AGENDA
SAN BRUNO CITY COUNCIL
SPECIAL MEETING
April 23, 2019
6:00 p.m.

Meeting Location: San Bruno Senior Center, 1555 Crystal Springs Road, San Bruno, CA

City Council meetings are conducted in accordance with Roberts Rules of Order Newly Revised and City Council Rules of Procedure. All regular Council meetings are recorded and televised on CATV Channel 1 and replayed the following Thursday, at 2:00 pm. Recordings of the City Council meetings are available for listening at the City Clerk’s Office and video of the City Council meetings may be viewed at www.sanbruno.ca.gov. Audio CDs with recordings of City Council meetings may be purchased at the City Clerk’s office, or may be listened to at the San Bruno Library. In compliance with the Americans with Disabilities Act, individuals requiring reasonable accommodations or appropriate alternative formats for notices, agendas and records for this meeting should notify us 48 hours prior to meeting. Please call the City Clerk’s Office 650-616-7061, or email your request to Melissa Thurman, City Clerk at mthurman@sanbruno.ca.gov.

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT ON ITEMS NOT ON AGENDA
   Individuals allowed three minutes, groups in attendance, five minutes. It is the Council's policy to refer matters raised in this forum to staff for investigation and/or action where appropriate. The Brown Act prohibits the Council from discussing or acting upon any matter not agendized pursuant to State Law.

4. CLOSED SESSION:
   a. Conference with Legal Counsel - Anticipated Litigation

      Significant exposure to litigation pursuant to Government Code § 54956.9(d)(2), One Case

5. ADJOURNMENT:

   The next Regular City Council Meeting will be held on April 23, 2019 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

POSTED PURSUANT TO LAW 04/18/19
AGENDA
SAN BRUNO CITY COUNCIL
April 23, 2019
7:00 p.m.

Meeting Location: San Bruno Senior Center, 1555 Crystal Springs Road, San Bruno, CA

City Council meetings are conducted in accordance with Roberts Rules of Order Newly Revised and City Council Rules of Procedure. All regular Council meetings are recorded and televised on CATV Channel 1 and replayed the following Thursday, at 2:00 pm. Recordings of the City Council meetings are available for listening at the City Clerk's Office and video of the City Council meetings may be viewed at www.sanbruno.ca.gov. Audio CDs with recordings of City Council meetings may be purchased at the City Clerk’s office, or may be listened to at the San Bruno Library. In compliance with the Americans with Disabilities Act, individuals requiring reasonable accommodations or appropriate alternative formats for notices, agendas and records for this meeting should notify us 48 hours prior to meeting. Please call the City Clerk’s Office 650-616-7061, or email your request to Melissa Thurman, City Clerk at mthurman@sanbruno.ca.gov.

Thanks to the San Bruno Garden Club for providing the floral arrangement.

1. CALL TO ORDER

2. ROLL CALL/PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:
   Individuals allowed three minutes, groups in attendance, five minutes. It is the Council's policy to refer matters raised in this forum to staff for investigation and/or action where appropriate. The Brown Act prohibits the Council from discussing or acting upon any matter not agendized pursuant to State Law.

4. ANNOUNCEMENTS/PRESENTATIONS:
   a. Recology San Bruno will host a free Compost Give Away, to celebrate Earth Day on Saturday, April 27th, from 8:00 a.m. to 11:00 a.m., at Beckner Shelter in San Bruno Park. Bring your own bucket.
   b. Operation Clean Sweep Coordinated by the Beautification Task Force will be held on Saturday May 4th beginning at 9:00 a.m. at City Park. To register, please visit the City's website at www.sanbruno.ca.gov
   c. The City of San Bruno is offering up to 200 private trees to San Bruno property owners through a partnership with the California Initiative to Reduce Carbon and Limit Emissions (Circle 3.0). This program is part of a statewide project, and a great way to help the environment and save money. Visit the City's homepage for program details at www.sanbruno.ca.gov or contact the Community Services Department at (650) 616-7187.
   d. Receive the Annual Report from the Bicycle & Pedestrian Advisory Committee.
   e. Receive Presentation on the Results of the Community Priorities Survey.
5. **CONSENT CALENDAR:**
   All items are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion, unless requested.

   a. **Accept** Accounts Payable of April 8 and 15, 2019.
   b. **Accept** Payroll for April 5, 2019.
   c. **Adopt** Resolution Authorizing Temporary Road Closure of Various Streets in Conjunction with the 79th Annual Posy Parade and 6th Annual Community Day in the Park.

6. **CONDUCT OF BUSINESS:**

   a. Schedule Budget Meetings to Review the Proposed Fiscal Year 2019-20 Annual Operating and Capital Improvement Program Budgets.
   b. Appoint Youth Representative to the Parks & Recreation Commission.
   c. Adopt Resolution Approving the Design, Authorizing the City Manager to Execute a Construction Contract with Golden Bay Construction, Inc. for the Installation of Bulb-Outs for the Transit Corridor Pedestrian Connection Improvement Phase 2 Project at the Intersections of San Bruno Avenue and Easton, Masson, Mills Avenues in the Amount of $613,002, Approving a Construction Contingency of $92,000, Appropriating $75,000 from Measure A, and Approving a Total Budget in the Amount of $924,291.
   d. Receive and Authorize Mayor to Sign Statement of Concern to California Senate Bill 50 (Wiener), as Amended, on Housing, Opportunity, Mobility, Equity, and Stability Act, and its Impact to the City of San Bruno.

7. **COMMENTS FROM COUNCIL MEMBERS**

8. **ADJOURNMENT:**

   The next Regular City Council Meeting will be held on May 14, 2019 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

   **Posted Pursuant to Law 04/18/2019**
DATE: April 8, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Keith DeMartini, Finance Director
Kathleen O’Malley, Accounting & Customer Service Representative

SUBJECT: Accounts Payable Warrant Register

This is to certify that the claims listed on pages 1 to 3 inclusive, and/or claims numbered from 180747 through 180864 inclusive, totaling $355,141.80 have been checked in detail and approved by the proper officials, and in my opinion, represent fair and just charges against the City in accordance with their respective amounts. The table below summarizes the total paid by Fund.

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**TOTAL FOR APPROVAL** $355,141.80

Respectfully submitted,

Finance Director

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GrandTotal: 355,141.80  
Total count: 118
DATE: April 15, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Keith DeMartini, Finance Director
Kathleen O’Malley, Accounting & Customer Service Representative

SUBJECT: Accounts Payable Warrant Register

This is to certify that the claims listed on pages 1 to 3 inclusive, and/or claims numbered from 180865 through 180988 inclusive, totaling $954,765.89 have been checked in detail and approved by the proper officials, and in my opinion, represent fair and just charges against the City in accordance with their respective amounts. The table below summarizes the total paid by Fund.

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Respectfully submitted,

Finance Director

[Signature]

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Grand Total: 954,765.89
Total count: 124
DATE: April 23, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Benjie Lin, Payroll Specialist

SUBJECT: Payroll Acceptance

City Council acceptance of the City payroll distributed April 5, 2019 is recommended. The Labor Summary report reflecting the total payroll amount of $1,561,675.21 for bi-weekly pay period ending March 31, 2019 by fund is shown below:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
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<tr>
<td>Fund: 001 - GENERAL FUND</td>
<td>$1,180,112.25</td>
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<tr>
<td>Fund: 122 - SOLID WAIST/RECYCL.</td>
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<td>Fund: 201 - PARKS AND FACILITIES CAPITAL</td>
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<td>Fund: 203 - STREET IMPROVE. PROJECTS</td>
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<td>Fund: 611 - WATER FUND</td>
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<td>Fund: 621 - STORMWATER FUND</td>
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<td>Fund: 631 - WASTEWATER FUND</td>
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<tr>
<td>Fund: 641 - CABLE TV FUND</td>
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<td>Fund: 701 - CENTRAL GARAGE</td>
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<td>Fund: 702 - FACILITY MAINT.FUND</td>
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<td>Fund: 707 - TECHNOLOGY DEVELOPMENT</td>
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<td>Fund: 711 - SELF INSURANCE</td>
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Total: $1,561,675.21

Respectfully Submitted,

Keith DeMartini, Finance Director

Date 4/16/19
DATE: April 23, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Joanne Magrini, Community Services Director

SUBJECT: Adopt Resolution Authorizing Temporary Road Closure of Various Streets in Conjunction with the 79th Annual Posy Parade and 6th Annual Community Day in the Park

BACKGROUND:

On Sunday, June 2, 2019, the San Bruno Lions Club will be hosting the 79th Annual Posy Parade between 11:00 a.m. and 12:00 Noon. The City of San Bruno will be hosting the 6th Annual Community Day in the Park beginning at 12:00 Noon until 5:00 p.m. The theme of this year’s Posy Parade is “Super Heroes for Diversity”. The San Bruno Lions Club will host the Parade and the annual baseball game between St. Robert’s School and Parkside Middle School. Following the Parade, the City will host the 6th Annual Community Day in the Park. San Bruno City Park will be transformed into a hometown carnival complete with rides, entertainment, food, children’s games and activities, information tables, and displays.

The Posy Parade will travel along San Mateo Avenue from Kains Avenue to El Camino Real, across the roadway onto Crystal Springs Road to San Bruno City Park. Community Day in the Park will be held in San Bruno City Park and will, just as last year, utilize the space on City Park Way for the staging of rides and children’s activities. Pursuant to California Vehicle Code Section 21101, closure of certain streets in connection with these events is necessary for the safety and protection of people enjoying the parade and Community Day events.

DISCUSSION:

To accommodate the Posy Parade, the various streets listed below would be closed to vehicular traffic, except to those participating in the Parade, on Sunday, June 2, 2019 between 9:00 a.m. and 1:00 p.m.:

1. Kains Avenue between El Camino Real and San Mateo Avenue;
2. San Mateo Avenue between El Camino Real and Kains Avenue;
3. Jenevein Avenue between El Camino Real and San Mateo Avenue;
4. Crystal Springs Road between El Camino Real and the entrance to City Park Way;
5. El Camino Real between San Mateo Avenue and Crystal Springs Road;
6. Masson Avenue, Easton Avenue, Green Avenue, and Hensley Avenue closed to through traffic between San Bruno Avenue and Kains Avenue and between Angus Avenue and Kains Avenue; and,
7. Taylor Avenue between Mastick Avenue and El Camino Real.

To accommodate the set-up and take-down of rides in conjunction with Community Day in the Park, the proposed closure of City Park Way between Crystal Springs Road and De Soto Way would occur between the hours of 6:00 p.m. on Saturday, June 1, 2019 and 8:00 p.m. on Sunday, June 2, 2019. Depending on the time required to disassemble and remove the rides, City Park Way may open before 8:00 p.m. on Sunday, June 2, 2019.

In order to accommodate the road closure, a Traffic Control Plan has been developed and coordinated with the Police and Fire Departments. All residents within the area bounded by Crystal Springs Road to the north, San Mateo Avenue to the east, the City boundary to the south, and the Junipero Serra County Park to the west will be provided written notice of the road closure following City Council’s approval. Information regarding road closures will also be provided to the community on Channel 1, the City’s webpage, and other social media outlets.

FISCAL IMPACT:

Closure of the road will be performed by City staff using existing staff resources and equipment. The estimated cost of the staff time based on past year’s staffing levels and analysis is approximately $3,865.

ALTERNATIVES:

1. Do not approve the street closure.
2. Approve the road closure subject to additional conditions.

RECOMMENDATION:

Adopt Resolution Authorizing Temporary Road Closure of Various Streets in Conjunction with the 79th Annual Posy Parade and 6th Annual Community Day in the Park

DISTRIBUTION:

1. None

ATTACHMENTS:

1. Resolution

DATE PREPARED:

April 9, 2019
ADOPT RESOLUTION AUTHORIZING TEMPORARY ROAD CLOSURE OF VARIOUS
STREETS IN CONJUNCTION WITH THE 79TH ANNUAL POSY PARADE AND 6TH ANNUAL
COMMUNITY DAY IN THE PARK

WHEREAS, the 79th Annual Posy Parade will be held on Sunday, June 2, 2019 for the
approximate hours of 11:00 a.m. and 1:00 p.m., between the intersection of Kains Avenue,
along San Mateo Avenue, Crystal Springs Road; and City Park Way; and

WHEREAS, the 6th Annual City of San Bruno Community Day in the Park will be held on
Sunday, June 2, 2019 in the San Bruno City Park between approximately 12:00 Noon and 5:00
p.m.; and

WHEREAS, the San Bruno City Council finds and declares, pursuant to California
Vehicle Code Section 21101, that the closing of certain streets in connection with such parade
and community event is necessary for the safety and protection of persons who are to use
certain portions of such streets during such temporary closing; and

WHEREAS, the Posy Parade event includes activities at the City Park ball fields and
along City Park Way in City Park at the end of the parade.

NOW, THEREFORE BE IT RESOLVED, by the San Bruno City Council that the following streets,
numbered one through seven below, or portions thereof shall be closed to vehicular traffic, except as to those units participating in such parade, on Sunday, June 2, 2019 between the hours of 9:00 a.m. and 1:00 p.m., and street number eight listed below, City Park Way between Crystal Springs Road and DeSoto Way, shall be closed to vehicular traffic except as to those units participating in such parade between the hours of 6:00 p.m. on Saturday, June 1, 2019 and 8:00 p.m. on Sunday, June 2, 2019, except under such circumstances in which the Chief of Police or his designated representative(s) or authorized personnel find that vehicular traffic may use such streets or portions thereof without interfering with the safety or functioning of the units participating in such parade.

1. Kains Avenue between El Camino Real and San Mateo Avenue;
2. San Mateo Avenue between El Camino Real and Kains Avenue;
3. Jenevein Avenue between El Camino Real and San Mateo Avenue;
4. Crystal Springs Road between El Camino Real and the entrance to City Park Way;
5. El Camino Real between San Mateo Avenue and Crystal Springs Road;
6. Masson Avenue, Easton Avenue, Green Avenue and Hensley Avenue closed to through
   traffic between San Bruno Avenue and Kains Avenue and between Angus Avenue and
   Kains Avenue;
7. Taylor Avenue between Mastick Avenue and El Camino Real; and,
8. City Park Way between Crystal Springs Road and Desoto Way.

BE IT FURTHER RESOLVED, the City Council hereby authorizes the use of City Park
ball fields and Police Department assistance with traffic control associated with the Posy Parade
event.
I hereby certify that foregoing Resolution No. 2019 - ____
was introduced and adopted by the San Bruno City Council at a regular meeting on
April 23, 2019 by the following vote following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____________________________
Melissa Thurman, City Clerk
DATE: April 23, 2019
TO: Honorable Mayor and Members of the City Council
FROM: Jovan D. Grogan, City Manager

SUBJECT: Schedule Budget Meetings to Review the Proposed Fiscal Year 2019-20 Annual Operating and Capital Improvement Program Budgets

BACKGROUND:

Every year, the City of San Bruno schedules special City Council meetings (Study Session meetings) to review and consider the City’s proposed annual Operating and Capital Improvement Program (CIP) Budgets. The Study Session meetings allow the City Council to review and consider issues related to the preparation of the operating and capital budgets and work programs. The budget Study Session meetings also allow the City Council an opportunity to provide staff with direction regarding work programs and City Manager proposed service level enhancements. The City Council typically schedules two Study Session meetings in early June for review of the budgets and reserve a third date, to allow for additional discussion if necessary. This year, staff proposes to add an additional study session in May to provide a format for the City Council to receive detailed information and presentations on the proposed budgets and the City’s fiscal condition. All budget meetings will be publicly noticed and are typically held at San Bruno City Hall.

The City Council will consider final approval of the FY2019-20 Operating and Capital Improvement Program Budgets at a Public Hearing scheduled for June 25, 2019.

DISCUSSION:

Staff recommends the City Council identify five dates to hold budget meetings on the Proposed FY 2019-20 Operating and Capital Budgets in May and June 2019, for budget and work program review. At the scheduled study session meetings, staff will present the Operating and Capital Improvement Program Budgets. Each meeting will be scheduled depending upon City Councilmember availability.

The following dates have been identified as options to hold the budget meetings:

- Wednesday, May 29, 2019 – daytime Study Session beginning at 10:00 a.m.
- Tuesday, June 11, 2019 – Study Session before the regular City Council meeting
Wednesday, June 12, 2019 - evening Study Session reserved for additional follow-up with the City Council (if needed)

Tuesday, June 25, 2019 – Study Session before the regular City Council meeting and Public Hearing at the regular City Council meeting

FISCAL IMPACT:

None.

RECOMMENDATION:

Schedule budget meetings to review the proposed fiscal year 2019-20 annual operating and capital improvement program budgets.

ALTERNATIVES:

1. Identify alternative dates to schedule budget review Study Session meetings.
2. Do not schedule budget review Study Session meetings for the 2019-20 fiscal year.

ATTACHMENTS:

None
DATE: April 23, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

PREPARED BY: Jimmy Tan, Public Works Director/City Engineer

SUBJECT: Adopt Resolution Approving the Design, Authorizing the City Manager to Execute a Construction Contract with Golden Bay Construction, Inc. for the Installation of Bulb-Outs for the Transit Corridor Pedestrian Connection Improvement Phase 2 Project at the Intersections of San Bruno Avenue and Easton, Masson, Mills Avenues in the Amount of $613,002, Approving a Construction Contingency of $92,000, Appropriating $75,000 from Measure A, and Approving a Total Budget in the Amount of $924,291

BACKGROUND:

The City’s Capital Improvement Program includes the Transit Corridors Pedestrian Connection Improvement Program (Program) to create a pedestrian-oriented environment, improve streetscape, and provide access to and between public areas and transit stations along the San Bruno downtown area.

Two projects within the Program have been completed.

- The first completed project consisted of the construction of accessible curb ramps, sidewalk repairs and planting of street trees along Huntington Avenue and San Bruno Avenue.
- The second completed project enhanced the existing open area of Huntington Avenue just north of I-380 with new landscaping and drip irrigation to create a more pleasant experience for pedestrians traveling to and from the Bay Area Rapid Transit station.

The remaining project within the Program is known as Phase 2. The Phase 2 Project is funded by grants from Safe Routes to Transit in the amount of $500,000 and San Mateo County Transportation Authority (SMCTA) in the amount of $350,000 for a total grant amount of $850,000. Initially, Phase 2 was to include the installation of ADA compliant curb ramps and street furniture along San Bruno Avenue, art murals on Huntington Avenue under the I-380 overpass, and pedestrian lighting on El Camino Real under the I-380 overpass. This work was not completed and the scope was changed in 2017.

In early 2017, collision data were reviewed and the overall project’s scope of work was reviewed and updated to focus more on increasing pedestrian safety at intersections along
San Bruno Avenue. Staff evaluated the corridor and determined that pedestrian improvements could be enhanced between the intersections of Green Avenue and Mills Avenue. The proposed improvements include bulb-outs to reduce the crossing distances and high visibility striping. Incidental work to install the bulb-outs include relocating existing storm drain catch basins and conforming the paving to the proposed elevations. In addition, a rectangular rapid flashing beacon system is proposed to be installed at the intersection of San Bruno Avenue and Easton Avenue to increase driver awareness of crossing pedestrians at this highly utilized intersection.

The City issued a Request for Proposal for the design of the proposed improvements and selected Bellecci & Associates to complete the construction documents in August 2018 for the amount of $127,989.

**DISCUSSION:**

Bellecci & Associates completed the design drawings and specifications in January 2019. The proposed improvements include installing bulb-outs at the intersection corners, which increase pedestrian visibility to drivers and reduce the length of pedestrian travel across San Bruno Avenue. Each proposed bulb-out runs a length of approximately 25’ along San Bruno Avenue. This distance was needed to accommodate space for 2 curb ramps at each corner. The consultant conducted an evaluation to confirm whether the proposed corners would allow vehicles up to 35’ in overall length (typical length of a delivery truck) to clear turns without requiring drivers to extend into adjacent travel lanes. Based on the evaluation, the vehicles up to 35’ long will not travel into the adjacent travel lane. The impact on parking spaces along San Bruno Avenue varies at each intersection due to existing red curbs and driveway approaches. Approximately eight (8) parking spaces along San Bruno Avenue will need to be removed as part of the project to construct the bulb-outs.

Due to the escalation in construction costs, the design was prepared to include a base bid with bid additives. The separation of base bid and bid additives allowed the City to determine whether one or all of the bid additives can be awarded in the project based on available budget. The intersection of Easton Avenue and San Bruno Avenue was selected to be the base bid. The following remaining intersections were included as bid additives.

1. Bid Additive No. 1 – Intersection at San Bruno Avenue and Masson Avenue
2. Bid Additive No. 2 – Intersection at San Bruno Avenue and Green Avenue
3. Bid Additive No. 3 – Intersection at San Bruno Avenue and Mills Avenue

**Contractor Selection**

The project was advertised in the San Mateo County Times newspaper on January 28, 2019 and February 4, 2019. Notice to bidders was sent to ninety (90) contractors listed in the City’s contractor directory, posted on the City’s website and provided to five (5) construction plan rooms.

On February 20, 2019, staff conducted the bid opening for the project and received three bids which are as follows:
The lowest base bid was from Golden Bay Construction, Inc. in the amount of $314,079, which is approximately $25,000 below the engineer's estimate. Staff reviewed the bid materials and determined that the submitted bid is complete and accurate. Golden Bay Construction, Inc. has satisfactorily completed numerous concrete construction projects for public agencies such as Fremont, Menlo Park, and South San Francisco. In addition, Golden Bay Construction, Inc. was the subcontractor on the recently completed Bell Air Parking Lot Improvement Project for the City of San Bruno. Based on their experience and performance with the City of San Bruno and other public agencies, staff determined that Golden Bay Construction, Inc. meets the qualifications to perform the work for the Transit Corridor Pedestrian Connection Improvements Phase 2 Project as specified in the contract documents.

With the total grant funding of $850,000, staff is recommending to award the base bid and additive items 1 and 3 for a total project cost of $613,002. This recommended combination of bid additives would most effectively expend the available funding to complete the most amount of work with the least contribution from the City.

**FISCAL IMPACT:**

The estimated total project cost which includes design services, construction contract, construction contingency, and City construction project management is as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
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<tbody>
<tr>
<td>Design Contract (Bellecci &amp; Associates)</td>
<td>$127,989</td>
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<tr>
<td>Staff Project Management (Design Phase)</td>
<td>$30,000</td>
</tr>
<tr>
<td>Construction Contract (Golden Bay Construction, Inc.)</td>
<td>$613,002</td>
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<tr>
<td>Construction Contingency (15%)</td>
<td>$92,000</td>
</tr>
<tr>
<td>Construction Staff Project Management (10%)</td>
<td>$61,300</td>
</tr>
<tr>
<td><strong>Estimated Total Project Cost</strong></td>
<td><strong>$924,291</strong></td>
</tr>
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The FY2018-19 Capital Improvement Program budget includes appropriations in the amounts of $850,000 for the Transit Corridor Pedestrian Improvement Phase 2 Project funded by the Safe Routes to Transit and SMCTA. The City successfully received amendments to the agreements with both the grant agencies for the scope changes and time extension. An additional appropriation of $75,000 is being requested to supplement the project budget. Adequate funding is available in the Measure A Fund for the appropriation.

**ALTERNATIVES:**
1. Award a contract for the base bid only. This will result in removing approximately three (3) parking spaces along San Bruno Avenue. However, the City will lose the grant funding in the amount of $350,000 from SMCTA.

2. Do not award a contract for the Phase 2 Project. The City will lose the grant funding in the amount of $850,000 from Safe Routes to Transit and SMCTA.

3. Do not award a contract for the Phase 2 Project and reject all bids. Instruct staff to re-advertise project. This will include additional costs for advertisement, will delay the contract award date, may result in increased bid prices, and may not meet project delivery by the grant extension deadlines in November 2019.

**RECOMMENDATION:**

Adopt resolution approving the design, authorizing the City Manager to execute a construction contract with Golden Bay Construction, Inc. for the installation of bulb-outs for the Transit Corridor Pedestrian Connection Improvement Phase 2 Project at the intersections of San Bruno Avenue and Easton, Masson, and Mills Avenues in the amount of $613,002, approving a construction contingency of $92,000, appropriating $75,000 from Measure A, and approving a total budget in the amount of $924,291.

**DISTRIBUTION:**

None

**ATTACHMENTS:**

1. Resolution
2. Intersection of Easton Avenue and San Bruno Avenue
3. Intersection of Masson Avenue and San Bruno Avenue
4. Intersection of Mills Avenue and San Bruno Avenue

**DATE PREPARED:**

April 3, 2019
RESOLUTION NO. 2019-____

RESOLUTION APPROVING THE DESIGN, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH CONTRACT WITH GOLDEN BAY CONSTRUCTION, INC. FOR THE INSTALLATION OF BULB-OUTS FOR THE TRANSIT CORRIDOR PEDESTRIAN CONNECTION IMPROVEMENT PHASE 2 PROJECT AT THE INTERSECTIONS OF SAN BRUNO AVENUE AND EASTON, MASSON, AND MILLS AVENUES IN THE AMOUNT OF $613,002, APPROVING A CONSTRUCTION CONTINGENCY OF $92,000, APPROPRIATING $75,000 FROM MEASURE A, AND APPROVING A TOTAL BUDGET IN THE AMOUNT OF $924,291

WHEREAS, the City’s Capital Improvement Program includes the Transit Corridors Pedestrian Connection Improvement Program (Program) to create a pedestrian oriented environment, improve streetscape, and provide access to and between public areas and transit stations along the San Bruno downtown area; and

WHEREAS, two projects within the Program have been completed and the remaining project within the Program includes the installation of ADA compliant curb ramps and street furniture along San Bruno Avenue, art murals on Huntington Avenue under the I380 overpass; and

WHEREAS, in early 2017, the overall project’s scope of work was reviewed and updated to focus more on increasing pedestrian safety at intersections along San Bruno Avenue corridor from Green Avenue to Mills Avenue; and

WHEREAS, the original project’s scope of work was updated to address the pedestrian safety issues by installing bulb-outs and high visibility striping at various intersections and a rectangular rapid flashing beacons at the Easton intersection along the San Bruno Avenue Corridor; and

WHEREAS, the City entered into a consultant agreement in August 2018 with Bellecci & Associates to design the project; and

WHEREAS, Bellecci & Associates completed the construction bid documents in January 2019; and

WHEREAS, the project went out to bid in January 2019 and received three (3) bids; and

WHEREAS, Golden Bay Construction, Inc. submitted the lowest base bid in the amount of $314,079 and was determined to be the lowest responsive and responsible bidder; and

WHEREAS, Golden Bay Construction, Inc. has satisfactorily completed numerous concrete projects for cities such as Fremont, Menlo Park, and South San Francisco, meets the contractor qualifications, and has a valid contractor’s license required to perform the scope of work of this project; and
WHEREAS, staff recommends awarding the base bid with additives items 1 and 3 to Golden Bay Construction, Inc. for a total contract amount of $613,002; and

WHEREAS, a total budget of $924,291 for this project includes a staff design project management of $30,000, consultant design contract of $127,989, construction contract of $613,002, construction contingency of $92,000 to address potential unforeseen field conditions and $61,300 for Construction staff project management and inspection; and

WHEREAS, and additional appropriation of $75,000 is being requested from Measure A Fund to supplement the project; and

NOW, THEREFORE, BE IT RESOLVED, that the San Bruno City Council approves the design, authorizes the City Manager to execute a construction contract with Golden Bay Construction, Inc. for the installation of bulb-outs for the Transit Corridors Pedestrian Connection Improvement Phase 2 Project at the intersections of San Bruno Avenue and Easton, Masson, and Mills Avenues in the amount of $613,002, approves a construction contingency of $92,000, appropriates $75,000 from the Measure A, and approves a total budget in the amount of $924,291.

Dated: April 23, 2019

ATTEST:

Melissa Thurman, City Clerk

-o0o-

I, Melissa Thurman, City Clerk, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Bruno this 23th day of April 2019 by the following vote:

AYES: Councilmembers: 

NOES: Councilmembers 

ABSENT: Councilmembers:
ONE PARKING SPOT REMOVED

SAN BRUNO AVE

ONE PARKING SPOT REMOVED

EASTON AVENUE

ONE PARKING SPOT REMOVED

ATTACHMENT 2
INTERSECTION OF SAN BRUNO AVENUE AND EASTON AVENUE
ATTACHMENT 4
INTERSECTION OF SAN BRUNO AVENUE AND MILLS AVENUE

ONE PARKING SPOT REMOVED

SAN BRUNO AVE

ONE PARKING SPOT REMOVED
DATE: April 23, 2019

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager

SUBJECT: Receive and Authorize Mayor to Sign Statement of Concern to California Senate Bill 50 (Wiener), as Amended, on Housing, Opportunity, Mobility, Equity, and Stability Act, and its Impact to the City of San Bruno

BACKGROUND:

California State Senator Scott Wiener has introduced Senate Bill 50 (SB50), as amended, calling for equitable communities incentives when a residential development project, that complies with certain state identified criteria within 1/2-mile radius of a major transit stop, receive waivers from local regulation on density and parking requirements.

DISCUSSION:

As written, SB50 would require a city to grant an equitable communities incentive when a developer seeks and agrees to construct a housing development project that complies with certain state identified criteria, including that the housing development is 1) either a job-rich housing project or a transit-rich housing project; 2) the site does not contain, or has not contained, housing occupied by tenants or accommodations withdrawn from rent or lease in accordance with specified law within specified time periods, and 3) the project complies with specified additional requirements under existing law.

SB50 would require that a housing development project eligible for an equitable communities incentive receive waivers from maximum controls on density and minimum controls on automobile parking requirements, three additional incentives or concessions under the Density Bonus Law, and specified additional waivers if the housing development project is located within a 1/2-mile or 1/4-mile radius of a major transit stop.

As written, SB50 proposed changes address a matter of statewide concern and, therefore, would be applicable to all cities, if approved.
Staff prepared the attached draft statement of concerns, expressing the impact to the City of San Bruno as summarized:

- SB 50 disrespects local values and penalizes communities that have adopted thoughtful approaches to increasing housing supply
- SB 50 strips local control with respect to parking
- SB 50 erodes the ability of local governments to obtain design changes and community benefits to mitigate negative impacts

The Committee hearing date to present comments and statement of concerns is scheduled for April 24, 2019.

FISCAL IMPACT:

No fiscal impact

RECOMMENDATION:

Receive and authorize Mayor to sign statement of concern regarding California Senate Bill 50 (Wiener), as amended, on housing, opportunity, mobility, equity, and stability act, and its impact to the City of San Bruno.

ALTERNATIVES:

1. Do not send statement of concerns regarding Senate Bill 50.
2. Direct staff to further research this issue and return to City Council with an updated alternative solution.

ATTACHMENTS:

1. DRAFT Statement of Concern with regard to SB 50 (Wiener) - Housing, Opportunity, Mobility, Equity, and Stability Act
2. Senate Bill No. 135 (March 11, 2019)
April 23, 2019

The Honorable Scott Wiener
California State Senate
State Capitol, Room 5100
Sacramento, CA 95814-4900

RE: Statement of Concern with regard to SB 50 (Wiener) - Housing, Opportunity, Mobility, Equity, and Stability Act

Dear Senator Wiener:

The City of San Bruno would like to take an opportunity to notify you of the City’s concerns on the proposed Senate Bill 50 as it relates to the City of San Bruno.

San Bruno is a suburban community with three freeways (101, I-280 and I-380), a high capacity bus route along El Camino Real, a BART station, and a Caltrain station. As such, San Bruno’s development regulations are tailored to the various needs and characteristics of the community. Many neighborhoods, commercial areas, and other uses (schools, day cares, parks, medical offices, hospitals) are not within walking distance or accessible by transit. Access to transit is also constrained by the City’s hilly topography. For example, there is an over 800-foot elevation change between the San Bruno Caltrain station and the farthest residential neighborhood to the west of the city. This requires that our development standards reflect the unique access challenges posed by the natural environment.

SB 50, as proposed, would allow a residential development eligible for an equitable communities incentive to receive waivers from local regulation such as: (1) maximum controls on density and minimum controls on automobile parking requirements; (2) up to 3 additional incentives or concessions under the Density Bonus Law; and (3) specified additional waivers if the residential development is located within a one-half mile radius of San Bruno’s BART and Caltrain stations and within one-quarter mile radius of a transit stop on a “high quality transit corridor” which may include bus routes in San Bruno on major corridors such as El Camino Real.
San Bruno’s specific concerns regarding SB 50 are as follows:

- **SB 50 disrespects local values and penalizes communities that have adopted thoughtful approaches to increasing housing supply**
  
  - The City of San Bruno is not a NIMBY community. San Bruno has adopted long-range planning documents including a General Plan and Specific Plans, as well as voter-approved ballot measures that allow dense residential development near transit stations.

  San Bruno adopted a Transit Corridors Plan (TCP) in 2013 and the City voters approved Measure N in November 2014, which removed height and density barriers in a 155-acre area. The amended height restrictions allow an additional 40 feet and 4 stories (up to a maximum of 90 feet and 7 stories in some areas). In addition, the measure eliminated all density maximums for residential uses to allow for new dense housing development around transit centers—which aligns to the core goal of SB 50.

  San Bruno’s TCP provides a blueprint for the transformation of the City’s downtown and adjacent nearby commercial corridors into a walkable, mixed-use district capitalizing on proximity and access to transit.

  The TCP is an implementation measure for the City’s “General Plan 2025”, which was adopted in 2009. Extensive community engagement was made in the development of this plan and the ballot measure, including two advisory committees, resident surveys, community workshops, and numerous public meetings as well as Planning Commission and City Council study sessions. This meaningful, collaborative local process shows that San Bruno is a community that supports new residential growth near transit.

  The TCP goals, polices, development standards and design guidelines are founded on a vision for the future articulated by the San Bruno community and stakeholders. This community vision aspires to an economically vital downtown which is an exciting destination for workers, residents and visitors; more dense mix of commercial and residential uses with high quality architecture to attract and sustain activities throughout the day and night; and a welcoming pedestrian oriented environment with new plazas and streetscape improvements. The overall goal is to facilitate new development that relies less on the automobile and promotes travel by transit, bicycling, and walking.

  San Bruno’s development regulations and our Transit Corridors Plan are tailored to the needs and character of the community, while simultaneously providing greater density along major bus routes and near the San Bruno BART and Caltrain stations. SB 50 disrespects these local
standards and the lengthy community engagement processes that created them.

*We hope that you give consideration to modifying SB 50 to exempt localities that adopt Transit Corridor Plans, which increase height and density near transit centers, from any additional statewide requirements.*

This modification will reward communities that have undergone thoughtful planning processes with their residents and businesses to accommodate housing growth.

- **SB 50 strips local control with respect to parking**

  While SB 50 attempts to preserve local control with respect to environmental review, local labor standards, local fees, community engagement processes and architectural review, it strips a local government’s ability to determine the appropriate parking standards for their community. In San Bruno, parking is often the most contentious and problematic issue for neighboring residents when new development is proposed.

  San Bruno’s parking standards are important to ensure that new development does not create undue impacts on existing neighborhoods. The current version of SB 50 appears to prevent San Bruno from establishing minimum parking standards for projects within ¼ mile and ½ mile of our Caltrain station. This prohibition erodes the City’s ability to regulate new developments and obtain mitigations for parking issues, which are ever-present today (and San Bruno is just in the early stages of build out and implementation of the Transit Corridors Plan).

  Nearly all of the developable area for high density housing near San Bruno’s transit centers borders low density residential neighborhoods. These neighborhoods are comprised of predominately single family homes and 2-6 unit apartment buildings (often 1-2 stories in height). Additionally, many of these existing neighborhoods have significant parking challenges. The City of San Bruno is currently undergoing an effort to explore solutions for a built environment from the mid-1900’s that does not accommodate today’s reality—in which transit is not an option for everyone and vehicle ownership rates are higher than the existing neighborhood streets and infrastructure can handle. This is the precise problem that should be avoided by SB 50. *The solution to increasing transit usage and reducing vehicle ownership does not begin by preventing cities from setting reasonable parking standards for today’s reality in their existing neighborhoods.*

  It is also important to note that the property owners and developers that approach cities to entitle and construct high density rental housing projects are frequently not long-term holders or operators of the
properties. They are investors who may (and often) sell the project after it is entitled or upon completion of construction and occupancy. Given the significant demand for housing on the Peninsula, our community will be negatively impacted if new developments do not include sufficient parking. Without locally tailored parking regulations that can be waived/amended based on unique project by project circumstances, our community and others across the State will suffer.

- **SB 50 erodes the ability of local governments to obtain design changes and community benefits to mitigate negative impacts**
  - At present, developers already receive incentives/concessions from local standards under the State Density Bonus Law when they provide land or build affordable housing, senior housing, or include specified levels of affordable childcare facilities within proposed projects. Additional waivers of local development standards will erode the ability of local legislative bodies to obtain design changes and community benefits that mitigate impacts of new high density housing projects on existing residents and surrounding neighborhoods. For example, San Bruno’s standards with regard to set-backs from property lines and step-backs from low density residential dwellings (single family homes) are critical design elements that must be considered on a project-by-project basis. Allowing developers to waive these standards will negatively impact the health and well-being of existing neighborhoods.

In closing, San Bruno appreciates your willingness to meet with the C/CAG Legislative Committee and applauds your passion and willingness to tackle the housing crisis that is affecting Californians in the Bay Area and across the State. Unfortunately, as written, SB50 will harm San Bruno and other communities across the State. We strongly encourage you to consider the issues that we have raised in this letter and avoid penalizing localities that have adopted Transit Corridor Plans, which increase height and density near transit centers, from any new statewide requirements. San Bruno looks forward to working collaboratively with you and other State legislators on strategies and funding mechanisms to enhance public transit and housing further, in ways to ensure that local issues are thoughtfully considered and incorporated during the development process.

Sincerely,

San Bruno City Council
- Rico E. Medina, Mayor
- Irene O’Connell, Vice-Mayor
- Laura Davis
- Marty Medina
- Michael Salazar

*Draft*
An act to amend Section 65589.5 of, and to add Chapter 4.35 (commencing with Section 65918.50) to Division 1 of Title 7 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL’S DIGEST


Existing law, known as the Density Bonus Law, requires, when an applicant proposes a housing development within the jurisdiction of a local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or for the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents.

This bill would require a city, county, or city and county to grant upon request an equitable communities incentive when a development proponent seeks and agrees to construct a residential development, as defined, that satisfies specified criteria, including, among other things, that the residential development is either a job-rich housing project or a transit-rich housing project, as those terms are defined; the site does
not contain, or has not contained, housing occupied by tenants or accommodations withdrawn from rent or lease in accordance with specified law within specified time periods; and the residential development complies with specified additional requirements under existing law. The bill would require that a residential development eligible for an equitable communities incentive receive waivers from maximum controls on density and *minimum controls on* automobile parking requirements greater than 0.5 parking spots per unit, up to 3 additional incentives or concessions under the Density Bonus Law, and specified additional waivers if the residential development is located within a ¼-mile or ⅛-mile radius of a major transit stop, as defined. The bill would authorize a local government to modify or expand the terms of an equitable communities incentive, provided that the equitable communities incentive is consistent with these provisions.

The bill would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. The bill would also declare the intent of the Legislature to delay implementation of this bill in sensitive communities, as defined, until July 1, 2020, as provided.

By adding to the duties of local planning officials, this bill would impose a state-mandated local program.

*The Housing Accountability Act* prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project for very low, low-, or moderate-income households or an emergency shelter unless the local agency makes specified written findings based on a preponderance of the evidence in the record. That law provides that the receipt of a density bonus is not a valid basis on which to find a proposed housing development is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision of that act.

This bill would additionally provide that the receipt of an equitable communities incentive is not a valid basis on which to find a proposed housing development is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision of that act.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.
This bill would provide that no reimbursement is required by this act for a specified reason.


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

SECTION 1. Section 65589.5 of the Government Code is amended to read:

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

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

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

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

(D) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing development projects, reduction in density of housing projects, and excessive standards for housing development projects.

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

(A) California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives.
While the causes of this crisis are multiple and complex, the absence of meaningful and effective policy reforms to significantly enhance the approval and supply of housing affordable to Californians of all income levels is a key factor.

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

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

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

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

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

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

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

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

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

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

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

(b) It is the policy of the state that a local government not reject
or make infeasible housing development projects, including
emergency shelters, that contribute to meeting the need determined
pursuant to this article without a thorough analysis of the economic,
social, and environmental effects of the action and without
complying with subdivision (d).

(c) The Legislature also recognizes that premature and
unnecessary development of agricultural lands for urban uses
continues to have adverse effects on the availability of those lands
for food and fiber production and on the economy of the state.
Furthermore, it is the policy of the state that development should
be guided away from prime agricultural lands; therefore, in
implementing this section, local jurisdictions should encourage,
to the maximum extent practicable, in filling existing urban areas.

(d) A local agency shall not disapprove a housing development
project, including farmworker housing as defined in subdivision
(h) of Section 50199.7 of the Health and Safety Code, for very
low, low-, or moderate-income households, or an emergency
shelter, or condition approval in a manner that renders the housing
development project infeasible for development for the use of very
low, low-, or moderate-income households, or an emergency
shelter, including through the use of design review standards,
unless it makes written findings, based upon a preponderance of
the evidence in the record, as to one of the following:

(1) The jurisdiction has adopted a housing element pursuant to
this article that has been revised in accordance with Section 65588,
is in substantial compliance with this article, and the jurisdiction
has met or exceeded its share of the regional housing need
allocation pursuant to Section 65584 for the planning period for
the income category proposed for the housing development project,
provided that any disapproval or conditional approval shall not be
based on any of the reasons prohibited by Section 65008. If the
housing development project includes a mix of income categories,
and the jurisdiction has not met or exceeded its share of the regional
housing need for one or more of those categories, then this
paragraph shall not be used to disapprove or conditionally approve
the housing development project. The share of the regional housing
need met by the jurisdiction shall be calculated consistently with
the forms and definitions that may be adopted by the Department
of Housing and Community Development pursuant to Section
65400. In the case of an emergency shelter, the jurisdiction shall
have met or exceeded the need for emergency shelter, as identified
pursuant to paragraph (7) of subdivision (a) of Section 65583. Any
disapproval or conditional approval pursuant to this paragraph
shall be in accordance with applicable law, rule, or standards.

(2) The housing development project or emergency shelter as
proposed would have a specific, adverse impact upon the public
health or safety, and there is no feasible method to satisfactorily
mitigate or avoid the specific adverse impact without rendering
the development unaffordable to low- and moderate-income
households or rendering the development of the emergency shelter
financially infeasible. As used in this paragraph, a “specific,
adverse impact” means a significant, quantifiable, direct, and
unavoidable impact, based on objective, identified written public
health or safety standards, policies, or conditions as they existed
on the date the application was deemed complete. Inconsistency
with the zoning ordinance or general plan land use designation
shall not constitute a specific, adverse impact upon the public
health or safety.

(3) The denial of the housing development project or imposition
of conditions is required in order to comply with specific state or
federal law, and there is no feasible method to comply without
rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

(4) The housing development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) The housing development project or emergency shelter is inconsistent with both the jurisdiction’s zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article. For purposes of this section, a change to the zoning ordinance or general plan land use designation subsequent to the date the application was deemed complete shall not constitute a valid basis to disapprove or condition approval of the housing development project or emergency shelter.

(A) This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the housing development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction’s housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction’s zoning ordinance and general plan land use designation.

(B) If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and are sufficient to provide for the jurisdiction’s share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element does identify
adequate sites with appropriate zoning and development standards
and with services and facilities to accommodate the local agency’s
share of the regional housing need for the very low, low-, and
moderate-income categories.
(C) If the local agency has failed to identify a zone or zones
where emergency shelters are allowed as a permitted use without
a conditional use or other discretionary permit, has failed to
demonstrate that the identified zone or zones include sufficient
capacity to accommodate the need for emergency shelter identified
in paragraph (7) of subdivision (a) of Section 65583, or has failed
to demonstrate that the identified zone or zones can accommodate
at least one emergency shelter, as required by paragraph (4) of
subdivision (a) of Section 65583, then this paragraph shall not be
utilized to disapprove or conditionally approve an emergency
shelter proposed for a site designated in any element of the general
plan for industrial, commercial, or multifamily residential uses. In
any action in court, the burden of proof shall be on the local agency
to show that its housing element does satisfy the requirements of
paragraph (4) of subdivision (a) of Section 65583.
(e) Nothing in this section shall be construed to relieve the local
agency from complying with the congestion management program
required by Chapter 2.6 (commencing with Section 65088) of
Division 1 of Title 7 or the California Coastal Act of 1976
(Division 20 (commencing with Section 30000) of the Public
Resources Code). Neither shall anything in this section be
construed to relieve the local agency from making one or more of
the findings required pursuant to Section 21081 of the Public
Resources Code or otherwise complying with the California
Environmental Quality Act (Division 13 (commencing with Section
21000) of the Public Resources Code).
(f) (1) Nothing in this section shall be construed to prohibit a
local agency from requiring the housing development project to
comply with objective, quantifiable, written development standards,
conditions, and policies appropriate to, and consistent with, meeting
the jurisdiction’s share of the regional housing need pursuant to
Section 65584. However, the development standards, conditions,
and policies shall be applied to facilitate and accommodate
development at the density permitted on the site and proposed by
the development.
(2) Nothing in this section shall be construed to prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction’s need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.

(3) This section does not prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the housing development project or emergency shelter.

(4) For purposes of this section, a housing development project or emergency shelter shall be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if there is substantial evidence that would allow a reasonable person to conclude that the housing development project or emergency shelter is consistent, compliant, or in conformity.

(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide problem.

(h) The following definitions apply for the purposes of this section:

(1) “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(2) “Housing development project” means a use consisting of any of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.

(C) Transitional housing or supportive housing.

(3) “Housing for very low, low-, or moderate-income households” means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100
percent of the units shall be sold or rented to persons and families
of moderate income as defined in Section 50093 of the Health and
Safety Code, or persons and families of middle income, as defined
in Section 65008 of this code. Housing units targeted for lower
income households shall be made available at a monthly housing
cost that does not exceed 30 percent of 60 percent of area median
income with adjustments for household size made in accordance
with the adjustment factors on which the lower income eligibility
limits are based. Housing units targeted for persons and families
of moderate income shall be made available at a monthly housing
cost that does not exceed 30 percent of 100 percent of area median
income with adjustments for household size made in accordance
with the adjustment factors on which the moderate-income
eligibility limits are based.

(4) “Area median income” means area median income as
periodically established by the Department of Housing and
Community Development pursuant to Section 50093 of the Health
and Safety Code. The developer shall provide sufficient legal
commitments to ensure continued availability of units for very low
or low-income households in accordance with the provisions of
this subdivision for 30 years.

(5) “Disapprove the housing development project” includes any
instance in which a local agency does either of the following:

(A) Votes on a proposed housing development project
application and the application is disapproved, including any
required land use approvals or entitlements necessary for the
issuance of a building permit.

(B) Fails to comply with the time periods specified in
subdivision (a) of Section 65950. An extension of time pursuant
to Article 5 (commencing with Section 65950) shall be deemed to
be an extension of time pursuant to this paragraph.

(i) If any city, county, or city and county denies approval or
imposes conditions, including design changes, lower density, or
a reduction of the percentage of a lot that may be occupied by a
building or structure under the applicable planning and zoning in
force at the time the application is deemed complete pursuant to
Section 65943, that have a substantial adverse effect on the viability
or affordability of a housing development for very low, low-, or
moderate-income households, and the denial of the development
or the imposition of conditions on the development is the subject
of a court action which challenges the denial or the imposition of
conditions, then the burden of proof shall be on the local legislative
body to show that its decision is consistent with the findings as
described in subdivision (d) and that the findings are supported by
a preponderance of the evidence in the record. For purposes of this
section, “lower density” includes any conditions that have the same
effect or impact on the ability of the project to provide housing.

(j) (1) When a proposed housing development project complies
with applicable, objective general plan, zoning, and subdivision
standards and criteria, including design review standards, in effect
at the time that the housing development project’s application is
determined to be complete, but the local agency proposes to
disapprove the project or to impose a condition that the project be
developed at a lower density, the local agency shall base its
decision regarding the proposed housing development project upon
written findings supported by a preponderance of the evidence on
the record that both of the following conditions exist:

(A) The housing development project would have a specific,
adverse impact upon the public health or safety unless the project
is disapproved or approved upon the condition that the project be
developed at a lower density. As used in this paragraph, a “specific,
adverse impact” means a significant, quantifiable, direct, and
unavoidable impact, based on objective, identified written public
health or safety standards, policies, or conditions as they existed
on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or
avoid the adverse impact identified pursuant to paragraph (1), other
than the disapproval of the housing development project or the
approval of the project upon the condition that it be developed at
a lower density.

(2) (A) If the local agency considers a proposed housing
development project to be inconsistent, not in compliance, or not
in conformity with an applicable plan, program, policy, ordinance,
standard, requirement, or other similar provision as specified in
this subdivision, it shall provide the applicant with written
documentation identifying the provision or provisions, and an
explanation of the reason or reasons it considers the housing
development to be inconsistent, not in compliance, or not in
conformity as follows:
Within 30 days of the date that the application for the housing development project is determined to be complete, if the housing development project contains 150 or fewer housing units.

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

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

(3) For purposes of this section, the receipt of a density bonus pursuant to Section 65915 or an equitable communities incentive pursuant to Section 65918.51 shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.

(4) For purposes of this section, a proposed housing development project is not inconsistent with the applicable zoning standards and criteria, and shall not require a rezoning, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan. If the local agency has complied with paragraph (2), the local agency may require the proposed housing development project to comply with the objective standards and criteria of the zoning which is consistent with the general plan, however, the standards and criteria shall be applied to facilitate and accommodate development at the density allowed on the site by the general plan and proposed by the proposed housing development project.

(5) For purposes of this section, “lower density” includes any conditions that have the same effect or impact on the ability of the project to provide housing.

(k) (1) (A) The applicant, a person who would be eligible to apply for residency in the development or emergency shelter, or a housing organization may bring an action to enforce this section. If, in any action brought to enforce this section, a court finds that either (i) the local agency, in violation of subdivision (d), disapproved a housing development project or conditioned its
approval in a manner rendering it infeasible for the development
of an emergency shelter, or housing for very low, low-, or
moderate-income households, including farmworker housing,
without making the findings required by this section or without
making findings supported by a preponderance of the evidence,
or (ii) the local agency, in violation of subdivision (j), disapproved
a housing development project complying with applicable,
objective general plan and zoning standards and criteria, or imposed
a condition that the project be developed at a lower density, without
making the findings required by this section or without making
findings supported by a preponderance of the evidence, the court
shall issue an order or judgment compelling compliance with this
section within 60 days, including, but not limited to, an order that
the local agency take action on the housing development project
or emergency shelter. The court may issue an order or judgment
directing the local agency to approve the housing development
project or emergency shelter if the court finds that the local agency
acted in bad faith when it disapproved or conditionally approved
the housing development or emergency shelter in violation of this
section. The court shall retain jurisdiction to ensure that its order
or judgment is carried out and shall award reasonable attorney’s
fees and costs of suit to the plaintiff or petitioner, except under
extraordinary circumstances in which the court finds that awarding
fees would not further the purposes of this section. For purposes
of this section, “lower density” includes conditions that have the
same effect or impact on the ability of the project to provide
housing.

(B) (i) Upon a determination that the local agency has failed
to comply with the order or judgment compelling compliance with
this section within 60 days issued pursuant to subparagraph (A),
the court shall impose fines on a local agency that has violated this
section and require the local agency to deposit any fine levied
pursuant to this subdivision into a local housing trust fund. The
local agency may elect to instead deposit the fine into the Building
Homes and Jobs Fund, if Senate Bill 2 of the 2017–18 Regular
Session is enacted, or otherwise in the Housing Rehabilitation
Loan Fund. The fine shall be in a minimum amount of ten thousand
dollars ($10,000) per housing unit in the housing development
project on the date the application was deemed complete pursuant
to Section 65943. In determining the amount of fine to impose,
the court shall consider the local agency’s progress in attaining its
target allocation of the regional housing need pursuant to Section
65584 and any prior violations of this section. Fines shall not be
paid out of funds already dedicated to affordable housing,
including, but not limited to, Low and Moderate Income Housing
Asset Funds, funds dedicated to housing for very low, low-, and
moderate-income households, and federal HOME Investment
Partnerships Program and Community Development Block Grant
Program funds. The local agency shall commit and expend the
money in the local housing trust fund within five years for the sole
purpose of financing newly constructed housing units affordable
to extremely low, very low, or low-income households. After five
years, if the funds have not been expended, the money shall revert
to the state and be deposited in the Building Homes and Jobs Fund,
if Senate Bill 2 of the 2017–18 Regular Session is enacted, or
otherwise in the Housing Rehabilitation Loan Fund, for the sole
purpose of financing newly constructed housing units affordable
to extremely low, very low, or low-income households.
(ii) If any money derived from a fine imposed pursuant to this
subparagraph is deposited in the Housing Rehabilitation Loan
Fund, then, notwithstanding Section 50661 of the Health and Safety
Code, that money shall be available only upon appropriation by
the Legislature.
(C) If the court determines that its order or judgment has not
been carried out within 60 days, the court may issue further orders
as provided by law to ensure that the purposes and policies of this
section are fulfilled, including, but not limited to, an order to vacate
the decision of the local agency and to approve the housing
development project, in which case the application for the housing
development project, as proposed by the applicant at the time the
local agency took the initial action determined to be in violation
of this section, along with any standard conditions determined by
the court to be generally imposed by the local agency on similar
projects, shall be deemed to be approved unless the applicant
consents to a different decision or action by the local agency.
(2) For purposes of this subdivision, “housing organization”
means a trade or industry group whose local members are primarily
engaged in the construction or management of housing units or a
nonprofit organization whose mission includes providing or
advocating for increased access to housing for low-income
households and have filed written or oral comments with the local agency prior to action on the housing development project. A housing organization may only file an action pursuant to this section to challenge the disapproval of a housing development by a local agency. A housing organization shall be entitled to reasonable attorney’s fees and costs if it is the prevailing party in an action to enforce this section.

(l) If the court finds that the local agency (1) acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section and (2) failed to carry out the court’s order or judgment within 60 days as described in subdivision (k), the court, in addition to any other remedies provided by this section, shall multiply the fine determined pursuant to subparagraph (B) of paragraph (1) of subdivision (k) by a factor of five. For purposes of this section, “bad faith” includes, but is not limited to, an action that is frivolous or otherwise entirely without merit.

(m) Any action brought to enforce the provisions of this section shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure, and the local agency shall prepare and certify the record of proceedings in accordance with subdivision (c) of Section 1094.6 of the Code of Civil Procedure no later than 30 days after the petition is served, provided that the cost of preparation of the record shall be borne by the local agency, unless the petitioner elects to prepare the record as provided in subdivision (n) of this section. A petition to enforce the provisions of this section shall be filed and served no later than 90 days from the later of (1) the effective date of a decision of the local agency imposing conditions on, disapproving, or any other final action on a housing development project or (2) the expiration of the time periods specified in subparagraph (B) of paragraph (5) of subdivision (h). Upon entry of the trial court’s order, a party may, in order to obtain appellate review of the order, file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow, or may appeal the judgment or order of the trial court under Section 904.1 of the Code of Civil Procedure. If the local agency appeals the judgment of the trial court, the local agency shall post a bond, in an amount to be
determined by the court, to the benefit of the plaintiff if the plaintiff
is the project applicant.
(n) In any action, the record of the proceedings before the local
agency shall be filed as expeditiously as possible and, 
notwithstanding Section 1094.6 of the Code of Civil Procedure or 
subdivision (m) of this section, all or part of the record may be 
prepared (1) by the petitioner with the petition or petitioner’s points 
and authorities, (2) by the respondent with respondent’s points and 
authorities, (3) after payment of costs by the petitioner, or (4) as 
otherwise directed by the court. If the expense of preparing the 
record has been borne by the petitioner and the petitioner is the 
prevailing party, the expense shall be taxable as costs.
(o) This section shall be known, and may be cited, as the
Housing Accountability Act.
SECTION 1.
SEC. 2. Chapter 4.35 (commencing with Section 65918.50) is
added to Division 1 of Title 7 of the Government Code, to read:

Chapter 4.35. Equitable Communities Incentives

65918.50. For purposes of this chapter:
(a) “Affordable” means available at affordable rent or affordable 
housing cost to, and occupied by, persons and families of extremely 
low, very low, low, or moderate incomes, as specified in context,
and subject to a recorded affordability restriction for at least 55 
years.
(b) “Development proponent” means an applicant who submits 
an application for an equitable communities incentive pursuant to 
this chapter.
(c) “Eligible applicant” means a development proponent who 
receives an equitable communities incentive.
(d) “FAR” means floor area ratio.
(e) “High-quality bus corridor” means a corridor with fixed 
route bus service that meets all of the following criteria:
(1) It has average service intervals of no more than 15 minutes 
during the three peak hours between 6 a.m. to 10 a.m., inclusive,
and the three peak hours between 3 p.m. and 7 p.m., inclusive, on Monday through Friday.

(2) It has average service intervals of no more than 20 minutes during the hours of 6 a.m. to 10 p.m., inclusive, on Monday through Friday.

(3) It has average intervals of no more than 30 minutes during the hours of 8 a.m. to 10 p.m., inclusive, on Saturday and Sunday.

(e) (1) “Jobs-rich area” means an area identified by the Department of Housing and Community Development in consultation with the Office of Planning and Research that is both high opportunity and jobs rich, based on whether, in a regional analysis, the tract meets the following:

(A) The tract is higher opportunity and its characteristics are associated with positive educational and economic outcomes for households of all income levels residing in the tract.

(B) The tract meets either of the following criteria:

(i) New housing sited in the tract would enable residents to live in or near a jobs-rich area, as measured by employment density and job totals.

(ii) New housing sited in the tract would enable shorter commute distances for residents, compared to existing commute levels.

(2) The Department of Housing and Community Development shall, commencing on January 1, 2020, publish and update, every five years thereafter, a map of the state showing the areas identified by the department as “jobs-rich areas.”

(f) “Job-rich housing project” means a residential development within an area identified as a jobs-rich area by the Department of Housing and Community Development and in consultation with the Office of Planning and Research, based on indicators such as proximity to jobs, high area median income relative to the relevant region, and high-quality public schools, as an area of high opportunity close to jobs. A residential development shall be deemed to be within an area designated as job-rich if both of the following apply:

(1) All parcels within the project have no more than 25 percent of their area outside of the job-rich area.

(2) No more than 10 percent of residential units or 100 units, whichever is less, of the development are outside of the job-rich area.
(g) “Local government” means a city, including a charter city, a county, or a city and county.

(h) “Major transit stop” means a site containing an existing rail transit station or a ferry terminal served by either bus or rail transit service, that is a major transit stop pursuant to subdivision (b) of Section 21155 of the Public Resources Code.

(i) “Residential development” means a project with at least two-thirds of the square footage of the development designated for residential use.

(j) “Sensitive community” means any of the following:

(1) Except as provided in paragraph (2), an area identified by the Department of Housing and Community Development, which identification shall be updated every five years, in consultation with local community-based organizations in each metropolitan planning region, as an area vulnerable to displacement pressures, based on indicators such as percentage of tenant households living at, or under, the poverty line relative to the region, where both of the following apply:

(A) Thirty percent or more of the census tract lives below the poverty line, provided that college students do not compose at least 25 percent of the population.

(B) The location quotient of residential racial segregation in the census tract is at least 1.25 as defined by the Department of Housing and Community Development.

(2) In the Counties of Alameda, Contra Costa, Marin, Napa, Santa Clara, San Francisco, San Mateo, Solano, and Sonoma, areas designated by the Metropolitan Transportation Commission on December 19, 2018, as the intersection of disadvantaged and vulnerable communities as defined by the Metropolitan Transportation Commission and the San Francisco Bay Conservation and Development Commission, which identification of a sensitive community shall be updated at least every five years by the Department of Housing and Community Development.

(k) “Tenant” means a person residing in who does not own the property where they reside, including residential situations that are any of the following:

(1) Residential real property rented by the person under a long-term lease.

(2) A single-room occupancy unit.
(3) An accessory dwelling unit that is not subject to, or does not have a valid permit in accordance with, an ordinance adopted by a local agency pursuant to Section 65852.22.

(4) A residential motel.

(5) A mobilehome park, as governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(6) Any other type of residential property that is not owned by the person or a member of the person’s household, for which the person or a member of the person’s household provides payments on a regular schedule in exchange for the right to occupy the residential property.

(I) “Transit-rich housing project” means a residential development the parcels of which are all within a one-half mile radius of a major transit stop or a one-quarter mile radius of a stop on a high-quality bus corridor. A project shall be deemed to be within a one-half mile the radius of a major transit stop or a one-quarter mile radius of a stop on a high-quality bus corridor if both of the following apply:

(1) All parcels within the project have no more than 25 percent of their area outside of a one-half mile radius of a major transit stop or a one-quarter mile radius of a stop on a high-quality bus corridor.

(2) No more than 10 percent of the residential units or 100 units, whichever is less, of the project are outside of a one-half mile radius of a major transit stop or a one-quarter mile radius of a stop on a high-quality bus corridor.

65918.51. (a)–A local government shall, upon request of a development proponent, grant an equitable communities incentive, as specified in Section 65918.53, when the development proponent seeks and agrees to construct a residential development that satisfies the requirements specified in Section 65918.52.
(b) It is the intent of the Legislature that, absent exceptional circumstances, actions taken by a local legislative body that increase residential density not undermine the equitable communities incentive program established by this chapter.

65918.52. In order to be eligible for an equitable communities incentive pursuant to this chapter, a residential development shall meet all of the following criteria:

(a) The residential development is either a job-rich housing project or transit-rich housing project.

(b) The residential development is located on a site that, at the time of application, is zoned to allow housing as an underlying use in the zone, including, but not limited to, a residential, mixed-use, or commercial zone, as defined and allowed by the local government.

(c) (1) If the local government has adopted an inclusionary housing ordinance requiring that the development include a certain number of units affordable to households with incomes that do not exceed the limits for moderate-income, lower income, very low income, or extremely low income specified in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code, and that ordinance requires that a new development include levels of affordable housing in excess of the requirements specified in paragraph (2), the residential development complies with that ordinance. *The ordinance may provide alternative means of compliance that may include, but are not limited to, in-lieu fees, land dedication, offsite construction, or acquisition and rehabilitation of existing units.*

(2) (A) If the local government has not adopted an inclusionary housing ordinance, as described in paragraph (1), and the residential development includes ____ or more residential units, the residential development includes *onsite* an affordable housing *contribution* for households with incomes that do not exceed the limits for extremely low income, very low income, and low income specified in Sections 50093, 50105, and 50106 of the Health and Safety Code. *It is the intent of the Legislature to require that any development of ____ or more residential units receiving an equitable communities incentive pursuant to this chapter include housing affordable to low, very low or extremely low income households, which, for projects with low or very low income units, are no less than the number of onsite units affordable to low or
very low income households that would be required pursuant to subdivision (f) of Section 65915 for a development receiving a density bonus of 35 percent.

(B) For purposes of this paragraph, the residential development is subject to one of the following:

(i) If the project has 10 or fewer units, no affordability contribution is imposed.

(ii) If the project has 11 to 20 residential units, the development proponent may pay an in-lieu fee to the local government for affordable housing, where feasible, pursuant to subparagraph (C).

(iii) If the project has more than 20 residential units, the development proponent shall do either of the following:

(I) Make a comparable affordability contribution toward housing offsite that is affordable to lower income households, pursuant to subparagraph (C).

(II) Include units on the site of the project that are affordable to extremely low income, as defined in Section 50105 of the Health and Safety Code, very low income, or low-income households, as follows:

<table>
<thead>
<tr>
<th>Project Size</th>
<th>Inclusionary Requirement</th>
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<tbody>
<tr>
<td>21–200 units</td>
<td>15% low income; or</td>
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<td></td>
<td>8% very low income; or</td>
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<tr>
<td></td>
<td>6% extremely low income</td>
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<tr>
<td>201–350 units</td>
<td>17% low income; or</td>
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<td></td>
<td>10% very low income; or</td>
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<tr>
<td></td>
<td>8% extremely low income</td>
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<tr>
<td>351 or more units</td>
<td>25% low income; or</td>
</tr>
<tr>
<td></td>
<td>15% very low income; or</td>
</tr>
<tr>
<td></td>
<td>11% extremely low income</td>
</tr>
</tbody>
</table>

(C) The development proponent of a project that qualifies pursuant to clause (ii) or subclause (I) of clause (iii) of subparagraph (B) may make a comparable affordability contribution toward housing offsite that is affordable to lower income households, as follows:

(i) The local government collecting the in-lieu fee payment shall make every effort to ensure that future affordable housing will be sited within one-half mile of the original project location within
the boundaries of the local government by designating an existing housing opportunity site within a one-half mile radius of the project site for affordable housing. To the extent practicable, local housing funding shall be prioritized at the first opportunity to build affordable housing on that site.

(ii) If no housing opportunity sites that satisfy clause (i) are available, the local government shall designate a site for affordable housing within the boundaries of the local government and make findings that the site for the affordable housing development affirmatively furthers fair housing, as defined in Section 8899.50.

(D) Affordability of units pursuant to this paragraph shall be restricted by deed for a period of 55 years for rental units or 45 years for units offered for sale.

(d) The site does not contain, or has not contained, either of the following:

(1) Housing occupied by tenants within the seven years preceding the date of the application, including housing that has been demolished or that tenants have vacated prior to the application for a development permit.

(2) A parcel or parcels on which an owner of residential real property has exercised his or her rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years prior to the date that the development proponent submits an application pursuant to this chapter.

(e) The residential development complies with all applicable labor, construction employment, and wage standards otherwise required by law and any other generally applicable requirement regarding the approval of a development project, including, but not limited to, the local government’s conditional use or other discretionary permit approval process, the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), or a streamlined approval process that includes labor protections.

(f) The residential development complies with all other relevant standards, requirements, and prohibitions imposed by the local government regarding architectural design, restrictions on or oversight of demolition, impact fees, and community benefits agreements.
(g) The equitable communities incentive shall not be used to undermine the economic feasibility of delivering low-income housing under the state density bonus program or a local implementation of the state density bonus program, or any locally adopted program that puts conditions on new development applications on the basis of receiving a zone change or general plan amendment in exchange for benefits such as increased affordable housing, local hire, or payment of prevailing wages.

65918.53. (a) A residential development—Any transit-rich or jobs-rich housing project that meets the criteria specified in Section 65918.52 shall receive, upon request, an equitable communities incentive as follows:

(1) Any eligible applicant shall receive the following:

(A) A waiver from maximum controls on density.

(B) A waiver from maximum minimum automobile parking requirements greater than 0.5 automobile parking spots per unit.

(C) Up to three incentives and concessions pursuant to subdivision (d) of Section 65915.

(2) An eligible applicant proposing a residential development located within a one-half mile radius, but outside a one-quarter mile radius, of a major transit stop and includes no less than ____ percent affordable housing units shall receive, in addition to the incentives specified in paragraph (1), subdivision (a), waivers from all of the following:

(A) Maximum height requirements less than 45 feet.

(B) Maximum FAR requirements less than 2.5.

(C) Notwithstanding subparagraph (B) of paragraph (1), any maximum automobile parking requirement.

(3) An eligible applicant proposing a residential development that is located within a one-quarter mile radius of a major transit and includes no less than ____ percent affordable housing units
stop shall receive, in addition to the incentives specified in paragraph (1), subdivision (a), waivers from all of the following:

(A) (1) Maximum height requirements less than 55 feet.

(B) (2) Maximum FAR requirements less than 3.25.

(C) (3) Notwithstanding subparagraph (B) of paragraph (1), (1) of subdivision (b), any maximum automobile parking requirement.

(d) Notwithstanding any other law, for purposes of calculating any additional incentive or concession in accordance with Section 65915, the number of units in the residential development after applying the equitable communities incentive received pursuant to this chapter shall be used as the base density for calculating the incentive or concession under that section.

(e) An eligible applicant proposing a project that meets all of the requirements under Section 65913.4 may submit an application for streamlined, ministerial approval in accordance with that section.

(f) The local government may modify or expand the terms of an equitable communities incentive provided pursuant to this chapter, provided that the equitable communities incentive is consistent with, and meets the minimum standards specified in, this chapter.

65918.54. The Legislature finds and declares that this chapter addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities.

65918.55. (a) It is the intent of the Legislature that implementation of this chapter shall be delayed in sensitive communities until July 1, 2020.

(b) It is further the intent of the Legislature to enact legislation that does all of the following:
(b) Between January 1, 2020, and ____, allows a local government, in lieu of the requirements of this chapter, to **may opt** for a community-led planning process in **sensitive communities** aimed toward increasing residential density and multifamily housing choices near transit stops. **stops, as follows:**

(2) Encourages sensitive

(1) **Sensitive communities** to **opt for** that pursue a community-led planning process at the neighborhood level to **developers shall, on or before January 1, 2025, produce a community plan that may include** zoning and any other policies that encourage multifamily housing development at a range of income levels to meet unmet needs, protect vulnerable residents from displacement, and address other locally identified priorities.

(3) Sets minimum performance standards for community plans, such as minimum

(2) Community plans shall, at a minimum, be consistent with the overall residential development capacity and the minimum affordability standards set forth in this chapter. **chapter within the boundaries of the community plan.**

(4) Automatically applies the

(3) The provisions of this chapter **shall apply** on January 1, 2025, to **sensitive communities that do not have** adopted community plans that meet the minimum standards described in paragraph (3), (2), whether those plans were adopted prior to or after enactment of this chapter.

**SEC. 2.**

**SEC. 3.** No reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.