Local Control?

Goals should be set regardless of whether a locality directly controls all the factors involved in achieving that goal. A locality's ability to influence may be a consideration in development of actions but should not limit setting goals. Instead, recognizing the ability or inability to influence a goal should be a starting point for forming appropriate policies and actions. For example, a locality might have limited financial and staff resources. Instead of setting goals and actions at an inadequate level due to limited resources, localities should recognize this constraint and form policies and actions accordingly, such as building partnerships with non-profits to explore all private and public funding available, creating coalitions, working with legislators, exploring all private and public funding available, collaborating with nearby localities and seeking technical assistance.

Goals and policies to affirmatively further fair housing do not need to be independent or isolated on a contributing factor. Instead, goals and policies can be integrated with other goals and policies required by the housing element. For example, a housing element could have a program to "Improve housing supply." On the other hand, an integrated program could "Improve and integrate housing supply, choices and affordability throughout the community." Goals and policies intended to affirmatively further fair housing should be described as such. By integrating goals and policies, a locality can leverage efforts for a broader and more significant impact while better reflecting more inclusive values.

Actions

Actions implement goals and consist of concrete steps, timelines and measurable outcomes. Actions should be considered a part of the schedule of actions or programs required by Housing Element Law and must affirmatively further fair housing pursuant to Government Code section 8899.50. Specifically, Government Code section 8899.50 requires "meaningful actions" well beyond combating discrimination to overcome patterns of segregation and foster inclusive communities. These actions, as a whole, must:

- Address significant disparities in housing needs and in access to opportunity;
- Replace segregated living patterns with truly integrated and balanced living patterns;
- Transform racially and ethnically concentrated areas of poverty into areas of opportunity; and
- Foster and maintain compliance with civil rights and fair housing laws.

Further, local agencies shall not take any action materially inconsistent with the obligation to affirmatively further fair housing. This requirement should apply to all actions in the housing element and the rest of the general plan as well as any actions, policies or practices outside of the general plan.

Action Areas

Actions to affirmatively further fair housing may include, but are not limited to:

- Enhancing housing mobility strategies;
- Encouraging development of new affordable housing in high resource areas;
- Improving place-based strategies to encourage community conservation and revitalization, including preservation of existing affordable housing; and
- Protecting existing residents from displacement.

While the goals, policies and actions may select from the above areas (e.g., mobility, housing in high resource areas, place-based, protection from displacement), actions must be formulated in a manner to address the full scope of outreach, assessment of fair housing, analysis of site inventory and overcome contributing factors to fair housing. As a result, a schedule of actions generally must address all four categories.

For examples of affirmatively furthering fair housing actions by each of the action areas, see “Part 3: Resources.”

Using a Variety of Actions

To address the full scope of outreach, complete the assessment of fair housing, and overcome contributing factors to fair housing and affirmatively further fair housing, actions must consider a wide range of actions across all action areas (e.g., mobility, housing in high resource areas, place-based and protection from displacement). The number and scale of actions will depend on the severity of the needs but regardless of need, a cohesive and effective program will consider multiple action areas. For example, a place-based approach might improve infrastructure or invest in active transportation, but those efforts would be ineffective in addressing needs without complementary anti-displacement measures.

Further, a balanced and effective approach will consider different types of actions utilizing: (1) human resources: outreach, education, marketing, collaboration, (2) land use resources: planning documents such as general plans, zoning, specific plans, ordinances and procedures, and (3) financial resources.

A balanced and effective approach will consider and combine each of these areas. For example, an approach could include marketing and collaboration as part of increasing mobility, zoning to increase housing choices in high resource areas, and investing financial resources in place-based and displacement action areas. An effective approach will also seek to combine these types within an action area. For example, a locality might take a zoning and financial resources approach to displacement risks or creating new housing choices in high resource areas. By combining these action areas, a program will be more balanced and more effective in achieving the goals to affirmatively further fair housing.

Milestones, Objectives, Monitoring and Making Adjustments

Specific actions with timelines and measurable or numerical objectives are essential to an effective approach. Successful outcomes will not be achievable and discernable without specificity. For example, a program to “explore feasibility on an ongoing basis” does little to achieve tangible results but a commitment to “rezone 50 acres to the high density district by October 2021” has a far more likelihood of producing results. In addition, measurable or numerical objectives clarify goals and serve as a reference point for monitoring the effectiveness of programs. As part of the annual progress report (Gov. Code, § 65400), localities, through a community process, should evaluate actions for progress toward goals and objectives and effectiveness to make regular adjustments as necessary.

Integrating Affirmatively Furthering Fair Housing into Existing Housing Element Programs

Housing elements must include actions to address statutory areas, such as identifying adequate sites to accommodate the regional housing need, assisting in the development of housing for lower income households and households with special needs, and conserving and improving the existing housing stock.⁸⁰ These statutory program areas can be modified to complement the statutorily required affirmatively furthering fair housing programs.⁸¹ Examples include:

- **Adequate Sites:** In some cases, housing elements will include programs to rezone to address a shortfall of sites to accommodate the regional housing need. These types of programs should be carried out where possible to promote more inclusive communities. In addition, in some cases, a locality might find circumstances warranting rezoning above and beyond the regional housing need to promote more housing choices and affordability. Examples include long held patterns of isolation in higher income areas, or other factors, or when identifying sites to accommodate the housing need for lower income households exacerbates segregation.
- **Assist in Development of Housing for Lower Income Households and Households with Special Needs:** Housing elements will include programs to encourage affordable development, such as utilizing, seeking or supporting funding, building partnerships with non-profit developers and incentives for affordability. These programs can be targeted to high resource areas or other similar areas to promote inclusive communities.
- **Addressing Governmental and Non-governmental Constraints:** Land use and zoning can be a key barrier to inclusive communities. Zoning, permit processing, fees and other land use reforms can be targeted geographically to promote more inclusive communities. Non-governmental constraints can include factors such as local opposition to affordable housing. Education and other programs can be geographically targeted to build campaigns for more integrated land use patterns.

80 Gov. Code, §§ 65583, subd. (a)(3) , 65583.2; see also HCD, Building Blocks at <https://www.hcd.ca.gov/community-development/building-blocks/index.shtml>.

81 Gov. Code, §§ 8899.50, 65583, subd. (c).

- **Conserve and Improve the Existing Affordable Housing Stock:** Elements must have actions to conserve and improve the existing affordable housing stock. Typical actions include programs for rehabilitation (renter, owner), acquisition and rehabilitation, infrastructure investment, conservation of mobilehome parks, housing choice vouchers, and administrative actions like zoning or displacement policies. These types of programs can be geographically targeted as place-based strategies to revitalize and improve communities or as new opportunities in high opportunity areas.
- **Incentivize Accessory Dwelling Units (ADUs):** Programs to incentivize ADUs can be targeted as new opportunities in high resource areas or as place-based revitalization strategies.

Integrating Goals, Policies and Actions across Multiple Planning Objectives

Various policy topics can be integrated where more than one objective is considered at a time to promote more balanced approaches and multiple benefits. The intent is to align objectives and set clearer direction to avoid future conflict. Various policy topics can be considered within the housing element and also across the general plan. For example, a goal or policy could be set to both identify adequate sites to accommodate the regional housing need and affirmatively furthering fair housing. Also, a housing issue could be considered at the same time as a circulation or safety issue. Through more integrated approaches, the general plan becomes a more cohesive, internally consistent and implementable plan. For examples of integrated concepts in the general plan, please review resources developed by the Governor’s Office of Planning and Research. In addition, See “Part 3: Resources” for a matrix of policy topics and integrated planning approaches.

Part 3:

Resources

Statute (strikeout/underline)

Division 1 of Title 2 of the Government Code, Chapter 15

Government Code Section 8899.50 (Additions and Deletions in Strikeout/Underline)

Section 8899.50. (a) For purposes of this section, the following terms have the following meanings:

- (1) “Affirmatively furthering fair housing” means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a public agency’s activities and programs relating to housing and community development.
- (2) “Public agency” means all of the following:
 - (A) The state, including every state office, officer, department, division, bureau, board, and commission, including the California State University.
 - (B) A city, including a charter city, county, including a charter county, city and county, and a redevelopment successor agency.
 - (C) A public housing authority created pursuant to the Housing Authorities Law (Chapter 1 (commencing with Section 34200) of Part 2 of Division 24 of the Health and Safety Code).
 - (D) A public housing agency, as defined in the United States Housing Act of 1937 (codified at 42 U.S.C. Sec. 1437 et seq.), as amended.
 - (E) Any other political subdivision of the state that is a grantee or subgrantee receiving funds provided by the United States Department of Housing and Urban Development under the Community Development Block Grant program, the Emergency Solutions Grants program, the HOME Investment Partnerships program, or the Housing Opportunities for Persons With AIDS program.
- (b) A public agency shall administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and take no action that is materially inconsistent with its obligation to affirmatively further fair housing.

- (c) This section shall be interpreted consistent with the Affirmatively Furthering Fair Housing Final Rule and accompanying commentary published by the United States Department of Housing and Urban Development contained in Volume 80 of the Federal Register, Number 136, pages 42272 to 42371, inclusive, dated July 16, 2015. Subsequent amendment, suspension, or revocation of this Final Rule or its accompanying commentary by the federal government shall not impact the interpretation of this section.
- (d) In selecting meaningful actions to fulfill the obligation to affirmatively further fair housing, this section does not require a public agency to take, or prohibit a public agency from taking, any one particular action.

Division 1 of Title 7 of the Government Code, Chapter 3

Government Code Section 65583 (Additions and Deletions in Strikeout/Underline)

Section 65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

- (a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:
 - (1) through (9) Omitted – No substantive changes.
 - (b) (1) through (2) Omitted – No substantive changes.
- (c) A program ~~which~~ that sets forth a schedule of actions during the planning period, each with a timeline for implementation, ~~which~~ that may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, the utilization of appropriate federal and state financing and subsidy programs when available, and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:
 - (1) 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 completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

- (A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period pursuant to Section 65588, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than three years and 120 days from the statutory deadline in Section 65588 for adoption of the housing element.
- (B) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2. The identification of sites shall include all components specified in Section 65583.2.
- (C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.
- (2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.
- (3) 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.
- (4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.
- (5) ~~Promote housing opportunities 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~~. disability, and

other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law.

- (6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.
- (7) Include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.
- (8) Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.
- (9) (A) Affirmatively further fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall include an assessment of fair housing in the jurisdiction that shall include all of the following components:
 - (i) A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity.
 - (ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk.
 - (iii) An assessment of the contributing factors for the fair housing issues identified under clause (ii).
 - (iv) An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved.
 - (v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement.
- (B) A jurisdiction that completes or revises an assessment of fair housing pursuant to Subpart A (commencing with Section 5.150) of Part 5 of Subtitle A of Title 24 of the Code of Federal Regulations, as published in Volume 80 of the Federal Register, Number 136, page 42272, dated July 16, 2015, or an analysis of impediments to fair housing choice in accordance with the requirements of

Section 91.225 of Title 24 of the Code of Federal Regulations in effect prior to August 17, 2015, may incorporate relevant portions of that assessment or revised assessment of fair housing or analysis or revised analysis of impediments to fair housing into its housing element.

(C) The requirements of this paragraph shall apply to housing elements due to be revised pursuant to Section 65588 on or after January 1, 2021.

(d) through (f) omitted – No substantive changes.

Division 1 of Title 7 of the Government Code, Chapter 3

Government Code Section 65583.2 (Additions and Deletions in Strikeout/Underline)

65583.2. (a) A city's or county's inventory of land suitable for residential development pursuant to paragraph (3) of subdivision (a) of Section 65583 shall be used to identify sites throughout the community, consistent with paragraph (9) of subdivision (c) of Section 65583, that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584. As used in this section, "land suitable for residential development" includes all of the sites that meet the standards set forth in subdivisions (c) and (g):

- (1) Vacant sites zoned for residential use.
- (2) Vacant sites zoned for nonresidential use that allows residential development.
- (3) Residentially zoned sites that are capable of being developed at a higher density, including the airspace above sites owned or leased by a city, county, or city and county.
- (4) Sites zoned for nonresidential use that can be redeveloped for residential use, and for which the housing element includes a program to rezone the site, as necessary, rezoned for, to permit residential use, including sites owned or leased by a city, county, or city and county.

(b) Through (l) omitted – No substantive changes.

AB 686 Housing Element Compliance Checklist

Part 1 Outreach:

- ☐ Does the element describe and incorporate meaningful engagement that represents all segments of the community into the development of the housing element, including goals and actions (e.g., language access, accessibility for persons with disabilities, resident engagement, including low income residents and residents in subsidized housing programs, description of comments and whether incorporated, and outreach to fair housing agencies, legal services and public housing agencies)?

Part 2 Assessment of Fair Housing:

- ☐ Does the element include a summary of fair housing enforcement and capacity in the jurisdiction?
- ☐ Does the element include an analysis of these five areas: Fair housing and enforcement capacity? Integration and segregation patterns and trends? Racially or ethnically concentrated areas of poverty? Disparities in access to opportunity? And disproportionate housing needs within the jurisdiction, including displacement risk? Each of these four areas must have its own analysis.

Each analysis on the four fair housing issue areas should include the following:	Fair Housing Enforcement and Capacity	Segregation and Integration	R/ECAP	Access to opportunity	Disp. Housing needs +displacement risk
Patterns and trends – local and regional					
Local data and knowledge					
Other relevant factors					
Conclusions and summary of issues					

Part 3 Site Inventory:

- ☐ Did the element identify and evaluate (e.g., maps) the number of units, location and assumed affordability of identified sites throughout the community (i.e., lower, moderate, and above moderate income RHNA) relative to all components of the assessment of fair housing?
- ☐ Did the element analyze identified sites related to improving or exacerbating conditions for each of the fair housing areas (integration and segregation, racially and ethnically concentrated areas of poverty, areas of opportunity, disproportionate housing needs, including displacement)?

Part 4 Identification of Contributing Factors

- ☐ Did the element identify, evaluate and prioritize the contributing factors to fair housing issues? Did the element prioritize those factors that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance?

Part 5 Goals and Actions

- ☐ Did the element identify goals and actions based on the identified and prioritized contributing factors?
- ☐ Do goals and actions address mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for preservation and revitalization, displacement protection, and other program areas?
- ☐ Are actions significant, meaningful and sufficient to overcome identified patterns of segregation and affirmatively further fair housing?
- ☐ Did the element include metrics and milestones for evaluating progress on programs/actions and fair housing results, including concrete timelines?

Definitions

Affirmatively Furthering Fair Housing

Meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a public agency's activities and programs relating to housing and community development.⁸²

Assessment of Fair Housing (AFH)

An analysis undertaken pursuant to 24 CFR § 5.154 that includes an analysis of fair housing data, an assessment of fair housing issues and contributing factors, and an identification of fair housing priorities and goals, and is conducted and submitted to HUD using the Assessment Tool. The AFH may be conducted and submitted by an individual program participant (individual AFH), or may be a single AFH conducted and submitted by two or more program participants (joint AFH), or two or more program participants, where at least two of which are consolidated plan program participants (regional AFH).⁸³

Community Participation

As required in 24 CFR § 5.158, means a solicitation of views and recommendations from members of the community and other interested parties, a consideration of the views and recommendations received, and a process for incorporating such views and recommendations into decisions and outcomes. For HUD regulations implementing the Housing and Community Development Act of 1974, the statutory term for "community participation" is "citizen participation."⁸⁴

Contributing Factor

A factor that creates, contributes to, perpetuates, or increases the severity of one or more fair housing issues. Goals in an AFH are designed to overcome one or more contributing factors and related fair housing issues as provided in 24 CFR § 5.154.⁸⁵

Disparities in Access to Opportunity

Defined by the AFFH Final Rule as "substantial and measurable differences in access to educational, transportation, economic, and other opportunities in a community based on protected class related to housing."⁸⁶

⁸² Gov. Code, § 8899.50, subd. (a)(1).

⁸³ 24 C.F.R. §5.152 (2016).

⁸⁴ *bid.*

⁸⁵ *Ibid.*

⁸⁶ *Ibid.*

Disproportionate Housing Needs

Generally refers to a condition in which there are significant disparities in the proportion of members of a protected class experiencing a category of housing need when compared to the proportion of members of any other relevant groups, or the total population experiencing that category of housing need in the applicable geographic area. For purposes of this definition, categories of housing need are based on such factors as cost burden, severe cost burden, overcrowding, tenure (own vs. rent), homelessness, and substandard housing conditions.

Fair Housing Choice

Under the AFFH Final Rule, fair housing choice means that individuals and families have the information, opportunity, and options to live where they choose without unlawful discrimination and other barriers related to race, color, religion, sex, familial status, national origin, or disability. Fair housing choice encompasses:

- Actual choice, which means the existence of realistic housing options;
- Protected choice, which means housing that can be accessed without discrimination;
- Enabled choice, which means realistic access to sufficient information regarding options so that any choice is informed. For persons with disabilities, fair housing choice and access to opportunity include access to accessible housing and housing in the most integrated setting appropriate to an individual's needs, as required under Federal civil rights law, including disability-related services that an individual needs to live in such housing.

Fair Housing Issue

A condition in a program participants geographic area of analysis that restricts fair housing choice or access to opportunity, and includes such conditions as ongoing local or regional segregation or lack of integration, racially or ethnically concentrated areas of poverty, significant disparities in access to opportunity, disproportionate housing needs, and evidence of discrimination or violations of civil rights law or regulations related to housing.⁸⁷

Integration

A condition within the program participants geographic areas of analysis, as guided by the AFFH Data Viewer, in which there is not a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a type of disability in a particular geographic area when compared to a broader geographic area.”⁸⁸

Land Value Recapture

A policy approach by which communities can recover and reinvest land value increases that result from public investment and other government actions, including re-zoning. This can include things such as requiring community benefits from landowners and developers whose land has increased in value due to government actions, public benefit zoning, incentive zoning, density bonuses, housing overlay zoning, tax increment financing, community benefits agreements, special assessment districts, transferable development rights, linkage or impact fees, and others.

⁸⁷ Ibid.

⁸⁸ Ibid.

Meaningful Action

Significant actions that are designed and can be reasonably expected to achieve a material positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity.⁸⁹

Public Agency

Means all of the following:

- A. The state, including every state office, officer, department, division, bureau, board, and commission, including the California State University.
- B. A city, including a charter city, county, including a charter county, city and county, and a redevelopment successor agency.
- C. A public housing authority created pursuant to the Housing Authorities Law (Chapter 1 (commencing with Section 34200) of Part 2 of Division 24 of the Health and Safety Code).
- D. A public housing agency, as defined in the United States Housing Act of 1937 (codified at 42 U.S.C. Sec. 1437 et seq.), as amended.
- E. Any other political subdivision of the state that is a grantee or subgrantee receiving funds provided by the United States Department of Housing and Urban Development under the Community Development Block Grant program, the Emergency Solutions Grants program, the HOME Investment Partnerships program, or the Housing Opportunities for Persons With AIDS program.⁹⁰

Segregation

A condition within the program participant's geographic area of analysis....in which there is a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a type of disability in a particular geographic area when compared to a broader geographic area.⁹¹

⁸⁹ Ibid.

⁹⁰ Gov. Code, § 8899.50, subd. (a)(2).

⁹¹ 24 C.F.R. §5.152 (2016).

Dissimilarity and Isolation Index Formulas

Dissimilarity Index: This index measures the evenness with which two groups (frequently defined on racial or ethnic characteristics) are distributed across the geographic units, such as block groups within a community. The index ranges from 0 to 100, with 0 meaning no segregation and 100 indicating complete segregation between the two groups. The index score can be understood as the percentage of one of the two groups that would need to move to produce an even distribution of racial/ethnic groups within the specified area. An index score above 60 is considered high (i.e.: 60 percent of people would need to move to eliminate segregation), while 30 to 60 is considered moderate, and below 30 is considered low.⁹²

The formula for calculating the dissimilarity index, by Census block group, is as follows:

$$D = \frac{1}{2} \times \sum_{i=1}^N \left| \frac{P_{ig}}{P_g} - \frac{P_{ih}}{P_h} \right|$$

- P_{ig} is the population of group g in Census block group i
- P_{ih} is the population of group h in Census block group i
- P_g is the total population of group g in the City
- P_h is the total population of group h in the City

Isolation Index: Ranging from 0 to 100, the isolation index represents the percentage of residents of a given race or ethnicity in a block group where the average resident of that group lives, correcting for the fact that this number increases mechanically with that group's share of the overall citywide population. Using Hispanic or Latino residents as an example, an aggregate isolation index of 40 indicates that the average Hispanic or Latino resident lives in a block group where the Hispanic share of the population exceeds the overall citywide average by roughly 40 percent. Isolation index values that equal close to zero indicate that members of that BIPOC group live in relatively integrated neighborhoods.^{93 94}

The formula for calculating the isolation index, by Census block group, is as follows:

$$I = \frac{\left[\left(\sum_i^N \frac{P_{ig}}{P_g} \times \frac{P_{ig}}{P_{it}} \right) - \frac{P_g}{P_t} \right]}{1 - \frac{P_g}{P_t}}$$

- P_{ig} is the population of group g in Census block group i
- P_{it} is the total population in Census block group i
- P_g is the total population of group g in the City
- P_t is the total population in the City

92 Massey, D.S. and N.A. Denton. (1993). *American Apartheid: Segregation and the Making of the Underclass*. Cambridge, MA: Harvard University Press.

93 HUD. (2013). AFFH Data Documentation. Available at: http://www.huduser.org/portal/publications/pdf/FR-5173-P-01_AFFH_data_documentation.pdf

94 Glaeser, E. and Vigdor, J. (2001). *Racial Segregation in the 2000 Census: Promising News*. Washington, DC: The Brookings Institution, Center on Urban and Metropolitan Policy. Available at: <https://www.brookings.edu/wp-content/uploads/2016/06/glaeser.pdf>

Local jurisdictions should use the dissimilarity index and/or isolation index tools as part of the needs assessment to help to understand where there are areas of segregation in the community and highlight needs for housing element policies and programs to help reduce segregation. Dissimilarity index and Isolation index values for census tracts within the jurisdiction can be mapped thematically to highlight areas with high levels of segregation. This will highlight locations within the community where there are needs for housing element policies and programs to promote better racial and ethnic integration and reduce segregation.

Examples of Contributing Factors to Fair Housing Issues by Area

Outreach

- Lack of a variety of media (e.g., meetings, surveys, stakeholder interviews)
- Lack of marketing community meetings
- Lack of meetings at various times
- Lack of accessibility to draft documents
- Lack of language access
- Lack of accessible forums (e.g., webcast, effective communication, reasonable accommodation procedures)

Fair Housing Enforcement and Outreach Capacity

- Lack of local private fair housing outreach and enforcement
- Lack of local public fair housing enforcement
- Lack of resources for fair housing agencies and organizations
- Lack of state or local fair housing laws to support strong enforcement
- Unresolved violations of fair housing or civil rights law (including challenges to protect the constitutional and statutory rights of unhoused people)

Segregation and Integration

- Community opposition
- Displacement of residents due to economic pressures
- Lack of community revitalization strategies
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Lack of regional cooperation
- Land use and zoning laws
- Lending discrimination
- Location and type of affordable housing
- Occupancy codes and restrictions
- Private discrimination
- Source of income discrimination
- Lack of tenant protections
- Harassment
- Lack of supportive housing in community-based settings
- Policing and criminalization

Racially and Ethnically Concentrated Areas of Poverty

- Community opposition
- Deteriorated and abandoned properties
- Displacement of residents due to economic pressures
- Lack of community revitalization strategies
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Lack of regional cooperation
- Land use and zoning laws
- Location and type of affordable housing
- Occupancy codes and restrictions
- Private discrimination
- Lending discrimination
- Policing and criminalization

Disparities in Access to Opportunity

- Access to financial services
- The availability, type, frequency, and reliability of public transportation
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Lack of regional cooperation
- Land use and zoning laws
- Lending discrimination
- Location of employers
- Location of environmental health hazards
- Location of proficient schools and school assignment policies
- Location and type of affordable housing
- Occupancy codes and restrictions
- Private discrimination
- Policing and criminalization

Disparities in Access to Opportunity for Persons with Disabilities

- Access to proficient schools for persons with disabilities
- Access to publicly supported housing for persons with disabilities
- Access to transportation for persons with disabilities
- Inaccessible government facilities or services
- Inaccessible sidewalks, pedestrian crossings, or other infrastructure
- Lack of affordable in-home or community-based supportive services
- Lack of affordable, accessible housing in range of unit sizes
- Lack of affordable, integrated housing for individuals who need supportive services
- Lack of assistance for housing accessibility modifications
- Lack of assistance for transitioning from institutional settings to integrated housing
- Land use and zoning laws
- Lending discrimination
- Location of accessible housing

- Occupancy codes and restrictions
- Lack of effective accommodations for unhoused people with disabilities
- Regulatory barriers to providing housing and supportive services for persons with disabilities
- State or local laws, policies, or practices that discourage individuals with disabilities from being placed in or living in apartments, family homes, and other integrated settings
- Policing and criminalization (especially people with mental disabilities or neurodivergent individuals)

Disproportionate Housing Needs, Including Displacement Risks

- The availability of affordable units in a range of sizes
- Displacement of residents due to economic pressures
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Lack of renter protections
- Lack of protections for mobilehome park residents
- Land use and zoning laws
- Lending discrimination
- Lack of rental relief programs for people at risk of homelessness

Site Inventory

- Community opposition
- Lack of community revitalization strategies
- Lack of private investments in specific neighborhoods
- Lack of public investments in specific neighborhoods, including services or amenities
- Lack of regional cooperation
- Land use and zoning laws
- Local policies or practices (e.g., councilmember veto)
- Location and type of affordable housing
- Private discrimination

Sample Contributing Factors & Actions Matrix

Identified Fair Housing Issue	Contributing Factor	Priority (high, medium, low)	Meaningful Action

Examples of Affirmatively Furthering Fair Housing Actions

Housing Mobility Strategies consist of removing barriers to housing in areas of opportunity and strategically enhancing access. Examples include:

- Voucher mobility
- Housing mobility counseling
- City-wide affordable rental registries
- Landlord outreach to expand the location of participating voucher properties
- Landlord education and outreach on source of income discrimination and voucher programs
- Assistance with security deposits and moving expenses for voucher holders and other low-income tenants
- Extend search times for particular groups with housing choice vouchers, such as larger families with children or persons with disabilities
- Regional cooperation and administration of vouchers (such as through portability and shared waiting lists);
- Affirmative marketing can be targeted at promoting equal access to government-assisted housing or to promote housing outside the immediate neighborhood to increase awareness and the diversity of individuals in the neighborhood
- Collaborate with high performing school districts to promote a diversity of students and staff to serve lower income students
- Developing multifamily housing opportunities⁹⁵
- Encouraging the development of four or more units in a building
- Encouraging collaboration between local governments and community land trusts as a mechanism to develop affordable housing in higher-opportunity areas.⁹⁶
- Accessibility programs focus on improving access to housing, transit, public buildings and facilities, sidewalks, pedestrian crossings, and businesses

New Housing Choices and Affordability in Areas of Opportunity means promoting housing supply, choices and affordability in areas of high opportunity and outside of areas of concentrated poverty. Examples include:

- Zoning, permit streamlining, fees, incentives and other approaches to increase housing choices and affordability (e.g., duplex, triplex, multifamily, accessory dwelling units, transitional and supportive housing, group homes) in high opportunity areas
- Target housing creation or mixed income strategies (e.g., funding, incentives, policies and programs, density bonuses, land banks, housing trust funds)
- Inclusionary requirements

⁹⁵ The federal FHA includes design and construction requirements for all residential buildings with four or more attached units. In buildings with stairs, all ground floor units must be accessible, and in buildings with elevator access, all units must have minimum access. There is no federally mandated standard for accessibility in single family homes. Government Code section 12955.1, subdivision (b), requires 10 percent of units in multifamily buildings without elevators consisting of 3 or more rental units or 4 or more condominium units are subject to accessibility building standards.

⁹⁶ See Community Land Trusts and Stable Affordable Housing, available at <https://www.huduser.gov/portal/pdredge/pdr-edge-featd-article-110419.html>, last visited on March 19, 2021.

- Scattered site affordable development
- Targeted investment and programs, including sweat equity, down payment assistance, new rental construction
- Accessibility modification programs and other measures that proactively enhance accessibility
- Increase accessible number of units above state law through incentives, policies, funding and other similar measures
- Developing waiting lists for persons with disabilities, such as coordination with regional centers for developmental services and targeting those lists to property owners or homeowners making units (e.g., ADUs) available
- Leveraging in-home or community based supportive services
- Develop a campaign to combat local opposition
- Increase number of ADUs allowed per site
- Increasing opportunities for community ownership of housing

Place-based Strategies to Encourage Community Conservation and Revitalization Involves approaches that are focused on conserving and improving assets in areas of lower opportunity and concentrated poverty such as targeted investment in neighborhood revitalization, preserving or rehabilitating existing affordable housing, improving infrastructure, schools, employment, parks, transportation and other community amenities. Examples include:

- Targeted investment in areas of most need focused on improving community assets such as schools, recreational facilities and programs, social service programs, parks, streets, active transportation and infrastructure
- Develop a proactive code enforcement program that targets areas of concentrated rehabilitation needs, results in repairs and mitigates potential cost, displacement and relocation impacts on residents
- Dedicate or seek funding to prioritize basic infrastructure improvements (e.g., water, sewer) in disadvantaged communities
- Address negative environmental, neighborhood, housing and health impacts associated with siting and operation of land uses such as industrial, agricultural, waste storage, freeways, energy production, etc. in disadvantaged communities
- Address negative impacts from climate change through investments in adaptation measures such as urban forestry, flood prevention measures, etc. in disadvantaged communities
- Target acquisition and rehabilitation to vacant and blighted properties in neighborhoods of concentrated poverty
- Inter-governmental coordination on areas of high need
- Prioritized capital improvement programs
- Develop new financing
- Recruit residents from areas of concentrated poverty to serve on boards, committees, task forces and other local government decision-making bodies
- Catalyze leadership and future community wide decision-makers, including affirmative recruitment in hiring practices
- Leverage private investment for community revitalization, including philanthropic
- Expand access to community meetings, including addressing language barriers, meeting times

Protecting Existing Residents from Displacement comprises strategies that protects residents in areas of lower or moderate opportunity and concentrated poverty and preserves housing choices and affordability. Examples include:

- First right of return to existing residents and policies that include moving expenses
- Multi-lingual tenant legal counseling
- Affirmative marketing strategies or plans targeting nearby neighborhoods, a Disadvantaged Community or a Low-Income Community
- Replacement requirements in targeted growth areas such as transit stations, transit corridors, job and housing rich areas, downtowns and revitalization areas or policies on sites identified to accommodate the housing needs of lower income households
- Rent stabilization programs beyond what is required by California Civil Code 1946.2
- Just cause eviction or other efforts improving tenant stability beyond what is required by California Civil Code 1946.2
- Policies to preserve Single Room Occupancy (SRO) housing or mobilehome parks
- Condominium conversion restrictions
- Land banking programs actively receiving funding
- Community benefit zoning and/or other land value recapture strategy
- Rent review board and/or mediation, foreclosure assistance, or multilingual tenant legal counseling services
- Density bonus ordinances that expand on state replacement requirements
- Implementation of an overlay zone to protect and assist small businesses
- Establishment of a small business advocate office and single point of contact for every small business owner;
- Creation and maintenance of a small business alliance;
- Increased visibility of the jurisdiction's small business assistance programs;
- Formal program to ensure that some fraction of a jurisdiction's purchases of goods and services come from local businesses
- Prioritization of Minority and Women Business Enterprises (MWBE) for public contracting
- Environmental contamination mitigation and hazard mitigation measures such as seismic retrofits, flood adaptation measures, etc. to prevent displacement from disasters
- Eliminating crime-free or nuisance ordinances or programs that result in penalties to landlords and evictions of tenants

Sample Tables

Regional Comparisons

Population by Race/Ethnicity

	City		County		Region/State	
	2010	2018	2010	2018	2010	2018
White (Non-Hispanic)						
Hispanic/Latino						
Black or African American						
Native American						
Asian						
Native Hawaiian and Other Pacific Islander						
Other						
Two or More Races						

Population by Disability Type

	City		County		Region/State	
	2010	2018	2010	2018	2010	2018
Total with a Disability						
» Hearing Difficulty						
» Vision Difficulty						
» Cognitive Difficulty						
» Ambulatory Difficulty						
» Self-care Difficulty						
» Independent Living						

Source: XXXXXXXXX

Housing Units by Type

	City		County		Region/State	
	2010	2018	2010	2018	2010	2018
Single Family-Detached						
Single Family-Attached						
2-4 Units						
5+ Units						
Mobilehomes						
Other						

Source: XXXXXXXXXX

Population by Familial Status

	City		County		Region/State	
	2010	2018	2010	2018	2010	2018
Family Households						
» Married-Couple Family Households						
• With Children						
• Without Children						
» Other Family Households						
• With Children						
• Without Children						
Non-family Households						

Source: XXXXXXXXXX

Households by Income

	City		County		Region/State	
	2010	2018	2010	2018	2010	2018
Less than \$10,000						
\$10,000-\$14,999						
\$15,000-\$24,999						
\$25,000-\$34,999						
\$35,000-\$49,999						
\$50,000-\$74,999						
\$75,000-\$99,999						
\$100,000-\$149,999						
\$150,000-\$199,999						
\$200,000 or More						
Median Income						

Source: XXXXXXXXXX

Households by Overpayment

	City		County		Region/State	
	2010	2018	2010	2018	2010	2018
Owner Households (All Low Income Levels 0-80% AMI)						
Paying >30%						
Paying >50%						
Renter Households (All Low Income Levels 0-80% AMI)						
Paying >30%						
Paying >50%						
Owner Households (Extremely Low Income Levels 0-30% AMI)						
Paying >30%						
Paying >50%						
Renter Households (Extremely Low Income Levels 0-30% AMI)						
Paying >30%						
Paying >50%						

Source: XXXXXXXXXX

Households by Tenure

	City		County		Region/State	
	2010	2018	2010	2018	2010	2018
Owner Households						
Renter Households						
Total Households						

Source: XXXXXXXXXX

Households by Overcrowding

	City		County		Region/State	
	2010	2018	2010	2018	2010	2018
Owner Households						
» 1.01 to 1.50 occupants per room						
» 1.51 to 2.00 occupants per room						
» 2.01 or more occupants per room						
Renter Households						
» 1.01 to 1.50 occupants per room						
» 1.51 to 2.00 occupants per room						
» 2.01 or more occupants per room						
Total Households						

Source: XXXXXXXXXX

List of Fair Housing Assistance Organizations

Name	Service Area	Address	Phone	Website
California Department of Fair Employment and Housing	California	2218 Kausen Dr. Ste. 100 Elk Grove, CA 95758	916-478-7251	https://www.dfeh.ca.gov/
Greater Bakersfield Legal Assistance, Inc.	Kern County, CA	615 California Ave. Bakersfield, CA 93304	661-325-5943	http://www.gbla.org/
Fair Housing Council of Central California	Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Inyo, Kern, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, San Luis Obispo, Shasta, Siskiyou, Solano, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, Yuba	333 W. Shaw Ave. Ste. 14 Fresno, CA 93704	559-244-2950	http://www.fhc-cc.org/index.html
Mental Health Advocacy Services, Inc.	Los Angeles area	3255 Wilshire Blvd. Ste. 902 Los Angeles, CA 90010	213-389-2077	http://mhas-la.org/
Southern California Housing Rights Center	The City of Los Angeles, Los Angeles County, Antelope Valley, & Ventura County	3255 Wilshire Blvd. 1150 Los Angeles, CA 90010	213-387-8400	http://www.hrc-la.org/default.asp?id=6
Housing and Economic Rights Advocates	State of California	1814 Franklin St. Ste. 1040 Oakland, CA 94612	510-271-8443	http://www.heraca.org/
Bay Area Legal Aid	San Rafael, Napa, Richmond, Oakland, San Francisco, Redwood City, & San Jose	1735 Telegraph Ave. Oakland, CA 94612	510-663-4755	https://baylegal.org/

Bibliography

AFFH Rule and Assessments

Assembly Bill 686

California State Legislature. September 30, 2018 Bill text for California's Affirmatively Furthering Fair Housing law. HCD AB 686 Summary of Requirements in Housing Element Law Memorandum (April 2020)

Affirmatively Furthering Fair Housing: California's New Law (PDF)

National Housing Law Project. 2019. 2 pp.

Summarizes Assembly Bill 686, California's Affirmatively Furthering Fair Housing Law.

Affirmatively Furthering Fair Housing Final Rule (PDF)

Federal Register. 2015. 101 pp.

AFFH Rule Guidebook (PDF)

U.S. Dept of Housing and Urban Development (HUD). 2015. 222 pp.

California Department of Housing and Community Development Final 2020 Analysis of Impediments to Fair Housing Choice (PDF)

Executive Summary. June 2020. 10 pp.

California Department of Housing and Community Development Final 2020 Analysis of Impediments to Fair Housing Choice – Final AI 425 Chapter 13: Impediments to Fair Housing Choice (PDF)

June 2020. 9 pp.

Furthering Fair Housing

National Fair Housing Alliance

Summarizes the Obama administration's AFFH Rule and provides update on the rule change.

Furthering Fair Housing

Massachusetts Institute of Technology, Department of Urban Studies and Planning. This website provides a clearinghouse of assessments of fair housing completed during the implementation of the HUD AFFH Rule, sample goals, and articles detailing research on implementation of the HUD AFFH Rule and related topics.

Policy Objective: Affirmatively Furthering Fair Housing

Local Housing Solutions.

This web article provides suggestions for improving access to opportunity through place-based strategies, mobility strategies (including inclusionary zoning), and specific policies detailed in a housing policy toolkit.

National Housing Law Project (NHLP)

These resources provide context regarding the Obama administration's implementation of the 2015 federal AFFH rule.

- [AFFH Implementation: An Update for Advocates \(PDF\) 2016.](#)
- [AFFH Glossary \(PDF\) 2016.](#)
- [Assessment of Fair Housing Advocate Participation Checklist \(PDF\) 2016.](#)

Assessment of Fair Housing Plan (PDF)

City of Los Angeles & The Housing Authority of the City of Los Angeles.

Prepared by Enterprise Community Partners and the Lawyers Committee. Nov. 6, 2017. 434 pp.

NLIHC: Assessment Tools

National Low-Income Housing Coalition.

NLIHC makes available assessment tools from the Obama administration's AFFH rule. Included are Assessment Tools for Localities and PHAs as well as a Proposed Assessment Tool for States.

PRRAC: Affirmatively Furthering Fair Housing

Poverty & Race Research Action Council (PRRAC) provides multiple samples and tools for conducting an Analysis of Impediments/Assessment to Fair Housing Choice. Also includes background information on AFFH plus comment letters and news stories regarding the termination of the rule.

Preserving Community and Neighborhood Choice (PDF)

HUD. 2020. 57 pp.

This presents HUD's new rule, which replaces the 2015 Affirmatively Furthering Fair Housing rule, terminated by HUD in 2020.

Federal Guidance

Joint Statement of HUD and DOJ on State and Local Land Use Laws and Practices and the Application of the Fair Housing Act (PDF)

U.S. Dept. of Justice (DOJ). November 10, 2016. 20pp.

Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions (PDF)

HUD. April 4, 2016. 10 pp.

Joint Statement of HUD and DOJ on Reasonable Accommodations Under the Fair Housing Act (PDF)

HUD. May 17, 2004. 15 pp.

Fair Housing Enforcement – Occupancy Standards; Notice of Statement of Policy (PDF)

Federal Register. December 22, 1998. 7 pp.

Office of General Counsel Guidance on Fair Housing Act Protections for Persons with Limited English Proficiency (PDF)

HUD. September 15, 2016. 9 pp.

The guidance clarifies that discrimination against people in housing transactions based on the language they speak can be considered discrimination under the Fair Housing Act.

Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs; Final Rule

Federal Register. September 21, 2016.

Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity; Final Rule

Federal Register. February 3, 2012.

Olmstead: Community Integration for Everyone

DOJ, Civil Rights Division. Information and Technical Assistance on the Americans with Disabilities Act

This is an overview of the 1999 Supreme Court decision regarding Title II of the Americans with Disabilities Act. The decision requires states to place qualified people with mental disabilities in community settings rather than institutional ones.

Joint Statement of HUD and DOJ on Reasonable Modifications Under the Fair Housing Act (PDF)

HUD. March 5, 2008. 18 pp.

Joint Letter to Local Colleagues (PDF)

U.S. Departments of Education; Transportation; and Housing and Urban Development. June 3, 2016. 3 pp.

This joint letter calls on "local education, transportation, and housing leaders to work together on issues at the intersection of our respective missions in helping to guarantee full access to opportunity across the country." It lays out the original vision of the AFFH rule as being one of coordination among agencies that provide access to opportunity.

Data & Maps

CalEnviroScreen

California Office of Environmental Health Hazard Assessment.

This mapping tool helps identify California communities that are most affected by several sources of pollution.

California Health Interview Survey

University of California, Los Angeles, Center for Health Policy Research.

"The California Health Interview Survey (CHIS) is the nation's largest state health survey and a critical source of data on Californians as well as on the state's various racial and ethnic groups."

California Healthy Places Index

This site maps by zip code the following conditions: economic, education, housing, healthcare access, neighborhood, and clean environment.

California Neighborhood Change Maps

Urban Displacement Project. Text, data, and color-coded maps.

- [Mapping Displacement, Gentrification, and Exclusion in the San Francisco Bay Area](#) Updated in 2018.
- [Mapping Neighborhood Change in Southern California: Los Angeles, Orange, and San Diego Counties](#) Updated in 2020 with new layers reflecting COVID-19 vulnerabilities.

Data and Tools for Fair Housing Planning

Urban Institute. July 2020.

Provides downloadable files of Affirmatively Furthering Fair Housing data and guidelines pertaining to the 2015 rule, thus offering assistance for states still pursuing these goals.

Mapping Inequality: Redlining in New Deal America

University of Richmond Digital Scholarship Lab.

Provides historic Home Owners Loan Corporation (HOLC) maps that were color coded to reflect the mortgage security potential of various neighborhoods. These maps and their coding provided a tool for redlining that made it difficult or impossible for people in certain areas to access mortgage financing to become homeowners. The maps “allow and encourage you to grapple with this history of government policies contributing to inequality.”

National Equity Atlas

“America's most detailed report card on racial and economic equity. We equip movement leaders and policymakers with actionable data and strategies to advance racial equity and shared prosperity.”

Opportunity Insights: The Economic Tracker

Harvard University.

Data, research, and policy recommendations. “Our mission is to identify barriers to economic opportunity and develop scalable solutions that will empower people throughout the United States to rise out of poverty and achieve better life outcomes.” This data is currently focused on the economic impacts of the COVID-19 pandemic.

TCAC/HCD Opportunity Maps - California

HCD, Treasurer of the State of California | California Tax Credit Allocation Committee, and The Institute of Othering and Belonging, U.C. Berkeley.

PolicyMap

PolicyLink. 2017.

Uses 2010 Census to map a variety of measurements, including demographics, income, and housing.

Race Counts

Race Counts measures the overall performance, amount of racial disparity, and impact by population size of counties and cities in California.

Urban Displacement Project

Articles, reports, and policy briefs; gentrification and displacement maps of several metropolitan areas; UCLA and UC Berkeley case studies of Los Angeles and San Francisco Bay Area neighborhoods.

Using Data to Assess Fair Housing and Improve Access to Opportunity: A Guidebook for Community Organizations (PDF)

L. Hendey & M. Cohen. Urban Institute. 2017. 64 pp.

Videos

Affirmatively Furthering Fair Housing in California: Prioritizing Fair Housing Goals in Planning for the State's Housing Needs

(Opens to page with embedded recording of Webinar. Run time: 1 hour 27 min.)

Terner Center for Housing Innovation, U.C. Berkeley. 2020.

Webinar panel discussion featuring Gillian Adams, Arthur Gailes, and Annelise Osterberg, moderated by Terner Center Managing Director Ben Metcalf, with opening remarks by HCD's Director, Gustavo Velasquez.

Segregated by Design

M. Lopez, Director. Silkwood Studios. 2019. Run time: 17 min. 42 sec.

This animated video, narrated by Richard Rothstein, "examines the forgotten history of how our federal, state and local governments unconstitutionally segregated every major metropolitan area in America through law and policy."

Books

The Color of Law: A Forgotten History of How Our Government Segregated America

R. Rothstein. New York: Liveright Publishing Corp., 2017. 345 pp.

Examines the historical segregation of housing due to governmental policies and real estate and mortgage industry practices. Analyzes the impact this has on neighborhoods today regarding environmental justice and access to quality schools, public transportation, jobs, parks, and other opportunities.

The One-way Street of Integration: Fair Housing and the Pursuit of Racial Justice in American Cities.

E.G. Goetz. Ithaca, NY: Cornell University Press, 2018. 228 pp.

From the bookseller's website: "Goetz traces the tensions involved in housing integration and policy to show why he doesn't see the solution to racial injustice as the government moving poor and nonwhite people out of their communities."

Race for Profit: How Banks and the Real Estate Industry Undermined Black Homeownership

Keeanga-Yamahtta Taylor. Chapel Hill: University of North Carolina Press, 2019. 368 pp.

From the publisher's website: "Race for Profit uncovers how exploitative real estate practices continued well after housing discrimination was banned. The same racist structures and individuals remained intact after redlining's end, and close relationships between regulators and the industry created incentives to ignore improprieties."

Segregation by Design: Local Politics and Inequality in American Cities

J. Trounstein. Cambridge: Cambridge University Press, 2018. 277 pp.

From the publisher's website: "Segregation by Design draws on more than 100 years of quantitative and qualitative data from thousands of American cities to explore how local governments generate race and class segregation."

Research Articles & Reports

Affirmatively Furthering Fair Housing: A Reckoning with Government-Sponsored Segregation in the 21st Century

(Links to page with free PDF download.)

S. Menendian. National Civic Review 106(3): 20-27. 2017.

Affirmatively Furthering Fair Housing for People with Disabilities: Recommendations and Best Practices for Municipalities (PDF)

A. Ballard. Access Living of Metropolitan Chicago. n.d.

This 18-slide presentation defines barriers to housing for people with disabilities and provides solutions.

"Affirmatively Further Fair Housing: California's Response to a Changing Federal Landscape"

R. Williams. Journal of Affordable Housing & Community Development Law 28(3): 387-396. 2019.

America's Formerly Redlined Neighborhoods Have Changed, and So Must Solutions to Rectify Them

(Links to page with button for free PDF download.)

A.M. Perry & D. Harshbarger. Brookings. 2019. 20 pp.

The population currently living in what were once HOLC "redlined" neighborhoods is majority-BI-POC but not majority-Black, and, contrary to conventional perceptions, Black residents also do not form a plurality in these areas overall.

Antisubordination Planning

(Links to page with full-text download.)

J. Steil. Journal of Planning Education and Research. 2018.

"Beyond People Versus Place: A Place-Conscious Framework for Investing in Housing and Neighborhoods"

M.A. Turner. Housing Policy Debate 27(2), 306-314. 2017.

This paper offers five principles for ongoing experimentation and knowledge building: (a) develop citywide strategies that promote both inclusion and redevelopment; (b) anticipate and plan for residential mobility and neighborhood change; (c) connect residents of poor neighborhoods to city and regional opportunities; (d) capitalize on the coming rental housing boom; and (e) use data for continuous learning and accountability.

Building a National Narrative of Anti-Displacement Strategies: Key Takeaways From SPARC-CC Regions

Cash, Anna, et al. Urban Displacement Project. University of California, Berkeley.

This article reviews recent gentrification and displacement literature, outlines the need for a broader neighborhood change narrative that acknowledges the role of cultural and political displacement as well as neighborhood decline in perpetuating diverse impacts in vulnerable communities. The article presents cross-site themes that emerged during site visits in dialogue with recent literature and policy initiatives focused on investment and disinvestment driven displacement, race and displacement, access to resources in communities receiving displaced residents, and the impact of climate change on neighborhoods. Finally, the article draws upon lessons from the sites to offer a national narrative of anti-displacement approaches for action across local, regional, state, and national levels.

Creating Moves to Opportunity: Experimental Evidence on Barriers to Neighborhood Choice (PDF)

P. Bergman, R. Chetty, S. DeLuca, N. Hendren, L. F. Katz, & C. Palmer. 2020. 97 pp.

The authors conclude that redesigning affordable housing policies to provide customized assistance in a housing search could reduce residential segregation and increase upward mobility substantially.

Developing Opportunity: Innovative Models for Strategic Housing Acquisition (PDF)

P. Kye, M. Mouton & M. Haberle. Poverty & Race Research Action Council. 2018. 26 pp.

New initiatives provide pathways to mobility and create affordable housing by acquiring existing market-rate housing in areas of high opportunity. Authors detail programs and provide examples from Baltimore, Dallas, Chicago, and King County, Washington.

Disparate Impact and an Antisubordination Approach to Civil Rights and Urban Policy (PDF)

J. Steil. Poverty & Race 28(2). 2019.

The Effects of the 1930s HOLC "Redlining" Maps

D. Aaronson, D. Hartley & B. Mazumder. Federal Reserve Bank of Chicago. 2020. 100 pp.

This working paper, begun in 2017 and revised in 2020, examines "the effects of the 1930s-era HOLC 'redlining' maps on the long-run trajectories of neighborhoods."

Fair Housing in Jeopardy: Trump Administration Undermines Critical Tools for Achieving Racial Equity (PDF)

National Fair Housing Alliance. 2020. 87 pp.

Annual Fair Housing Trends report.

Forced Relocation and Residential Instability Among Urban Renters.

Desmond, M., Gershenson, C., & B. Kiviat. Social Science Review 89(2). 237-262. 2015.

From the abstract: This article reveals mechanisms of residential mobility among low-income renters, identifies previously undocumented consequences of forced displacement, and develops a more comprehensive model of residential instability and urban inequality.

The Geography of Inequality: How Land Use Regulation Produces Segregation (PDF)

J. Trounstein. American Political Science Review 114(2): 443-455. 2020.

From the abstract: "I provide evidence that more stringent land use regulations are supported by whiter communities and that they preserve racial homogeneity."

Home Equity: A Vision of Housing Security, Health and Opportunity (PDF)

Colorado Health Institute. 2019. 56 pp.

This paper explores the interdependence of health outcomes; healthful, quality housing; and access to better schools, jobs, and other opportunities. It offers multiple strategies for change.

HUD's Affirmatively Furthering Fair Housing Rule: A Contribution and Challenge to Equity Planning for Mixed Income Communities (PDF)

K.M. O'Regan & K. Zimmerman. Case Western Reserve University. 2020. 23 pp.

From the abstract: "This essay explains the framework and theory behind the rule, and how a rule aimed at overcoming racial segregation can support the creation and preservation of mixed-income communities. ...We conclude with a discussion of implications for action (or at least attention) with respect to the rule, particularly with respect to mixed-income strategies."

Making Every Neighborhood a Place of Opportunity: 2018 Fair Housing Trends Report (PDF)

Shanti Abdein et al. National Fair Housing Alliance. 2018. 100 pp.

From the abstract: "If everyone had access to affordable housing, fair credit, a good school, healthy food, a decent job, green space, and quality health care, how would our nation and our economy look then? How do we ensure that future generations of all backgrounds live in neighborhoods rich with opportunity? Fair housing."

Neighborhoods for All: Expanding Housing Opportunity in Seattle's Single-Family Zones (PDF)

City of Seattle, Planning Commission. 2018. 52 pp.

This white paper presents Seattle's strategies for increasing access to affordable housing, transportation, and jobs for those living outside of the urban core.

A Place-Conscious Approach Can Strengthen Integrated Strategies in Poor Neighborhoods

M.A. Turner. Brookings. 2015. 7 pp.

This short article is the forerunner of Turner's Housing Policy Debate piece, above.

Place and Opportunity: Using Federal Fair Housing Data to Examine Opportunity across US Regions and Populations (PDF)

R. Gourevitch, S. Greene, and R. Pendall. Urban Institute. 2018. 24 pp.

This research brief highlights new connections between place and access to opportunity across regions and populations. The authors analyze data on neighborhood-level exposure to opportunity that the U.S. Department of Housing and Urban Development originally released in 2015 to help local communities reduce segregation and comply with the Fair Housing Act.

Pricing Roads, Advancing Equity (PDF)

TransForm. 2019. 64 pp.

Fair housing and access to opportunity are advanced when efficient, affordable transportation is available.

Promoting Opportunity through Equitable Transit-Oriented Development (eTOD): Navigating Federal Transportation Policy (PDF)

A. Abu-Khalaf. Enterprise Community Partners. 2018. 28 pp.

This report provides stakeholders involved in achieving eTOD guidance on understanding and benefitting from federal transportation policies and programs.

Promoting Opportunity through Equitable Transit-Oriented Development (eTOD): Barriers to Success and Best Practices for Implementation

(Links to page where full-text article is available via the Open Resource button.)

M. Spotts. Enterprise Community Partners. 2015. 74 pp.

This report demonstrates that numerous barriers inhibit low- and moderate-income families' ability to find housing in communities with access to robust, multi-modal transportation options. The report also makes recommendations for overcoming those barriers and highlights numerous best practices from regions across the U.S.

Promoting Opportunity through Equitable Transit-Oriented Development (eTOD): Making the Case

(Links to page where full-text article is available via the Open Resource button.)

J. Hersey & M. Spotts. Enterprise Community Partners. 2015. 21 pp.

Equitable transit-oriented development (eTOD) is one tool to ensure that high-opportunity neighborhoods are inclusive despite the property value increases that often result from such investments.

Racial Disparities in Home Appreciation: Implications of the Racially Segmented Housing Market for African Americans' Equity Building and the Enforcement of Fair Housing Policies

M. Zonta. Center for American Progress. 2019. 39 pp.

"Segregation and racial disparities in home appreciation put African Americans at a disadvantage in their ability to build equity and accumulate wealth."

Removing Barriers to Accessing High-Productivity Places (PDF)

D. Shoag. The Hamilton Project: Policy Proposal 2019-02. 2019. 30 pp.

Workers without a college education are moving away from the places that offer them the highest wages and their children the best later-life outcomes. The author offers strategies that policymakers at various levels of government can use to combat this relatively new problem, including case studies of cities that have successfully expanded access at the local level.

Segregation and Neighborhood Health

J. Richardson et al. NCRC. 2020. 50 pp.

"This report examined [historically] redlined areas and how they are associated with adverse public health outcomes for a range of diseases and conditions that make people particularly susceptible to the worst effects of COVID-19."

Supply Skepticism: Housing Supply and Affordability

Been, V., Ingrid, E., & K. O'Regan. Housing Policy Debate 29(1), 25-40. 2019.

From the abstract: "Growing numbers of affordable housing advocates and community members are questioning the premise that increasing the supply of market-rate housing will result in housing that is more affordable. This article is meant to bridge the divide, addressing each of the key arguments supply skeptics make and reviewing what research has shown about housing supply and its effect on affordability."

"Survival of the Fairest: Examining HUD Reviews of Assessments of Fair Housing"

J.P. Steil & N. Kelly. Housing Policy Debate 29(5), 736-751. 2019.

From the abstract: "Our analysis shows that HUD engaged in detailed reviews of municipalities' Assessments of Fair Housing and provided constructive feedback. The most common issues with which municipalities struggled were setting realistic goals that would actually advance fair housing and creating measurable metrics and milestones to gauge progress."

What Would It Take to Ensure Quality, Affordable Housing for All in Communities of Opportunity? (PDF)

M.A. Turner, S. Greene, C. P. Scally, K. Reynolds & J. Choi. Urban Institute. 2019. 40 pp.

If everyone could afford quality housing, and every neighborhood offered a diversity of housing options, people up and down the income ladder could enjoy housing security and build wealth through homeownership. Achieving this calls for bold action at all levels of government and in the private and nonprofit sectors.

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State Housing and Community Development Department | **Housing Policy Division**



Original General Plan Schedule

GENERAL PLAN ELEMENT TIMELINE

The General Plan Update will take place over a two-year period with four phases from late 2019 through June 2022.

