SAN JOAQUIN CITY COUNCIL MEETING MINUTES
TUESDAY AUGUST 6, 2019

1. CALL TO ORDER – DECLARATION OF QOURUM

Julia Hernandez Present
Amarpreet Dhaliwal Absent Arrived at 6^16
Adam Flores Present
Abel Lua Absent
Jose Ornelas Present

Staff Present was: Elizabeth Nunez, City Manager, Roy Santos, City Attorney and Lupe Estrada, City Clerk

Guest Present: See Attached

2. APPROVAL OF AGENDA –

Motion: Councilmember Flores moved to approve agenda as presented with requested changes. Move Item 8a following the approval of Agenda. The motion was seconded by councilmember Ornelas and approved by the following votes 3 Ayes 2 Absent (Mayor Pro Tem Dhaliwal and Councilmember Lua)

3. CONSENT CALENDAR -

A. Approval of Minutes: City Council Meeting Minutes of July 2, 2019
B. Approval of Minutes: Special City Council Meeting Minutes of July 15, 2019-
C. Approval - Warrant #'s 050582-050694
D. Report and Recommendation- Consideration and adoption of Resolution No. 2019-33. Concerning Local Transportation Purpose Funds Extension (Measure “C” Extension-

Motion: Mayor Pro Tem Dhaliwal moved to approve 3A, 3B, 3C and 3D of the consent calendar as presented. The motion was seconded by Mayor Hernandez and approved by the following votes. 4 Ayes, 1 Absent (Councilmember Lua)

4. SHERIFF REPORT - Informational Only

5. CITY MANAGER REPORT - Informational Only

6. PUBLIC FORUM -
7. OLD BUSINESS –

A. Report and Recommendation- Consideration and approval of Resolution No. 2019-27 Resolution of the City Council of the City of San Joaquin Adopting Fees Relating to Yard Sale Permits

Motion: Mayor Pro Tem Dhaliwal moved to approved 7A Resolution No. 2019-27 a Resolution of the City Council of the City of San Joaquin Adopting Fees Relating to Yard Sales Permits. The motion was seconded by Councilmember Flores and approved by the following votes. 4 Ayes 1 Absent (Councilmember Lua)

8. NEW BUSINESS –

A. Report and Recommendation- Consideration and recommendation concerning representation of Councilmember on Non Profit Corporation being created by EOC on City’s Collaboration with Fresno County EOC for Benefit of Business Creation, Expansion and Retention Board -

Motion: Mayor Pro Tem Dhaliwal moved to appoint Council member Flores as the representative for the Non Profit Corporation being created by EOC on City’s Collaboration with Fresno County EOC for Benefit of Business Creation, Expansion and Retention Board. The motion was seconded by Councilmember Ornelas and approved by the following votes. 4 Ayes 1 Absent (Councilmember Lua)

B. Report and Recommendation- Consideration and discussion to reschedule City Council regular meeting of September 3, 2019

Motion: Mayor Pro Tem Dhaliwal moved to keep the regular schedule Council meeting of September 3, 2019. The motion was seconded by Councilmember Flores and approved by the following votes 4 Ayes, 1 Absent (Councilmember Lua)

9. CITY ATTORNEY’S REPORT –

10. COUNCILMEMBER COMMUNICATIONS/ANNOUNCEMENTS/AGENDA ITEMS -

11. CLOSED SESSION –

Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9) Michael Brooks vs. City of San Joaquin: Case #s FR015617 and FR180341

Went into closed session at 7:50 p.m. came out at 8:00 p.m. Mayor reported no reportable action.
12. ADJOURN MEETING –

Motion: Councilmember Ornelas moved to adjourn the meeting at 8:03 p.m. The motion was seconded by Councilmember Flores and approved by the following votes 4 Ayes 1 Absent. (Councilmember Lua)
### VOLUNTARY CITY COUNCIL MEETING ATTENDANCE SHEET

**Date:** August 14, 2019

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<td>Maria Lopez</td>
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<td>Jose Lopez R</td>
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| 08/20/19 |         | 02-20      |         |          |       |          |         |

| 3000104-1 | WEB HOSTING FOR CITY HALL | 08/16/19 | A 100 39025 | 35.00 | .00   | 35.00    |
| 08/20/19 |         | 02-20      |         |          |       |          |         |

| 300722-1  | JULY-2019: FINANCIAL TRAINING FOR ASSISTANT CITY MANAGER | 08/19/19 | A 100 39025 | 1200.00 | .00   | 1200.00  |
| 08/23/19 |         | 02-20      |         |          |       |          |         |

| 300723-1  | 2020-25: INTERESTED PARTY VOLUNTARY ADMINISTRATIVE FEE | 08/16/19 | A 100 39025 | 250.00 | .00   | 250.00   |
| 08/30/19 |         | 02-20      |         |          |       |          |         |

| 300724-1  | 2020-25: INTERESTED PARTY VOLUNTARY ADMINISTRATIVE FEE | 08/16/19 | A 100 39025 | 250.00 | .00   | 250.00   |
| 08/30/19 |         | 02-20      |         |          |       |          |         |

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| 08/23/19 |         | 02-20      |         |          |       |          |         |

| 296-43193- | PURCHASE SUPPLIES FOR STREETS | 08/15/19 | A 100 39025 | 34.73 | .03   | 34.73    |
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STAFF REPORT TO COUNCIL

September 3, 2019

TO: Mayor and Council

FROM: Elizabeth Nunez, City Manager

SUBJECT: Affordable Housing Density Bonus Ordinance Updates – Waiver Second Reading

Executive Summary

The City Council will consider amending sections 154.080, 154.081, 154.082, 154.083, 154.084, 154.085, 154.088, 154.092, 154.093, AND 154.094 relating to affordable housing density bonus procedures. The purpose of these amendments is to bring the City’s zoning code into conformity with recent State regulations to incentivize affordable housing. These amendments will provide additional options for approving and incentivizing affordable housing developments in the City. The first reading of this occurred at the May 7, 2019 Planning Commission hearing.

These amendments have been determined to be exempt from the California Environmental Quality Act (CEQA) per section 15282.

Background

State Density Bonus Law

The State density bonus law was enacted in 1979, to encourage jurisdictions to offer density bonuses, incentives, and waivers to housing developments that include certain percentages of affordable units. Pursuant to this state law, the City of San Joaquin adopted an Inclusionary Housing Ordinance in 2000 that has not been updated since that date. In 2016 and 2017, Governor Brown signed the following new legislation related to incentivizing the construction of affordable and market rate housing throughout California:

- **Assembly Bill 2442** (Holden) – Allows a density bonus for development projects with transitional foster youth, disabled veteran, and homeless person units.
- **Assembly Bill 2501** (Bloom) – Requires cities to implement procedures and timelines for processing density bonus applications.
- **Assembly Bill 2556** (Nazarian) – Includes additional provisions for replacement of demolished affordable units as required by AB 2222.
- **Assembly Bill 1934** (Santiago) – Allows commercial developers to partner with affordable housing developers whereby both would be eligible to receive certain incentives and concessions for their development projects.
- **Assembly Bill 1505** (Bloom) – Allows jurisdictions to require new residential rental projects to reserve a percentage of the units for very low, low, or moderate income persons or families.
These new state laws and proposed revisions to the City’s inclusionary housing regulations are analyzed below. Additional proposed amendments to the City’s density bonus regulations, such as reduced parking requirements and the inclusion of key definitions, are also analyzed below. These revisions are included to address needed clarifications clean-up items to the affordable housing regulations and some state laws adopted prior to 2016.

**Proposed Affordable Housing Density Bonus Ordinance Updates**

This section of the memo presents the proposed revisions to Sections 154.080 through 154.100 Affordable Housing Density Bonus Procedures. Each new bill is described and analyzed and revisions to the various sections in the Zoning Code are analyzed below. The attached draft ordinance (Attachment 1) contains the exact proposed code amendment language.

**Assembly Bill 2442 (Holden) – Transitional Foster Youth, Veterans, and Homeless Persons Units**

AB 2442 allows a 20 percent density bonus for housing projects with at least 10 percent of total units reserved for transitional foster youth (transitional age youth), disabled veterans, or homeless persons. As required by this state law amendments are proposed to Sections 154.080 and 154.082, to include transitional foster youth housing as an allowable type of affordable housing for density bonuses and to add language stating that projects with 10% of this type of housing can be granted a 20 percent density bonus.

**Assembly Bill 2501 (Bloom) – Affordable Housing Procedures; Rounding Up**

AB 2501 requires local jurisdictions have proper procedures and timelines in place to facilitate expeditious processing of applications for multi-unit residential projects and commercial projects (partnered with affordable housing developers) that are requesting density bonuses. In conformance with this state law amendments are proposed to Sections 154.081, 154.082, and 154.093 to:

- Require density bonus applications to be processed at the same time as the land use application and by the review authority;
- Require that the developer submit all information about the requested density bonus, concessions and their justifications, and incentives at the time of application for the overall project; and
- Require that any density calculation, including base density and bonus density, that results in a fractional number, shall be rounded up to the next whole number.

**Density Bonus Application Processing Improvements**

Section 154.081 Processing Density Bonus Applications is proposed to be revised to address various provisions of AB 2501. This section of the proposed ZTA requires an affordable housing developer to submit as part of their application package a narrative explanation of how requested concessions would result in identifiable and actual cost reductions for the project to offset the
affordable housing costs. The purpose is to assist City staff, decision-makers and the public in better understanding all facets of the project. This information will also assist staff in the expeditious processing of the application.

Density Bonus Calculations – Rounding Up

AB 2501 requires that each component of any density bonus related calculation be rounded up. Any density calculation, including base density and bonus density that results in a fractional number shall be rounded up to the next whole number. Currently, 19.03.020.C requires all fractions to be rounded down when calculating the allowable number of residential units possible on a given site. The requirement has been included in Section 154.082.D to ensure that when calculating a density bonus all fractional numbers are rounded up to the next whole number. This requirement was also previously included in Section 154.093.

Mixed-Use Commercial/Residential Projects

AB 2501 also redefines a housing development to include mixed-use projects that include both housing and commercial uses. In response, revisions to Sections 154.080, 154.082.E and 154.082.G are proposed to include provisions for providing affordable housing within mixed-use commercial/residential projects and parking reductions where applicable.

Assembly Bill 2556 (Nazarian) – Affordable Housing Replacement Guidance

In 2014, the Legislature passed AB 2222, to ensure that housing units occupied by lower-income persons and households were not replaced with density bonus projects with fewer affordable units. Local jurisdictions had questions regarding how this bill should be implemented. Therefore, in 2016, the Legislature adopted AB 2556 providing further guidance related to calculating the replacement requirement when some or all units are vacant and the developer does not know the income levels of the residents.

To ensure that residential projects with affordable units that are demolished to create new housing are replaced in accordance with state law, Section 154.083 has been revised to include provisions for requiring the replacement of affordable units. In accordance with AB 2556 vacant units are either replaced in proportion to the number of known lower income households currently living in other units at the property.

Assembly Bill 1934 (Santiago) – Commercial Project Bonus

AB 1934 allows commercial developers to partner with affordable housing developers whereby both would be eligible to receive bonuses, concessions, and waivers for qualifying projects. In order to qualify for a development bonus, a commercial developer would need to partner with a housing developer that provides at least 30 percent of the total units for low-income households or at least 15 percent of the total units for very low-income households. Both projects would need to be in the City of San Joaquin. One of the following incentives, which have been added to Section 154.082.I, would need to be mutually agreed upon by the applicant and review authority:
• Up to a 20-percent increase in maximum allowable intensity in the General Plan.
• Up to a 20-percent increase in maximum allowable floor area ratio.
• Up to a 20-percent increase in maximum height requirements.
• Up to a 20-percent reduction in minimum parking requirements.
• Use of a limited-use/application elevator for upper floor accessibility.
• An exception to a zoning ordinance or other land use regulation.

ADDITIONAL AFFORDABLE HOUSING ORDINANCE CLEAN-UP REVISIONS PER STATE LAW AND LOCAL ADMINISTRATIVE PROCEDURES

Additional “clean-up” revisions to the City’s affordable housing provisions based on conformity with state law (Government Code Section 65915) and to clarify the City’s affordable housing procedures are proposed in the draft ordinance. The additional proposed amendments are described and analyzed below.

Density Bonus for Inclusion of Child Care Facilities - Per State Law

In accordance with California Government Code Section 65915, a residential or mixed-use commercial/residential development that includes a child care facility or donates land for a child care facility is eligible for a density bonus. In response, Section 154.082.A, is included in the ZTA, which allows a 25 percent density bonus for housing projects with onsite child care facilities.

Parking Reductions for Affordable Housing Projects - Per State Law

Per state law, a text revision to Section 154.082.G is proposed to allow development projects qualifying for a density bonus by providing on-site affordable units relief from parking regulations. The reduced parking allowance of 0.5 parking spaces per bedroom would apply to a residential or mixed residential/commercial development that includes the required percentage of low, very low income, or includes a minimum 10 percent transitional foster youth, veteran or homeless persons units, or provides for-rent housing for individuals who are 62 years of age or older, or is a special needs housing development.

Administrative Practice – Rental, Sale and Re-Sale of Affordable Units - Per State Law

A proposed text revision to the Section 154.088 preamble requires that any affordable unit provided to fulfill a requirement of the affordable housing provisions shall be reserved for and occupied by qualified households meeting the affordable income requirement specified for the unit in the Resolution of Approval, Agreement Imposing Restrictions and Real Property, and all other eligibility requirements for a minimum period of 55 years. Approval of this provision will bring the ordinance into conformance with state law.
- A security deposit equal to the greater of one month’s rent or $500 can be required.
- A pet deposit may be in addition to, but cannot exceed 25-percent of the security deposit.

Limitations on Purchasers and Sale Prices - Per State Law

Text amendments to Section 154.088.B require that the sale and resale of affordable units constructed with a state density bonus must be in accordance with state law. Revisions to this section also state that all purchasers of affordable units shall meet the income range targeted for a particular unit.

**Recommendation:**

Staff recommends that the City Council on the Second reading, adopt the following ordinance:

ORDINANCE NO. 2019-100

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JOAQUIN REPEALING SECTIONS 154.080 TO 154.100 AND ADDING SECTIONS 154.080 TO 154.100 RELATING TO AFFORDABLE HOUSING DENSITY BONUS, PROCEDURES.

THE CITY COUNCIL OF THE CITY OF SAN JOAQUIN DOES ORDAIN AS FOLLOWS:

SECTION 1. Sections 154.080 to 154.100 of the San Joaquin Municipal Code are hereby repealed.

SECTION 2. Sections 154.080 to 154.100 are hereby added to the San Joaquin Municipal Code to read as follows:

§154.080 Purpose and Intent.
§154.081 Processing Density Bonus Applications.
§154.082 Affordable Housing Incentives.
§154.083 Replacement of Affordable Housing Units.
§154.084 Findings for Denial of Project.
§154.085 Reserved for Future Use.
§154.086 Affordable Housing Characteristics and General Requirements.
§154.087 Distribution of Density Bonus.
§154.088 Rental, Sale, and Re-Sale of Density Bonus Units.
§154.089 Density Bonus for Condominium Conversions.
§154.090 Development Proposals.
§154.091 Density Bonus Agreements.
§154.092 Reserved for Future Use.
§154.093 Calculating Affordable and Density Bonus Units.
§154.094 Term of Affordability.
§154.095 Rental Housing Units.
§154.096 Ownership Housing Units.
§154.097 Very Low Income Households.
§154.098 Low Income Households.
§154.099 Moderate Income Households.
§154.100 Senior Citizens; Low Income Senior Citizens and Very Low Income Senior Citizens.

§154.080 PURPOSE AND INTENT.

This affordable housing density bonus procedures and regulations provide incentives for the development of affordable housing units in conjunction with other residential, mixed-use projects, and commercial projects in partnership with affordable housing providers as provided under state law. The provisions are intended to implement general plan policies encouraging the production of affordable housing for all economic groups and including housing for disabled and older residents, transitional foster youth, disabled veterans, and homeless persons. Intent of the density bonus provisions is to contribute significantly to the
economic feasibility of providing lower income housing in proposed developments; in compliance with Cal. Gov't Code §§ 65915 and 65917.

§ 154.081 PROCESSING DENSITY BONUS APPLICATIONS.

Density bonuses may be granted upon approval of a use permit by the reviewing authority, as specified by the §§ 154.250 through 154.260. The application for a density bonus and/or concessions shall be processed concurrently with the underlying land use permit and entitlement application. In addition to any other applicable application requirements, the application shall be made on a form supplied by the City and shall include:

(A) A description of the unit counts that make the project eligible for the requested density bonus;

(B) A request for the specific concessions being requested. The applicant shall provide an explanation of the regulatory concession and how it results in identifiable and actual cost reductions for the project to offset the affordable housing costs, or for rents for the targeted units as specified in Government Code Section 65915. The intent of this requirement is to provide reasonable documentation to establish eligibility for the concession or to demonstrate the concession meets the definition set forth in Section 65915. The explanation may be, but is not required to be, in narrative form;

(C) A request for any waiver or reduction of a development standard if compliance with a development standard would physically preclude construction of the project as proposed. The proposal shall include an explanation of how the development standard would physically preclude construction of the project as proposed; and

(D) A request for any reduction in parking ratios under Section 154.082(F) and an explanation for how the project is eligible for the requested reduction.

(E) Application for Density Bonus Housing Agreement. Once the land use permits, entitlements and any density bonus have been approved as described above, the applicant shall file an application, including the payment of any processing fees with the Housing Division for approval and finalization of the Agreement Imposing Restrictions on Real Property (Density Bonus Housing Agreement).

§ 154.082 AFFORDABLE HOUSING INCENTIVES.

This section provides density bonuses for specified housing projects and commercial projects where the developer of a commercial project has entered into an agreement for partnered housing with an affordable housing developer and provides affordable housing through a joint project or through two separate projects encompassing affordable housing. In order to encourage the construction of housing affordable to very low, low, and moderate income persons, transitional foster youth, disabled veterans, and homeless persons, and the replacement of residential rental units lost through new construction, density bonuses shall be allowed in compliance with this section.

As provided by State law projects may apply for housing density bonuses up to a maximum of 35 percent. Density bonuses shall be subject to the following:
(A) Density Bonuses Permitted. Density bonuses are only permitted in projects of 5 or more units. The amount of density bonus granted shall be based on the following table:

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Minimum % of Units</th>
<th>Density Bonus Granted</th>
<th>Additional Bonus for each 1% Increase in Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Low Income</td>
<td>5%</td>
<td>20%</td>
<td>2.5%</td>
</tr>
<tr>
<td>Low Income</td>
<td>10%</td>
<td>20%</td>
<td>1.5%</td>
</tr>
<tr>
<td>Moderate Income</td>
<td>10%</td>
<td>5%</td>
<td>1%</td>
</tr>
<tr>
<td>Transitional foster youth, disabled veterans, or homeless persons units (provided at the same affordability level as very low income units)</td>
<td>10%</td>
<td>20% (of the same type of unit giving rise to the density bonus)</td>
<td>N/A</td>
</tr>
<tr>
<td>Senior Citizen Units</td>
<td>50% of its units for senior citizens, and at least 10% of its units for very low income senior citizens</td>
<td>25%</td>
<td>N/A</td>
</tr>
<tr>
<td>Provision of a Child Care Center</td>
<td>N/A</td>
<td>25%</td>
<td>N/A</td>
</tr>
<tr>
<td>Land donation</td>
<td>N/A</td>
<td>15%</td>
<td>1% increase for each above 10% affordable units provided on the donated land</td>
</tr>
</tbody>
</table>

(B) For a land donation the following provisions shall apply:
(1) The applicant donates and transfers land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

(2) The developable acreage and zoning classification of the land being transferred are sufficient to permit the construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.

(3) The transferred land is at least 1 acre in size or of sufficient size to permit development of at least 40 residential units, has the appropriate general plan and zoning designation, and is or will be served by adequate public facilities and infrastructure.

(4) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units.

(5) The land is transferred to the local agency or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the developer.

(6) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.

(C) For the purposes of calculating the permitted housing bonus in residential zones, “density” shall refer to the maximum allowable residential density per square foot of site area permitted in the zone in which the project is located. The density bonus may result in more market rate units than would otherwise be permitted by the zone.

(D) Any density calculation, including base density and bonus density that results in a fractional number shall be separately rounded up to the next whole number.

(E) Concessions. In compliance with state law, projects that request a density bonus to provide on-site affordable housing (and commercial projects that partner with affordable housing developers and provide at least 30 percent of the total units for low-income households or at least 15 percent of the total units for very low income households authorized by Government Code 65915.7 as set forth in 19.20.020.B.3) are eligible for concessions as follows. The number of available concessions may be combined from different categories below for a maximum of three concessions per project.

///

///

///

(1) Number of Concessions.
<table>
<thead>
<tr>
<th>Percentage of Affordable Units</th>
<th>Number Concessions Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>5% Very Low, 10% Low, or 10% Moderate</td>
<td>1</td>
</tr>
<tr>
<td>10% Very Low, 20% Low, or 20% Moderate</td>
<td>2</td>
</tr>
<tr>
<td>15% Very Low, 30% Low, or 30% Moderate</td>
<td>3</td>
</tr>
</tbody>
</table>

(2) Available Residential Concessions. The following concessions may be requested:
   a. 10% reduction in the minimum rear yard setback; or
   b. 10% reduction in the minimum front yard setback; or
   c. 10% reduction in the minimum side yard setback; or
   d. 10% reduction in common open space required; or
   e. An additional story, not to exceed 10 feet of the total project height, or other regulatory concessions that result in identifiable and actual cost reductions to provide for affordable housing costs, or for rents for the affordable units as specified in Government Code Section 65915.

(F) Concession may be denied by the City Council if one of the following findings can be made, based on substantial evidence:

(1) The concession or incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs, or for rents for the targeted units to be set as specified in Section 65915 of the California Government Code;

(2) The concession would have a specific adverse impact, as defined in Section 65915 of the California Government Code, upon public health and safety or the physical environment and for which 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

(3) The concession would be contrary to state or federal law.

(G) Parking Incentives. Density bonus housing development shall be granted the following parking space requirements when requested by the developer, inclusive of handicapped, which shall be granted to all units in the development:

<table>
<thead>
<tr>
<th>Number of Bedrooms</th>
<th>Required Parking Spaces per Unit**</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 1 bedroom</td>
<td>1</td>
</tr>
<tr>
<td>2 to 3 bedrooms</td>
<td>2</td>
</tr>
<tr>
<td>-----------------</td>
<td>---</td>
</tr>
<tr>
<td>4 or more bedrooms</td>
<td>2.5</td>
</tr>
</tbody>
</table>

* If the total number of spaces required results in a fractional number, it shall be rounded up to the next whole number. A development project may provide on-site parking through a tandem and/or uncovered parking configuration.

** If a residential or mixed residential/commercial development project includes the required percentage of low, very low income, or includes a minimum 10 percent transitional foster youth, veteran, or homeless persons units, or provides for-rent housing for individuals who are 62 years of age or older, or is a special needs housing development and is located within one-half mile of a major transit stop where there is unobstructed access to a major transit stop from the development, then, upon the request of the developer, a parking ratio not to exceed 0.5 spaces per bedroom shall apply to the residential portion of the development.

(H) Guest parking shall not be required for projects utilizing the affordable housing density bonus provided in this section.

(I) Available Commercial Concessions. In addition to the other bonus and residential concessions provided in this Chapter, commercial development projects that partner with affordable housing developers and provide at least 30 percent of the total units for low-income households or at least 15 percent of the total units for very low income households in accordance with Government Code Section 65915.7 are eligible for the following that is mutually agreed upon by the applicant and review authority:

1. Up to a 20-percent increase in maximum allowable intensity in the General Plan.

2. Up to a 20-percent increase in maximum allowable floor area ratio.

3. Up to a 20-percent increase in maximum height requirements.

4. Up to a 20-percent reduction in minimum parking requirements.

5. Use of a limited-use/application elevator for upper floor accessibility.

6. An exception to a zoning ordinance or other land use regulation.

§ 154.083 REPLACEMENT OF AFFORDABLE HOUSING UNITS.

A project that vacates or demolishes (1) rental units subject to affordability restrictions that restrict rents to levels affordable to persons or families of low or very low income, or
(2) units occupied by low or low income households within the five year period preceding the development application unless households within the five year period preceding the development application shall replace these units in the following manner:

(A) If any dwelling units are occupied on the date of application, the project shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy.

(B) For unoccupied dwelling units in a development with occupied units, the project shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy.

(C) If any dwelling units have been vacated or demolished within the five-year period preceding the application, the proposed project shall provide at least the same number of units of equivalent size as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known.

(D) If the income category of the last household in occupancy, or of the persons or families in occupancy at the highpoint, is not known, it shall be presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database.

(E) The affordable replacement units shall be subject to a recorded affordability restriction.

(F) The affordable replacement units shall be counted towards the affordable units provided for purposes of calculating the density bonus.

(G) "Equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

§ 154.084 FINDINGS FOR DENIAL OF PROJECT.

(A) Notwithstanding § 154.083, the city shall deny the proposed development if either of the following findings are made:

(1) The proposed development does not conform to the applicable zoning and development policies, other than density.

(2) The proposed development would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the adverse impact identified.
(B) The above findings shall be made in addition to findings made under other sections of the Municipal Code.

§ 154.085 RESERVED FOR FUTURE USE.

§ 154.086 AFFORDABLE HOUSING UNIT CHARACTERISTICS AND GENERAL REQUIREMENTS.

(A) All affordable housing units shall have an appearance, bedroom mix, and amenities representative of the entire housing development.

(B) The affordable units shall not be concentrated in one specific area of a project, but rather shall be evenly distributed throughout a project on a single parcel or within a single type of housing development.

(C) None of the target units in the development will at any time be utilized on a transient basis, nor will they ever be used as a hotel, motel, dormitory, fraternity house, sorority house, rooming house, nursing home, hospital, sanitarium, or rest home.

(D) Long-term maintenance provisions for the development shall be required in conjunction with the project approval and the development agreement.

(E) All affordable housing projects of 16 or more units shall provide an on-site manager for the purpose of security and maintenance.

§ 154.087 DISTRIBUTION OF DENSITY BONUS UNITS.

(A) Development proposals for the two sections of the proposed development are approved concurrently.

(B) The housing units in both sections are developed concurrently.

(C) The distribution of affordable units shall comply with §154.086(B).

§ 154.088 RENTAL, SALE, AND RE-SALE OF AFFORDABLE HOUSING UNITS.

Any affordable unit provided to fulfill a requirement of this Chapter shall be reserved for and occupied by qualified households meeting the affordable income requirement specified for the unit in the Resolution of Approval, Agreement Imposing Restrictions on Real Property, and all other eligibility requirements for a minimum period of 55 years. Eligibility requirements and a rental and sales price schedule for very low, low, and moderate income households shall be established annually by City Council resolution. Newly constructed inclusionary units shall first be offered to eligible households displaced by the demolition necessary to construct the project.

(A) Rental of Units

(1) If units are offered for rent, the project owner or developer shall rent the units directly to the required number of very low, low, and moderate-income households at the rental rate established by City Council resolution.
(2) The rental rate shall include charges for the unit, pets, water, trash, and building amenities, unless otherwise specified in the resolution of approval.

(3) A security deposit equal to the greater of one month’s rent or $500 can be required.

(4) A pet deposit may be in addition to, but cannot exceed 25-percent of the security deposit.

(B) Limitations on Purchasers and Sale Prices.

(1) The sale and resale of affordable units constructed for purposes of using a state density bonus under 19.22.050.D above shall be in accordance with California Government Code 65915(c)(2).

(2) All purchasers of inclusionary units shall meet the city’s income guidelines for the income range targeted for that unit. Proof of income eligibility shall be submitted to the Director. Resale of units shall require that the Director first verify the purchaser as very low, low or moderate income. This requirement shall be included in the recorded covenant.

(3) Newly constructed inclusionary units shall first be offered to eligible very low, low and moderate income households displaced by the demolition necessary to construct the project.

(4) The offer shall be made to other very low, low, or moderate displaced households.

(5) The remaining units, and all other newly constructed units and any inclusionary units in a building undergoing conversion to common interest development, shall be offered to very low, low, and moderate income households.

(6) Lower income units shall be sold at a price that is no more than two and one-half times 65 percent of the City’s median income. Qualifying income levels shall be established annually by the City Council.

(7) Moderate income units shall be sold at a price that is no more than two and one-half times (2.5 times) the City’s median income. Qualifying income levels shall be established annually by the City Council.

(8) The sales price of the affordable unit is dependent on the unit size established annually by the City Council.

(9) Expected homeowners’ association fees shall be included in the calculation of total unit costs.

(C) Resale of Units. Upon resale, the affordable units shall remain affordable for the targeted income group. The resale price shall be set as follows:

(1) Total costs, including expected homeowners association fees.
(2) Lower income units: a total cost of no more than two and one-half times 65% of the City’s median income for low income households.

(3) Moderate income units: a total cost of no more than two and one-half times 65 percent of the City’s median income for moderate income households.

(4) The sales price of the affordable unit is dependent on unit size.

§ 154.089 DENSITY BONUS FOR CONDOMINIUM CONVERSIONS.

As a part of this request for a density bonus or other concessions or incentives, the developer shall demonstrate that waiver or modification of development and zoning standards which would otherwise inhibit the proposed development is necessary to make the housing unit economically feasible.

(A) In accordance with Cal. Gov't Code § 65915.5, when an applicant proposing to convert apartments to a condominium project agrees to provide 33% of the total units in the proposed condominium project for moderate income households, as defined in § 154.099, or 15% of the total units for low income households, as defined in § 154.098, and agrees to pay a reasonable administrative cost, then the city shall grant a 25% density bonus.

(B) For purposes of this section DENSITY BONUS means an increase of up to 35% over the number of apartments, to be provided within the existing structure or structures proposed for conversion.

(C) An applicant may submit a preliminary proposal for a condominium conversion under the provisions of § 154.090.

(D) Notwithstanding division (A) above, the city may deny the condominium conversion under the provisions of § 154.084.

(E) An applicant shall be ineligible for a density bonus under the provisions of this section if the apartments proposed for conversion were previously granted a density bonus under the provisions of § 154.083.

§ 154.090 DEVELOPMENT PROPOSALS.

(A) A developer may submit a preliminary proposal for a density bonus prior to a formal application. The city shall respond within 90 days of receipt of a written proposal, notifying the developer in writing of the procedures, which will be followed in processing the application.

(B) The developer shall provide detailed engineering studies to the satisfaction of the City Engineer to demonstrate that an adequate circulation system and service and utility capacity is available for the increased density requested.

§ 154.091 DENSITY BONUS AGREEMENTS.
Any developer requesting a density bonus shall submit a density bonus agreement in a form approved by the City Attorney. The density bonus agreement shall be approved by the City Council, and shall run with the land. It may include, but not be limited to, the following provisions:

(A) The number of requested housing units above the amount allowed by the existing zoning, and the additional incentives requested;

(B) The number of affordable units to be provided in the project by number of bedrooms and income group;

(C) The term of affordability for affordable units, as defined in § 154.094;

(D) The standards for maximum qualifying incomes for affordable units;

(E) The standards for maximum rents or sales prices for affordable units;

(F) The process to be used to certify tenant/homeowner incomes;

(G) The arrangements by either the city or the Housing Authority for monitoring of the affordable units;

(H) How vacancies will be marketed and filled;

(I) Restrictions and enforcement mechanisms binding on property upon sale or transfer;

(J) Penalties and enforcement mechanisms in event of failure to maintain affordability provisions;

(K) Any other provisions deemed necessary by the city.

§ 154.092 RESERVED FOR FUTURE USE.

§ 154.093 CALCULATING AFFORDABLE AND DENSITY BONUS UNITS.

In calculating the additional density bonus units to be allowed over what is allowed by the existing zoning, or the number of affordable housing units to be required, any resulting fraction of a unit shall be rounded up to the next whole number. In calculating the number of affordable units required under § 154.082(A), the density bonus units shall not be included.

§ 154.094 TERM OF AFFORDABILITY.

If a density bonus is granted, then affordability of the approved very low, low, or moderate income bonus units shall be maintained for a period of 55 years.

§ 154.095 RENTAL HOUSING UNITS.
(A) Rents for those units in a rental housing development designated for very low income households or very low income senior citizens shall not exceed 30% of 50% of the monthly area median income, as published annually by the State Department of Housing and Community Development in Cal. Code of Regulations, Title 25 and adjusted for household size. If the units are rented to Section 8 certificate holders, then the maximum rents for those units shall be as determined by the Housing Authority.

(B) Rents for units designated for low income households or low income senior citizens shall not exceed 30% of 60% of the monthly area median income, as published annually by the State Department of Housing and Community Development in Cal. Code of Regulations, Title 25 and adjusted for household size. If the units are rented to Section 8 certificate holders, then the maximum rents for those units shall be as determined by the Housing Authority.

(C) In calculating rents for senior citizen housing units, any services such as meals or individual medical care, offered above those normally provided for independent living units, shall be optional, and shall not be included in calculating maximum rents.

(D) **Household size.**

(1) The following table shall be used in determining the household size for setting the maximum rents, and in determining the maximum occupancy for units:

<table>
<thead>
<tr>
<th>Household Size</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit Size – Number of Bedrooms</td>
<td>For Maximum Number of Persons</td>
<td>Occupancy Limit – Number of Persons</td>
</tr>
<tr>
<td>Studio</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>2</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>3</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>4</td>
<td>6</td>
<td>9</td>
</tr>
</tbody>
</table>

(2) An exception to the above table shall be made for units designated for senior citizens. The exception is that a household size of one for the purpose of setting maximum rents shall be assumed for a single bedroom unit. The occupancy limit shall remain at three.

(E) Total move-in costs for affordable units shall be limited to the first and last month's rent plus a cleaning deposit not to exceed one month's rent.

§ 154.096 OWNERSHIP HOUSING UNITS.

(A) The total mortgage payments for those units in a home ownership housing development designated for very low income households or low income households shall not exceed the criteria specified for maximum rents in § 154.095. Total mortgage payments
include principal, interest, taxes, insurance, assessment district fees, and homeowner association fees, if applicable.

(B) The total down payment, excluding closing costs, for the affordable units, shall not exceed 10% of the purchase price.

(C) The provisions of this section shall be included in the density bonus agreement, and shall run with the land for the term of affordability.

§ 154.097 VERY LOW INCOME HOUSEHOLDS.

Very low income households are households whose income does not exceed 50% of area median income, as defined in Cal. Health and Safety Code § 50105.

§ 154.098 LOW INCOME HOUSEHOLDS.

Low-income households are households whose income does not exceed 80% of area median income, as defined in Cal. Health and Safety Code § 50079.5.

§ 154.099 MODERATE INCOME HOUSEHOLDS.

Moderate-income households are households whose income does not exceed 120% of area median income, as defined in Cal. Health and Safety Code § 50093.

§ 154.100 SENIOR CITIZENS; LOW INCOME SENIOR CITIZENS, AND VERY LOW INCOME SENIOR CITIZENS.

(A) Senior citizens are persons of at least 62 years of age (or 55 years of age if the project is at least 150 dwelling units), as defined in Cal. Civ. Code § 51.2.

(B) Low income senior citizens are senior citizens whose income does not exceed 80% of area median income, as defined in Cal. Health and Safety Code § 50079.5.

(C) Very low income senior citizens are senior citizens whose household income does not exceed 50% of area median income, as defined in Cal. Health and Safety Code § 50105.

SECTION 3. CEQA. The proposed zone text amendment is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. Section 15061 states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Affordable housing developments will be required to meet all local, state, and federal health and safety regulations to ensure that there are no significant environmental impacts and will be subject to further CEQA review in accordance with the accompanying discretionary permit approval. These revisions implement the requirements of state law and the City’s inclusionary housing program and do not change the physical characteristics of the projects themselves.”
SECTION 4. Effective Date. This ordinance shall become effective thirty days after its adoption.

SECTION 5. Publication. Upon passage, this ordinance or a summary of the same shall be published within fifteen (15) days of passage, pursuant to the laws of the State of California, in the San Joaquin news, a newspaper of general circulation published and circulated in said City of San Joaquin. If a summary of the ordinance is published, the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted at City Hall at least five days prior to the meeting at which the ordinance is adopted and again after the meeting at which it is adopted.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of San Joaquin held on ____________, 2019, and was passed and adopted at a regular meeting of the City Council held on ____________, 2019, by the following vote:

AYES: 
NOES: 
ABSENT: 
ABSTAIN: 

ATTEST: APPROVED: 

_________________________ ____________________________
Lupe Estrada, Deputy City Clerk Mayor, City of San Joaquin
This section provides density bonuses for specified housing projects and commercial projects where the developer of a commercial project has entered into an agreement for partnered housing with an affordable housing developer and provides affordable housing through a joint project or through two separate projects encompassing affordable housing. In order to encourage the construction of housing affordable to very low, low, and moderate income persons, transitional foster youth, disabled veterans, and homeless persons, and the replacement of residential rental units lost through new construction, density bonuses shall be allowed in compliance with this section.

As provided by State law projects may apply for housing density bonuses up to a maximum of 35 percent. Density bonuses shall be subject to the following:

(A) Density Bonuses Permitted. Density bonuses are only permitted in projects of 5 or more units. The amount of density bonus granted shall be based on the following table:

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Minimum % of Units</th>
<th>Density Bonus Granted</th>
<th>Additional Bonus for each 1% Increase in Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Low Income</td>
<td>5%</td>
<td>20%</td>
<td>2.5%</td>
</tr>
<tr>
<td>Low Income</td>
<td>10%</td>
<td>20%</td>
<td>1.5%</td>
</tr>
<tr>
<td>Moderate Income</td>
<td>10%</td>
<td>5%</td>
<td>1%</td>
</tr>
<tr>
<td>Transitional foster youth, disabled veterans, or homeless persons units (provided at the same affordability level as very low income units)</td>
<td>10%</td>
<td>20% (of the same type of unit giving rise to the density bonus)</td>
<td>N/A</td>
</tr>
<tr>
<td>Senior Citizen Units</td>
<td>50% percent of its units for senior citizens, and at least 10% of its units for very low income senior citizens, or at least 20% of its units for low income senior citizens</td>
<td>25%</td>
<td>N/A</td>
</tr>
<tr>
<td>Provision of a Child Care Center</td>
<td>N/A</td>
<td>25%</td>
<td>N/A</td>
</tr>
<tr>
<td>Land donation</td>
<td>N/A</td>
<td>15%</td>
<td>1% increase for each above 10% affordable units provided on the donated land</td>
</tr>
</tbody>
</table>

(B) For a land donation the following provisions shall apply:
(1) The applicant donates and transfers land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
(2) The developable acreage and zoning classification of the land being transferred are sufficient to permit the construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.

(3) The transferred land is at least 1 acre in size or of sufficient size to permit development of at least 40 residential units, has the appropriate general plan and zoning designation, and is or will be served by adequate public facilities and infrastructure.

(4) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units.

(5) The land is transferred to the local agency or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the developer.

(6) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.

(C) For the purposes of calculating the permitted housing bonus in residential zones, "density" shall refer to the maximum allowable residential density per square foot of site area permitted in the zone in which the project is located. The density bonus may result in more market rate units than would otherwise be permitted by the zone.

(D) Any density calculation, including base density and bonus density that results in a fractional number shall be separately rounded up to the next whole number.

(E) Concessions. In compliance with state law, projects that request a density bonus to provide on-site affordable housing (and commercial projects that partner with affordable housing developers and provide at least 30 percent of the total units for low-income households or at least 15 percent of the total units for very low income households authorized by Government Code 65915.7 as set forth in 19.20.020.B.3) are eligible for concessions as follows. The number of available concessions may be combined from different categories below for a maximum of three concessions per project.

(1) Number of Concessions.

<table>
<thead>
<tr>
<th>Percentage of Affordable Units</th>
<th>Number Concessions Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>5% Very Low, 10% Low, or 10% Moderate</td>
<td>1</td>
</tr>
<tr>
<td>10% Very Low, 20% Low, or 20% Moderate</td>
<td>2</td>
</tr>
<tr>
<td>15% Very Low, 30% Low, or 30% Moderate</td>
<td>3</td>
</tr>
</tbody>
</table>

(2) Available Residential Concessions. The following concessions may be requested:
   a. 10% reduction in the minimum rear yard setback; or
   b. 10% reduction in the minimum front yard setback; or
   c. 10% reduction in the minimum side yard setback; or
   d. 10% reduction in common open space required; or
   e. An additional story, not to exceed 10 feet of the total project height, or other regulatory concessions that result in identifiable and actual cost reductions to provide for affordable housing costs, or for rents for the affordable units as specified in Government Code Section 65915.

(F) Concession may be denied by the City Council if one of the following findings can be made, based on substantial evidence:
(1) The concession or incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs, or for rents for the targeted units to be set as specified in Section 65915 of the California Government Code;

(2) The concession would have a specific adverse impact, as defined in Section 65915 of the California Government Code, upon public health and safety or the physical environment and for which 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

(3) The concession would be contrary to state or federal law.

(G) Parking Incentives. Density bonus housing development shall be granted the following parking space requirements when requested by the developer, inclusive of handicapped, which shall be granted to all units in the development:

<table>
<thead>
<tr>
<th>Number of Bedrooms</th>
<th>Required Parking Spaces per Unit**</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 1 bedroom</td>
<td>1</td>
</tr>
<tr>
<td>2 to 3 bedrooms</td>
<td>2</td>
</tr>
<tr>
<td>4 or more bedrooms</td>
<td>2.5</td>
</tr>
</tbody>
</table>

* If the total number of spaces required results in a fractional number, it shall be rounded up to the next whole number. A development project may provide on-site parking through a tandem and/or uncovered parking configuration.

** If a residential or mixed residential/commercial development project includes the required percentage of low, very low income, or includes a minimum 10 percent transitional foster youth, veteran, or homeless persons units, or provides for rent housing for individuals who are 62 years of age or older, or is a special needs housing development and is located within one-half mile of a major transit stop where there is unobstructed access to a major transit stop from the development, then, upon the request of the developer, a parking ratio not to exceed 0.5 spaces per bedroom shall apply to the residential portion of the development.

(H) Guest parking shall not be required for projects utilizing the affordable housing density bonus provided in this section.

(I) Available Commercial Concessions. In addition to the other bonus and residential concessions provided in this Chapter, commercial development projects that partner with affordable housing developers and provide at least 30 percent of the total units for low-income households or at least 15 percent of the total units for very low income households in accordance with Government Code Section 65915.7 are eligible for the following that is mutually agreed upon by the applicant and review authority:

(1) Up to a 20-percent increase in maximum allowable intensity in the General Plan.
(2) Up to a 20-percent increase in maximum allowable floor area ratio.
(3) Up to a 20-percent increase in maximum height requirements.
(4) Up to a 20-percent reduction in minimum parking requirements.
(5) Use of a limited-use/application escalator for upper floor accessibility.
(6) An exception to a zoning ordinance or other land use regulation.

A developer requesting a density bonus shall agree to construct a housing development with one of the following types of affordable housing:

(A) Ten percent of its units for very low income households, as defined in § 154.098.

(B) Twenty percent of its units for low income households, as defined in § 154.099.

(C) Fifty percent of its units for senior citizens, and at least 10% of its units for very low income senior citizens, or at least 20% of its units for low income senior citizens, as defined in § 154.101.

§ 154.083 REPLACEMENT OF AFFORDABLE HOUSING UNITS CITY OBLIGATIONS.

If a project that vacates or demolishes (1) rental units subject to affordability restrictions that restrict rents to levels affordable to persons or families of low or very low income, or (2) units occupied by low or low income households within the five year period preceding the development application unless households within the five year period preceding the development application shall replace these units in the following manner: developer agrees to one of the provisions outlined in § 154.082, the developer may request, and the city will grant:

(A) A 25% density bonus over the housing unit density allowed on the site by the existing zoning;

(B) An additional incentive, as defined in § 154.088, unless the City Council finds that the additional incentive is not necessary to make the proposed development economically feasible, as defined in § 154.093;

(A) If any dwelling units are occupied on the date of application, the project shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy.

(B) For unoccupied dwelling units in a development with occupied units, the project shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy.

(C) If any dwelling units have been vacated or demolished within the five-year period preceding the application, the proposed project shall provide at least the same number of units of equivalent size as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known.

(D) If the income category of the last household in occupancy, or of the persons or families in occupancy at the highpoint, is not known, it shall be presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database.

(E) The affordable replacement units shall be subject to a recorded affordability restriction.
(F) The affordable replacement units shall be counted towards the affordable units provided for purposes of calculating the density bonus.

(G) "Equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being re

§ 154.084 FINDINGS FOR DENIAL OF PROJECT.

(A) Notwithstanding § 154.083, the city shall deny the proposed development if either of the following findings are made:

(1) The proposed development does not conform to the applicable zoning and development policies, other than density.

(2) The proposed development would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the adverse impact identified.

(B) The above findings shall be made in addition to findings made under other sections of the Municipal Code.

§ 154.085 MINIMUM DEVELOPMENT SIZE.

The density bonus provisions of this chapter apply only to proposed developments of five or more dwelling units.

§ 154.086 AFFORDABLE HOUSING UNIT CHARACTERISTICS AND GENERAL REQUIREMENTS.

(A) All affordable housing units shall have an appearance, bedroom mix, and amenities representative of the entire housing development.

(B) The affordable units shall not be concentrated in one specific area of a project, but rather shall be evenly distributed throughout a project on a single parcel or within a single type of housing development.

(C) None of the target units in the development will at any time be utilized on a transient basis, nor will they ever be used as a hotel, motel, dormitory, fraternity house, sorority house, rooming house, nursing home, hospital, sanatorium, or rest home.

(D) Long-term maintenance provisions for the development shall be required in conjunction with the project approval and the development agreement.

(E) All affordable housing projects of 16 or more units shall provide an on-site manager for the purpose of security and maintenance.

§ 154.087 DISTRIBUTION OF DENSITY BONUS UNITS.

(A) Development proposals for the two sections of the proposed development are approved concurrently.

(B) The housing units in both sections are developed concurrently.

(C) The distribution of affordable units shall comply with §154.086(B).
§ 154.088 RENTAL, SALE, AND RE-SALE OF AFFORDABLE HOUSING UNITS ADDITIONAL INCENTIVES.

Any affordable unit provided to fulfill a requirement of this Chapter shall be reserved for and occupied by qualified households meeting the affordable income requirement specified for the unit in the Resolution of Approval, Agreement Imposing Restrictions on Real Property, and all other eligibility requirements for a minimum period of 55 years. Eligibility requirements and a rental and sales price schedule for very low, low, and moderate income households shall be established annually by City Council resolution. Newly constructed inclusionary units shall first be offered to eligible households displaced by the demolition necessary to construct the project.

(A) Rental of Units

(1) If units are offered for rent, the project owner or developer shall rent the units directly to the required number of very low, low, and moderate-income households at the rental rate established by City Council resolution.

(2) The rental rate shall include charges for the unit, pets, water, trash, and building amenities, unless otherwise specified in the resolution of approval.

(3) A security deposit equal to the greater of one month’s rent or $500 can be required.

(4) A pet deposit may be in addition to, but cannot exceed 25-percent of the security deposit.

(B) Limitations on Purchasers and Sale Prices.

(1) The sale and resale of affordable units constructed for purposes of using a state density bonus under 19.22.050.D above shall be in accordance with California Government Code 65915(c)(2).

(2) All purchasers of affordable units shall meet the city’s income guidelines for the income range targeted for that unit. Proof of income eligibility shall be submitted to the Director. Resale of units shall require that the Director first verify the purchaser as very low, low, or moderate income. This requirement shall be included in the recorded covenant.

(3) Newly constructed affordable units shall first be offered to eligible very low, low and moderate income households displaced by the demolition necessary to construct the project.

(4) The offer shall be made to other very low, low, or moderate displaced households.

(5) The remaining units, and all other newly constructed units and any affordable units in a building undergoing conversion to common interest development, shall be offered to very low, low, and moderate income households.

(6) Lower income units shall be sold at a price that is no more than two and one-half times 65 percent of the City’s median income. Qualifying income levels shall be established annually by the City Council.

(7) Moderate income units shall be sold at a price that is no more than two and one-half times (2.5 times) the City’s median income. Qualifying income levels shall be established annually by the City Council.
(8) The sales price of the affordable unit is dependent on the unit size established annually by the City Council.

(9) Expected homeowners’ association fees shall be included in the calculation of total unit costs.

(C) Resale of Units. Upon resale, the affordable units shall remain affordable for the targeted income group. The resale price shall be set as follows:

(1) Total costs, including expected homeowners association fees.
(2) Lower income units: a total cost of no more than two and one-half times 65% of the City’s median income for low income households.
(3) Moderate income units: a total cost of no more than two and one-half times 65 percent of the City’s median income for moderate income households.
(4) The sales price of the affordable unit is dependent on unit size.

(D) If the developer has shown economic necessity, as defined in § 154.092, then the city may grant additional incentives. The additional incentives may be any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements which exceed minimum building standards approved by the State Building Standards Commission as provided in Cal. Health and Safety Code, Part 2.5 (commencing with Cal. Health and Safety Code § 18905) of Division 13.

(2) Approval of mixed-use zoning in conjunction with the housing development consisting of commercial, office, or other land uses which will reduce the cost of the housing development, and if such land uses are compatible with the housing development and the existing or planned development in the area, and consistent with the General Plan.

(3) Other regulatory incentives or concessions, which result in identifiable cost reductions.

(B) This section does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly-owned land or the waiver of fees or dedication requirements. All incentives are to be negotiated between the developer and the city. The city may substitute another incentive for the one requested if it finds that the requested incentive is infeasible or undesirable.

§ 154.089 DENSITY BONUS FOR CONDOMINIUM CONVERSIONS.

As a part of this request for a density bonus or other concessions or incentives, the developer shall demonstrate that waiver or modification of development and zoning standards which would otherwise inhibit the proposed development is necessary to make the housing unit economically feasible.

(A) In accordance with Cal. Gov't Code § 65915.5, when an applicant proposing to convert apartments to a condominium project agrees to provide 33% of the total units in the proposed condominium project for moderate income households, as defined in § 154.099, or 15% of the total units for low income households, as defined in § 154.098, and agrees to pay the reasonable administrative cost, then the city shall grant a 25% density bonus.

(B) For purposes of this section DENSITY BONUS means an increase of up to 35% over the number of apartments, to be provided within the existing structure or structures proposed for conversion.
(C) An applicant may submit a preliminary proposal for a condominium conversion under the provisions of § 154.090.

(D) Notwithstanding division (A) above, the city may deny the condominium conversion under the provisions of § 154.084.

(E) An applicant shall be ineligible for a density bonus under the provisions of this section if the apartments proposed for conversion were previously granted a density bonus under the provisions of § 154.083.

§ 154.090 DEVELOPMENT PROPOSALS.

(A) A developer may submit a preliminary proposal for a density bonus prior to a formal application. The city shall respond within 90 days of receipt of a written proposal, notifying the developer in writing of the procedures, which will be followed in processing the application.

(B) The developer shall provide detailed engineering studies to the satisfaction of the City Engineer which to demonstrate that an adequate circulation system and service and utility capacity is available for the increased density requested.

§ 154.091 DENSITY BONUS AGREEMENTS.

Any developer requesting a density bonus shall submit a density bonus agreement in a form approved by the City Attorney. The density bonus agreement shall be approved by the City Council, and shall run with the land. It may include, but not be limited to, the following provisions:

(A) The number of requested housing units above the amount allowed by the existing zoning, and the additional incentives requested;

(B) The number of affordable units to be provided in the project by number of bedrooms and income group;

(C) The term of affordability for affordable units, as defined in § 154.094;

(D) The standards for maximum qualifying incomes for affordable units;

(E) The standards for maximum rents or sales prices for affordable units;

(F) The process to be used to certify tenant/homeowner incomes;

(G) The arrangements by either the city or the Housing Authority for monitoring of the affordable units;

(H) How vacancies will be marketed and filled;

(I) Restrictions and enforcement mechanisms binding on property upon sale or transfer;

(J) Penalties and enforcement mechanisms in event of failure to maintain affordability provisions;

(K) Any other provisions deemed necessary by the city.

§ 154.092 ECONOMIC FEASIBILITY.
Any developer requesting an additional incentive, or a waiver or modification of zoning and development standards, shall submit information in sufficient detail to allow the city to determine that the additional incentive is necessary to make the project economically feasible. The documents shall be in a format as approved by resolution by the City Council from time to time. The documents shall be evaluated by the city for proof of economic necessity.

§ 154.093 CALCULATING AFFORDABLE AND DENSITY BONUS UNITS.

In calculating the additional density bonus units to be allowed over what is allowed by the existing zoning, or the number of affordable housing units to be required, any resulting fraction of a unit shall be rounded up to the next whole number. In calculating the number of affordable units required under § 154.082(A) or (B), the 25% density bonus units shall not be included. In the case of § 154.083(B), the density bonus units shall be included in calculating the amount of affordable units when the density bonus exceeds 25%.

§ 154.094 TERM OF AFFORDABILITY.

(A) If a density bonus and an additional incentive is granted, then affordability of the approved very low, low, or moderate income or very low-income bonus units shall be maintained for a period of 5530 years, beginning when the units are first available for occupancy.

(B) If only a density bonus is granted, then affordability of the approved low-income or very low-income bonus units shall be maintained for a period of ten years, beginning when the units are first available for occupancy.

§ 154.095 RENTAL HOUSING UNITS.

(A) Rents for those units in a rental housing development designated for very low income households or very low income senior citizens shall not exceed 30% of 50% of the monthly area median income, as published annually by the State Department of Housing and Community Development in Cal. Code of Regulations, Title 25 and adjusted for household size. If the units are rented to Section 8 certificate holders, then the maximum rents for those units shall be as determined by the Housing Authority.

(B) Rents for units designated for low income households or low income senior citizens shall not exceed 30% of 60% of the monthly area median income, as published annually by the State Department of Housing and Community Development in Cal. Code of Regulations, Title 25 and adjusted for household size. If the units are rented to Section 8 certificate holders, then the maximum rents for those units shall be as determined by the Housing Authority.

(C) In calculating rents for senior citizen housing units, any services such as meals or individual medical care, offered above those normally provided for independent living units, shall be optional, and shall not be included in calculating maximum rents.

(D) Household size.

(I) The following table shall be used in determining the household size for setting the maximum rents, and in determining the maximum occupancy for units:

<table>
<thead>
<tr>
<th>Household Size</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Rents</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unit Size – Number of Bedrooms</td>
<td>For Maximum Number of Persons</td>
<td>Occupancy Limit – Number of Persons</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------------</td>
<td>------------------------------------</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Studio</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
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<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>2</td>
<td>3</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>3</td>
<td>4</td>
<td>7</td>
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</tr>
<tr>
<td>4</td>
<td>6</td>
<td>9</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(2) An exception to the above table shall be made for units designated for senior citizens. The exception is that a household size of one for the purpose of setting maximum rents shall be assumed for a single bedroom unit. The occupancy limit shall remain at three.

(E) Total move-in costs for affordable units shall be limited to the first and last month’s rent plus a cleaning deposit not to exceed one month’s rent.

§ 154.096 OWNERSHIP HOUSING UNITS.

(A) The total mortgage payments for those units in a home ownership housing development designated for very low income households or low income households shall not exceed the criteria specified for maximum rents in § 154.095. Total mortgage payments include principal, interest, taxes, insurance, assessment district fees, and homeowner association fees, if applicable.

(B) The total down payment, excluding closing costs, for the affordable units, shall not exceed 10% of the purchase price.

(C) The provisions of this section shall be included in the density bonus agreement, and shall run with the land for the term of affordability.

§ 154.097 VERY LOW INCOME HOUSEHOLDS.

Very low income households are households whose income does not exceed 50% of area median income, as defined in Cal. Health and Safety Code § 50105.

§ 154.098 LOW INCOME HOUSEHOLDS.

Low-income households are households whose income does not exceed 80% of area median income, as defined in Cal. Health and Safety Code § 50079.5.

§ 154.099 MODERATE INCOME HOUSEHOLDS.

Moderate-income households are households whose income does not exceed 120% of area median income, as defined in Cal. Health and Safety Code § 50093.
§ 154.100 SENIOR CITIZENS; LOW INCOME SENIOR CITIZENS, AND VERY LOW INCOME SENIOR CITIZENS.

(A) Senior citizens are persons of at least 62 years of age (or 55 years of age if the project is at least 150 dwelling units), as defined in Cal. Civ. Code § 51.2.

(B) Low income senior citizens are senior citizens whose income does not exceed 80% of area median income, as defined in Cal. Health and Safety Code § 50079.5.

(C) Very low income senior citizens are senior citizens whose household income does not exceed 50% of area median income, as defined in Cal. Health and Safety Code § 50105.
STAFF REPORT TO COUNCIL

September 3, 2019

TO: Mayor and Council

FROM: Elizabeth Nunez, City Manager

SUBJECT: Accessory Dwelling Unit Ordinance Update- Waiver Second Reading

Executive Summary

The City Council will consider amending sections 154.002, 154.061, 154.063, 154.071, and 154.221 relating to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in residential zone districts.

Under California Public Resources Code (CPRC) Section 21080.17, the California Environmental Quality Act (CEQA) does not apply to the adoption of an ordinance by a city implementing the provisions of Section 65852.2 (accessory dwelling units) and 65852.22 (junior accessory dwelling units) of the Government Code, which are the State Accessory Dwelling Unit and Junior Accessory Dwelling Unit laws. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the state accessory dwelling unit law. A Notice of Exemption will be filed per Section 15062. Notice of Exemption.

Background

State Accessory Dwelling Unit and Junior Accessory Dwelling Unit Law

California is facing a state-wide housing crisis, with rising housing costs, and a shortage of affordable housing options. One solution to this crisis is to encourage accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) as a method of increasing the housing supply. Junior accessory dwelling units (JADUs) are ADUs that are no more than 500 square feet in size and are located within an existing single-family residence. ADUs are defined as a secondary dwelling unit with complete independent living facilities for one or more persons and generally take three forms:

- Detached: The accessory dwelling unit is separated from the primary structure
- Attached: the accessory dwelling unit is attached to the primary structure
- Repurposed Existing Space: Space (e.g. master bedroom) within the primary residence is converted into an accessory or junior accessory dwelling unit.

To facilitate this approach, state law related to ADUs was amended in September 2016 by the state legislature through adoption of AB 2299, SB 1069, and AB 2406 (JADUs) making significant changes to the way local municipalities are required to regulate such units. These laws were further refined through the adoption of AB 494 and SB 229 in 2017, and SB 1226 in 2019. The goal of these new regulations is to make it easier for single family residence owners to add ADUs, by making local zoning codes more permissive. The new state laws are now in effect and
supersede the City’s existing “second unit” ordinance until the City adopts its own “accessory dwelling unit” ordinance. The provisions of these state laws are summarized in the tables below.

**State Law - ADU Requirements**

<table>
<thead>
<tr>
<th>Topic</th>
<th>SB 1069/AB 229/AB 2299/AB 494 (Government Code Section 65852.2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Processing</td>
<td>Must be processed within 120 days of receiving application under a ministerial process</td>
</tr>
<tr>
<td>Floor Area</td>
<td>• Total area of an ADU shall not exceed 1,200 square feet or 50% of the existing floor area of the existing or proposed primary residence.</td>
</tr>
<tr>
<td>Allowed Zones</td>
<td>The lot is zoned for single family or multi-family use</td>
</tr>
<tr>
<td>Location</td>
<td>Existing or newly constructed single-family residence</td>
</tr>
<tr>
<td>Access to ADU</td>
<td>• ADU within an existing single residential unit or accessory structure require independent exterior access</td>
</tr>
<tr>
<td>Setbacks</td>
<td>• No setback shall be required for a legally permitted existing garage or other accessory building that is converted to an ADU</td>
</tr>
<tr>
<td></td>
<td>• If an ADU is constructed above a new or existing garage, a setback of no more than 5 feet is required from interior lot lines</td>
</tr>
<tr>
<td>Parking Exceptions</td>
<td>A local government cannot impose parking standards for an ADU if:</td>
</tr>
<tr>
<td></td>
<td>• ADU is within ½ mile of public transit;</td>
</tr>
<tr>
<td></td>
<td>• ADU is located within an historic or architecturally significant district;</td>
</tr>
<tr>
<td></td>
<td>• ADU is contained entirely within the permitted floor area of the existing primary residential unit or an existing accessory building;</td>
</tr>
<tr>
<td></td>
<td>• ADU is in a Permit Parking Area where on-street parking permits are required but not offered to the occupant(s) of the ADU; or</td>
</tr>
<tr>
<td></td>
<td>• When there is a carshare vehicle located within a walking distance (approximately 1 block) of the ADU.</td>
</tr>
<tr>
<td>Parking Location</td>
<td>• If parking is required, it shall not exceed one space per ADU or bedroom</td>
</tr>
<tr>
<td></td>
<td>• Off-street parking may be permitted in setback areas in locations determined by the City or in a tandem configuration, unless specific findings are made that it is not feasible or permitted anywhere else in the City</td>
</tr>
<tr>
<td></td>
<td>• If existing parking is demolished in conjunction with the ADU and off-street parking is required by the City, the replacement parking may be configured as covered or uncovered, in a tandem configuration, or in a mechanical lift</td>
</tr>
<tr>
<td>Utility Fee Requirements</td>
<td>ADUs within the existing space of a single-family residence or accessory structure shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service. Other ADUs may require new or separate utility connections and may be subject to a connection fee or capacity charge that shall be proportionate to the ADU size or number of plumbing fixtures.</td>
</tr>
<tr>
<td>Fire Sprinklers</td>
<td>Not required if not required for primary residence</td>
</tr>
<tr>
<td>Topic</td>
<td>SB 1069/SB 229/AB 2299/AB 494 (Government Code Section 65852.2)</td>
</tr>
<tr>
<td>--------------------</td>
<td>----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Sale/Rental</td>
<td>May not be sold separately from primary residence.</td>
</tr>
<tr>
<td>Restriction</td>
<td>May require owner occupancy of the main residence or ADU.</td>
</tr>
</tbody>
</table>

**State Law JADU Requirements**

<table>
<thead>
<tr>
<th>Topic</th>
<th>AB 2406 (Government Code Section 65852.22)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Processing</td>
<td>Must be processed within 120 days of receiving application under a ministerial review process.</td>
</tr>
<tr>
<td>Floor Area</td>
<td>Total area of a JADU shall not exceed 500 square feet</td>
</tr>
<tr>
<td>Allowed Zones</td>
<td>The lot is zoned for single family or multi-family use</td>
</tr>
<tr>
<td>Location</td>
<td>Inside the walls of an existing or newly constructed single-family residence</td>
</tr>
<tr>
<td>Bathroom</td>
<td>May be separate or shared with main residence</td>
</tr>
<tr>
<td>Kitchen</td>
<td>Must have a sink and cooking facility and cooking preparation area</td>
</tr>
<tr>
<td>Access to JADU</td>
<td>Permitted from inside the main residence</td>
</tr>
<tr>
<td></td>
<td>Access from outside the main residence is also required</td>
</tr>
<tr>
<td>Parking Exceptions</td>
<td>No parking shall be required</td>
</tr>
<tr>
<td>Utility Fee</td>
<td>JADUs are located within the existing space of a single-family residence and shall not be considered new</td>
</tr>
<tr>
<td>Requirements</td>
<td>residential uses for the purposes of calculating local agency connection fees or capacity charges for</td>
</tr>
<tr>
<td></td>
<td>utilities, including water and sewer service.</td>
</tr>
<tr>
<td>Fire Sprinklers</td>
<td>Not required if not required for primary residence</td>
</tr>
<tr>
<td>Sale/Rental</td>
<td>May not be sold separately from the residence.</td>
</tr>
<tr>
<td>Restriction</td>
<td>Owner occupancy is required.</td>
</tr>
</tbody>
</table>

These state laws allow local governments to take a variety of actions beyond these statutes that promote ADUs. This can be accomplished through the adoption of a local ordinance that imposes additional development standards provided they do not overly burden the overall development of ADUs. For instance, the City can impose reasonable development standards that further regulate height, lot coverage, lot size, and maximum unit size, as it would for any land use – but it cannot regulate to the point where it would defeat the state law and discourage the creation of ADUs as additional housing stock for the region.

**Proposed Accessory Dwelling Unit and Junior Accessory Dwelling Unit Ordinance**

The proposed accessory dwelling unit and junior accessory dwelling unit ordinance meets state law requirements and is tailored to be compatible with the City of San Joaquin Municipal Code. The highlights of the proposed ordinance are summarized below.

- **Allowed Zones** - In accordance with state law, the proposed ordinance allows one ADU or JADU on any R-1, R-2, and R-3 that contain an existing or proposed single family residence. Any residential zoned lot that currently consists of two residential units will not be permitted to construct an additional accessory dwelling unit. However, if one of
the units was constructed without permits (i.e. garage conversion); the owner may apply to make the illegally constructed unit into a legal accessory dwelling unit if all required provisions for ADUs or JADUs in the proposed ordinance are met.

- **ADU Requirements:**
  - The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area of the primary single-family residence, with a maximum increase in floor area of 1,200 square feet. The total area of floor space for a detached accessory dwelling unit shall not exceed 1,200 feet.
  - Must be architecturally compatible with the main dwelling unit and garage.
  - Shall conform to the height, open space, lot coverage, and setback requirements of the R-1, R-2, and R-3 zones along with other requirements of the zoning code and other applicable city codes.
  - Must contain separate kitchen and bathroom facilities
  - May be allowed in an existing garage converted to an accessory dwelling unit or junior accessory dwelling unit that does not meet current setback requirements provided that the loss of parking is replaced in any lawful configuration on the site.
  - No fire sprinklers shall be required unless they are required for the primary residence.
  - Parking requirements for accessory dwelling units shall not exceed one parking space per unit. The parking space may be provided as tandem parking, including on an existing driveway or in a setback area, excluding the non-driveway front yard setback.
  - When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the replacement spaces may be in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces. Tandem spaces may consist of 2 or more vehicles lined up one behind the other.
  - Parking is not required in the following instances:
    - The accessory dwelling unit is located within one-half mile of public transit, including transit stations and bus stations.
    - The accessory dwelling unit is located within an architecturally or historically significant historic district.
    - An accessory dwelling unit that is part of the proposed existing primary residence or accessory structure.
    - When there is a car share vehicle located within one block of the accessory dwelling unit.

- **JADU Requirements:**
  - Be constructed or designated within the existing walls of the existing single-family dwelling and require inclusion of an existing sleeping quarter and shall be no greater than 500 square feet in size.
Include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

Include an efficiency kitchen, which shall include all the following: a sink with a maximum waste line diameter of 1.5 inches, a cooking facility with appliances that do not require electrical service greater than 120 volts, or natural, or propane gas, a food preparation counter and storage cabinets that are of reasonable size in relation to the junior accessory dwelling unit.

The single-family dwelling in which the junior accessory dwelling unit may be permitted must be owner-occupied. A covenant to this effect shall be recorded with the County Recorder's Office in a form acceptable to the City Attorney.

No parking shall be required for a junior accessory dwelling unit.

- **Rental/Sale Restrictions:**
  - Either the primary or accessory dwelling secondary unit may be for rental purposes and neither unit may be sold separately.
  - A rental agreement for an accessory dwelling unit or junior accessory dwelling unit shall be for a minimum of 30-days.

- **Lot Size Restriction:**
  - No application shall be considered for junior accessory dwelling unit or accessory dwelling unit on any lot less than 5,000 square feet in area.

- **Utility Fees** - A new or separate utility connection directly between the accessory dwelling unit or junior accessory dwelling unit and the utility or a related connection fee or capacity charge shall not be required.

**Recommendation:**

Staff recommends that the City Council introduce on first reading the following ordinance:


(ATTACHMENT A)
ORDINANCE NO. 2019-101

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JOAQUIN AMENDING SECTIONS 154.002, 154.061, 154.063, 154.071, 154.221 OF THE SAN JOAQUIN MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONE DISTRICTS.

THE CITY COUNCIL OF THE CITY OF SAN JOAQUIN DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 154.002 of the San Joaquin Municipal Code is hereby amended to read as follows:

§ 154.002 DEFINITIONS.

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDING. Part of the main building or a detached subordinate building located on the same lot or building site, the use of which is customarily incidental to that of the main building or to the main use of the land. Where a substantial part of the wall of an accessory building is a part of the main building, or where an accessory building is attached to the main building in a substantial manner by a roof, such accessory building shall be counted as part of the main building.

ACCESSORY DWELLING UNIT. An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary residence (single family dwelling unit) is situated. An accessory dwelling unit also includes: (1) an efficiency unit, as defined in section 17958.1 of the Health and Safety Code; or (2) an efficiency unit, as defined in section 18007 of the Health and Safety Code.

ACCESSORY USE. A use naturally and normally incidental to, subordinate to, and devoted exclusively to the principal use of the premises.

ALLEY. A public thoroughfare or way not less than ten feet nor more than 20 feet in width, serving as a secondary means of access to abutting property, and which has been deeded or dedicated to the city.

APARTMENT. A room or suite of two or more rooms in a multiple dwelling occupied or suitable for occupancy as a residence for one family.

APARTMENT HOUSE. See DWELLING, MULTIPLE.

AUTOMOBILE COURT. A group of two or more attached, detached, or semi-detached buildings containing individual sleeping or living units designed for or used primarily for the accommodation of transient automobile travelers, with garage attached or
parking space conveniently located to each unit, including tourist courts, motels, or motor lodges.

**BOARDING HOUSE.** A dwelling other than a hotel where lodging and/or meals for three or more persons are provided for compensation. **COMPENSATION** shall include compensation in money, services, or other things of value.

**BILLBOARD.** Any sign containing advertising, not appurtenant to any permitted use, over six square feet in area.

**BUILDING.** Any structure having a roof supported by columns or by walls and designed for the housing or enclosure of any person, animal, or chattel.

**BUILDING, HEIGHT OF.** The vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the topmost point of the roof.

**BUILDING, MAIN.** A building in which is conducted the principal use of the lot on which it is situated. In any R zone, any dwelling shall be deemed to be a main building on the lot on which the same is situated.

**BUILDING SITE.** See **LOT.**

**CAMP, TRAILER.** Any area or tract of land used or designed to accommodate ten or more automobile trailers or ten or more camping parties, including cabins, tents, or other camping outfits.

**CARPORT.** See **GARAGE, PRIVATE.**

**CHURCH.** Includes, but shall not necessarily be confined to, any building, structure or open space where a group of two or more persons, not immediate members of one family only, regularly gather for purposes of divine worship.

**CITY.** The City of San Joaquin.

**CLUB.** An association of persons for some common nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

**COMMISSION.** The Planning Commission of the City of San Joaquin.

**DUPLEX.** A building containing not more than two kitchens, designed and/or used to house not more than two families, living independently of each other, including all necessary employees of each family.

**DWELLING.** A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multiple dwellings, but not including hotels, clubs, or boarding houses or any institution such as an asylum, hospital, or jail where human beings are housed by reason of illness or under legal restraint.
**DWELLING, MULTIPLE.** A building, or portion thereof, used, designed, or intended as a residence for three or more families living independently of each other, and doing their own cooking in the building, including apartment houses, apartment hotels and flats, but not including automobile courts.

**DWELLING, ONE-FAMILY.** A building designed and/or used exclusively for occupancy by one family, living independently of any other family.

**DWELLING, TWO-FAMILY.** A building designed and/or used exclusively for occupancy by two families, living independently of each other. (See also **DUPLEX**).

**DWELLING GROUPS.** One or more buildings containing dwelling units occupying a parcel of land, in one ownership, and arranged around a yard or court, including one-family, two-family, and multiple dwellings, but not including automobile courts.

**DWELLING UNIT.** Two or more rooms in a dwelling or an apartment hotel designed for occupancy by one family for living and sleeping purposes and having only one kitchen.

**EMERGENCY HOUSING.** Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

**ERECTED.** Shall include built, built upon, added to, altered, constructed, reconstructed, moved upon, or any physical operation upon the land required for a building.

**FAMILY.** One or more persons living as a single housekeeping unit in a dwelling unit, including necessary domestic servants. **FAMILY** shall not include such groups as customarily occupy a hotel, club, fraternity, or sorority house.

**FAMILY CARE HOME.** A state-authorized, certified or licensed foster home or group home serving six or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children on a 24 hours a day basis. Pursuant to Cal. Welfare and Institutions Code § 5116 or as hereafter amended, such homes shall be a permitted use in all residential zones.

**FENCE, OPEN OR LATTICE TYPE.** A fence 50% or more of the surface of which is open to the passage of air.

**GARAGE, PRIVATE.** A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises.

**GARAGE, PUBLIC.** A building used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire, or sale.

**GARAGE SPACE.** Permanently maintained covered space of not less than 8 x 19 feet for the parking of automobiles off the street. Such space shall be located and arranged for an accessory building and with adequate ingress and egress.
**HOME OCCUPATION.** The conduct of an art or profession, the offering of a service, or the conduct of a business, or the handcraft manufacture of products within a house or garage in a residential district, which use is clearly incidental and secondary to the use of a structure for dwelling purposes and which use does not:

(1) Alter, finish or decorate the dwelling structure externally in such a manner as to change the residential character and appearance of the dwelling;

(2) Display sign on the premises; or

(3) Unreasonably interfere with the quiet enjoyment of the occupant on neighboring property.

**HOTEL.** Any building, or portion thereof, containing six or more guest rooms used, designed, or intended to be used, let, or hired out to be occupied or which are occupied as the more or less temporary abiding place of six or more individuals who are lodged with or without meals for compensation, whether the compensation for hire is paid directly or indirectly, and in which no provision is made for cooking in any individual room or suite.

**JUNIOR ACCESSORY DWELLING UNIT.** A unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure and may include separate sanitation facilities or may share sanitation facilities with the existing structure. For the purposes of providing service for water, sewer, or power, or for fire or life protection, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

**LIVING AREA.** The interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

**LOADING SPACE.** A permanently maintained space of not less than 8 x 18 feet located off the street with access for the parking, loading and unloading of vehicles. Whenever the provisions of this chapter shall require loading space, such space shall be in addition to any required parking space and/or garage space.

**LODGE.** An order or society of persons organized for some common non-profit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

**LOT.** Any area or parcel of land held under separate ownership and occupied, or to be occupied, by a main building or by a dwelling group, together with such yards, open spaces, lot width, and lot area as are required by this chapter and having its principal frontage on a public street, road, or highway.

**LOT, CORNER.** A lot situated at the intersection of two or more intersecting streets.

**LOT, CUL-DE-SAC.** A lot with at least half of its frontage abutting a cul-de-sac.

**LOT, INTERIOR.** A lot other than a corner lot.
**LOT, KEY.** The first lot to the rear of a reversed corner lot, whether or not separated by an alley.

**LOT, REVERSED CORNER.** A corner lot which rears upon the side of another lot, whether separated by an alley or not.

**LOT, THROUGH.** A lot having frontage on two parallel or approximately parallel streets.

**LOT DEPTH.** The horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

**LOT LINE.** The lines bounding a lot.

**LOT LINE, FRONT.** The property line dividing a lot from a street. On a corner lot the shorter street frontage shall be considered the front lot line.

**LOT LINE, REAR.** The line opposite the front lot line.

**LOT LINE, SIDE.** Lot lines other than front lot lines or rear lot lines.

**LOT WIDTH.** The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

**MOBILE HOME PARK.** An area or tract of land where one or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation.

**NONCONFORMING BUILDING.** A building or structure or portion thereof lawfully existing prior and prior to passage of an ordinance affecting that use, which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the zone in which it is located, or a building or structure that does not conform to all the height or area regulations of the zone in which it is located.

**NONCONFORMING USE.** A use which lawfully occupied a building or land prior to passage of an ordinance affecting that use, and which does not conform with the use regulations of the zone in which it is located.

**OPEN SPACE.** As required in the R and PD zones shall mean area available and accessible to residents for active and passive recreation including landscaped areas, walkways, patios, yards, and recreation facilities. To qualify as open space, an area must have a minimum dimension of ten feet except that balcony may qualify as open space when the minimum dimension is five feet. Parking areas (spaces and driveways) may not be included in open space calculations.

**OWNER-OCCUPANT.** A resident of a property who is also the owner of that property.

**PARKING SPACE.** Permanently maintained space at least 9 x 20 feet located off the street with access for the parking of automobiles.
PASSAGeway. A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

PRIMARY RESIDENCE. A structure that contains the largest or main dwelling on the lot.

PROFESSIONAL OFFICES. An office for the conduct of any one of the following uses: accountant, architect, attorney, chiropractor, civil engineer or surveyor's drafting office, collection agency, cosmetologist, dentist, doctor, funeral parlor, insurance, private detective, real estate, social worker or similar use; but shall not include the following uses: advertiser, barber shop, contractor, pest control, pharmacy, or veterinary.

ROOMING HOUSE. See BOARDING HOUSE.

SCHOOL, ELEMENTARY OR HIGH. An institution of learning which offers instruction in several branches of study required to be taught in the public schools by the Education Code of the State of California. The term shall include junior high school.

STREET. A public thoroughfare or road easement not less than 20 feet in width, which affords principal means of access to abutting property, but not including an alley.

STREET LINE. The boundary between a street and property.

STREET SIDE. A street bounding a corner lot, adjacent to a side line of the lot.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor joists, or roof joists, for which a building permit is required.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on or in the ground or attachment to something having a permanent location on or in the ground, including but not limited to: site built swimming pools, gazebos, carports, patio covers. This definition does not include walls and fences less than three feet six inches in height when located in front yards or less than six feet in height when located in side or rear years, nor other improvements of a minor character.

SUPPORTIVE HOUSING. Housing with no limit on length of stay, that is occupied by the target population and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Uses meeting this definition shall be permitted, conditionally permitted, or prohibited as similar uses in the same zone.

TARGET POPULATION. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with § 4500) of the Cal. Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the
foster care system, individuals exiting from institutional settings, veterans, and homeless people.

**TRANSITIONAL HOUSING.** Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Uses meeting this definition shall be permitted, conditionally permitted, or prohibited as similar uses in the same zone.

**USE.** The purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.

**YARD.** An open space, other than a court, on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward, except as otherwise permitted in this chapter.

**YARD, FRONT.** A yard extending across the front of the lot between the inner side yard lines and measured between the front lot line and the nearest line of the main building.

**YARD, REAR.** A yard extending across the full width of the lot and measured between the rear line of the lot and the nearest line or point of the main building nearest the rear line of the lot.

**YARD, SIDE.** A yard on each side of a building between the building and the side line of the lot and extending from the front line to the rear yard.

**ZONE.** A portion of the city within which certain uses of land and buildings are permitted or prohibited and within which certain yards and other open spaces are required and certain height limited are established for buildings, all as set forth and specified in this chapter.

**ZONE** shall mean and include the word **DISTRICT.**

**SECTION 2.** Section 154.061 of the San Joaquin Municipal Code is hereby amended to read as follows:

The following uses are permitted in R zones.

(A) Residential structures together with the accessory buildings customary to such use.

(B) Flower and vegetable gardens, orchards, the raising of tree crops, berry, or bush crops for the purpose of propagation and culture, including wholesaling crops raised on the premises; provided, no signs, displays, or stands are used in conjunction therewith.

(C) Swimming pools for either individual, family, or communal use on an exclusive noncommercial basis.

(D) Accessory Dwelling Units subject to the standards contained in § 154.071.
(E) Junior Accessory Dwelling Units subject to the standards contained in § 154.071.

SECTION 3. Section 154.063 of the San Joaquin Municipal Code is hereby amended to read as follows:

The following uses in a residential district may be approved by the City Manager.

(A) Enclosed temporary construction materials storage yards required in connection with the development of subdivision, and temporary subdivision sales offices and signs and model home display areas.

(B) Gas and electric transmission lines, electrical transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations, and elevated pressure tanks.

(C) Home occupations.

(D) Foster homes, rehabilitation facilities, day care centers, and other related facilities which provide housing for six or fewer unrelated persons.

(E) Accessory uses and buildings normally incidental to any of the permitted or conditionally permitted uses. This provision shall not be construed as permitting any commercial use or occupation other than those specifically listed.

(F) Guest units, studios, caretakers quarters, and similar detached dwelling units having no kitchen or cooking facilities.

(G) Accessory dwelling units subject to the standards contained in § 154.071.

(H) Junior accessory dwelling units subject to the standards contained in § 154.071.

SECTION 4. Section 154.071 of the San Joaquin Municipal Code is hereby amended to read as follows:

In addition to the primary residence on any R-1, R-2, and R-3 zoned lot that contains only one single family residence, an accessory dwelling unit or junior accessory dwelling unit may be allowed through approval of an administrative permit subject to the following additional standards:

(A) **Applicability.** As provided under state law, an accessory dwelling unit or junior accessory dwelling unit associated with an existing single-family residence that conforms to this Section shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located; and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designation for the lot.
(B) **Applicant Eligibility.** Only the owner-occupant of the primary residence located on the residential lot shared by the accessory dwelling unit may apply for a permit under this section.

(C) **Permit Application, Approval Process and Timelines.** The City, within 120 calendar days of receipt of a complete application for an accessory dwelling unit or junior accessory dwelling unit, shall approve said application ministerially when all of the following requirements are met:

1. The accessory dwelling unit or junior accessory dwelling unit is located in conjunction with an existing or new single family residence;

2. There is only one accessory dwelling unit or junior accessory dwelling unit per single family lot, and the unit is contained within the space of the existing residence, detached structure, or detached existing accessory structure including an existing garage;

3. The accessory dwelling unit has exterior access, which is independent from the existing single family residence; and

4. The side and rear setbacks are sufficient for fire safety.

(D) A new or separate utility connection directly between the accessory dwelling unit or junior accessory dwelling unit and the utility or a related connection fee or capacity charge shall not be required.

(E) A parcel proposed for an accessory dwelling unit or junior accessory dwelling unit shall be developed with only one existing or new owner-occupied single-family dwelling.

(F) **Design Standards.** An accessory dwelling unit shall comply with the following

1. The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area of the primary single-family residence, with a maximum increase in floor area of 1,200 square feet. The total area of floor space for a detached accessory dwelling unit shall not exceed 1,200 feet;

2. Be architecturally compatible with the main dwelling unit and garage;

3. Shall conform to the height, open space, lot coverage, and setback requirements of the R-1, R-2, and R-3 zones along with other requirements of the zoning code and other applicable city codes.

4. Contain separate kitchen and bathroom facilities;

5. May be allowed in an existing garage converted to an accessory dwelling unit or junior accessory dwelling unit that does not meet current setback requirements provided that the loss of parking is replaced in any lawful configuration on the site.

6. No fire sprinklers shall be required unless they are required for the primary residence.
(7) Parking requirements for accessory dwelling units shall not exceed one parking space per unit. The parking space may be provided as tandem parking, including on an existing driveway or in a setback area, excluding the non-driveway front yard setback.

(8) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces. Tandem spaces may consist of 2 or more vehicles lined up one behind the other.

(9) Parking is not required in the following instances:

i. The accessory dwelling unit is located within one-half mile of public transit, including transit stations and bus stations.

ii. The accessory dwelling unit is located within an architecturally or historically significant historic district.

iii. An accessory dwelling unit that is part of the proposed existing primary residence or accessory structure.

iv. When there is a car share vehicle located within one block of the accessory dwelling unit.

(G) Either the primary or accessory dwelling unit may be for rental purposes and neither unit may be sold separately.

(H) A rental agreement for an accessory dwelling unit or junior accessory dwelling unit shall be for a minimum of 30-days.

(I) No application under this section shall be considered for junior accessory dwelling unit or accessory dwelling unit on any lot less than 5,000 square feet in area.

(J) Junior Accessory Dwelling Units shall comply with the following requirements:

(1) Be constructed or designated within the existing walls of the existing single-family dwelling and require inclusion of an existing sleeping quarter and shall be no greater than 500 square feet in size.

(2) Include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

(3) Include an efficiency kitchen, which shall include all of the following: a sink with a maximum waste line diameter of 1.5 inches, a cooking facility with appliances that do not require electrical service greater than 120 volts, or natural, or propane gas, a food preparation counter and storage cabinets that are of reasonable size in relation to the junior accessory dwelling unit.
(4) The single-family dwelling in which the junior accessory dwelling unit may be permitted must be owner-occupied. A covenant to this effect shall be recorded with the County Recorder’s Office in a form acceptable to the City Attorney.

No parking shall be required for a junior accessory dwelling unit.

SECTION 5. Section 154.221 of the San Joaquin Municipal Code is hereby amended to read as follows:

(A) The following uses shall be permitted in UR zones:

(1) Grazing and the raising of field crops, fruit and nut trees, vines, vegetables, horticultural specialties, and livestock;

(2) The curing, processing, packaging, and shipping of agricultural products produced upon the premises where such activity is carried on in conjunction with, or as part of, a bona fide agricultural operation;

(3) Single-family residences and farm employee housing which are incidental to a permitted use or conditional use;

(4) Incidental and accessory structures and uses located on the same site with a permitted use, including barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos, and other farm outbuildings; private garages and carports; one guest house without a kitchen for each residence on the site; and storehouses, garden structures, greenhouses, and the storage of petroleum products for the use of persons residing on the site;

(5) Irrigation and flood control facilities; and

(6) Home occupations.

(7) Accessory dwelling units subject to the standards contained in § 154.071.

(8) Junior Accessory Dwelling Units subject to the standards contained in § 154.071.

(B) The following uses may be permitted by the City Council by the issuance of a conditional use permit:

(1) Agricultural service establishments primarily engaged in performing animal husbandry or horticultural services on a fee or contract basis, including plant nurseries and landscape gardening; landscape contracting; offices of veterinarians; animal hospitals; poultry farms; boarding and training horses; feed lots; and hog farms;

(2) Public and private charitable institutions, hospitals, sanitariums, rest homes, nursing homes, and cemeteries;

(3) Commercial stables and riding academies;
(4) Public and quasi-public uses of an educational, administrative, recreational, public service, cultural, or religious type;

(5) Private and noncommercial clubs and lodges;

(6) Sewage treatment plants;

(7) Signs appurtenant to any permitted use may be erected in UR zones subject to all the laws, rules, and regulations of the city pertaining to signs, including, but not necessarily limited to, the terms and provisions of Chapter 152 of this code.

SECTION 6. CEQA. The proposed ordinance is statutorily exempt from CEQA pursuant to CCR Title 14, Chapter 3, Section 15282(h): “The adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code.”

SECTION 7. Effective Date. This ordinance shall become effective thirty days after its adoption.

SECTION 8. Publication. Upon passage, this ordinance or a summary of the same shall be published within fifteen (15) days of passage, pursuant to the laws of the State of California, in the San Joaquin news, a newspaper of general circulation published and circulated in said City of San Joaquin. If a summary of the ordinance is published, the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted at City Hall at least five days prior to the meeting at which the ordinance is adopted and again after the meeting at which it is adopted.
The foregoing ordinance was introduced at a regular meeting of the City Council of the City of San Joaquin held on ____________, 2019, and was passed and adopted at a regular meeting of the City Council held on ____________, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: 

APPROVED:

Lupe Estrada, Deputy City Clerk

Mayor, City of San Joaquin
§ 154.071 ACCESSORY SECONDARY DWELLING UNITS

Secondary dwelling units. In addition to the primary residence, if single-family dwelling unit on any R-1, R-2, and R-3 zoned lot that contains only one single-family residence, an accessory dwelling unit or junior accessory dwelling unit may be allowed through approval of an administrative permit use permit subject to the following additional standards:

(A) Applicability. As provided under state law, an accessory dwelling unit or junior accessory dwelling unit associated with an existing single-family residence that conforms to this Section shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located; and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designation for the lot.

(B) Applicant Eligibility. Only the owner-occupant of the primary residence located on the residential lot shared by the accessory dwelling unit may apply for a permit under this section.

(C) Permit Application, Approval Process and Timelines. The City, within 120 calendar days of receipt of a complete application for an accessory dwelling unit or junior accessory dwelling unit, shall approve said application ministerially when all of the following requirements are met:

1. The accessory dwelling unit or junior accessory dwelling unit is located in conjunction with an existing or new single family residence;

2. There is only one accessory dwelling unit or junior accessory dwelling unit per single family lot, and the unit is contained within the space of the existing residence, detached structure, or detached existing accessory structure including an existing garage;

3. The accessory dwelling unit has exterior access, which is independent from the existing single family residence; and

4. The side and rear setbacks are sufficient for fire safety.

(D) New or separate utility connection directly between the accessory dwelling unit or junior accessory dwelling unit and the utility or a related connection fee or capacity charge shall not be required.

(E) A parcel proposed for an accessory dwelling unit or junior accessory dwelling unit shall be developed with only one existing or new owner-occupied single-family dwelling.

(F) Design Standards. An accessory dwelling unit shall comply with the following:

1. The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area of the primary single-family residence, with
a maximum increase in floor area of 1,200 square feet. The total area of floor space for
a detached accessory dwelling unit shall not exceed 1,200 feet;

(2) Be architecturally compatible with the main dwelling unit and garage;

(3) Secondary units shall conform to the height, open space, lot coverage,
parking, and setback requirements of the R-1, R-2, and R-3 zones along with other
requirements of the zoning code and other applicable city codes.

(4) Contain separate kitchen and bathroom facilities;

(5) May be allowed in an existing garage converted to an accessory dwelling
unit or junior accessory dwelling unit that does not meet current setback requirements
provided that the loss of parking is replaced in any lawful configuration on the site.

(6) No fire sprinklers shall be required unless they are required for the primary
residence.

(7) Parking requirements for accessory dwelling units shall not exceed one
parking space per unit. The parking space may be provided as tandem parking,
including on an existing driveway or in a setback area, excluding the non-driveway front
yard setback.

(8) When a garage, carport, or covered parking structure is demolished in
conjunction with the construction of an accessory dwelling unit or converted to an
accessory dwelling unit, the replacement spaces may be located in any configuration on
the same lot as the accessory dwelling unit, including, but not limited to, as covered
spaces, uncovered spaces, or tandem spaces. Tandem spaces may consist of 2 or
more vehicles lined up one behind the other.

(9) Parking is not required in the following instances:
   i. The accessory dwelling unit is located within one-half mile of public
      transit, including transit stations and bus stations.
   ii. The accessory dwelling unit is located within an architecturally or
       historically significant historic district.
   iii. An accessory dwelling unit that is part of the proposed existing
       primary residence or accessory structure.
   iv. When there is a car share vehicle located within one block of the
       accessory dwelling unit.

(G) Either the primary or accessory dwelling secondary unit may be for rental
purposes and neither unit may be sold separately.

(H) A rental agreement for an accessory dwelling unit or junior accessory dwelling
unit shall be for a minimum of 30-days.

(I) No application under this section shall be considered for junior accessory
dwelling unit or accessory dwelling unit on any lot less than 5,000 6,000 square feet in
area.

(D) The second unit shall provide separate, independent living quarters for one
family, and shall be attached to the primary dwelling unit by a common living space
wall.
(E) An increase in the floor area shall not exceed 30% of the primary unit's existing living area.

(F) An additional 500 square feet of useable open space shall be required for the second unit.

(H) Doorway access shall be provided either to the side or rear of the second housing unit. Direct doorway access to the front yard shall be prohibited.

(J) **Junior Accessory Dwelling Units** shall comply with the following requirements:

1. Be constructed or designated within the existing walls of the existing single-family dwelling and require inclusion of an existing sleeping quarter and shall be no greater than 500 square feet in size.
2. Include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
3. Include an efficiency kitchen, which shall include all of the following: a sink with a maximum waste line diameter of 1.5 inches, a cooking facility with appliances that do not require electrical service greater than 120 volts, or natural, or propane gas, a food preparation counter and storage cabinets that are of reasonable size in relation to the junior accessory dwelling unit.
4. The single-family dwelling in which the junior accessory dwelling unit may be permitted must be owner-occupied. A covenant to this effect shall be recorded with the County Recorder's Office in a form acceptable to the City Attorney.
5. No parking shall be required for a junior accessory dwelling unit.

(K) **Utilities**:

1. All secondary residential units shall have completely separate utilities, such as sewer, water, gas, and garbage.
2. All utilities shall be adequate to serve both residential units.
3. No dwelling units shall be located over underground utilities serving any other dwelling unit.

(J) Second units shall be provided with at least one covered parking space, in addition to parking required for the existing residence.

(K) The second unit shall be provided with adequate vehicle access but not from the same frontage as the primary structure, unless such access utilizes existing facilities.

(KL) Development fees to be charged under the city's Capital Improvement Program and Impact Fee Study shall be based on the apartment rate.
Résumé

EDUCATION:

EXPERIENCE:

Immigration Services Officer II
Interpreted, applied, enforced Immigration and Nationality law; performed legal research, analysis and final adjudication of all types of petitions for benefits; gathered and protected evidence and related case materials; used the rules of evidence, criminal procedure, constitutional rights, search and seizure and related issues; examined and processed a variety of legal documents; conducted detailed research, analysis and evaluation of data pertaining to eligibility for benefits; drafted litigation recommendations, legal documents and correspondence; located and reviewed case files; used a variety of electronic and manual filing and information systems to acquire required information; analyzed and determined appropriate action required; documented findings and prepared recommendations; searched legal reference files and other sources for information and data; on a current weekly basis, provided live outreach and education presentations on complex Immigration and Naturalization laws and regulations via local radio stations or live/taped television programs on Spanish-language Unviision Network affiliates in the Central California Valley; developed and translated to Spanish, information aids for the public and USCIS employees; on a weekly basis, provide educational seminars in English or Spanish to community groups throughout the Central California Valley.

Investigator
U. S. Department of Labor, Wage and Hour Division - 1997 to 2001 40-50 hours/week
Interpreted, applied and enforced complex labor laws and regulations fairly and accurately. Where violations had occurred, persuaded employers to recognize violations and take appropriate corrective action for future compliance including the payment of back wages or civil money penalties due. Where voluntary compliance could not be achieved, recommended civil or criminal action to compel compliance or the prosecution willful violators. Worked closely with attorneys to develop evidence and supporting documentation, testified in court. Visited business establishments, talked to employers or their representatives, observed work operations, reviewed pertinent business records, and interviewed current or former employees to determine compliance with the laws and regulations enforced and to substantiate any violations. Coordinated successful, local Wage Hour-Immigration Project (WHIP) program in keeping with INS/DOL joint endeavor. Assisted commercial, industrial, agricultural, other business enterprises and public agencies to come into compliance with federal labor laws regarding minimum or prevailing wage rates, overtime pay requirements, child labor restrictions, wage garnishments, domestic service in households, immigration employment eligibility, migrant farm worker safety and health protection, employment discrimination and similar matters related to conditions of employment, wage, and hours worked. On a current weekly basis, provided education on complex laws and regulations via live or taped television programs on Spanish language Unviision Network affiliate. In keeping with federal Child Labor Provisions, wrote, produced, disseminated at state and national level, English and Spanish public service announcements (PSA). Served as advisor to other Wage and Hour Division offices on the
production of relevant PSA writing in order to reach target audiences. Developed and translated to Spanish, Power Point presentations on federal laws. Provided educational seminars in English or Spanish for employers or employees.

Environmental and Regulatory Services Specialist 40-50 hours/week
United Agri Products – 1995 to 1997
Assisted CA/AZ employers into compliance with employment, safety and health laws. Interpreted state and federal regulation, developed effective, written Injury & Illness Prevention Programs, customized training programs. Provided relevant health and safety training to supervisors and employees in Spanish and English on all employment topics. Provided extensive community outreach in English and Spanish on laws and regulations through seminars, radio, print and television. Wrote weekly articles for Spanish newspaper on regulations dealing with immigration, occupational health/safety and labor laws.

Agricultural Health & Safety Center Representative 40-60 hours/week
University of California, Davis – 1991 to 1995
Wrote, translated, produced, and directed numerous English/Spanish Public Service Announcements (PSAs) on labor, health and safety laws that aired statewide and nationally. Instrumental in the development of an innovative, bilingual education tool designed to teach and reinforce safe driving skills to monolingual, semi-literate and non-literate individuals (UC Publication #3363). Instrumental in the development of a national award-winning, multi-media safe driver training packet for supervisors with limited reading and bilingual skills. Developed, implemented and evaluated successful strategies aimed at decreasing deaths and illnesses in the workplace. Speaker/presenter for California Department of Education’s statewide, annual conference as well as for numerous other organizations. Trainer/Consultant for Americorps Volunteers, nationwide.

Legalization Officer, Legalization Adjudicator, Outreach Coordinator 40-50 hours/week
Interpreted, applied, enforced Immigration and Nationality law; performed legal research, analyses and final adjudications of all types of legalization benefits; available to appear in court as a witness at hearings; gathered and protected evidence and related case materials; used the rules of evidence, criminal procedure, constitutional rights, search and seizure and related issues; examined and processed a variety of legal documents; conducted detailed research, analyses and evaluation of data pertaining to eligibility of benefits; drafted litigation recommendations, legal documents and correspondence; located and reviewed case files; used a variety of electronic and manual filing and information systems to acquire required information; analyzed and determined appropriate action required; documented findings and prepared recommendations; searched legal reference files and other sources for information and data; on weekly basis, provided outreach to the Central California community on immigration laws and benefits.

State of California, Employment Development Department – 1986 to 1987 32-40 hrs/wk
Disseminated labor market information. Advised applicants regarding unemployment and employment services as well as about other state, federal, county agencies. Responded to employer inquiries.

Independent Research Projects
1984 to 1986 Researched, authored, developed and presented Early Childhood Socialization study at University of Santa Clara, Undergraduate Research Conference, being only one of two representatives from CSU, Fresno.
1985 to 1986 Investigated, researched, compiled data, reported effects, problems, solutions of Hispanic-surname teacher-student ratios in Fresno County schools.

AWARDS:

PERSONAL:
Conscientious, enthusiastic, thorough individual who enjoys travel and challenges. Completely fluent in both English and Spanish, competent to translate and edit technical material for state agencies and private companies. Past member of Cal/OSHA's Advisory Committee Multilingual Task Force and Employer Consultation Service Review Committee. Possess excellent communication skills, both oral and written. Handle public relations and public speaking competently.

PUBLICATIONS:

Stiles, M.C., Rodriguez, J., La Loteria del Manejo Seguro: A Driver Safety Training Tool Training Manual, Spanish and English, submitted to University of California, Division of Agriculture and Natural Resources for review, 1996


Domingo, I.V., Rodriguez, J., Keeping Your Back Healthy, Manteniendo Su Espalda Segura y Fuerte, news article printed in select California bilingual publications, 1993

Domingo, I.V., Stiles, M.C., Rodriguez, J., and Grieshop, J., Training Module Instructor's Guide to Tractor Safety in English and Spanish, NIOSH, UC Ag Health & Safety Center, November 1992

Rodriguez, J., How to Become a Permanent Resident, Spanish Video, U.S. Department of Justice, Immigration and Naturalization Service, Fresno, California, Spring 1991

Jenny began her life as a migrant farm worker at the age of six. Because her family followed the crops in the Western US, she was never able to complete a school year and was consequently not able to graduate from high school. However, although the mother of three wonderful children, she graduated from Fresno State University in 1986 as the Outstanding Sociology Student of the year, graduating Magna Cum Laude.

In 1987 she began her career working for the then “INS”, the U.S. Immigration and Naturalization Service as a Legalization Adjudicator adjudicating Immigration Reform and Control Act (better known as IRCA) cases. Because of her bilingual skills and ability to explain the law to the public, she was named the bilingual outreach person for the Fresno Legalization Office, providing IRCA law and benefits information to the public through television, radio, print articles and public presentations.

As the IRCA Program was waning, in 1991 she was called to work for the Agricultural Health & Safety Center at the University of California, Davis where she helped develop, implement and evaluate successful strategies aimed at decreasing deaths and illnesses in the workplace. She wrote, translated, produced, and directed numerous English/Spanish Public Service Announcements (PSAs) on labor, health and safety laws that aired statewide and nationally. She was also instrumental in the development of an innovative, bilingual education tool designed to teach and reinforce safe driving skills to monolingual, semi-literate and non-literate individuals.

In 1997 she became an Investigator with the U.S. Department of Labor, Wage and Hour Division assisting commercial, industrial, and agricultural enterprises as well as public agencies to come into compliance with federal labor laws regarding minimum or prevailing wage rates, overtime pay requirements, child labor restrictions, wage garnishments, domestic service in households, immigration employment eligibility, migrant farm worker health and safety, employment discrimination and similar matters related to conditions of employment, wage, and hours worked. She was also the bilingual outreach officer for the department.

In 2001 she returned home to the INS, which later became the Department of Homeland Security, United States Citizenship and Immigration Services. As an adjudications officer, Ms. Rodriguez adjudicated petitions and applications for benefits. For several years after her return, she also provided weekly, live outreach and education presentations on complex immigration and naturalization law and regulations via local radio stations and television programs as well as educational seminars in English or Spanish to community groups throughout the Central California Valley.

Ms. Rodriguez retired on September 30, 2016 and has since devoted her time to volunteering in the community providing free educational seminars to the immigrant-farm worker population. In 2008 she was awarded the Department of Homeland Security Award for Volunteer Service.
MEMORANDUM OF UNDERSTANDING BETWEEN
GOLDEN PLAINS UNIFIED SCHOOL DISTRICT AND CITY OF SAN JOAQUIN
REGARDING INTERNSHIP PROGRAM

This memorandum of Understanding (MOU) is entered into between the City of San Joaquin ("City") and Golden Plains Unified School District.

A. Purpose

The purpose of the partnership between Golden Plains Unified School District ("District") and the City of San Joaquin ("City") is to provide students in Grade 12 who have met all of their graduation requirements a semester early to access internships at the City.

B. Criteria for Student Selection

Students who can access the internships with the City will meet the following criteria:

1. Currently enrolled as a Grade 12 student
2. Be sixteen years of age or older
3. Have a minimum of a 2.5 GPA
4. Have met all graduation credit requirements
5. Have no misbehaviors and/or suspensions for the current year
6. Acquire recommendations from the following:
   a. Current English Language Arts or History/Social Science Teacher
   b. High School Counselor
   c. Principal or Vice Principal
   d. Parent

C. Student Outcomes

Students will gain real world workforce experience through projects assigned by the City.

D. Term

The partnership would commence on September 15, 2019 and terminate on June 30, 2020.

E. City’s Responsibilities

The City will provide Tranquility High School ("School") with a monthly work skills assessment to determine growth of students. The City will also provide each student with a project to learn from. Each project will be communicated to the School’s designee for approval.

1. Provide a meaningful work-based learning experience for youth, including the acquisition of work readiness and job skills as appropriate.
2. Provide specific training before allowing student to embark on any task. Continually supervise student.

3. Have shift mentor or supervisor complete a skills assessment during and at the end of each student’s internship.

4. Adherence to all applicable federal, state and local laws concerning interns as well as state and federal child labor laws.

5. Treat youth at all times consistent with their being interns as opposed to employees and not allow student to take the place of an employee.

F. District Responsibilities

1. Designate a District Liaison or other person to oversee the District’s responsibilities under this MOU.

2. Inform students of all rules, regulations of District and City.

3. Assist in the resolution of a student’s school or site-related problems that are affecting the performance of the student with City.

4. Provide the City with a training plan for each student.

5. Accept the responsibility and status as the legal employer of all students placed in job sites on a non-paid status.

6. Adherence to all applicable federal, state and local laws concerning interns as well as state and federal child labor laws.

7. Treat youth at all times consistent with their being interns as opposed to employees and not allow student to take the place of employees.

8. Notify City of student’s absence.

9. Ensure that students meet the following:
   a. Conform to the program rules and regulations established by the District and City.
   b. Maintain regular attendance and punctuality at City’s on-site internship.
   c. Regularly attend the City’s internship program.
   d. Report to site properly groomed and dressed appropriately for the site.
   e. Report any conflicts, problems or anticipated schedule changes to the District Liaison.
   f. Report immediately any unsafe conditions or injuries to City and District.
   g. Relieve the City and District, of any liability in connection with transportation to and from the City site by executing appropriate hold harmless release documents.

G. Insurance and Liability
Program participants will be on school-approved, work-based learning, internship program. In the event of an injury, the student's own health insurance would respond to the medical treatment needs. In addition to that, District accepts the responsibility and status as the legal employer of all students placed in job sites on a non-paid status.

Worker's Compensation coverage for the student participating in this program shall be covered under the Worker's Compensation policy of the District. Liability coverage for the students' internship program with City is covered under District's liability policy. In no respect shall the City be considered the employer of students including coverage by Worker's Compensation, liability and malpractice.

H. Termination

Any party may terminate this MOU with 30 days prior written notice. This MOU also may be terminated immediately by any party if there is a failure to comply with the terms and conditions outlined in this MOU.

I. Miscellaneous

This MOU constitutes the entire MOU and understanding between the parties, and supersedes all offers, negotiations and other MOUs concerning the subject matter contained herein. There are no representations or understandings of any kind not set forth herein. Any amendments to this MOU must be in writing and executed by all parties.

*********

CITY OF SAN JOAQUIN,
a Municipal Corporation

By: _____________________________
    Elizabeth Nunez, City Manager

ATTEST:

By: _____________________________
    Lupe Estrada, City Clerk

GOLDEN PLAINS SCHOOL DISTRICT

By: _____________________________
    (Martin Macias, Superintendent)

Date: ____________________________
STAFF REPORT

TO: San Joaquin City Council

FROM: Gouveia Engineering, Inc.

DATE: September 3, 2019

SUBJECT: Bid Acceptance – City of San Joaquin 2019 Nevada Avenue Rehabilitation Project

BACKGROUND

On May 7, 2019, the City Council approved the expenditure of $400,000 on various street projects including the 2019 Nevada Avenue Rehabilitation Project. The funds will be provided from the Measure C, Gas Tax, LTF/TDA, or SB 1 RMRA account.

The work consists primarily of removing and replacing approximately 100 linear feet of curb and gutter, planing of an existing asphalt concrete road, partially removing existing subgrade, and replacing it with the AC planed material, and repaving the road.

Using an informal bid process pursuant to the Public Contract Code and City of San Joaquin Municipal Code, City staff issued a Request for Proposals on July 26, 2019 and the City received a total of four (4) bids on August 9, 2019.

DISCUSSION

The low bid was submitted by Rolfe Construction Co. in the amount of $90,683.00. The Bid results are listed below:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Total Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rolfe Construction Company</td>
<td>$90,683.00</td>
</tr>
<tr>
<td>Taylor Backhoe</td>
<td>$94,508.45</td>
</tr>
<tr>
<td>Giles Paving</td>
<td>$112,110.79</td>
</tr>
<tr>
<td>Dawson-Mauldin LLC</td>
<td>$119,005.00</td>
</tr>
<tr>
<td>Engineer’s Estimate</td>
<td>$113,040.00</td>
</tr>
</tbody>
</table>

FISCAL IMPACT

The construction costs for the project will be paid for from the budgeted Measure C, Gas Tax, LTF/TDA, or SB 1 RMRA funds.

RECOMMENDATION

Staff recommends that the Council accept the low bid from Rolfe Construction Company for $90,683.00 and authorize the City Manager to sign the Agreement on behalf of the City of San Joaquin.
ATTACHMENTS

1. Resolution 2019-34
2. Abstract of Bids
RESOLUTION No. 2019-34

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOAQUIN
ACCEPTING BID AND AWARDS CONTRACT TO ROLFE CONSTRUCTION CO.

WHEREAS, the City of San Joaquin requested informal bids for the construction of the 2019 Nevada Avenue Rehabilitation Project pursuant to the California Public Contract Code and the City of San Joaquin Municipal Code; and

WHEREAS, the request for informal bids was issued by City staff on July 26, 2019; and

WHEREAS, the project consists primarily of removing and replacing approximately 100 linear feet of curb and gutter, planing of an existing asphalt concrete road, partially removing existing subgrade, and replacing it with the AC planed material, and repaving the road; and

WHEREAS, the following bids for the project were received on August 9, 2019:

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<tr>
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</thead>
<tbody>
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<td>Dawson-Mauldin LLC</td>
<td>$119,005.00</td>
</tr>
</tbody>
</table>

Engineer’s Estimate $113,040.00

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JOAQUIN
RESOLVES upon the recommendation of Staff that the 2019 NEVADA AVENUE REHABILITATION PROJECT be awarded to: Rolfe Construction Company in the amount of Ninety Thousand, Six Hundred Eighty-three Dollars and no Cents ($90,683.00).

The foregoing resolution was adopted at a regular meeting of the City Council of the City of San Joaquin the 3rd day of September, 2019 and passed at said meeting by the following vote:

AYES:
NOTES:
ABSENT:
ABSTAIN:
The foregoing resolution is hereby approved.

Julia Hernandez, Mayor

ATTEST:

I, Lupe Estrada, City Clerk of the City of San Joaquin, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said City Council, held at the San Joaquin Council Chambers on September 3, 2019, by the following vote:

Lupe Estrada, City Clerk
**ABSTRACT OF BIDS FOR**

**CITY OF SAN JOAQUIN**

2019 Nevada Avenue Rehabilitation Project

Bid Opening: August 9, 2019 at 4:00 p.m.

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Item Description</th>
<th>Quantity and Unit</th>
<th>Unit Price</th>
<th>Amount</th>
<th>Unit Price</th>
<th>Amount</th>
<th>Unit Price</th>
<th>Amount</th>
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<tr>
<td>1</td>
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<td>13,250</td>
<td>10.00</td>
<td>10,000</td>
<td>10.50</td>
<td>10,500</td>
<td>10.00</td>
<td>10,000</td>
</tr>
<tr>
<td>2</td>
<td>Remove and Replace Curb and Gutter</td>
<td>1000 sq ft</td>
<td>17.00</td>
<td>17,000</td>
<td>15.50</td>
<td>15,500</td>
<td>15.00</td>
<td>15,000</td>
<td>10.00</td>
<td>10,000</td>
<td>10.00</td>
<td>10,000</td>
<td>10.00</td>
<td>10,000</td>
</tr>
<tr>
<td>3</td>
<td>AC Parking</td>
<td>5000 sq ft</td>
<td>1.75</td>
<td>8750</td>
<td>1.75</td>
<td>8750</td>
<td>1.75</td>
<td>8750</td>
<td>1.75</td>
<td>8750</td>
<td>1.75</td>
<td>8750</td>
<td>1.75</td>
<td>8750</td>
</tr>
<tr>
<td>4</td>
<td>Remove 6&quot; of Base and Place AC Bondings</td>
<td>10000 sq ft</td>
<td>1.80</td>
<td>18000</td>
<td>1.80</td>
<td>18000</td>
<td>1.80</td>
<td>18000</td>
<td>1.80</td>
<td>18000</td>
<td>1.80</td>
<td>18000</td>
<td>1.80</td>
<td>18000</td>
</tr>
<tr>
<td>5</td>
<td>Furnish and Place Asphalt Concrete</td>
<td>10000 sq ft</td>
<td>44.50</td>
<td>44500</td>
<td>44.50</td>
<td>44500</td>
<td>44.50</td>
<td>44500</td>
<td>44.50</td>
<td>44500</td>
<td>44.50</td>
<td>44500</td>
<td>44.50</td>
<td>44500</td>
</tr>
<tr>
<td><strong>BID TOTAL</strong></td>
<td></td>
<td><strong>$113,040.00</strong></td>
<td></td>
<td><strong>$90,683.00</strong></td>
<td></td>
<td><strong>$94,508.45</strong></td>
<td></td>
<td><strong>$112,110.79</strong></td>
<td></td>
<td><strong>$119,005.00</strong></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

345.10 Phase 2
STAFF REPORT

TO:        San Joaquin City Council
FROM:      Gouveia Engineering, Inc.
DATE:      September 3, 2019
SUBJECT:   Bid Acceptance – City of San Joaquin 2019 Eleventh Street Rehabilitation Project

BACKGROUND

On May 7, 2019, the City Council approved the expenditure of $400,000 on various street projects including the 2019 Eleventh Street Rehabilitation Project. The funds will be provided from the Measure C, Gas Tax, LTF/TDA, or SB 1 RMRA account.

The work consists primarily of removing and replacing approximately 275 linear feet of curb and gutter, planing of an existing asphalt concrete road, partially removing existing subgrade, and replacing it with the AC planed material, and repaving the road.

Using an informal bid process pursuant to the Public Contract Code and City of San Joaquin Municipal Code, City staff issued a Request for Proposals on August 2, 2019 and the City received a total of Five (5) bids on August 19, 2019.

DISCUSSION

The low bid was submitted by Taylor Backhoe Service, Inc. in the amount of $133,917.30. The Bid results are listed below:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Total Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taylor Backhoe Service, Inc.</td>
<td>$133,917.30</td>
</tr>
<tr>
<td>AJ Excavation Inc.</td>
<td>$134,832.50</td>
</tr>
<tr>
<td>Rolfe Construction Co.</td>
<td>$135,014.00</td>
</tr>
<tr>
<td>Machado and Sons Construction, Inc.</td>
<td>$138,688.20</td>
</tr>
<tr>
<td>Dawson-Mauldin LLC</td>
<td>$157,330.00</td>
</tr>
</tbody>
</table>

| Engineer’s Estimate                 | $171,626.25 |

FISCAL IMPACT

The construction costs for the project will be paid for from the budgeted Measure C, Gas Tax, LTF/TDA, or SB 1 RMRA funds.

RECOMMENDATION

Staff recommends that the Council accept the low bid from Taylor Backhoe Service, Inc. for $133,917.30 and authorize the City Manager to sign the Agreement on behalf of the City of San Joaquin.
ATTACHMENTS

1. Resolution 2019-35
2. Abstract of Bids
RESOLUTION No. 2019-35

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOAQUIN
ACCEPTING BID AND AWARDING CONTRACT TO
TAYLOR BACKHOE SERVICE INC.

WHEREAS, the City of San Joaquin requested informal bids for the construction of the 2019 Eleventh Street Rehabilitation Project pursuant to the California Public Contract Code and the City of San Joaquin Municipal Code; and

WHEREAS, the request for informal bids was issued by City staff on August 2, 2019; and

WHEREAS, the project consists primarily of removing and replacing approximately 275 linear feet of curb and gutter, planing of an existing asphalt concrete road, partially removing existing subgrade, and replacing it with the AC planed material, and repaving the road; and

WHEREAS, the following bids for the project were received on August 19, 2019:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Total Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taylor Backhoe Service, Inc.</td>
<td>$133,917.30</td>
</tr>
<tr>
<td>AJ Excavation, Inc.</td>
<td>$134,832.50</td>
</tr>
<tr>
<td>Rolfe Construction Co.</td>
<td>$135,014.00</td>
</tr>
<tr>
<td>Machado &amp; Sons Construction, Inc.</td>
<td>$138,688.20</td>
</tr>
<tr>
<td>Dawson-Mauldin LLC</td>
<td>$157,330.00</td>
</tr>
<tr>
<td>Engineer’s Estimate</td>
<td>$171,626.25</td>
</tr>
</tbody>
</table>

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JOAQUIN RESOLVES upon the recommendation of Staff that the 2019 ELEVENTH STREET REHABILITATION PROJECT be awarded to: Taylor Backhoe Service, Inc. in the amount of One Hundred Thirty-three Thousand, Nine Hundred Seventeen Dollars and Thirty Cents ($133,917.30).

The foregoing resolution was adopted at a regular meeting of the City Council of the City of San Joaquin the 3rd day of September, 2019 and passed at said meeting by the following vote:
AYES:
NOTES:
ABSENT:
ABSTAIN:

The foregoing resolution is hereby approved.

__________________________________________
Julia Hernandez, Mayor

ATTEST:

I, Lupe Estrada, City Clerk of the City of San Joaquin, do hereby certify that the foregoing resolution was duly adopted and passed by the City Council at a regular meeting of said City Council, held at the San Joaquin Council Chambers on September 3, 2019, by the following vote:

__________________________________________
Lupe Estrada, City Clerk
# ABSTRACT OF BIDS FOR
CITY OF SAN JOAQUIN

2019 Eleventh Street Rehabilitation Project

Bid Opening: August 19, 2019 at 4:00 p.m.

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Item Description</th>
<th>Quantity and Unit</th>
<th>Unit Price</th>
<th>Amount</th>
<th>Unit Price</th>
<th>Unit Price</th>
<th>Amount</th>
<th>Unit Price</th>
<th>Amount</th>
<th>Unit Price</th>
<th>Amount</th>
<th>Unit Price</th>
<th>Amount</th>
<th>Unit Price</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Rehabilitation and Borders</td>
<td>31 LS</td>
<td>10,000.00</td>
<td>10,000.00</td>
<td>4,800.00</td>
<td>4,800.00</td>
<td>5,000.00</td>
<td>5,000.00</td>
<td>7,546.00</td>
<td>7,546.00</td>
<td>5,640.00</td>
<td>5,640.00</td>
<td>16,000.00</td>
<td>16,000.00</td>
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<tr>
<td>2</td>
<td>Remove and Replace Curbs and Gutters</td>
<td>275 LF</td>
<td>180.00</td>
<td>42,250.00</td>
<td>135.00</td>
<td>27,152.50</td>
<td>70.00</td>
<td>17,201.00</td>
<td>49.60</td>
<td>24,366.00</td>
<td>87.98</td>
<td>24,389.02</td>
<td>10.04</td>
<td>22,000.00</td>
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</tr>
<tr>
<td>3</td>
<td>Remove and Replace Valley Gutters</td>
<td>3 SF</td>
<td>10,000.00</td>
<td>10,000.00</td>
<td>5,844.40</td>
<td>5,844.40</td>
<td>11,000.00</td>
<td>11,000.00</td>
<td>5,200.00</td>
<td>5,200.00</td>
<td>6,635.00</td>
<td>6,635.00</td>
<td>5,000.00</td>
<td>5,000.00</td>
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</tr>
<tr>
<td>4</td>
<td>AC Paving</td>
<td>32,614 SF</td>
<td>117.73</td>
<td>3,875.32</td>
<td>10.77</td>
<td>16,970.95</td>
<td>6.50</td>
<td>11,053.25</td>
<td>0.06</td>
<td>17,612.00</td>
<td>0.98</td>
<td>21,374.00</td>
<td>1.00</td>
<td>22,014.00</td>
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</tr>
<tr>
<td>5</td>
<td>Remove No. of Base and Place AC Grindings</td>
<td>8,700 SF</td>
<td>1.00</td>
<td>15,360.00</td>
<td>1.74</td>
<td>14,791.00</td>
<td>3.00</td>
<td>22,300.00</td>
<td>1.99</td>
<td>15,930.00</td>
<td>2.48</td>
<td>21,980.00</td>
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<td>25,590.00</td>
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<td>6</td>
<td>Pour and Place Asphalt Concrete</td>
<td>431 TN</td>
<td>36,950.00</td>
<td>127.83</td>
<td>53,119.05</td>
<td>141.00</td>
<td>67,070.00</td>
<td>141.00</td>
<td>66,460.00</td>
<td>135.50</td>
<td>58,043.50</td>
<td>140.00</td>
<td>64,415.05</td>
<td>140.00</td>
<td>64,415.05</td>
</tr>
</tbody>
</table>

**BID TOTAL:** $171,628.25 $133,917.30

Subcontractor's Listed: Hendley's Paving, Angeli Concrete Co., Inc.

345:10 Phase 3