COUNCILMEMBERS
Melissa Hernandez, Mayor
Jean Josey, Vice Mayor
Shawn Kumagai, Councilmember
Dr. Sherry Hu, Councilmember
Michael McCorriston, Councilmember

CELEBRATING 40 YEARS 1982 – 2022 DUBLIN CALIFORNIA

City Council Chamber
Dublin Civic Center
100 Civic Plaza
Dublin, CA 94568
www.dublin.ca.gov

Regular Meeting of the

DUBLIN CITY COUNCIL

Tuesday, May 3, 2022

Location: City Council Chamber
100 Civic Plaza
Dublin, CA 94568

CLOSED SESSION 5:30 PM
REGULAR MEETING 7:00 PM

Pursuant to AB 361, the City is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public, without making available any physical location for the public.

Additional Meeting Procedures Available During the COVID-19 Pandemic

This City Council meeting will be broadcast live on Comcast T.V. channel 28 beginning at 7:00 p.m. This meeting will also be livestreamed at www.tv30.org and on the City's website at: https://dublin.ca.gov/ccmeetings

Members of the public who wish to participate in the meeting electronically have the option of giving public comment via Zoom, subject to the following procedures:

• Fill out an online speaker slip available at www.dublin.ca.gov. The speaker slip will be made available at 10:00 a.m. on Tuesday, May 3, 2022. Upon submission, you will receive Zoom link information from the City Clerk. Speakers slips will be accepted until the staff presentation on an agenda item ends, or until the public comment period on non-agenda items is closed.

• Once connected to the Zoom platform using the Zoom link information from the City Clerk, the public speaker will be added to the Zoom webinar as an attendee and muted. The speaker will be able to observe the meeting from the Zoom platform.

• When the agenda item upon which the individual would like to comment is addressed, the City Clerk will announce the speaker in the meeting when it is their time to give public comment. The speaker will then be unmuted to give public comment via Zoom.

CLOSED SESSION

I. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of Section 54956.9: 1 case
Facts and circumstances: April 19, 2022 Letter from Rosel Trolan to City Clerk

II. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Significant Exposure to Litigation Pursuant to Paragraph (2) or (3) of Subdivision (d) of Section 54956.9: 1 case

III. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

IV. CONFERENCE WITH LABOR NEGOTIATORS
Agency Designated Representatives: Vice Mayor Josey and Councilmember McCorriston
Unrepresented Employee: City Manager

V. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: Approximately 8,118 square feet of right-of-way adjacent to Dublin Boulevard at the intersection of Inspiration Drive
Agency Negotiator: Linda Smith, City Manager
Negotiating Parties: Valley Christian Center
Under Negotiation: Price and terms of payment

VI. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: Portion of Alameda County Assessor's Parcel No. 941-1560-007-01 (11805 Dublin Blvd)
Agency Negotiator: Linda Smith, City Manager
Negotiating Parties: US Bank National Association
Under Negotiation: Price and terms of payment

REGULAR MEETING

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. REPORT ON CLOSED SESSION

3. ORAL COMMUNICATIONS

3.1 Recognition of Sue Compton, Chief Executive Officer of Axis Community Health
The City Council will recognize Sue Compton for her contributions to Dublin and the greater Tri-Valley region as the Chief Executive Officer of Axis Community Health.
STAFF RECOMMENDATION:
Present the Certificate of Recognition.
Staff Report
Attachment 1 - Certificate of Recognition - Sue Compton

3.2 Correctional Workers Week Proclamation

The City Council will present the Correctional Workers Week Proclamation in the City of Dublin.

STAFF RECOMMENDATION:

Present the proclamation.

Staff Report

Attachment 1 - Correctional Workers Week Proclamation

3.3 Recognition of Camp Parks' Sea Cadets Programs

The City Council will recognize the cadets of the Rear Admiral C.W. Parks Battalion U.S. Naval Sea Cadet Corps / Training Ship Pampanito Navy League Cadet Corps.

STAFF RECOMMENDATION:

Recognize the cadets.

Staff Report

3.4 Public Comment

At this time, the public is permitted to address the City Council on non-agendized items. Please step to the podium and clearly state your name for the record. COMMENTS SHOULD NOT EXCEED THREE (3) MINUTES. In accordance with State Law, no action or discussion may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may request Staff to report back at a future meeting concerning the matter. Any member of the public may contact the City Clerk's Office related to the proper procedure to place an item on a future City Council agenda. The exceptions under which the City Council MAY discuss and/or take action on items not appearing on the agenda are contained in Government Code Section 54954.2(b)(1)(2)(3).

4. CONSENT CALENDAR

Consent Calendar items are typically non-controversial in nature and are considered for approval by the City Council with one single action. Members of the audience, Staff or the City Council who would like an item removed from the Consent Calendar for purposes of public input may request the Mayor to remove the item.

4.1 Approval of the April 19, 2022 Regular City Council Meeting Minutes

The City Council will consider approval of the minutes of the April 19, 2022 Regular City Council Meeting.

STAFF RECOMMENDATION:

Approve the minutes of the April 19, 2022 Regular City Council Meeting.

Staff Report

Attachment 1 - April 19, 2022 Regular City Council Meeting Minutes

4.2 Two-Year Strategic Plan Quarterly Update

The City Council will receive a status update on the City's Two-Year Strategic Plan.

STAFF RECOMMENDATION:

Receive the report.

Staff Report

4.3 Authorizing Remote Meetings of City Council and City Commissions Due to Increase in COVID-19 Cases

From March 2020 through September 2021, the City conducted meetings of its legislative bodies remotely pursuant to various executive orders that suspended certain Brown Act provisions. In October, the City returned to in- person meetings and at the same time

state law changed to require certain findings to be made for an agency to meet remotely. Under the new law, AB 361, the City can conduct virtual meetings where the Governor has proclaimed a State of Emergency and state or local health officials have imposed or recommended social distancing or where the City Council has declared the need to meet remotely due to imminent risks to the health or safety of attendees. On January 11, 2022, the City Council adopted a resolution pursuant to AB 361 authorizing remote teleconferenced meetings for a 30 day period ending February 10, 2022. Due to the current increase in cases resulting from the Omicron variants, it would be prudent for the City Council and City Commissions to have the ability to attend meetings virtually for at least the next 30 days. The City Council will consider adopting a resolution that would allow for virtual attendance for the next 30 days.

STAFF RECOMMENDATION:

Adopt the **Resolution** Finding That There is a Proclaimed State of Emergency; Finding That Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees as a Result of the State of Emergency; and Authorizing Remote Teleconferenced Meetings of the Legislative Bodies of the City of Dublin Pursuant to AB 361.

Staff Report

Attachment 1 - Resolution Finding That There is a Proclaimed State of Emergency; Finding That Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees as a Result of the State of Emergency

5. WRITTEN COMMUNICATION – None.

6. PUBLIC HEARING

6.1 Proposed Amendment to East Ranch Vesting Tentative Tract Map Conditions of Approval Pursuant to the Housing Accountability Act (PLPA-2020-00028)

The Applicant, Trumark Companies, submitted a request to modify Condition of Approval Nos. 6 and 7 of Resolution No. 140-21 adopted by the City Council on December 7, 2021, approving Vesting Tentative Tract Map No. 8563 and a Heritage Tree Removal Permit for the East Ranch project and to correspondingly amend the text of Ordinance No. 11-21 that had been incorporated by reference into Resolution No. 140-21. The request was submitted pursuant to the Housing Accountability Act (Government Code Section 65589.5) and proposes to amend these conditions to comply with the objective standards of the City's Inclusionary Zoning Regulations. The East Ranch project includes development of a 165.5-acre site with a 573-unit residential project consisting of six neighborhoods, two neighborhood parks totaling 11.5 acres, and a two-acre Public/Semi-Public site.

STAFF RECOMMENDATION:

Conduct a public hearing, deliberate, and adopt the **Resolution** Approving an Amendment to Condition of Approval Nos. 6 and 7 of Resolution No. 140-21 Approving Vesting Tentative Tract Map No. 8563 and a Heritage Tree Removal Permit for the East Ranch Project.

Staff Report

Attachment 1 - Resolution Approving an Amendment to Condition of Approval Nos. 6 and 7 of Resolution No. 140-21 Approving Vesting Tentative Tract Map No. 8563 and a Heritage Tree Removal Permit for the East Ranch Project

Attachment 2 - Trumark Letter Requesting Modifications to Conditions of Approval
Item 6.1 PowerPoint Presentation
SB 343

7. UNFINISHED BUSINESS – None.

8. NEW BUSINESS

8.1 Business Recovery Playbook

The City Council will receive a report on the Business Recovery Playbook, a post-pandemic strategic action plan to support Dublin businesses. The Business Recovery Playbook assesses the current business climate, builds upon current efforts, and implements new strategies.

STAFF RECOMMENDATION:

Receive the report on the Business Recovery Playbook.

Staff Report
Attachment 1 - Business Recovery Playbook
Item 8.1 PowerPoint Presentation

9. OTHER BUSINESS

Brief information only reports from City Council and/or Staff, including committee reports and reports by City Council related to meetings attended at City expense (AB1234).

10. ADJOURNMENT

This AGENDA is posted in accordance with Government Code Section 54954.2(a)

If requested, pursuant to Government Code Section 54953.2, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation, please contact the City Clerk's Office (925) 833-6650 at least 72 hours in advance of the meeting.

Mission

The City of Dublin promotes and supports a high quality of life, ensures a safe and secure environment, fosters new opportunities, provides equity across all programs, and champions a culture of diversity and inclusion.

Agenda Item 3.1

STAFF REPORT

CITY COUNCIL

DATE: May 3, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Recognition of Sue Compton, Chief Executive Officer of Axis Community Health

Prepared by: John Stefanski, Assistant to the City Manager

EXECUTIVE SUMMARY:

The City Council will recognize Sue Compton on her retirement and for her contributions to Dublin and the greater Tri-Valley region as the Chief Executive Officer of Axis Community Health.

STAFF RECOMMENDATION:

Present the Certificate of Recognition.

FINANCIAL IMPACT:

None.

DESCRIPTION:

Sue Compton was appointed Chief Executive Officer of Axis Community Health in 2007 following a long tenure serving the organization in various roles. As CEO, Compton successfully expanded Axis from two locations providing primary care medicine, mental health counseling, and the Women, Infants, and Children (WIC) nutrition program to five locations serving 15,000 Tri-Valley residents with expanded services including dental, acupuncture, and chiropractic.

Under her leadership, Axis opened a $12 million medical clinic in Pleasanton as well as its first dental clinic in Dublin. Compton was instrumental in developing the innovative Axis Bridge, a mental health urgent care service formed in partnership with Alameda County and the Cities of Dublin, Livermore, and Pleasanton. Axis Bridge opened in July 2021 and provides rapid access to mental health services and treatment.

Compton's leadership and career with Axis Community Health has made a lasting, positive impact

on the health and well-being of the residents of Dublin and the Tri-Valley region. The City Council will recognize her for her upcoming retirement and for these contributions.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

1) Certificate of Recognition – Sue Compton

CERTIFICATE OF RECOGNITION

Given to

SUE COMPTON

For your contributions to the City of Dublin and greater Tri-Valley Region as the Chief Executive Officer of Axis Community Health, all of which have made a lasting, positive impact on the health and well-being of the residents of Dublin and the Tri-Valley region. We congratulate you on your retirement!

Presented by the

City Council of the City of Dublin

Dated: May 3, 2022

_____
Mayor Melissa Hernandez

_____
Vice Mayor Jean Josey

_____
Councilmember Sherry Hu

_____
Councilmember Shawn Kumagai

_____
Councilmember Michael McCorriston

Agenda Item 3.2

STAFF REPORT

CITY COUNCIL

DATE: May 3, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Correctional Workers Week Proclamation
Prepared by: Cierra Fabrigas, Executive Aide

EXECUTIVE SUMMARY:

The City Council will present the Correctional Workers Week Proclamation in the City of Dublin.

STAFF RECOMMENDATION:

Present the proclamation.

FINANCIAL IMPACT:

None.

DESCRIPTION:

The City Council will present the Correctional Workers Week Proclamation for the week of May 1 – 7, 2022.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

1) Correctional Workers Week Proclamation

A PROCLAMATION OF THE CITY COUNCIL
CITY OF DUBLIN, CALIFORNIA

"Correctional Workers Week"
May 1-7, 2022

WHEREAS, since 1984, the first week of May has been recognized as National Correctional Workers Week; and

WHEREAS, correctional officers and workers are trained law enforcement professionals dedicated to maintaining safe correctional facilities and ensuring the public safety; and

WHEREAS, correctional facilities across the U.S., civilian and military, public, private, adult and juvenile, are run by highly qualified and experienced individuals with a deep understanding of the challenges within the profession; and

WHEREAS, correctional officers and employees undergo significant education and training and are resourceful, capable, and committed, patient, and persistent professionals in criminal justice; and

WHEREAS, correctional officers and employees serve admirably in a many different capacities, including jail administrators, wardens, chaplains, nurses, supervisors, social workers, teachers, managers and directors; and

WHEREAS, correctional officers and employees teach, train, mentor, counsel, and treat thousands of offenders; and

WHEREAS, correctional officers and employees rise to meet any challenge and serve this honorable profession nobly and admirably.

NOW, THEREFORE, BE IT RESOLVED that the Dublin City Council does hereby proclaim May 1-7, 2022 as "Correctional Workers Week" in the City of Dublin and publicly recognizes the service of the correctional officers in our community at the Federal Correctional Institute – Dublin and in communities across the country.

DATED: May 3, 2022

Mayor Melissa Hernandez

Vice Mayor Jean Josey

Councilmember Sherry Hu

Councilmember Shawn Kumagai

Councilmember Michael McCorriston

Agenda Item 3.3

STAFF REPORT

CITY COUNCIL

DATE: May 3, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Recognition of Camp Parks' Sea Cadets Program
Prepared by: Cierra Fabrigas, Executive Aide

EXECUTIVE SUMMARY:

The City Council will recognize the cadets of the Rear Admiral C.W. Parks Battalion U.S. Naval Sea Cadet Corps / Training Ship Pampanito Navy League Cadet Corps.

STAFF RECOMMENDATION:

Recognize the cadets.

FINANCIAL IMPACT:

None.

DESCRIPTION:

The U.S. Naval Sea Cadet Corps is a non-profit youth program for Americans ages 10 through 17, composed of more than 380 units in 38 states, Guam, and Puerto Rico. This organization provides compelling, life-changing programs that instill the values of teamwork, discipline, camaraderie, and service through its passionate all-volunteer force and its partnerships with the nation's armed forces. Each year, the most deserving cadets of the Rear Admiral C. W. Parks Battalion U.S. Naval Sea Cadet Corps / Training Ship Pampanito Navy League Cadet Corps are honored with a number of awards that distinguish them for modelling good citizenship and reflect their commitment to serving to our country.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

None.

Agenda Item 4.1

STAFF REPORT

CITY COUNCIL

DATE: May 3, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Approval of the April 19, 2022 Regular City Council Meeting Minutes
Prepared by: Marsha Moore, MMC, City Clerk

EXECUTIVE SUMMARY:

The City Council will consider approval of the minutes of the April 19, 2022 Regular City Council Meeting.

STAFF RECOMMENDATION:

Approve the minutes of the April 19, 2022 Regular City Council Meeting.

FINANCIAL IMPACT:

None.

DESCRIPTION:

The City Council will consider approval of the minutes of the April 19, 2022 Regular City Council Meeting.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

1) April 19, 2022 Regular City Council Meeting Minutes

MINUTES OF THE CITY COUNCIL OF THE CITY OF DUBLIN

Regular Meeting: April 19, 2022

The following are minutes of the actions taken by the City of Dublin City Council. A full video recording of the meeting with the agenda items indexed and time stamped is available on the City's website at: https://dublin.ca.gov/ccmeetings

CLOSED SESSION 6:30 PM

I. CONFERENCE WITH LABOR NEGOTIATOR
Agency Designated Representatives: Vice Mayor Josey and Councilmember McCorriston
Unrepresented Employee: City Manager

REGULAR MEETING 7:00 PM

REGULAR MEETING

A Regular Meeting of the Dublin City Council was held on **Tuesday, April 19, 2022**, in the City Council Chamber. The meeting was called to order at 7:00 PM., by Mayor Hernandez.

1) CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Attendee Name	Status
Melissa Hernandez, Mayor	Present
Jean Josey, Vice Mayor	Present
Shawn Kumagai, Councilmember	Present
Michael McCorriston, Councilmember	Present
Dr. Sherry Hu, Councilmember	Present

2) REPORT ON CLOSED SESSION

Mayor Hernandez reported there was no reportable action in Closed Session.

DRAFT

3) ORAL COMMUNICATIONS

3.1) Recognition of the Altamont Cruisers Car Club and the Bilich Family for their Donations to Dublin Police Services

The City Council recognized the Altamont Cruisers Car Club and the Bilich Family for their recent donations of $1,400 and $1,000, respectively. The donations will be used for operating supplies and training for the Crime Prevention Unit.

3.2) Victims' Rights Week Proclamation

The City Council presented the Victims' Rights Week Proclamation to Senior Victim Advocate Lindsay Reynolds from Alameda County District Attorney's Office.

3.3) Public Comment

Devki Patel provided public comment.

4) CONSENT CALENDAR

4.1) Approved the April 5, 2022 Special and Regular City Council Meeting Minutes.

4.2) Adopted Resolution No. 31-22 titled, "Approving Agreements with Stoneridge Chrysler Jeep Dodge and Walnut Creek Chrysler Jeep Dodge Ram for On-Call Vehicle Maintenance and Repair Services."

4.3) Adopted Resolution No. 32-22 titled, "Authorizing the Purchase of One Marked Police Vehicle from Dublin Chevrolet and Declaring Replaced Vehicles as Surplus Property."

4.4) Adopted Resolution No. 33-22 titled, "Approving the Two-Year Strategic Plan for Fiscal Years 2022-23 and 2023-24."

4.5) Adopted Resolution No. 34-22 titled, "Authorizing the Purchase of Public Litter Receptacles from Clean River Recycling Solutions and Delegating Authority for Future Receptacle Purchases."

4.6) Received a listing of payments issued from March 1, 2022 - March 31, 2022 totaling $9,257,889.28.

4.7) Adopted Resolution No. 35-22 titled, "Endorsing the Alameda County Home Together 2026 Implementation Plan to Address Homelessness."

4.8) Approved the following proclamations for the month of May in the City of Dublin: Affordable Housing Week, Asian American and Pacific Islander Heritage Month, Bike

Month and Bike to Wherever Day, Building Safety Month, Foster Care Month, Jewish American Heritage Month, Lupus Awareness Month, Mental Health Awareness Month, Public Works Week, Older Americans Month, Physical Fitness and Sports Month, and Small Business Week.

4.9) Adopted Resolution No. 36-22 titled, "Approving the Consulting Services Agreement Between the City of Dublin and EOA, Inc. for Stormwater NPDES Implementation Assistance."

4.10) Waived the second reading and adopted Ordinance No. 04-22 titled, "Ordinance Amending Dublin Municipal Code Sections 2.08.020 and 2.08.040 Providing for an Increase in the Salary for Members of the City Council and Mayor."

RESULT:	**ADOPTED [UNANIMOUS]**
MOVED BY:	Jean Josey, Vice Mayor
SECOND:	Shawn Kumagai, Councilmember
AYES:	Hernandez, Josey, Kumagai, McCorriston, Hu

5) WRITTEN COMMUNICATION – None.

6) PUBLIC HEARING

6.1) Dublin Districts—Public Hearing 1: Program Overview and Community Feedback Opportunity

The City Council received a presentation regarding transitioning from an At-Large Election System to a District-Based Election System. Pursuant to Elections Code section 10010, the City is required to hold at least two public hearings over a period of no more than 30 days before any map or maps of the boundaries for the proposed voting districts are drawn. Representatives from Tripepi Smith and National Demographics Corporation provided a brief presentation, prior to the public hearing, to detail the map drawing process and community outreach strategy.

The City Council asked clarifying questions and directed Staff to hold an in-person community meeting in place of the second virtual community meeting.

Mayor Hernandez opened the public hearing.

Jennifer Situ provided public comment.

Matthew Aini provided public comment.

Mayor Hernandez closed the public hearing.

7) UNFINISHED BUSINESS - None

8) NEW BUSINESS

8.1) City of Dublin Fiscal Year 2022-23 Human Services Grant Program Funding Recommendations

The City Council received a presentation regarding the Human Services Grant Program and funding allocation for Fiscal Year 2022-23.

On a motion by Vice Mayor Josey, seconded by Councilmember McCorriston, and by unanimous vote the City Council adopted the Resolution No. 37-22 titled, "Approving Funding Recommendations for Fiscal Year 2022-23 Human Services Grant Program," and directed Staff to work with the Human Services Commission to review program parameters and make a recommendation to the City Council on additional funding criteria.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVED BY:	Jean Josey, Vice Mayor
SECOND:	Michael McCorriston, Councilmember
AYES:	Hernandez, Josey, Kumagai, McCorriston, Hu

8.2) 2022 Parks and Recreation Master Plan

The City Council received a presentation regarding an update to the Parks and Recreation Master Plan that addresses current community conditions and demands for parks and facilities.

On a motion by Councilmember Kumagai, seconded by Vice Mayor Josey, and by unanimous vote the City Council adopted Resolution No. 38-22 titled, "Considering A CEQA Addendum and Adopting the 2022 Parks and Recreation Master Plan."

RESULT:	**ADOPTED [UNANIMOUS]**
MOVED BY:	Shawn Kumagai, Councilmember
SECOND:	Jean Josey, Vice Mayor
AYES:	Hernandez, Josey, Kumagai, McCorriston, Hu

9) OTHER BUSINESS

The City Council and Staff provided brief information only reports, including committee reports and reports by City Council related to meetings attended at City expense (AB1234).

By consensus, the City Council asked Staff to bring a resolution to the next meeting to adopt AB361.

10) ADJOURNMENT

Mayor Hernandez adjourned the Regular meeting at 10:00 p.m.

_____
Mayor

ATTEST:

_____
City Clerk

Agenda Item 4.2

STAFF REPORT

CITY COUNCIL

DATE: May 3, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Two-Year Strategic Plan Quarterly Update
Prepared by: John Stefanski, Assistant to the City Manager

EXECUTIVE SUMMARY:

The City Council will receive a status update on the City's Two-Year Strategic Plan.

STAFF RECOMMENDATION:

Receive the report.

FINANCIAL IMPACT:

None.

DESCRIPTION:

The City Council adopted the City's Two-Year Strategic Plan on May 5, 2020. This Plan sets the overall direction for the City, guiding resources and setting specific objectives to drive City action. The Plan coincides with Fiscal Years 2020-21 and 2021-22.

This report represents the seventh of eight quarterly Strategic Plan updates, covering the period of January 1, 2022, through March 31, 2022. Updates for the strategies and objectives are provided below:

Strategy 1: Implement the City's Adopted Preferred Vision for Downtown Dublin.		
	Objective	**Update**
A	Make necessary land use changes.	**Complete.** On July 21, 2020, the City Council adopted amendments to the Downtown Dublin Specific Plan land uses and maximum floor area ratio based on the Preferred Vision.

B	Work with private property owners on acquisitions that result in the creation of a future town square.	**In Progress.** City Council adopted a Memorandum of Understanding (MOU) with American Realty Advisors (ARA) in 2019 for the Dublin Place shopping center. Per the MOU, the ARA intends to acquire additional parcels of the shopping center in order to work with the City on the siting of the town square. During this time, ARA hired HINES to help them plan for future development, and they have selected Gensler as their design professional. ARA has submitted a purchase offer to acquire the two parcels and has developed preliminary concepts to align with the Downtown Preferred Vision.
C	Establish the proposed street grid network, including study of right-of-way acquisition and the appropriate funding mechanism for construction and maintenance.	**In Progress.** No change from last update.
D	Conduct a parking analysis of the Transit Oriented District and the Retail District and proposed changes.	**In Progress.** CHS Consulting Group, through the City's primary consultant Urban Field Studio, has started work on the parking analysis of the Retail and Transit Oriented Districts of the Downtown Dublin Specific Plan.
E	Create certainty and provide development rights that result in achieving the City Council's Preferred Vision.	**Not Started.**
F	Develop implementation measures for the adopted Downtown Streetscape Master Plan and updated Bike and Pedestrian Master Plan for the next Capital Improvement Program.	**In Progress.** No change from last update.
G	Market, in conjunction with property owners, the opportunity sites.	**In Progress.** No change from last update.
H	Work with Downtown property owners on updating the CC&Rs to facilitate retail transition.	**In Progress.** No change from last update.
I	Work with Downtown property owners on building/site improvements.	**In Progress.** Currently working with Kimco Realty on the re-tenanting of the OSH site with H-Mart.
J	Refine and provide specificity on City development goals in the Downtown Plan and East Transit Center Area Plan.	**Complete.** A memorandum was delivered to the City Manager.

Strategy 2: Explore New City Revenue Streams for Long Term Financial Stability		
	Objective	**Update**
A	Explore the feasibility of increasing the City's current Transient Occupancy Tax.	**Not Started.** Currently infeasible with COVID-19 impacts.

B	Evaluate the establishment of other fees and/or taxes that could offset City costs in providing services to the community.	**In Progress.** Established fees for the new Adopt-A-Bench program, where a bench can be adopted in honor of a family member, friend, or organization.
C	Explore operational efficiencies in delivering services with other public agencies.	**In Progress.** Staff is coordinating with neighboring cities to launch a regional, temporary public art project that will span the Tri-Valley.
D	Continue to maintain strong fiscal policies.	**In Progress.** The preliminary General Fund budget was presented to the City Council in February 2022 and is projected to be in a surplus position.

Strategy 3: Create More Affordable Housing Opportunities		
	Objective	**Update**
A	Facilitate production of affordable housing for lower income seniors, workforce, and special needs households by leveraging the Alameda County Measure A-1 Bond funds and the City's Affordable Housing Fund.	**In Progress.** On January 25, 2022, the Alameda County Board of Supervisors approved the City's request and adopted a resolution committing $2.9M to the Amador Station/BRIDGE Housing project and $5M to the Eden Housing Regional Street Senior Affordable Housing project, from Dublin's Base City Allocation of Measure A-1 Bond Funds.
B	Look for additional opportunities to facilitate the acquisition of sites, at low or no cost, to build housing that is affordable to lower income households.	**In Progress.** Staff is working with the County on the purchase and sale of the remainder D-1 site at the Dublin Transit Center for an affordable project.
C	Facilitate the production of accessory dwelling units throughout the community.	**In Progress.** The City launched an ADU webpage as a one-stop shop to facilitate the production of ADUs. The webpage includes the prototype plans, ADU how-to manual, and fee waiver information. https://dublin.ca.gov/2428/Accessory-Dwelling-Units
D	Seek opportunities to preserve the stock of housing that is affordable to moderate- and middle-income households.	**In Progress.** No change from last update.
E	Update the City's General Plan Housing Element in accordance with state law and to ensure an adequate supply of sites to accommodate the City's Regional Housing Needs Allocation for the period 2023-31.	**In Progress.** Staff held two community meetings, an online survey, and another check-in with the City Council on March 15, 2022. Staff is currently preparing the draft Housing Element policies or public review.

Strategy 4: Become a 24/7 City Hall to Enhance Resident and Business Engagement		
	Objective	**Update**
A	Reduce/eliminate the need for paper transactions where feasible.	**In Progress.** The Parks and Community Services Department introduced ePACT to afterschool recreation and preschool programs in January 2022. ePACT allows staff to collect data electronically and check participants in and out of programs using contactless methods.

B	Provide more opportunities for residents to complete transactions with the City online, with appropriate security measures.	**In Progress.** Staff have transitioned the Fireworks application process online. Organizations no longer need to visit Civic Center to complete their applications.
C	Enhance citizen online interaction via reporting of issues and transparent data.	**In Progress.** No change from last update.
D	Continue to utilize all appropriate methods to share and exchange information with the public, including social media, at events and at the City's website.	**In Progress.** The Wave utilized paid marketing to promote the Job Fair through Snapchat and Facebook. The advertisement included an apply-now button which takes them directly to the City of Dublin website to apply. Total reach was 225,000 individuals with 1,900 swipes.
E	Explore additional social media platforms and expanding use of Facebook to other departments.	**Complete.** Staff has merged all the previous City Facebook accounts (other than The Wave) into one City of Dublin government account. Additionally, Staff transformed the former Parks and Community Services Instagram account into a City of Dublin account.
F	Explore more exciting and user-friendly presentation of information, and a periodic report from the City Manager's Office.	**Complete.** The City launched the Backyard Brief, the City Manager's new monthly email newsletter.

Strategy 5: Large Land Tract Development and Open Space		
	Objective	**Update**
A	Look to establish an Economic Development Zone to prioritize commercial and industrial development east of Fallon Road.	**Complete.** Established the Economic Development Zone in 2021.
B	Work with the area property owners in conjunction with the Dublin Boulevard extension project on issues such as road and project mitigation, entitlements, as well as supporting infrastructure.	**In Progress.** No change from last update.
C	Begin discussions regarding required reporting under the Open Space Initiative of 2014 for the provisions of commercial and industrial development in the unincorporated area.	**Complete.** City Council authorized the initiation of various studies necessary to meet the obligations under Dublin Open Space Initiative of 2014.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

None

Agenda Item 4.3

STAFF REPORT

CITY COUNCIL

DATE: May 3, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Authorizing Remote Meetings of City Council and City Commissions Due to Increase in COVID-19 Cases
Prepared by: John Bakker, City Attorney

EXECUTIVE SUMMARY:

From March 2020 through September 2021, the City conducted meetings of its legislative bodies remotely pursuant to various executive orders that suspended certain Brown Act provisions. In October, the City returned to in-person meetings and at the same time state law changed to require certain findings to be made for an agency to meet remotely. Under the new law, AB 361, the City can conduct virtual meetings where the Governor has proclaimed a State of Emergency and state or local health officials have imposed or recommended social distancing or where the City Council has declared the need to meet remotely due to imminent risks to the health or safety of attendees. On January 11, 2022, the City Council adopted a resolution pursuant to AB 361 authorizing remote teleconferenced meetings for a 30-day period ending February 10, 2022. Due to the current increase in cases resulting from the Omicron variants, it would be prudent for the City Council and City Commissions to have the ability to attend meetings virtually for at least the next 30 days. The City Council will consider adopting a resolution that would allow for virtual attendance for the next 30 days.

STAFF RECOMMENDATION:

Adopt the **Resolution** Finding That There is a Proclaimed State of Emergency; Finding That Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees as a Result of the State of Emergency; and Authorizing Remote Teleconferenced Meetings of the Legislative Bodies of the City of Dublin Pursuant to AB 361.

FINANCIAL IMPACT:

None.

DESCRIPTION:

On March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State address the broader spread of COVID-19.

On March 18, 2020, the City Council adopted a resolution ratifying the proclamation of a local state of emergency by the Director of Emergency Services due to COVID-19.

On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20, which suspended certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means. Additionally, the State implemented a shelter-in-place order, requiring all non-essential personnel to work from home.

At that time and through September 2021, the City's legislative bodies met by teleconference. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things, rescinded certain clauses of Executive Order N-29-20 after September 30, 2021, including clauses that suspended certain provisions of the Brown Act. Thus, effective October 1, 2021, agencies would have had to transition back to public meetings held in full compliance with the Brown Act. The City of Dublin began meeting in person beginning in October 2021.

Since the Governor issued Executive Order N-08-21, the highly contagious Delta variant has emerged, causing a spike in cases throughout the state and within the Alameda County. Additionally, since then, the Omicron variants have emerged and been designed as a variant of concern by the United States, and the number of cases in the City have increased over the last month.

On September 16, 2021, the Governor signed AB 361 (2021) which allows for local legislative and advisory bodies to continue to conduct meetings via teleconferencing under specified conditions and includes a requirement that the Council make specified findings. AB 361 took effect immediately.

AB 361 allows local legislative bodies to continue to meet remotely after the expiration of the clauses of Executive Order N-29-20. Under AB 361, the City and its legislative bodies may meet remotely when:

- The local agency holds a meeting during a declared state of emergency;
- State or local health officials have imposed or recommended measures to promote social distancing;
- Legislative bodies declare the need to meet remotely due to present imminent risks to the health or safety of attendees.

On January 11, 2022, the City Council adopted a resolution authorizing remote teleconferenced meetings for a period of 30 days pursuant to AB 361. That resolution expired on February 10, 2022.

At its April 19, 2022 meeting, the City Council directed Staff to bring a resolution to the May 3, 2022 meeting to allow the City Council and the City's legislative bodies to meet virtually, including hybrid meetings, pursuant to AB 361.

The City meets the requirements to hold meetings remotely in order to ensure the health and safety of the public:

- The Governor has declared a State of Emergency, and the City Council has ratified the proclamation of a local emergency by the Director of Emergency Services;
- The CDC recommends social distancing of at least six feet due to COVID-19;
- There's been an increase of COVID-19 cases within the state and throughout Alameda County;
- Meeting in person would present imminent risks to the health or safety of attendees, the legislative bodies, and staff.

The proposed resolution includes the necessary findings pursuant to AB 361 to allow the City Council and the City's legislative bodies to meet remotely or in a hybrid format for the next 30 days. The City Council would need to adopt a subsequent resolution declaring the need to continue to meet remotely to allow for such meetings after that 30-day period.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

1) Resolution Finding That There is a Proclaimed State of Emergency; Finding That Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees as a Result of the State of Emergency; and Authorizing Remote Teleconferenced Meetings of the Legislative Bodies of the City of Dublin Pursuant to AB 361

RESOLUTION NO. xx-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUBLIN

FINDING THAT THERE IS A PROCLAIMED STATE OF EMERGENCY; FINDING THAT MEETING IN PERSON WOULD PRESENT IMMINENT RISKS TO THE HEALTH OR SAFETY OF ATTENDEES AS A RESULT OF THE STATE OF EMERGENCY; AND AUTHORIZING REMOTE TELECONFERENCED MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF DUBLIN PURSUANT TO AB 361

WHEREAS, all meetings of the City of Dublin's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code sections 54950 – 54963), so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of the novel coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on March 18, 2020, the City Council adopted a resolution ratifying the proclamation of a local emergency by the Director of Emergency Services due to COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of the COVID-19 pandemic, and pursuant to Executive Order N-29-20 and its successors, the City Council met primarily virtually through September 2021; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, ended the provisions of Executive Order N-29-20 that allows local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 (2021) which allows for local legislative bodies and advisory bodies to conduct meetings via teleconferencing under specified conditions and includes a requirement that the City Council make specified findings. AB 361 (2021) took effect immediately; and

WHEREAS, under AB 361 (2021), an agency meeting virtually requires that the Governor declare a State of Emergency pursuant to Government Code section 8625; and

WHEREAS, AB 361 (2021) further requires that state or local officials have imposed or recommended measures to promote social distancing, or, requires that the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the City, specifically, Governor Newsom has

declared a State of Emergency due to COVID-19; and

WHEREAS, since the issuance of Executive Order N-08-21, the highly contagious Delta variant of COVID-19 has emerged, causing an increase in COVID-19 cases throughout the State and Alameda County; and

WHEREAS, on November 30, 2021, the Omicron variant was designated as a variant of concern by the United States; and

WHEREAS, cases of the highly contagious Omicron variant, including a subvariant called BA.2, have caused surges of COVID-19 and there has been an increase in cases during the last month in Alameda County; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") continues to recommend physical distancing of at least 6 feet from others outside of the household; and

WHEREAS, because of the recent rise in COVID-19 cases due in part to the highly contagious Omicron variants of COVID-19, the City is concerned about the health and safety of all individuals who intend to attend City Council and meetings of the City's other legislative bodies; and

WHEREAS, the City Council finds that the imminent risks of the City's legislative bodies holding in person meetings to the health or safety of attendees exists due in part to the Omicron variants of COVID-19; and

WHEREAS, the City Council finds, acting as a legislative body pursuant to Government Code section 54952(a) and for the benefit of all legislative bodies created by the City Council pursuant to Government Code section 54952(b), that the presence of COVID-19 and the Delta and Omicron variants would present imminent risks to the health or safety of attendees, staff, and members; and

WHEREAS, teleconference meetings may include hybrid meetings, in which all or some members of the legislative body meet in person while others attend by teleconference, and members of the public are either allowed to participate only by teleconference or both in person and by teleconference ("hybrid meetings"). The purpose of hybrid meetings is to allow for multiple modes of attending meetings while reducing the risks of COVID-19, including the Delta and Omicron variants; and

WHEREAS, the City shall ensure that its meetings comply with the provisions required by AB 361 (2021) for holding teleconferenced meetings.

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

1. The above recitals are true and correct, and incorporated into this Resolution.

2. In compliance with AB 361 (2021), and in order to continue to conduct teleconference meetings without complying with the usual teleconference meeting requirements of the Brown Act, the City Council makes the following findings:

   a) The City Council has considered the circumstances of the state of emergency; and

   b) The state of emergency, as declared by the Governor and City Council, and as specifically related to the current increase in cases apparently resulting from the

Omicron variant, directly impacts the ability of the City Council and the City's legislative bodies, as well as staff and members of the public, to meet safely in person; and

c) The CDC continues to recommend physical distancing of at least six feet due to COVID-19 and as a result of the presence of COVID-19 and the increase of cases due to the Omicron variant, meeting in person would present imminent risks to the health or safety of attendees, the legislative bodies and staff.

3. City staff is directed to facilitate any teleconference meetings, including hybrid meetings, of the City Council and City's legislative bodies in compliance with AB 361, in order to better ensure the health and safety of the public for a period of thirty days following the adoption of this resolution.

PASSED, APPROVED, AND ADOPTED this 3rd day of May 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

Mayor

ATTEST:

_____

City Clerk

Agenda Item 6.1

STAFF REPORT

CITY COUNCIL

DATE: May 3, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Proposed Amendment to East Ranch Vesting Tentative Tract Map Conditions of Approval Pursuant to the Housing Accountability Act (PLPA-2020-00028)
Prepared by: Amy Million, Principal Planner

EXECUTIVE SUMMARY:

The Applicant, Trumark Companies, submitted a request to modify Condition of Approval Nos. 6 and 7 of Resolution No. 140-21 adopted by the City Council on December 7, 2021, approving Vesting Tentative Tract Map No. 8563 and a Heritage Tree Removal Permit for the East Ranch project and to correspondingly amend the text of Ordinance No. 11-21 that had been incorporated by reference into Resolution No. 140-21. The request was submitted pursuant to the Housing Accountability Act (Government Code Section 65589.5) and proposes to amend these conditions to comply with the objective standards of the City's Inclusionary Zoning Regulations. The East Ranch project includes development of a 165.5-acre site with a 573-unit residential project consisting of six neighborhoods, two neighborhood parks totaling 11.5 acres, and a two-acre Public/Semi-Public site.

STAFF RECOMMENDATION:

Conduct a public hearing, deliberate, and adopt the **Resolution** Approving an Amendment to Condition of Approval Nos. 6 and 7 of Resolution No. 140-21 Approving Vesting Tentative Tract Map No. 8563 and a Heritage Tree Removal Permit for the East Ranch Project.

FINANCIAL IMPACT:

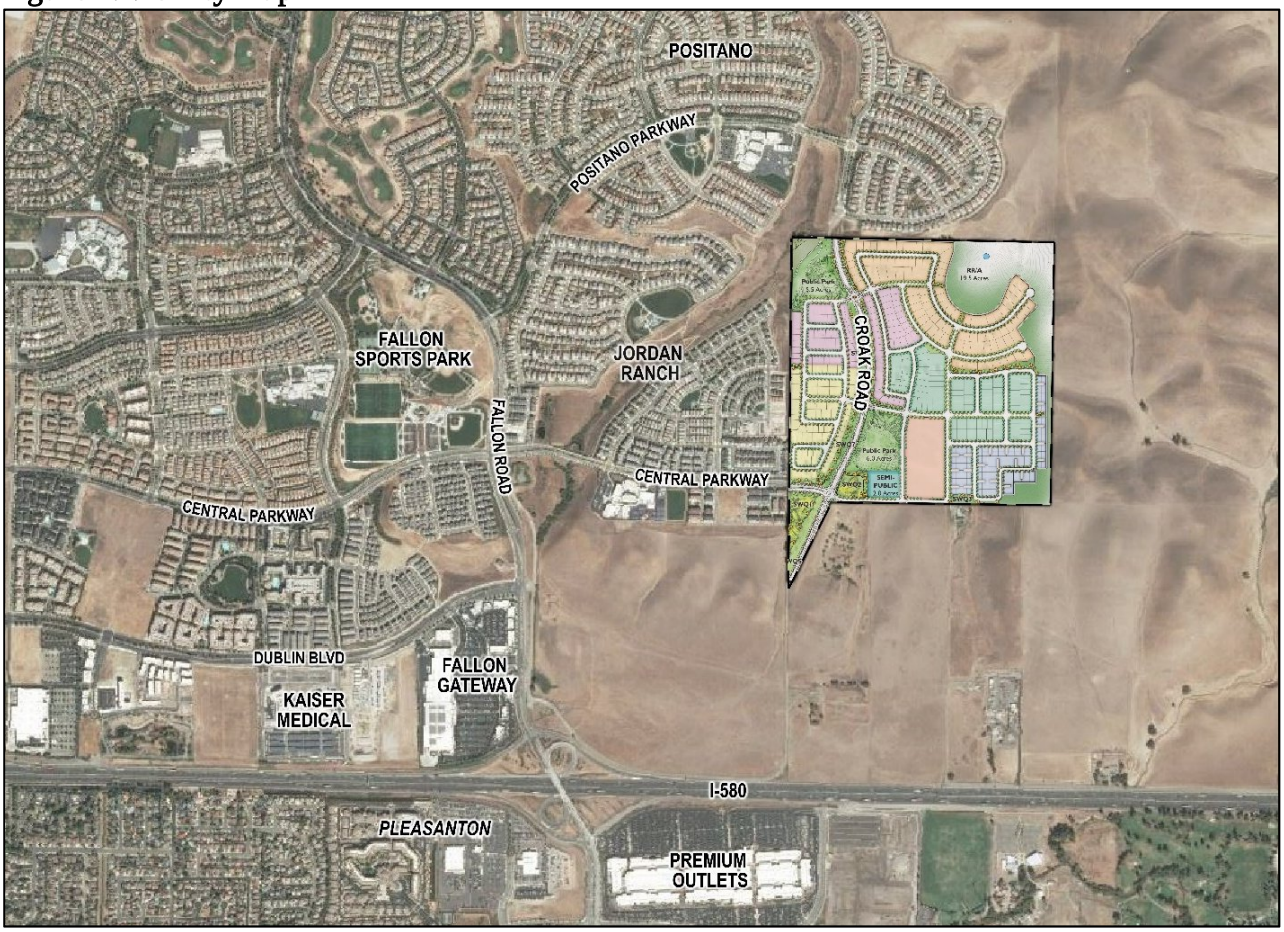
The costs associated with processing this request are borne by the Applicant.

DESCRIPTION:

The 165.5-acre East Ranch project site (formerly referred to as the Croak Property) is an undeveloped parcel located within the Fallon Village area of the Eastern Dublin Specific Plan (EDSP). The site is located north of Interstate 580, east of Fallon Road and the Jordan Ranch development, south of the Positano development, and adjacent to the City's eastern city limit as

shown in Figure 1 below.

Figure 1. Vicinity Map



Background

On December 7, 2021, the City Council introduced a Planned Development Ordinance and adopted Resolution No. 140-21 approving Vesting Tentative Tract Map No. 8563 and a Heritage Tree Removal Permit for the proposed East Ranch project. On December 21, 2021, the City Council adopted Ordinance No. 11-21 approving a Planned Development Rezone with a Stage 2 Development Plan. The approved East Ranch project includes 573 residential units in six neighborhoods, two public parks with one 5.5-acre park at the northwest corner of the site and one 6.0-acre park near the project's main entry east of Croak Road and north of Central Parkway, a two-acre Public/Semi-Public site, and 6.8 acres of open space (refer to Figure 2).

Figure 2. East Ranch Illustrative Site Plan

On December 23, 2021, pursuant to Elections Code Section 9238, subd. (b)(2)(B), a proposed summary of a referendum against Ordinance No. 11-21 was submitted. To qualify, the referendum petition needed to contain signatures of at least 10% of the registered Dublin voters or a minimum of 3,439 signatures. The referendum petition was determined to be sufficient for filing and was delivered to the Alameda County Registrar of Voters on January 27, 2022 for signature examination. The Registrar of Voters determined that the petition contained the minimum number of valid signatures necessary to qualify the referendum for consideration by City Council.

On March 1, 2022, the City Council accepted the City Clerk's Certificate of Petition certifying the sufficiency of the referendum petition against Ordinance No. 11-21 and adopted Ordinance No. 02-22 repealing Ordinance No. 11-21. The Housing Accountability Act (HAA) (Government Code Section 65589.5) expressly precludes the City from requiring a rezoning ordinance when a project is consistent with the general plan and the zoning is inconsistent with the general plan, as is the case here. Resolution No. 140-21, which approved Vesting Tentative Tract Map No. 8563, was not subject to the referendum and, therefore, remains in effect.

<u>Project's Relationship to State Housing Laws and Policy</u>

The Applicant designed the project under state housing laws to limit the City's discretion on the project. The HAA, the Housing Crisis Act of 2019 (Senate Bill 330), and various other state laws prevent or restrict the ability to deny projects that are consistent with applicable, objective standards in effect at a time when the application is deemed complete. The East Ranch project is designed to be consistent with the applicable General Plan and Specific Plan designations, the applicable zoning regulations, and other policies, as a means of limiting the City's discretion. The one clear area where the City Council had significant discretion was on the Applicant's proposed alternative method of complying with the Inclusionary Zoning Regulations. The alternative

method of compliance was approved by Resolution No. 140-21 and included in Condition of Approval Nos. 6 and 7.

Current Request

On April 22, 2022, the Applicant, Trumark Companies, submitted a request to modify Condition of Approval Nos. 6 and 7 of Resolution No. 140-21 approving Vesting Tentative Tract Map No. 8563 for the East Ranch project and to correspondingly amend the text of Ordinance No. 11-21 that had been incorporated by reference into Resolution No. 140-21. The Applicant's letter requesting the amendment to modify the conditions of approval is included as Attachment 2.

The Applicant's request was submitted pursuant to the HAA and proposes to amend these conditions of approval to comply with the objective standards of the City's Inclusionary Zoning Regulations. Specifically, the Applicant's changes would modify the affordable housing requirements to be those that it had a right to pursue without City Council approval. The HAA prohibits the City from denying applications for such projects absent an immediate threat to public health or safety that cannot be mitigated, as determined by objective standards that were in place when the application was submitted. In essence, the HAA provides that once a city designates a site for housing in its General Plan, it must allow that housing to be developed except in very limited circumstances involving immediate threats to public health and safety. Because none of the exceptions are present here, approval of this application is mandated by the HAA.

The requested modifications will replace the affordable housing program previously approved by the City Council when it adopted Resolution No. 140-21, with an affordable housing program that meets the objective standards of the City's Inclusionary Zoning Regulations in Dublin Municipal Code Chapter 8.68. The objective standards require all new residential development projects of 20 units or more to construct 12.5% of the total number of units within the development as affordable units (72 units) and allows the Applicant to pay a fee in lieu of constructing up to 40% of the affordable units that the developer would otherwise be required to construct.

The table below provides a comparison of Condition of Approval Nos. 6 and 7 as approved by Resolution No. 140-21 and the proposed amended language based on the Applicant's request.

Condition of Approval	As Approved	Proposed Amendment
6	**Dedication of Parcel P to Affordable Housing Developer**. If the proposed land dedication of Parcel P (Public/Semi Public Parcel) is approved as part of the Inclusionary Zoning Regulations (Planned Development Stage 2 Development Plan), the developer shall provide proof that Parcel P has been deeded to an affordable housing developer.	**Parcel P Reference on Map.** All sheets of the Vesting Tentative Map for Tract 8563 shall be deemed to refer to Parcel P as the (Public/Semi Public Parcel) with the party identified as the proposed owner and for maintenance to be Trumark or its successor.

Condition of Approval	As Approved	Proposed Amendment
7	**Inclusionary Housing.** The proposed project shall comply with the City of Dublin Inclusionary Ordinance as detailed in the Planned Development.	**Inclusionary Housing.** The proposed project shall comply with the City of Dublin Inclusionary Ordinance by conforming to the objective standards in that ordinance as follows: The inclusionary housing requirement is 12.5% of the total number of units within the development, which equals 72 (71.6) units and shall be satisfied as follows: • In-Lieu Fee: 40% of the inclusionary housing requirement (29 units) shall be satisfied via payment of an "In-Lieu Fee" as provided by the City's Impact Fee Schedule. • On-site Below Market Rate Units: 60% of the inclusionary housing requirement (43 units) shall be developed on site, with 40% of those (17 units) for low-income households and 60% of those (26 units) for moderate-income households. • Below Market Rate Units shall be dispersed throughout all the neighborhoods, in rough proportion to the number of market rate units in each neighborhood and constructed concurrently with the market rate units in the same neighborhood. • Execution of an agreement imposing appropriate resale controls and/or rental restrictions on the affordable units shall be required in accordance with DMC Chapter 8.68. • The Applicant/Developer shall implement and conform to all objective requirements of DMC Chapter 8.68.

ENVIRONMENTAL REVIEW:

Pursuant to the requirements of the California Environmental Quality Act (CEQA), the City determined that the East Ranch project was exempt from further environmental review under Government Code Section 65457 and CEQA Guidelines Section 15182(c), which exempts residential projects that are consistent with a specific plan for which an EIR has been certified, when it adopted Resolution No. 140-21. A Notice of Exemption was filed with the Alameda County Clerk on December 9, 2021, following approval of Vesting Tentative Tract Map No. 8563.

The proposed requests to modify Condition of Approval Nos. 6 and 7 and to correspondingly amend the text of Ordinance No. 11-21 incorporated by reference are limited to deed-restricting the sales price of an additional 25 housing units and eliminating the requirement that Parcel P be dedicated to an affordable housing developer and, therefore, the project is exempt from further CEQA review under Government Code Section 65457 and CEQA Guidelines Section 15182(c). The proposed amendments to the conditions of the approved tentative map qualify for the exemption because it is a residential project consistent with the Eastern Dublin Specific Plan for which an environmental

impact report has been certified after January 1, 1980. The certified EIRs and other environmental review documents that are applicable to this project include the Eastern Dublin General Plan Amendment and Specific Plan EIR (1993) as supplemented by the East Dublin Properties Stage I Development Plan and Annexation Supplemental EIR (2002) and the Fallon Village Supplemental EIR (2005) and the East Ranch CEQA Analysis in Support of Specific Plan Exemption (November 4, 2021) (collectively, "CEQA Documents"). None of the events under Public Resources Code Section 21166 have occurred. In particular, the amendments to the tentative map conditions to impose affordability restrictions on additional housing units and eliminate the dedication requirement under the existing map approval do not increase the number of approved housing units and does not constitute a substantial change in the Project resulting in new or substantially more severe significant environmental impacts than described in the CEQA Documents.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

In accordance with State law, a public notice was mailed to all property owners and occupants within 300 feet of the proposed project to advertise the project and the upcoming public hearing. A public hearing notice also was published in the *East Bay Times* and posted at several locations throughout the City. The project is also included on the City's development projects webpage. A copy of this Staff Report has been provided to the Applicant and the City Council Agenda was posted.

ATTACHMENTS:

1) Resolution Approving an Amendment to Condition of Approval Nos. 6 and 7 of Resolution No. 140-21 Approving Vesting Tentative Tract Map No. 8563 and a Heritage Tree Removal Permit for the East Ranch Project
2) Trumark Letter Requesting Modifications to Conditions of Approval

RESOLUTION NO. xx-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUBLIN

APPROVING AN AMENDMENT TO CONDITION OF APPROVAL NOS. 6 AND 7 OF RESOLUTION NO. 140-21 APPROVING VESTING TENTATIVE TRACT MAP NO. 8563 AND A HERITAGE TREE REMOVAL PERMIT RELATED TO THE EAST RANCH PROJECT PLPA 2020-00028 (APNS 905-0002-001-01 AND 905-0002-002-00)

WHEREAS, the East Ranch project is located on a 165.5-acre in the Eastern Dublin Specific Plan area, directly east of the Jordan Ranch development and south of Positano development, straddling the existing Croak Road; and

WHEREAS, following a public hearing on November 9, 2021, the Planning Commission adopted Resolution No. 21-08, recommending approval of the East Ranch project, which resolution is incorporated herein by reference and available for review at City Hall during normal business hours; and

WHEREAS, on December 7, 2021, the City Council adopted Resolution No. 140-21 approving Vesting Tentative Tract Map No. 8563 and a Heritage Tree Removal Permit related to the East Ranch project; and

WHEREAS, on December 21, 2021, the City Council adopted Ordinance No. 11-21 amending the Zoning Map and approving a Planned Development Zoning District with related Stage 2 Development Plan and CEQA Findings for the East Ranch Project, PLPA-2020-00028 (APNs 905-0002-001-01 and 905-00020002-00); and

WHEREAS, on December 23, 2021, pursuant to Elections Code Section 9238, subd. (b)(2)(B), a proposed summary of a referendum against Ordinance No. 11-21 was submitted. To qualify, the referendum petition needed to contain signatures of at least 10% of the registered Dublin voters or a minimum of 3,439 signatures. The referendum petition was determined to be sufficient for filing and on January 27, 2022, the referendum petition was delivered to the Alameda County Registrar of Voters for signature examination. The Registrar of Voters determined that the petition contained the minimum number of valid signatures necessary to qualify the referendum for consideration by City Council; and

WHEREAS, on March 1, 2022, the City Council adopted Ordinance No. 2-22 repealing Ordinance No. 11-21, which did not alter approval of Resolution No 140-21 approving Vesting Tentative Tract Map No. 8563 and a Heritage Tree Removal Permit for the East Ranch project; and

WHEREAS, on April 22, 2022, Perkins Coie on behalf of the Applicant, Trumark Companies, submitted a request to modify Condition of Approval Nos. 6 and 7 of Resolution No. 140-21; and

WHEREAS, the request was submitted pursuant to the Housing Accountability Act (HAA) (Government Code Section 65589.5) and proposes to amend these conditions of approval to comply with the objective standards of the City's Inclusionary Zoning Regulations; and

WHEREAS, Ordinance No. 11-21 was repealed in response to a referendum petition; however, the HAA expressly precludes the City from requiring a rezoning ordinance when a project is consistent with the general plan and the zoning is inconsistent with the general plan, as is the case here; and

WHEREAS, the request to modify Condition of Approval Nos. 6 and 7 of Resolution No. 140-21, does not materially change Vesting Tentative Tract Map No. 8563 and, therefore, does not require a recommendation by the Planning Commission; and

WHEREAS, the California Environmental Quality Act (CEQA), together with the CEQA Guidelines and City of Dublin CEQA Guidelines and Procedures require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, prior CEQA analysis for the project area includes: 1) the Eastern Dublin General Plan Amendment and Specific Plan EIR (1993); 2) the East Dublin Properties Stage 1 Development Plan and Annexation Supplemental EIR (2002); and 3) the Fallon Village Supplemental EIR (2005). Collectively, these three environmental review documents are referred to as the "EDSP EIRs;" and

WHEREAS, in compliance with CEQA, the City prepared a CEQA Analysis in Support of Specific Plan Exemption for the East Ranch project; and

WHEREAS, the amendment to the conditions of approval of Resolution No. 140-21 and the corresponding amendment to the text of Ordinance No. 11-21 incorporated by reference is found to be exempt from CEQA pursuant to Government Code Section 65457 and CEQA Guidelines Section 15182(c), which exempts residential projects that are consistent with a specific plan for which an EIR has been certified. The amendment is limited to deed-restricting the sales price of an additional 25 housing units and eliminating the requirement that Parcel P be dedicated to an affordable housing developer and, therefore, the project is exempt from further CEQA review under Government Code Section 65457 and CEQA Guidelines Section 15182(c). The amendments qualify for the exemption because it is a residential project consistent with the Eastern Dublin Specific Plan for which an environmental impact report has been certified after January 1, 1980. The certified EIRs and other environmental review documents that are applicable to this project include the Eastern Dublin General Plan Amendment and Specific Plan EIR (1993) as supplemented by the East Dublin Properties Stage I Development Plan and Annexation Supplemental EIR (2002) and the Fallon Village Supplemental EIR (2005) and the East Ranch CEQA Analysis in Support of Specific Plan Exemption (November 4, 2021) (collectively, "CEQA Documents"). None of the events under Public Resources Code Section 21166 have occurred. In particular, the amendments to the tentative map conditions to impose affordability restrictions on additional housing units and eliminate the dedication requirement under the existing map approval do not increase the number of approved housing units and do not constitute a substantial change in the Project resulting in new or substantially more severe significant environmental impacts than described in the CEQA Documents; and

WHEREAS, a Staff Report, dated May 3, 2022, and incorporated herein by reference, described and analyzed the proposed modifications to Condition of Approval Nos. 6 and 7 for the City Council; and

WHEREAS, on May 3, 2022, the City Council held a duly noticed public hearing on the proposed modifications to Condition of Approval Nos. 6 and 7 at which time all interested parties had the opportunity to be heard; and

WHEREAS, the City Council did hear and use independent judgment and considered all said reports, recommendations, and testimony hereinabove set forth.

NOW, THEREFORE, BE IT RESOLVED that the foregoing recitals are true and correct and made a part of this Resolution.

BE IT FURTHER RESOLVED that the City Council of the City of Dublin does hereby approve an amendment to Condition of Approval Nos. 6 and 7 of Resolution No. 140-21 approving the Vesting Tentative Map Tract No. 8563 and Heritage Tree Removal Permit as stated below. All other conditions of Resolution No. 140-21 remain in effect.

CONDITIONS OF APPROVAL:

Unless stated otherwise, all Conditions of Approval shall be complied with prior to the issuance of building permits or establishment of use and shall be subject to Planning Department review and approval. The following codes represent those departments/agencies responsible for monitoring compliance of the conditions of approval. [PL.] Planning, [B] Building, [PO] Police, [PW] Public Works [P&CS] Parks & Community Services, [ADM] Administration/City Attorney, [FIN] Finance, [F] Alameda County Fire Department, [DSR] Dublin San Ramon Services District, [CO] Alameda County Department of Environmental Health, [Z7] Zone 7.

#	CONDITION TEXT	RESPON. AGENCY	WHEN REQ'D Prior to:
6.	**Parcel P Reference on Map.** All sheets of the Vesting Tentative Map for Tract 8563 shall be deemed to refer to Parcel P as the (Public/Semi Public Parcel) with the party identified as the proposed owner and for maintenance to be Trumark or its successor.	PL, PW	Approval of First Neighborhood Map
7.	**Inclusionary Housing.** The proposed project shall comply with the City of Dublin Inclusionary Ordinance by conforming to the objective standards in that ordinance as follows: The inclusionary housing requirement is 12.5% of the total number of units within the development, which equals 72 (71.6) units and shall be satisfied as follows: • In-Lieu Fee: 40% of the total number of units within the development (29 units) shall be satisfied via payment of an "In-Lieu Fee" as provided by the City's Impact Fee Schedule. • On-site Below Market Rate Units: 60% of the total number of units within the development (43 units) shall be developed on-site, with 40% of those (17 units) for low-income households and 60% of those (26 units) for moderate-income households. • Below Market Rate Units shall be dispersed throughout all the neighborhoods, in rough proportion to the number of market rate units in each neighborhood and constructed concurrently with the market rate units in the same neighborhood. • Execution of an agreement imposing appropriate	PL	On-going

	resale controls and/or rental restrictions on the affordable units shall be required in accordance with DMC Chapter 8.68. • The Applicant/Developer shall implement and conform to all objective requirements of DMC Chapter 8.68.		

BE IT FURTHER RESOLVED that the City Council of the City of Dublin does hereby amend Section 4.9 of Ordinance 11-21, as that text is incorporated by reference into Resolution 140-21, to reflect the text of modified condition 7 set forth above.

PASSED, APPROVED, AND ADOPTED this 3rd day of May 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Mayor

ATTEST:

_____
City Clerk

PERKINSCOIE

505 Howard Street
Suite 1000
San Francisco, CA 94105-3204

T +1.415.344.7000
F +1.415.344.7050
PerkinsCoie.com

April 22, 2022

Cecily Barclay
CBarclay@perkinscoie.com
D. +1.415.344.7117
F. +1.415.344.7317

Linda Smith
City Manager
City of Dublin
1000 Civic Plaza
Dublin, CA 94568

Re: East Ranch Project
HAA Application to Modify Conditions to the VTM for Tract 8563 to Meet the Objective Standards of the City's Inclusionary Zoning Regulations

Dear Ms. Smith:

On behalf of my client, Trumark Companies, I am requesting that the Council modify conditions 6 and 7 of the Vesting Tentative Map for Tract 8563 for the East Ranch Project, which map the Council approved on December 7, 2021, pursuant to Resolution 140-21. In accordance with the Housing Accountability Act, Trumark proposes to modify these conditions to comply with the objective standards of the City's Inclusionary Zoning Regulations. Those objective standards require that the Project provide 12.5% affordability, and state that the requirement may be met with in lieu fees for 40% of the affordable units, and construction of 60% of the affordable units on site, as follows:

- In-Lieu Fee: 40% (29 units) will be provided via a payment of an "In-Lieu Fee" as provided by the City's fee schedule.
- On-site Below Market Rate Units: 60% (43 units) will be provided on site, with 40% (17 units) for low-income households and 60% (26 units) for moderate-income households.

A complete description of the requested modifications is set forth in Attachment A.

A. The Housing Accountability Act.

This application is submitted under the Housing Accountability Act (HAA), Government Code section 65589.5. That section applies to projects that meet objective General Plan, zoning and subdivision standards. The HAA prohibits a city from denying applications for such projects absent an immediate threat to public health or safety that cannot be mitigated, as determined by objective standards that were in place when the application was submitted. In essence, the HAA provides that once a city designates a site for housing in its General Plan, it must allow that housing to be developed except in very limited circumstances involving immediate threats to public health and safety. Because none of the exceptions are present here, approval of this application is mandated by the HAA.

B. The Modifications Are Proposed to Provide an Affordable Housing Program that Complies with Objective Standards.

The modifications Trumark requests will replace the affordable housing program previously approved by the Council when it adopted Resolution 140-21 on December 7, 2021, with an affordable housing program that meets the objective standards of the City's Inclusionary Zoning Regulations in Chapter 8.68 of Title 8 of the Municipal Code. The objective standards require 12.5% affordability (72 units) and require that the City allow the applicant to pay in-lieu fees for up to 40% of those affordable units.[1]

The modifications are consistent with the City's response to FAQs regarding the East Ranch Project, which state that "The key difference between the East Ranch project and a Housing Accountability Act (HAA) project is that the HAA project would have to comply with the standard affordable housing requirements under the City's zoning ordinance. Those standard requirements would require the creation of 43 affordable, for sale units, and the payment of $6.3 million."[2]

C. A New Stage 2 Plan Cannot Be Required.

The Project site has been designated for housing in the City's General Plan for years, and therefore qualifies for protection under the HAA. The development proposed by the Project has been approved numerous times over a period stretching back to at least 2005, when the Council adopted a General Plan and Eastern Dublin Specific Plan Amendment for the Fallon Village area, along with a Stage 1 Development Plan. The General Plan, the Eastern Dublin Specific Plan, the Fallon Ranch Stage 1 Development Plan, and the VTM for Tract 8563 all approve the development proposed by the Project and none of those entitlements has been challenged.

As you know, Ordinance 11-21, which rezoned the Project site to include a Stage 2 Development Plan, was repealed in response to a referendum petition. However, the HAA expressly precludes the City from requiring another rezoning ordinance to reenact a Stage 2 plan[3]. Moreover, no challenges were asserted to Resolution 140-21, which approved the VTM, and the map was not made contingent upon Ordinance 11-21. Rather, the contents of Ordinance 11-21 were incorporated by reference into Resolution 140-21, thus establishing all relevant Project details. The subsequent repeal of Ordinance 11-21 does not affect the fact that the text of Ordinance 11-21 remains incorporated by reference into Resolution 140-21[4].

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[1] Municipal Code § 8.68.040(a) ("upon request of the applicant, the City Council ***shall*** permit the applicant to pay a fee in lieu of constructing up to 40% of the affordable units that the developer would otherwise be required to construct) (emphasis added).

[2] https://www.dublin.ca.gov/EastRanchFAQ

[3] Gov't Code § 65589.5(j)(4) states that a housing development project "shall not require a rezoning" if the project is consistent with objective general plan standards.

[4] This rule of law is long-standing and well established. See, e.g., *Palermo v. Stockton Theaters*, 32 Cal. 2d 53, 59 (1948); *Gonzalez v. City of Norwalk*, 17 Cal. App. 5th 1295, 1311 (2017).

D. No Additional Modifications to the VTM Are Required to Establish Compliance with Objective Standards.

The HAA explains that "the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project."[5] For East Ranch, the Council already determined in Resolution 140-21 that the Project complies with the General Plan, the East Dublin Specific Plan and the Stage 1 Development Plan. Accordingly, compliance with those objective standards is already established.

E. CEQA Review Is Limited and Simple.

When it adopted Resolution 140-21 on December 7, 2021, the Council determined that the Project is exempt from CEQA under Government Code section 65457 and CEQA Guidelines Section 15182(c) because it was consistent with the Eastern Dublin Specific Plan, for which an EIR was certified, and that no circumstances requiring preparation of a supplemental or subsequent EIR were present. The statute of limitations on those CEQA determinations expired 30 days later, and those determinations are now beyond challenge.

Since the only effect the modifications requested by Trumark will have is to deed-restrict the sales price of an additional 25 housing units, and it has been only a few months since the Council adopted Resolution 140-21, the Project remains exempt.[6]

F. Conclusion.

Trumark respectfully requests that the Council approve the modifications set forth in Attachment A, as required the Housing Accountability Act.

Sincerely,

Cecily Barclay

cc: John Bakker, City Attorney
Tony Bosowski, Division President, Trumark Companies, LLC
John Willsie, General Counsel, Trumark Companies, LLC

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[5] Gov't Code § 65589.5(j)(4).

[6] See CEB, *Practice Under the Environmental Quality Act*, § 19.30 (2d ed., 2022 Update) ("Further, the date of a previous approval sets the cutoff date for consideration of events that might trigger the need for further CEQA review once the statute of limitations has run on that approval.")

ATTACHMENT A – TEXT OF MODIFICATIONS

(1) Modification to Condition 6:

6. ~~**Dedication of**~~ **Parcel P** **Reference on Map** ~~**to Affordable Housing Developer**~~. ~~If the proposed land dedication of~~ All sheets of the Vesting Tentative Map for Tract 8563 shall be deemed to refer to Parcel P **as the** ~~(~~Public/Semi Public Parcel~~)~~ **with the party identified as the proposed owner and for maintenance to be Trumark or its successor.** ~~is approved as part of the Inclusionary Zoning Regulations (Planned Development Stage 2 Development Plan), the developer shall provide proof that Parcel P has been deeded to an affordable housing developer.~~
Responsible Agency: PL
When Req'd Prior to: Prior to approval of the first neighborhood final map.

(2) Modification to Condition 7:

7. **Inclusionary Housing**. The proposed project shall comply with the City of Dublin Inclusionary Ordinance by conforming to the objective standards in that ordinance as ~~detailed in the Planned Development~~ follows:
The inclusionary housing requirement is 12.5% affordability, which equals 72 (71.6) units and will be satisfied as follows:

- In-Lieu Fee: 40% (29 units) will be provided via a payment of an "In-Lieu Fee" as provided by the City's fee schedule..
- On-site Below Market Rate Units: 60% (43 units) will be provided on site, with 40% (17 units) for low-income households and 60% (26 units) for moderate-income households.
- Below Market Rate Units are to be dispersed throughout all the neighborhoods, in rough proportion to the number of market rate units in each neighborhood, and constructed concurrently with the market rate units in the same neighborhood.
- Execution of an agreement imposing appropriate resale controls and/or rental restrictions on the affordable units is required.
- The Applicant/Developer shall implement and conform to all objective requirements of Chapter 8.68 of the Municipal Code.

Responsible Agency: PL
When Req'd Prior to: On-going.

(3) Modification to the Incorporated Development Plan:

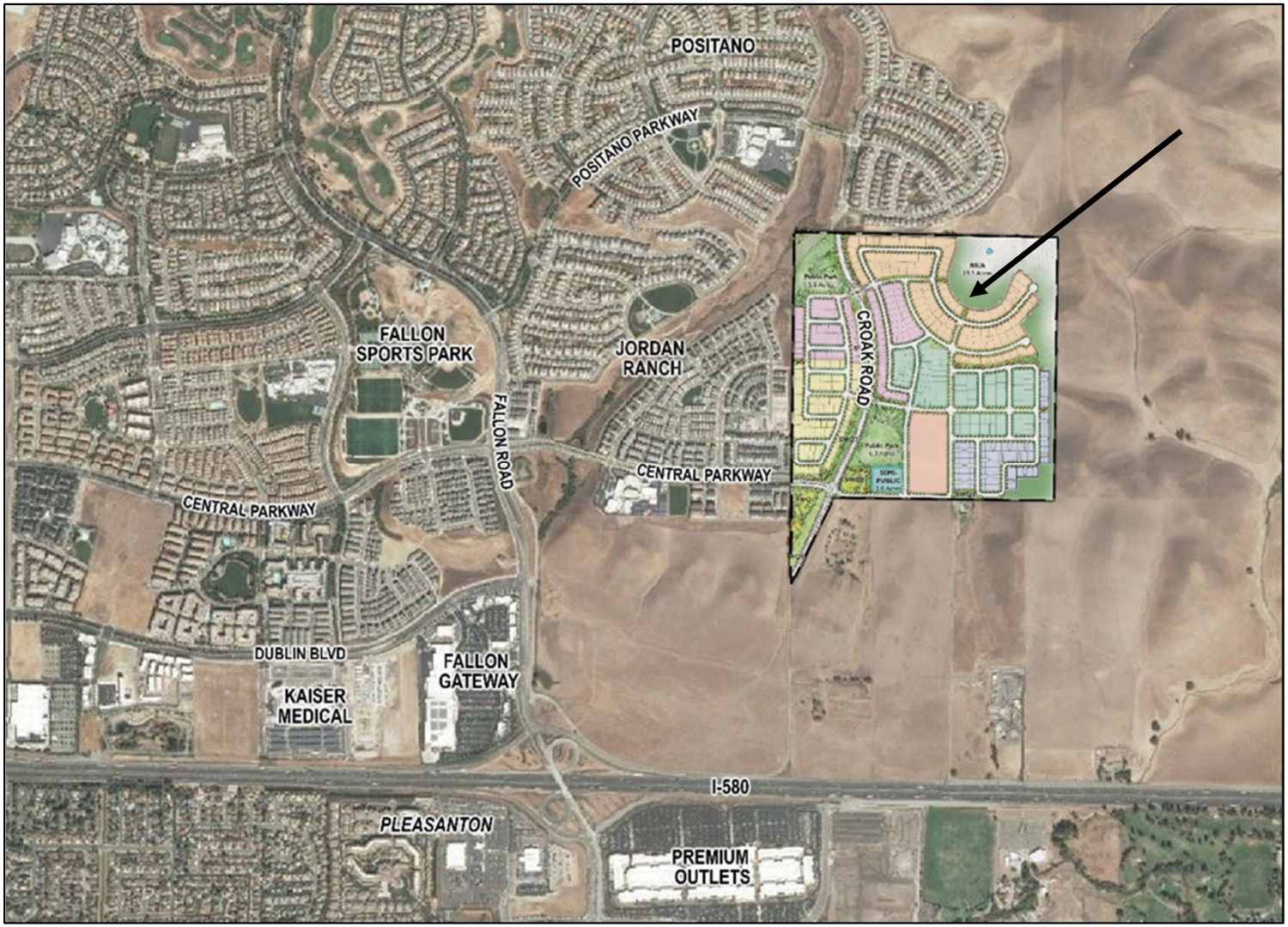
Section 9 of the text of Ordinance 11-21, as that text is incorporated by reference into Resolution 140-21, is modified to reflect the text of modified condition 7 set forth above.

DUBLIN
CALIFORNIA

Amendments to East Ranch Vesting Tentative Tract Map Conditions of Approval

City Council
May 3, 2022

Project Location



DUBLIN

Background

- December 7, 2021 - Resolution No. 140-21
- December 21, 2021 Ordinance No. 11-21
- December 23, 2021 Summary of Referendum
- January 27, 2022 Referendum Filed
- March 1, 2022 Ordinance No. 02-22

DUBLIN

Proposed Request

- Housing Accountability Act
- Resolution No. 140-21 (VTTM and HTRP)
  - Conditional of Approval Nos. 6 and 7
  - Inclusionary Housing
- Ordinance No. 11-21 (PD Zoning District)
  - Section 4.9 reference to Resolution No. 140-21

Condition of Approval No. 6

As Approved	Proposed Amendment
Dedication of Parcel P to Affordable Housing Developer. If the proposed land dedication of Parcel P (Public/Semi Public Parcel) is approved as part of the Inclusionary Zoning Regulations (Planned Development Stage 2 Development Plan), the developer shall provide proof that Parcel P has been deeded to an affordable housing developer.	Parcel P Reference on Map. All sheets of the Vesting Tentative Map for Tract 8563 shall be deemed to refer to Parcel P as the (Public/Semi Public Parcel) with the party identified as the proposed owner and for maintenance to be Trumark or its successor.

Condition of Approval No. 7

As Approved	Proposed Amendment
Inclusionary Housing. The proposed project shall comply with the City of Dublin Inclusionary Ordinance as detailed in the Planned Development.	Inclusionary Housing. The proposed project shall comply with the City of Dublin Inclusionary Ordinance by conforming to the objective standards in that ordinance as follows: The inclusionary housing requirement is 12.5 percent of the total number of units within the development, which equals 72 (71.6) units and shall be satisfied as follows: • In-Lieu Fee: 40 percent of the inclusionary housing requirement (29 units) shall be satisfied via payment of an "In-Lieu Fee" as provided by the City's Impact Fee Schedule. • On-site Below Market Rate Units: 60 percent of the inclusionary housing requirement (43 units) shall be developed on site, with 40 percent of those (17 units) for low-income households and 60 percent of those (26 units) for moderate-income households. • Below Market Rate Units shall be dispersed throughout all the neighborhoods, in rough proportion to the number of market rate units in each neighborhood and constructed concurrently with the market rate units in the same neighborhood. • Execution of an agreement imposing appropriate resale controls and/or rental restrictions on the affordable units shall be required in accordance with DMC Chapter 8.68. • The Applicant/Developer shall implement and conform to all objective requirements of DMC Chapter 8.68.

Recommendation

Conduct a public hearing, deliberate and adopt the **Resolution** approving an amendment to Condition of Approval Nos. 6 and 7 of Resolution No. 140-21 approving Vesting Tentative Tract Map No. 8563 and a Heritage Tree Removal Permit for the East Ranch Project.

May 3, 2022

SB 343

Senate Bill 343 mandates supplemental materials that have been received by the City Clerk's office that relate to an agenda item after the agenda packets have been distributed to the City Council be available to the public.

The attached documents were received in the City Clerk's office after distribution of the May 3, 2022, Regular City Council meeting agenda packet.

Item 6.1

STRUMWASSER & WOOCHER LLP
ATTORNEYS AT LAW
10940 WILSHIRE BOULEVARD, SUITE 2000
LOS ANGELES, CALIFORNIA 90024

MICHAEL J. STRUMWASSER
BRYCE A. GEE
BEVERLY GROSSMAN PALMER
DALE K. LARSON
CAROLINE C. CHIAPPETTI
JULIA G. MICHEL †
SALVADOR E. PÉREZ
† Also admitted to practice in Washington

TELEPHONE: (310) 576-1233
FACSIMILE: (310) 319-0156
WWW.STRUMWOOCH.COM

FREDRIC D. WOOCHER
ANDREA SHERIDAN ORDIN
SENIOR COUNSEL

May 3, 2022

City of Dublin City Council
100 Civic Plaza
Dublin, CA 94568

Via hand delivery

Re: May 3, 2022 Agenda Item 6.1: Proposed Amendment to East Ranch Vesting Tentative Tract Map Conditions of Approval Pursuant to the Housing Accountability Act (PLPA-2020-00028)

To the Honorable City Council:

This firm writes on behalf of Dubliners Against Overdevelopment to bring the Council's attention to serious legal concerns presented by Agenda Item 6.1. The Council should not approve the amendments to the Vesting Tentative Tract Map, because this would violate the one-year bar on readoption of ordinances vacated after referendum, as well as the provisions of the Dublin municipal code.

On December 7, 2021, the City Council approved Stage 2 Development Plan for Trumark's East Ranch project; a second reading was held and the ordinance was made final on December 21, 2021. Citizens promptly launched a referendum campaign against Ordinance No. 11-21, gathering over 5,000 signatures within 30 days of residents expressing their frustration at the continuing overdevelopment of the City and its impact on schools, traffic, and quality of life for existing residents. This effort and the overwhelming response to it reflects the powerful dissatisfaction of residents about the status quo, and they used the tools provided to them by the California constitution to express their concern by exercising the power of referendum.

On March 1, 2022, the City Council accepted the City Clerk's certification of sufficiency, concluding that the referendum petition had qualified for the ballot. Instead of putting the matter to the voters, the Council voted to rescind Ordinance No. 11-21 in full.

One-Year Bar on Adopting Substantially Similar Ordinance

Elections Code section 9241 provides that "[i]f the legislative body repeal the ordinance . . . the ordinance shall not again be enacted by the legislative body for a period of one year after the date of its repeal by the legislative body." This bar is not limited to the precise reenactment of the challenged ordinance. Rather, as courts are required to "jealously guard" the exercise of

the constitutionally-reserved right of referendum (*DeVita v. County of Napa* (1995) 9 Cal.4th 763, 776), the courts have consistently held that held that the bar extended to the enactment of laws that bear the same "essential features" as the challenged ordinance (*In re Statham* (1920) 45 Cal.App. 436, 439-440). The question is "whether the second legislative enactment is essentially the same as the first." (*Martin v. Smith* (1959) 176 Cal.App.2d 115, 118.) Allowing the legislative body to readopt the essentially the same ordinance would undermine the constitution's reservation of the referendum power as a "guarantee[] to the citizens an ultimate check on legislative power." (*Midway Orchards v. County of Butte* (1990) 220 Cal.App.3d 765, 779.)

In *Lindelli v. Town of San Anselmo* (2003) 111 Cal.App.4th 1099, the Court of Appeal explained the purpose of the one-year bar:

> "The function of the stay provision is to enforce the electorate's power to approve or reject measures provisionally adopted by a legislative body before they take effect. If the stay provision were interpreted to apply only to the specific measure challenged by referendum, the referendum power could be 'completely nullified.' '[T]he legislative body could by merely amending [the challenged ordinance] in a minor way and adding additional matters, then adopt in its entirety the legislative act objected to in the referendum petition. If such were the law, the council merely by continuous amendment of that act could deprive the voters of ever having an act either repealed or brought to a vote.' For this reason, the stay is not confined to the specific ordinance and its exact terms. It extends to repassage of the challenged ordinance with minor amendments. This rule is 'inherent in the very principle of the referendum and the spirit of the section.' 'If such were not the case, no referendum could ever be brought to a conclusion, because a council could prevent it by recurrent amendments to the disputed legislative act.'" (*Lindelli v. Town of San Anselmo* (2003) 111 Cal.App.4th 1099, 1109–1110.)

In *Lindelli*, the Court of Appeal rejected a city's attempt, while a referendum petition was circulating, to enact a waste-hauling contract for a shorter period than the challenged contract, with the same business. Even understanding the need for the city to enter into a waste-hauling contract to provide this crucial service, the court held that the interim contract was void because of the bar on enactment of essentially the same measure. Similarly, in *Martin v. Smith*, the court concluded that a subsequent enactment that changed the number of years on the term of lease, while maintaining all other terms identically, was essentially the same as the referended ordinance. The number of years of the lease was not the issue that concerned the voters, the court reasoned, but rather the fact of the leases of public land in the first instance.

As the Court of Appeal in held in *County of Kern v. T.C.E.F., Inc.* (2016) 246 Cal.App.4th 301, 322–323, a critical aspect of the exercise of the referendum is that it return the state of challenge laws to the *status quo ante*, in consideration of the practical effect of the actions of the governing body. The court noted that any "additional action taken by a board may not have the practical effect of implementing the essential feature of the protested ordinance. In other words, additional action by a board of supervisors violates section 9145 if it fails to return to the status quo ante on the essential feature of the protested ordinance." The court imposed this

standard because "[a]dopting a more lenient test would allow boards of supervisors to nullify or significantly burden the exercise of the referendum power by repealing a protested ordinance and immediately taking action that produces, from a practical perspective, essentially the same result." Critically, "substance, not form, is the proper test for determining the real character of conduct or a transaction." In the context of a county referendum, the court concluded that the requirement to "'entirely repeal the ordinance' requires the board of supervisors to (1) revoke the protested ordinance in all its parts and (2) refrain from additional action that has the practical effect of implementing the essential feature of the protested ordinance."

The East Ranch project proposed in Agenda Item 6.1 is not just substantially similar; it is virtually identical to the project approved in December 2021, that was the subject of the rescinded Ordinance 11-21. Although Trumark is now required to comply with the terms of the City's inclusionary housing ordinance and provide 60 percent of the affordable units on site, this is the only change in the project presented. The unit count is identical. The arrangement of the property is the same. The resolution notes that "the request to modify Condition of Approvals Nos. 6 and 7 . . . does not materially change Vesting Tentative Tract Map No. 8563." The Vesting Tentative Tract Map even incorporates by reference the repealed Ordinance 11-21. Even though the Tract Map modification will take the form of a resolution, to allow such a resolution to be adopted would elevate form over substance. There can be no doubt that if the Council approves the resolution on the agenda, it will be taking an action to effectuate the precise target of the referendum petition, without having made any changes to respond to the features that were of concern to the public.

The Housing Accountability Act Does Not Eliminate the Need for the Stage Two Development Plan

The basis for this new approach is that the Housing Accountability Act (HAA) purportedly does not allow a city to require a zone change in order to approve housing. This contention significantly distorts the statutory language of the HAA.

The HAA, Government Code section 65589.5, subdivision (j)(4), provides that "a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria **but the zoning for the project site is inconsistent with the general plan**." This provision is intended to allow for projects to proceed where the General Plan allows housing, but the site's underlying zoning does not.

The staff report is notably silent on the operation of the HAA and the question why no Stage 2 Development Plan is required here. The zoning of this property is "Planned Development District." The City's code requires two stages of development plans for properties that are in a Planned Development Zoning District. At enactment of the Planned Development zoning, a "Stage 1 Development Plan" is required that covers the entire district, establishing uses, site area, and proposed densities and maximum unit count. Subsequently, a Stage 2 Development Plan may apply to all or a portion of the Planned Development District, and such plan must include maximum density, unit count by type of unit, architectural standards, and

development regulations. "All Subdivision Maps, Conditional Use Permits, and Site Development Reviews within a Stage 2 development area shall be consistent with that Stage 2 Development Plan. . . . Ministerial and discretionary permits may be issued only for those portions of a Planned Development District for which a Stage 2 Development Plan has been adopted." (Dublin Municipal Code, § 8.32.030 B.) The Stage 2 Development Plan is enacted "in accordance with the provisions of Chapter 8.120, Zoning Ordinance Amendment." (*Id.*, § 8.32.070.) However, while the Stage 2 Development Plan follows those *procedures*, substantively, the Stage 2 Development Plan does not change the property's zoning. It establishes land use policies applicable to the property, while the zoning remains in the Planned Development District.

Given the importance of the Stage 2 Development in the Planned Development District zoning, it is telling that the staff report does not discuss the significance of approving the Vesting Tentative Tract Map without a Stage 2 plan. Indeed, the only modifications made to the Vesting Tentative Tract map are to revise conditions 6 and 7, which address affordable housing and a parcel on which affordable housing would potentially have been constructed. Under the new map, more affordable housing will be built on site than had originally been proposed.

The remainder of the original resolution is left intact. This includes the finding that "[t]he proposed subdivision map together with the provisions for its design and improvement is consistent with the general plan and any applicable specific plan because: 1) the proposed Vesting Tentative Tract Map No. 8563 together with the provisions for the design and improvements comply with the development standards of the Eastern Dublin Specific Plan and the Stage 1 **and Stage 2 Development Plan.**" References to the Stage 2 Development Plan are repeatedly consistently throughout the findings in support of the Vesting Tentative Tract Map. This is not surprising, because subdivision maps *must* be consistent with the Stage 2 Development Plan.

What's more, the proposed resolution in Agenda Item 6.1 expressly *amends* the text of the purportedly rescinded Ordinance 11-21. "BE IT FURTHER RESOLVED that the City Council of the City of Dublin does hereby amend Section 4.9 of Ordinance 11-21, as that text is incorporated by reference into Resolution 140-21, to reflect the text of modified condition 7 set forth above."

It appears that while the Council claims to have rescinded Ordinance 11-21 on March 1, that it is actually treating that document as alive and well. It remains the basis for the consistency of the Vesting Tentative Tract Map, and it is even proposed to be amended by the Council tonight.

In *Orange Citizens for Parks & Recreation v. Superior Court* (2016) 2 Cal.5th 141, the Supreme Court castigated a city that adopted a General Plan amendment that was successfully referended for turning around and pretending that the General Plan amendment was never required in the first instance. The Council here threatens to commit a similar error. Either Council will be pretending that the Stage 2 Development Plan was not required in the first instance, in spite of the unambiguous requirements of the Municipal Code, or Council will admit

that it has resurrected the Stage 2 Development Plan in order to approve the Tract Map, without actually subjecting that plan to the required approval process. Of course, the Council cannot approve a Stage 2 Development Plan, unchanged, without violating the one-year bar.

Conclusion

The Council should reject this effort to subvert the express will of the people, in the exercise of their constitutionally-reserved right of referendum. It is clear that the East Ranch project contains all of the same features to which the people objected in the referendum process. The Council cannot adopt the modifications to the Vesting Tentative Tract Map.

Sincerely,

Beverly Grossman Palmer
Attorney for Dubliners Against Overdevelopment

PERKINSCOIE

505 Howard Street
Suite 1000
San Francisco, CA 94105-3204

T +1.415.344.7000
F +1.415.344.7050
PerkinsCoie.com

May 3, 2022

Cecily Barclay
CBarclay@perkinscoie.com
D. +1.415.344.7117
F. +1.415.344.7317

City of Dublin City Council
c/o Linda Smith
City Manager
City of Dublin
1000 Civic Plaza
Dublin, CA 94568

Re: Agenda Item 6.1 on Tonight's Council Agenda
HAA Application to Modify the East Ranch VTM
Response to Dubliners Against Overdevelopment 5/3/22 Letter

Dear Ms. Smith and Hon. Councilmembers:

On behalf of my client, Trumark Companies, I am responding to the May 3, 2022 letter submitted by Beverly Grossman Palmer on behalf of Dubliners Against Overdevelopment. Please distribute this letter to Councilmembers and include it in the administrative record.

A. Dubliners' Arguments Are Barred By the Statute of Limitations.

All of Dubliners' arguments appear premised upon a claim that the Vesting Tentative Map for East Ranch cannot be implemented or amended. That map was approved on December 7, 2021 by Resolution 140-21, and the approval did not contain any provisions stating that its effectiveness was dependent upon the continued viability of Ordinance 11-21. The statute of limitations for bringing a challenge to that Resolution expired 90 days later, on March 7, 2022.[1] Neither Dubliners nor any other person or entity brought any action prior to March 7, 2022. Accordingly, the Resolution and map are now conclusively deemed valid and cannot be challenged.

B. The One Year Bar Applies Only to Legislative Acts, Not Adjudicatory Map Decisions.

Dubliners raises the one year bar against adopting an ordinance substantially similar to a referended ordinance. No such action is proposed here. As Dubliners notes in its letter, "The

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[1] Gov't Code § 66499.37 establishes the 90-day statute of limitations. Dubliners cannot avoid that bar merely by characterizing its claim as arising under referendum law. Any attack on the provisions of Resolution 140-21, no matter how that attack is characterized, is subject to this 90-day statute of limitations. A project opponent cannot evade the statute of limitations by attempting to characterize their claim differently. Once the statute of limitations passes, the doctrine of administrative res judicata prevents both direct and collateral attacks on the Resolution. See *Hensler v. City of Glendale*, 8 Cal. 4th 1 (1994) (holding that challenge purportedly brought under inverse condemnation law and within inverse condemnation was barred by section 66499.3, because claim was actually a challenge to a map condition); *State of California (Veta) v. Superior Court*, 12 Cal. 3rd 237 (1974); *City and County of San Francisco v. Padilla*, 23 Cal. App. 3rd 388, 396–97 (1972).

question is 'whether the second ***legislative enactment*** is essentially the same as the first.'"[2] Trumark is not seeking any legislative enactment; it seeks only an amendment to its existing Vesting Tentative Map. A map decision is an adjudicatory act. It is not legislative, it therefore cannot replace a legislative action, and it is not subject to initiative or referendum. E.g., *Arnel Dev. Co. v. City of Costa Mesa*, 28 Cal. 3rd 511, 519 n.8 (1980) (referencing bright line rule that maps are adjudicatory).

C. The Housing Accountability Act (HAA) Prevents The City From Requiring Another Stage 2 Plan Rezoning Ordinance.

Dubliners next questions the provisions of the HAA that state the City "shall not require a rezoning." Dubliners concedes that "This provision is intended to allow for projects to proceed where the General Plan allows housing, but the site's underlying zoning does not." That is exactly the case here. The lack of inclusion of a Stage 2 Development Plan in the underlying zoning, absent the HAA, would prevent the project from proceeding.

Dubliners states that the HAA prohibition applies only to the PUD zoning for the site, and not to a rezoning associated with a Stage 2 Development Plan. It characterizes Ordinance 11-21 as something that is separate from the PUD and not a legislative zoning ordinance but only an implementation of pre-existing PUD zoning. Dubliners' argument ignores the plain language of the Municipal Code and Ordinance 11-21. Municipal Code section 8.32.030 states that "A Stage 2 Development Plan . . . may be adopted at a subsequent time ***as a separate Zoning Ordinance Amendment(s)*** pursuant to Chapter 8.120, Zoning Ordinance Amendment." Ordinance 11-21 itself stated that the property was rezoned to incorporate a Stage 2 plan, by ordaining that "the City of Dublin Zoning Map is amended ***to zone the property*** described below to a Planned Development Zoning District," and it referred to the project site as "the ***rezoning*** area."

Requiring approval of another rezoning ordinance is prohibited also because the requirement is not objective, and the HAA prohibits denial based on a non-objective standard. While the City's zoning standards do contain requirements for a Stage 2 Plan, those requirements are not objective. As the California Department of Housing and Community Development explains with respect to analogous provisions of SB 35,[3] "A standard that requires a general plan amendment, the adoption of a specific plan, planned development zoning, or another discretionary permit or approval does not constitute an objective standard." Accordingly, the project cannot be denied for failure to comply with non-objective standards relating to a Stage 2 Development Plan.

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[2] In several quotations, this letter adds emphasis to the text of the original source documents by formatting that text in bold, italicized font.

[3] HCD, *Updated Streamlined Ministerial Approval Process Government Code Section 65913.4 Guidelines*, available at https://www.hcd.ca.gov/policy-research/docs/sb-35-guidelines-update-final.pdf

D. The Map Incorporates the Contents of Ordinance 11-21 By Reference, Thus Establishing All Details Of a Stage 2 Plan.

Trumark agrees that it is bound by the contents of the previously-approved Stage 2 Development Plan even though Ordinance 11-21 has been repealed. Accordingly, there should be no concerns about the details of the site plan Trumark is authorized to develop.

As explained in our application letter, Resolution 140-21 approving the East Ranch Vesting Tentative Map incorporates the contents of Ordinance 11-21 by reference. The fact that Ordinance 11-21 was repealed is not relevant to the fact that its *contents* are still part and parcel of Resolution 140-21. In *Palermo v. Stockton Theaters*, 32 Cal. 2d 53, 59 (1948), for example, the court noted that "[i]t is a well-established principle of statutory law that, where a statute adopts by specific reference the provisions of another statute, regulation, or ordinance, such provisions are incorporated in the form [in] which they exist at time of reference and not as subsequently modified, ***and that the repeal of the provisions referred to does not affect the adopting statute***, in the absence of a clearly expressed intention to the contrary." The court reasoned that, had the statute at issue expressly indicated that it would expire when the incorporated text expired, that provision would have been given effect. However, the absence of such an express provision was evidence that such a result was not intended. *Id*. at 62. See also, *Gonzalez v. City of Norwalk*, 17 Cal. App. 5th 1295, 1311 (2017) (court applied this principle in interpreting a city ordinance enacted by ballot initiative that specifically referenced federal tax law, holding that a change in the interpretation of federal tax law did not apply retroactively to change the meaning of the city ordinance). Accordingly, the text of Ordinance 11-21 remains incorporated into the map approval.

E. Trumark Is Not Pretending Ordinance 11-21 is Alive and Well.

Dubliners accuses the City of pretending that Ordinance 11-21 is alive and well. Trumark is not requesting the City to do any such thing. As noted above, while the contents of Ordinance 11-21 remain incorporated into Resolution 140-11, Ordinance 11-21 has been repealed. If Ordinance 11-21 were still "alive and well," there would be no need to invoke the provisions of the HAA that prevent the City from requiring a rezoning ordinance.

Dubliners cites *Orange Citizens for Parks & Recreation v. Superior Court,* 2 Cal. 5th 141 (2016). That case involves a city's interpretation and application of its General Plan.[4] It does not

[4] In that case, citizens successfully referended a resolution enacting a General Plan Amendment. The City of Orange nonetheless approved a project, taking the position that the amendment was not needed for the project, because its General Plan already included a Resolution that had been enacted in 1973. The court noted that "the main question before us is whether the 1973 resolution is part of the City's current general plan." It reviewed the record in detail, noted that "City planning documents and internal analyses have referred to the [1973 Resolution] in varying and inconsistent terms, sometimes describing it as part of the general plan, sometimes as a specific plan, and sometimes as a different type of plan altogether, such as an area, neighborhood, or community plan," and described the pre-amendment land use designation as clearly and specifically limiting uses. It concluded that "no reasonable person could conclude that the Property could be developed without a general plan amendment changing its land use designation," and overturned the project approvals.

mention the HAA or any State Housing Law. It does not address Dubliners' claim that a rezoning ordinance can be required despite the HAA. Accordingly, the case is not relevant.

Dubliners notes correctly that Trumark is requesting the Council amend the portion of the map resolution that incorporates the contents of Ordinance 11-21 by reference, and questions that request. Trumark has applied to amend that portion of the map resolution solely to reflect the modified, objective housing program. Trumark's application letter establishes that it is seeking an amendment to the map approval, not re-enactment of Ordinance 11-21.

Finally, Dubliners implies that if a Stage 2 Development Plan rezoning ordinance was required previously, it must be required now. Not so. Trumark's previous applications sought approval of a project that implemented discretionary provisions of the City's inclusionary ordinance, and therefore was not subject to the HAA. The current application addresses a modified project that is consistent with objective inclusionary housing standards and therefore *is* subject to the HAA. It is the HAA that eliminates the requirement that the site's zoning regulations include a Stage 2 Development Plan.

Thank you for considering this matter.

Sincerely,

Cecily Barclay

cc: John Bakker, City Attorney
Tony Bosowski, Division President, Trumark Companies, LLC
John Willsie, General Counsel, Trumark Companies, LLC

Agenda Item 8.1

STAFF REPORT

CITY COUNCIL

DATE: May 3, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Linda Smith, City Manager

SUBJECT: Business Recovery Playbook
Prepared by: Hazel L. Wetherford, Economic Development Director

EXECUTIVE SUMMARY:

The City Council will receive a report on the Business Recovery Playbook, a post-pandemic strategic action plan to support Dublin businesses. The Business Recovery Playbook assesses the current business climate, builds upon current efforts, and implements new strategies.

STAFF RECOMMENDATION:

Receive the report on the Business Recovery Playbook.

FINANCIAL IMPACT:

There is no financial impact associated with the receipt of this report.

DESCRIPTION:

Over the course of the past two years, the City has implemented several resources and programs to help the Dublin business community through the COVID-19 pandemic. Many of these programs and resources have helped maintain the economic climate of Dublin. As the pandemic guidelines have eased, Staff has refocused on recovery to help businesses reimagine and renew their operations moving forward.

The Economic Development Department has prepared a Business Recovery Playbook that operates as a post-pandemic strategic action plan. The Playbook focuses on three main phases: Assessment, Build, and Implementation, which includes Diversity, Equity and Inclusion (DEI) efforts.

There are several objectives outlined in the Playbook that will continue to provide much-needed resources and programs to Dublin businesses. In the Assessment phase, Staff will be working to

discern the business needs and future challenges through a Business Needs Assessment Survey, a Walking Tour, and Business Roundtables. These outreach efforts will provide Staff the opportunity to speak with business owners in a one-on-one setting. Once the information is gathered and assessed, Staff will move into the Build phase.

In the Build phase, Staff will continue the business roundtable efforts to ensure that what was heard from survey responses is accurate and representative of the building climate. There will also be more opportunities to connect industry sector businesses with each other so they can learn best practices from one another. In this phase, Staff will be working on building a loyalty reward program, increasing communication efforts, and creating additional grant programs using funding set aside from the American Rescue Plan Act.

In the Implementation phase, Staff will begin to review current processes and policies that may need to be revisited such as long-term temporary outdoor space, parking requirements for food and beverage establishments, and providing educational opportunities through local and regional partnerships. In addition, Staff has included DEI efforts through the Business Needs Assessment survey and through the City's business license application by including optional questions on race and ownership. This data will help identify other resources for our business owners.

Some of these efforts are currently underway such as the Business Needs Assessment survey, the Walking Tour, and the Text Communications program. The latter is a brand-new and innovative program using traditional private-sector tools in local government. Whereas business owners may overlook emails or have them flagged as junk mail, text communications will bring the information straight to the palm of their hand. This will increase the timeliness and reliability of communication efforts to small businesses and will also provide the opportunity for Staff to respond quickly to any inquiries. This new program will work like a business hotline with the goal of bringing information accessibility to Dublin's small businesses.

In April 2022, Staff presented this Playbook to the Economic Development Committee. The Committee supported the concepts included in the Playbook and unanimously recommended that Staff bring the item before the City Council. This support and recommendation fall under the Committee's purview to provide policy guidance and direction on economic development activities.

It is worth noting that the Business Recovery Playbook is a living document which will change based on the needs of the business community. Staff will evaluate the business survey responses, roundtable events, and new data as it presents itself, and make changes to the Playbook as necessary.

STRATEGIC PLAN INITIATIVE:

None.

NOTICING REQUIREMENTS/PUBLIC OUTREACH:

The City Council Agenda was posted.

ATTACHMENTS:

1) Business Recovery Playbook

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BUSINESS RECOVERY PLAYBOOK

POST-PANDEMIC STRATEGIC ACTION PLAN

The disruption that COVID-19 has brought to the business community has been unprecedented and challenging. As we begin to see case numbers decrease and restrictions lifted, small businesses continue to grapple with uncertainty in cash flow, rental arrears, employment shortages, and new policies. The City of Dublin is prepared to support the business community by preparing a Business Recovery Playbook to ensure both the survival and recovery of our small businesses.

PHASE 1: ASSESSMENT

Business Survey

- Distribute a survey to businesses to collect information regarding how businesses are doing (revenue/traffic-wise); understanding their challenges; increased/decreased employment; present and future concerns and needs, etc. Use this opportunity to collect Diversity, Equity, and Inclusion (DEI) information from business owners (questions are optional).

Boots on the Ground (aka Walking Tour)

- The Office of Economic Development Team will walk areas of the community to have direct contact with businesses, ensuring that all industry sectors are accounted for.

Business Roundtables

- Hold business roundtables with the various industry sectors (i.e., restaurants, retail, salon, fitness, etc.) to understand their challenges and concerns.

PHASE 2: BUILD

Post-Survey Roundtables

- Hold quarterly/semi-annual post-survey Business Roundtables to allow for sharing of ideas, news, best practices, etc.
- Check in with business community to gauge whether survey or roundtables (or both) are preferred.

Networking/Marketing Opportunities

- Consider more opportunity for person-to-person connections: job fairs, meet 'n greet, business visitation and spotlight events (i.e., Taste the World passport/gift card giveaway to replace #DublinEats).
- Colu app: loyalty reward program encouraging community engagement; opportunities for business spotlights, wide range of participation, and positive economic impact.

Communication

- Continue the COVID and regular Dublin Business Brief eNewsletters distribution.
- Create a Mobile Text Alert Service for small businesses as another form of communication between the City and business owners.

Business Support Grant Programs

- Depending on the business survey responses, develop grant programs that address the highest needs and/or challenges, such as:
  - i. Staffing: grant that provides dollars for sign-on bonuses or similar incentive for hiring and/or staff retention.
  - ii. Business Technology: grant that provides dollars to help implement and/or improve business technology (POS system, CRM, etc.).
  - iii. Marketing/Social Media: grant that assists business owners with marketing and social media tools to promote their services.

PHASE 3: IMPLEMENTATION

City Processes/Policies

- Pending feedback from business community, consider amending and/or streamlining certain City processes and/or policies to feed business needs (i.e., making temporary outdoor space permanent, alleviating common hurdles for permit applications, etc.).

DEI Initiatives and Business License Form/Data

- Updating the Business License Application to include optional questions surrounding Diversity, Equity, and Inclusion.

Long-Term Temporary — Temporary Use Permit (LTT TUP)

- LTT TUP ends on September 30, 2022. Consider policies to extend the program or more permanent policies.

Outdoor Dining Support

- Consider revising policies that support flexible or less restrictive parking standards for outdoor dining.
- Work with Dublin San Ramon Services District on their fees as it relates to outdoor dining and restaurants creating new spaces.

Education & Resources

- Webinars, Tutorials and Speakers – Leverage local and regional partnerships (i.e., Tri-Valley Career Center, Chabot-Las Positas Community College, Alameda County Workforce Development Board, East Bay Economic Development Alliance, East Bay Small Business Development Center, Tri-Valley cities, etc.) to coordinate and provide educational opportunities geared towards current trends:
  - staffing challenges
  - funding opportunities
  - supply chain challenges
  - marketing and social media support
  - business development
  - taxes

Partnerships

- Business Plans – Partnering with East Bay Small Business Development Center to help businesses reevaluate their business plans post-pandemic.
- Grant Programs – Partnering with East Bay Economic Development Alliance and others on additional business grant opportunities.
- Entrepreneurism – Partnering with Startup Tri-Valley and Innovation Tri-Valley to support the Tri-Valley entrepreneurship ecosystem.

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Business Recovery Playbook

May 3, 2022

Business Recovery Playbook

Phase 1 – Assessment

- Business Needs Assessment Survey
- Boots on the Ground Walking Tour
- Business Roundtables

Phase II – Build

- Post-Survey Roundtables
- Networking/Marketing Opportunities
  - Taste the World Passport Campaign
  - Loyalty Rewards Program
- Communication
  - Mobile Text Alert
- Business Support Grant Programs

Phase III – Implementation

- City Processes/Policies
- Diversity, Equity and Inclusion Initiatives
- Long-Term Temporary – Temporary Use Permit
- Outdoor Dining Support
- Education & Resources
- Partnerships

Conclusion

- Next Steps
- Questions