

AGENDA

CITY OF WATSONVILLE

CITY COUNCIL MEETING

Opportunity Through Diversity; Unity Through Cooperation.



The City of Watsonville is dedicated to improving the economic vitality, safety & living environment for the culturally rich Watsonville community, by providing leadership for the achievement of community goals & high quality, responsive public services.

Francisco Estrada, Mayor, District 4
Rebecca J. Garcia, Mayor Pro Tempore, District 5

Felipe Hernandez, Council Member, District 1
Aurelio Gonzalez, Council Member, District 2
Lowell Hurst, Council Member, District 3
Trina Coffman-Gomez, Council Member, District 6
Ari Parker, Council Member, District 7

Matt Huffaker, City Manager
Alan J. Smith, City Attorney
Beatriz Vázquez Flores, City Clerk
Corrected Titles

City Council Chambers
275 Main Street, Top Floor
Watsonville, CA 95076

Spanish language interpretation is available

Americans with Disabilities Act



The Council Chambers is an accessible facility. If you wish to attend a meeting and you will require assistance in order to attend and/or participate, please call the City Clerk's Office at least five (5) days in advance of the meeting to make arrangements. The City of Watsonville TDD number is (831) 763-4075.

Meetings are streamed live via the City's website and archived thereafter. Meeting are also televised live on Charter Cable Communications Channel 70 and AT&T Channel 99 and re-broadcast on Thursday at 5:00 p.m. and Saturday at 8:00 a.m. the same week of the meeting.

For information regarding this agenda, please call the City Clerk's Office at (831) 768-3040.

[AGENDA PACKET](#)

Attachments: [Agenda Packet](#)

[AGENDA \(EN ESPAÑOL\)](#)

Attachments: [AGENDA \(EN ESPAÑOL\)](#)

4:30 p.m.

Anyone Addressing the City Council is asked to fill out a blue card and leave it at the podium for recording purposes

(IF YOU CHALLENGE ANY ACTION APPEARING ON THIS AGENDA IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC MEETING DESCRIBED ON THIS AGENDA, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY CLERK PRIOR TO, OR AT, THE PUBLIC MEETING.)

1. ROLL CALL

2. CONSENT AGENDA

All items appearing on the Consent Agenda are recommended actions which are considered to be routine and will be acted upon as one consensus motion. Any items removed will be considered immediately after the consensus motion. The Mayor will allow public input prior to the approval of the Consent Agenda.

Public Input on any Consent Agenda Item

A. [MOTION APPROVING MINUTES FOR MARCH 26 & APRIL 9, 2019, MEETINGS](#)

Attachments: [Minutes March 26, 2019](#)
 [Minutes April 9, 2019](#)

B. [RESOLUTION APPROVING PLANS & SPECIFICATIONS & CALLING FOR BIDS FOR THE BICYCLE SAFETY IMPROVEMENTS PROJECT NO. TR-19-01 \(ESTIMATED COST OF \\$525,000: \\$325,000 WILL BE FUNDED FROM THE REGIONAL SURFACE TRANSPORTATION PROGRAM EXCHANGE GRANT \(RSTPX\) AND \\$200,000 WILL BE FUNDED FROM THE STATE GAS TAX FUND \[0305\]](#)

Requested by: Public Works & Utilities Director Palmisano

Attachments: [Call Bids for Bicycle Safety Improvements Project - Report](#)
 [CB Bicycle Safety Improvements Project - Resolution](#)

C. RESOLUTION APPROVING PLANS & SPECIFICATIONS & CALLING FOR BIDS FOR THE ROACHE ROAD SANITARY SEWER REPLACEMENT PROJECT NO. SS-18-09 (ESTIMATED COST OF \$642,000 WILL BE FUNDED FROM THE WASTEWATER ENTERPRISE FUND)

Requested by: Public Works & Utilities Director Palmisano

Attachments: [Call Bids for Roache Rd Sanitary Sewer Replacement - Report](#)
 [CB Roache Rd Sanitary Sewer Replacement - Resolution](#)

D. RESOLUTION AWARDING \$1,362,482.67 BID TO GRANITE CONSTRUCTION COMPANY FOR THE GREEN VALLEY ROAD PAVEMENT PRESERVATION PROJECT NO. ST-18-02 (ESTIMATED COST OF \$1,362,482.67: \$795,000 WILL BE FUNDED FROM THE STATE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) GRANT AND \$567,482.67 BEING THE CITY'S MATCH, WILL BE PAID FROM THE GAS TAX FUND)

Requested by: Public Works & Utilities Director Palmisano

Attachments: [Award Bid for Green Valley Pavement Preservation - Report](#)
 [AB Green Valley Pavement Preservation - Resolution](#)

E. RESOLUTIONS ACCEPTING ENGINEER'S REPORT & INTENTION TO ORDER IMPROVEMENTS, LEVY, & COLLECT ASSESSMENTS & SET PUBLIC HEARING FOR MAY 28, 2019, TO CONSIDER LIGHTING & LANDSCAPING MAINTENANCE ASSESSMENT DISTRICTS FOR 2019-2020 FISCAL YEAR FOR GONZALES STREET ALLEYWAY NO. PK-94-01

Requested by: Parks & Community Services Director Calubaquib and Public Works & Utilities Director Palmisano

Attachments: [Gonzales Street Alleyway LLMAD - Report](#)
 [Gonzales St Engineer's Report - Resolution](#)
 [Gonzales Public Hearing - Resolution](#)

1) RESOLUTION ACCEPTING ENGINEER'S REPORT

2) RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS, LEVY & COLLECT ASSESSMENTS & SET PUBLIC HEARING FOR 5/28/2019

F. [RESOLUTIONS ACCEPTING ENGINEER'S REPORT & INTENTION TO ORDER IMPROVEMENTS, LEVY, & COLLECT ASSESSMENTS & SET PUBLIC HEARING FOR MAY 28, 2019, TO CONSIDER LIGHTING & LANDSCAPING MAINTENANCE ASSESSMENT DISTRICTS FOR 2019-2020 FISCAL YEAR FOR BAY BREEZE SUBDIVISION NO. PK-03-02](#)

Requested by: Parks & Community Services Director Calubaquib and Public Works & Utilities Director Palmisano

Attachments: [Bay Breeze LLMAD - Report](#)
[Bay Breeze Engineer's Report - Resolution](#)
[Bay Breeze Public Hearing - Resolution](#)

- 1) RESOLUTION ACCEPTING ENGINEER'S REPORT
- 2) RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS, LEVY & COLLECT ASSESSMENTS & SET PUBLIC HEARING FOR 5/28/2019

G. [RESOLUTIONS ACCEPTING ENGINEER'S REPORT & INTENTION TO ORDER IMPROVEMENTS, LEVY, & COLLECT ASSESSMENTS & SET PUBLIC HEARING FOR MAY 28, 2019, TO CONSIDER LIGHTING & LANDSCAPING MAINTENANCE ASSESSMENT DISTRICTS FOR 2019-2020 FISCAL YEAR FOR VISTA MONTAÑA SUBDIVISION NO. PK-03-03](#)

Requested by: Parks & Community Services Director Calubaquib and Public Works & Utilities Director Palmisano

Attachments: [Vista Montaña LLMAD - Report](#)
[Vista Montaña Engineer's Report - Resolution](#)
[Vista Montaña Public Hearing - Resolution](#)

- 1) RESOLUTION ACCEPTING ENGINEER'S REPORT
- 2) RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS, LEVY & COLLECT ASSESSMENTS & SET PUBLIC HEARING FOR 5/28/2019

H. [RESOLUTION AUTHORIZING & DIRECTING SUBMITTAL OF APPLICATION FOR \\$160,000 TO THE CALIFORNIA DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT FOR SB2 PLANNING GRANTS PROGRAM TO PARTIALLY FUND THE COMPLETION OF A DOWNTOWN SPECIFIC PLAN & DOWNTOWN SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT \(EIR\) & APPROPRIATING SUCH FUNDS TO THE SPECIAL GRANTS FUND](#)

Requested by: Community Development Director Merriam

Attachments: [SB2 Planning Grant - Report](#)
[SB2 Planning Grant for Downtown Specific Plan - Resolution](#)

I. [RESOLUTION DECLARING A 2001 CENTRAL STATES FIRE ENGINE AS SURPLUS; AUTHORIZING THE DONATION THEREOF TO THE COUNTY OF SANTA CRUZ FIRE TRAINING BATTALION WITHOUT SEEKING INFORMAL BIDS \(ESTIMATED VALUE OF THE ENGINE IS \\$35,067.44\)](#)

Requested by: City Council and Interim Fire Chief Lopez Sr.

Attachments: [Donation of Fire Engine - Report](#)
[Surplus 2001 Central State Fire Engine - Resolution](#)

J. [RESOLUTION ACCEPTING DONATION OF \\$2,000 FROM HOME DEPOT U.S.A., INC. TO BE USED FOR THE WATSONVILLE FIRE DEPARTMENT'S CHILD CAR SEAT INSPECTIONS PROGRAM & APPROPRIATING SUCH FUNDS TO THE SPECIAL GRANTS FUND](#)

Requested by: City Council and Interim Fire Chief Lopez Sr.

Attachments: [Donation for WFD Car Seat Inspections - Report](#)
[Home Depot USA Donation - Resolution](#)

K. [RESOLUTION ENACTED PURSUANT TO THE SUMMARY ABANDONMENT PROVISIONS OF PART 3 OF DIVISION 9 OF CHAPTER 4 OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA ABANDONING & VACATING A FIVE-FOOT-WIDE, 1,886 SQUARE FOOT STRIP WITHIN OHLONE PARKWAY, AS ACQUIRED, CONTIGUOUS TO 701 \(APN: 018-711-23\) & 751 OHLONE PARKWAY \(APN: 018-711-19\) & CONDITIONED ON DELIVERY OF A TRAIL EASEMENT GRAND DEED BY EAST OHLONE WATSONVILLE, LLC \(EOW\), OVER A PORTION OF 751 OHLONE PARKWAY \(APN 018-711-19\); & AUTHORIZING & DIRECTING CITY MANAGER TO ACCEPT A 96 SQUARE FOOT TRAIL EASEMENT GRANT DEED](#)

Requested by: Public Works & Utilities Director Palmisano

Attachments: [Vacation for Rail Trail Project at Ohlone Parkway - Report](#)
[Summary Vacation of Ohlone Parkway - Resolution](#)
[Streets & Highways Code Section 8335 8336](#)

L. [RESOLUTION DECLARING ITS SUPPORT OF ASSEMBLY BILL 705 \(M. STONE\) ENTITLED MOBILEHOME PARKS: CHANGE OF USE WHICH WILL ALLOW LOCAL JURISDICTIONS TO REQUIRE MORE STRINGENT MITIGATION REQUIREMENTS TO CLOSE MOBILEHOME PARKS](#)

Requested by: Community Development Director Merriam

Attachments: [AB705 Mobilehome Parks - Report](#)
[AB705 Mobilehome Parks - Resolution](#)
[AB 705 Bill](#)
[Buena Vista Gardens Apartments Ass.](#)
[Cal Gov Code 65583](#)
[Cal Gov Code 66427](#)
[Cal Gov Code 65863.7](#)

3. ITEMS REMOVED FROM CONSENT AGENDA

4. NEW BUSINESS

A. [CONSIDERATION OF CONTRACT WITH CAROLLO ENGINEERS, INC. TO DEVELOP A WATER MASTER PLAN IN AN AMOUNT NOT TO EXCEED \\$411,300 & AUTHORIZING BUDGET APPROPRIATION FROM THE WATER ENTERPRISE FUND IN THE SAME AMOUNT](#)

Requested by: Public Works & Utilities Director Palmisano

Attachments: [Carollo Engineers Contract for Water System Master Plan - Report](#)
[Awarding RFQ to Carollo Engineers - Resolution](#)

- 1) Staff Report
- 2) City Council Questions
- 3) Public Input
- 4) City Council Discussion
- 5) RESOLUTION AWARDING CONTRACT TO CAROLLO ENGINEERS, INC., TO DEVELOP A WATER SYSTEM MASTER PLAN, IN AN AMOUNT NOT TO EXCEED \$411,300

5:30 p.m.

5. CLOSED SESSION

(City Council Conference Room, 275 Main Street, 4th Floor)

A. [CLOSED SESSION AGENDA](#)

Attachments: [CLOSED SESSION AGENDA](#)

- (a) Public Comments regarding the Closed Session agenda will only be accepted by the City Council at this time.
- (b) Closed Session Announcement
The City Council will now recess to discuss those items listed on the Closed Session Statement attached to the Agenda.

6:30 p.m.

6. ROLL CALL

7. PLEDGE OF ALLEGIANCE

8. PRESENTATIONS & ORAL COMMUNICATIONS

(This time is set aside for members of the general public to address the Council on any item not on the Council Agenda, which is within the subject matter jurisdiction of the City Council. No action or discussion shall be taken on any item presented except that any Council Member may respond to statements made or questions asked, or may ask questions for clarification. All matters of an administrative nature will be referred to staff. All matters relating to Council will be noted in the minutes and may be scheduled for discussion at a future meeting or referred to staff for clarification and report. ALL SPEAKERS ARE ASKED TO FILL OUT A BLUE CARD & LEAVE IT AT THE TABLE DESIGNATED NEAR THE PODIUM, GO TO THE PODIUM AND ANNOUNCE THEIR NAME AND ADDRESS IN ORDER TO OBTAIN AN ACCURATE RECORD FOR THE MINUTES.

- A. [ORAL COMMUNICATIONS FROM THE PUBLIC](#)
- B. [MAYOR'S PROCLAMATION DECLARING MAY 2019 AS BUILDING SAFETY MONTH & ENCOURAGING ALL CITIZENS TO PARTICIPATE IN THEIR COMMUNITIES IN BUILDING SAFETY ACTIVITIES](#)
- C. [WATSONVILLE IVY LEAGUE PROJECT 2019 \(5 MINUTES\)](#)

Attachments: [WATSONVILLE IVY LEAGUE PROJECT](#)
 [2019 TOUR PARTICIPANTS PROFILES](#)
 [WILP 2007-2019](#)
- D. [ORAL COMMUNICATIONS FROM THE COUNCIL](#)
- E. [REPORT OUT OF CLOSED SESSION](#)

9. REPORTS TO COUNCIL -- No Action Required

A. [PRESENTATION OF CITY'S MISSION STATEMENT](#)

Requested by: Deputy City Manager Vides

B. [PAJARO RIVER LEVEE PROGRAMS & PROJECTS UPDATE](#)

Requested by: Public Works & Utilities Director Palmisano

Attachments: [Pajaro Levee Update - Report](#)

10. PUBLIC HEARINGS, ORDINANCES, & APPEALS**A. [CONSIDERATION OF APPLICATION FOR A GENERAL PLAN MAP AMENDMENT, ZONING MAP AMENDMENT, LOT CONSOLIDATION & BOUNDARY LINE ADJUSTMENT WITH ENVIRONMENTAL REVIEW \(PP2019-10\) FOR THREE SUBJECT PROPERTIES LOCATED AT 376 SOUTH GREEN VALLEY ROAD \(APN: 016-231-01\), 376-A SOUTH GREEN VALLEY ROAD \(APN: 016-221-06\), & 0 SOUTH GREEN VALLEY ROAD \(APN: 014-052-01\) TO ALLOW A PEDESTRIAN & BICYCLE TRAIL SYSTEM ALONG STRUVE SLOUGH AREA](#)**

Requested by: Community Development Director Merriam

Attachments: [376 S Green Valley Rd - Report](#)
[General Plan Amendment - Resolution](#)
[Rezoning - Ordinance](#)
[Lot Consolidation and Boundary Line Adjustment - Resolution](#)

- 1) Staff Report
- 2) City Council Questions
- 3) Public Hearing
- 4) City Council Discussion

- 5) RESOLUTION APPROVING TWENTY-THIRD (23RD) AMENDMENT TO THE WATSONVILLE 2005 GENERAL PLAN TO RE-DESIGNATE APN: 016-221-06 LOCATED AT 376 A SOUTH GREEN VALLEY ROAD FROM (R-MD) MEDIUM-DENSITY RESIDENTIAL TO PUBLIC/QUASI-PUBLIC & A PORTION OF APN 014-052-01 LOCATED AT 0 SOUTH GREEN VALLEY ROAD FROM (R-LD) LOW-DENSITY RESIDENTIAL TO PUBLIC/QUASI-PUBLIC & ENVIRONMENTAL MANAGEMENT (EM) TO ALLOW THE CITY OF WATSONVILLE TO DEVELOP A PEDESTRIAN & BICYCLE TRAIL SYSTEM ADJACENT TO THE STRUVE SLOUGH, AND DIRECTING CHANGES TO BE MADE ON THE GENERAL PLAN LAND USE DIAGRAM
- 6) ORDINANCE INTRODUCTION APPROVING REZONING ON APN 016-221-06 LOCATED AT 376 A SOUTH GREEN VALLEY ROAD FROM RM-2 (MULTIPLE RESIDENTIAL DISTRICT) TO INSTITUTIONAL (N) & A PORTION OF APN 014-052-01 LOCATED AT 0 SOUTH GREEN VALLEY ROAD FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO INSTITUTIONAL (N) & ENVIRONMENTAL MANAGEMENT – OPEN SPACE (EM-OS) FOR APPLICATION NO. PP2019-10 TO ALLOW THE CITY OF WATSONVILLE TO DEVELOP A PEDESTRIAN & BICYCLE TRAIL SYSTEM ADJACENT TO THE UPPER STRUVE SLOUGH, & DIRECTING CHANGES TO BE MADE ON THE ZONING MAP OF THE CITY OF WATSONVILLE
- 7) RESOLUTION APPROVING LOT CONSOLIDATION & BOUNDARY LINE ADJUSTMENT WITH ENVIRONMENTAL REVIEW TO ALLOW ADJUSTING THE PROPERTY BOUNDARIES & AMENDING THE CITY'S GENERAL LAND USE MAP & ZONING MAP DESIGNATIONS TO REFLECT EXISTING LAND USES FOR THREE SUBJECT PROPERTIES LOCATED AT 376 SOUTH GREEN VALLEY ROAD, 376 A SOUTH GREEN VALLEY ROAD, & 0 SOUTH GREEN VALLEY ROAD

11. NEW BUSINESS (Continued)

A. [COUNCIL APPROVAL OF PROJECT LIST FOR TRANSPORTATION PROJECTS FUNDED BY MEASURE D](#)

Requested by: Public Works & Utilities Director Palmisano

Attachments: [Approval of Measure D Projects - Report](#)
[Approval of Measure D Projects - Resolution](#)

- 1) Staff Report
- 2) City Council Questions
- 3) Public Input
- 4) City Council Discussion

- 5) RESOLUTION APPROVING THE MEASURE D: 5-YEAR PROGRAM OF PROJECTS (FY 2019/2020 - FY 2023/2024) FOR THE CITY OF WATSONVILLE TO BE FUNDED BY MEASURE D WHICH WAS APPROVED BY VOTERS ON NOVEMBER 8, 2016

B. CONSIDERATION OF ADOPTION OF INTEGRATED PEST MANAGEMENT ACTION PLAN

Requested by: Parks & Community Services Director Calubaquib

Attachments: [Integrated Pest Management Action Plan - Report](#)
[Integrated Pest Management Action Plan - Resolution](#)
[Public Correspondence](#)

- 1) Staff Report
- 2) City Council Questions
- 3) Public Input
- 4) City Council Discussion

- 5) RESOLUTION APPROVING AN INTEGRATED PEST MANAGEMENT (IPM) ACTION PLAN TO REDUCE OR PHASE OUT AMOUNT OF PESTICIDES & CHEMICALS USED ON LAND THE CITY OWNS OR MAINTAINS

12. EMERGENCY ITEMS ADDED TO AGENDA

13. REQUESTS & SCHEDULING FUTURE AGENDA ITEMS

14. ADJOURNMENT

Pursuant to Section 54954.2(a)(1) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day and on the City of Watsonville website at www.cityofwatsonville.org.

Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office (275 Main Street, 4th Floor) during normal business hours. Such documents are also available on the City of Watsonville website at www.cityofwatsonville.org subject to staff's ability to post the document before the meeting.



MINUTES REGULAR CITY COUNCIL MEETING

March 26, 2019

City of Watsonville
Council Chambers
275 Main Street, Top Floor

4:35 p.m.

1. **CLOSED SESSION**

(City Council Conference Room, 275 Main Street, 4th Floor)

- (a) Public Comments regarding the Closed Session agenda were accepted by the City Council at that time.
- (b) Closed Session Announcement
The City Council recessed the regular Council Meeting to discuss those items listed on the Closed Session Statement attached to the Agenda.

1.A. **THREAT TO PUBLIC SERVICES OR FACILITIES**

(Government Code Section 54957)(a)

Consultation with: (Watsonville Police Department, Police Captain, Police Sergeant)

1.B. **CONFERENCE WITH LABOR NEGOTIATOR**

(Government Code Section 54957.6)

- 1. Agency negotiator: Nathalie Manning and Maria Esther Rodriguez
- Employee organizations: Confidential Unit
Management Unit
Mid-Management Unit
Police Officers Association
Public Safety Mid-Management Unit

6:44 p.m.

2. **INFORMATION ITEMS—Written Report(s) Only**

2.A. **MISCELLANEOUS DOCUMENTS REPORT**

3. **ROLL CALL**

Mayor Estrada, Mayor Pro Tempore Garcia, and Council Members Coffman-Gomez, González, Hernandez, Hurst, and Parker were present.

Staff members present were City Manager Huffaker, City Attorney Smith, City Clerk Vázquez Flores, Public Works & Utilities Director Palmisano, Police Chief Honda, Interim Fire Chief Lopez, Administrative Services Director Czerwin, Airport Director Williams, Community Development Director Merriam, Library Director Heitzig, Parks & Community Services Director Calubaquib, Deputy City Managers Manning & Vides, Assistant Public

Works & Utilities Directors Rodriguez and Templeton, Police Captain Rodriguez, Police Sergeant Radich, Assistant City Clerk Ortiz, and Interpreter Vazquez-Quintero.

4. PLEDGE OF ALLEGIANCE

5. CONSENT AGENDA

Public Input on any Consent Agenda Item (None)

Assistant Public Works & Utilities Director Rodriguez answered questions from Member Coffman-Gomez regarding project schedule, project specifics, bid process, funding, and street closures for the Green Valley Road Pavement Preservation Project.

In answering Member Gonzalez, Assistant Public Works & Utilities Director Rodriguez stated signage would be posted near the project site for the Green Valley Road Pavement Preservation Project prior to breaking ground.

MOTION: It was moved by Member Hernandez, seconded by Member Gonzalez and carried by the following vote to approve the Consent Agenda:

AYES:	MEMBERS:	Coffman-Gomez, García, González, Hurst, Hernandez, Parker, Estrada
NOES:	MEMBERS:	None
ABSENT:	MEMBERS:	None

Member Parker congratulated Mr. Hayashibara on being appointed to the Parks & Recreations Commission and commended him for his willingness to participate in local government.

5.A. MOTION APPROVING MINUTES OF MARCH 12, 2019

**5.B. RESOLUTION NO. 31-19 (CM):
RESOLUTION APPROVING PLANS & SPECIFICATIONS & CALLING FOR
BIDS FOR THE WATSONVILLE MUNICIPAL AIRPORT SEAL CRACKS, SLURRY
SEAL, & REMARK RUNWAY 9-27 & TAXIWAYS B & C PROJECT, NO. AP-19-02
(ESTIMATED COST OF \$504,650: \$454,185 (90%) WILL BE FUNDED FROM THE
FEDERAL AVIATION ADMINISTRATION (FAA) AIRPORT IMPROVEMENT GRANT,
\$22,709 (5% OF THE FAA GRANT) FROM THE STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION (CALTRANS) AND \$27,756 FROM THE
AIRPORT ENTERPRISE FUND**

**5.C. RESOLUTION NO. 32-19 (CM):
RESOLUTION AWARDED CONTRACT TO CSG CONSULTANTS, INC., FOR
CONSTRUCTION MANAGEMENT SERVICES FOR THE GREEN VALLEY ROAD
PAVEMENT PRESERVATION PROJECT NO. ST-18-02, IN AN AMOUNT NOT TO
EXCEED \$191,200**

**5.D. NEW JOB CLASSIFICATIONS & DESCRIPTIONS FOR THE PUBLIC WORKS AND
UTILITIES DEPARTMENT**

- 1) **RESOLUTION NO. 33-19 (CM):
RESOLUTION APPROVING & AUTHORIZING NEW JOB CLASSIFICATION &
JOB DESCRIPTION FOR COMMUNICATIONS & ENVIRONMENTAL
OUTREACH COORDINATOR (MID-MANAGEMENT UNIT) AT ESTABLISHED
SALARY RANGE OF \$28.49 - \$38.18 PER HOUR**
- 2) **RESOLUTION NO. 34-19 (CM):
RESOLUTION APPROVING & AUTHORIZING NEW JOB CLASSIFICATION &
JOB DESCRIPTION FOR COMMUNICATIONS & ENVIRONMENTAL
OUTREACH MANAGER (MANAGEMENT UNIT) AT ESTABLISHED SALARY
RANGE OF \$39.27 - \$52.63 PER HOUR**
- 5.E. **RESOLUTION NO. 35-19 (CM):
RESOLUTION APPOINTING WAYNE HAYASHIBARA TO THE CITY OF
WATSONVILLE PARKS & RECREATION COMMISSION [DISTRICT 7]**
6. **ITEMS REMOVED FROM CONSENT AGENDA**
7. **REPORTS TO COUNCIL -- No Action Required**
- 7.A. **ECOLOGY ACTION PRESENTATION ABOUT THE WATERLINK PROGRAM
FUNDED BY DEPARTMENT OF WATER RESOURCES GRANT TO PROVIDE
WATER CONSERVATION DEVICES TO WATSONVILLE BUSINESSES & LOW-
INCOME CUSTOMERS**
8. **PRESENTATIONS & ORAL COMMUNICATIONS**
- 8.A. **ORAL COMMUNICATIONS FROM THE PUBLIC & CITY COUNCIL**
Steve Trujillo, District 7, asked the City to stop using Roundup as it was adversely affecting residents and their pets' health. He thanked the Mayor, the Buddhist Temple Community, and the Boy Scouts for their levee cleanup efforts. He asked the City to explore using goats for weed control. He gave recommendations on how the Fox Theater could be revitalized. He proposed that the Yamashita Market be designated a State Historical Monument. He thanked Member Parker for her work in advocating for the Bridge Street Medians.

Providence Alaniz invited the public to the Relay for Life event.

Victorius Alexander recommended the public to read The Bible. He spoke about his First Amendment rights, the Brown Act, importance of providing for public input in local government, and his disapproval of Supervisor Friend.

Dr. Nancy Bilicich, Zone 7, Flood Control and Water Conservation District Representative, gave a report regarding efforts to persuade the Army Corps of Engineers to make improvements to the river levee. She stated County Supervisor Friend received accolades for his work to persuade the National Association of Counties to support the pursuit of river levee improvements. She invited the public to the upcoming Zone 7, Flood Control and Water Conservation District meeting. She spoke about efforts to improve the river levee west of the Highway 1.

Member Parker thanked Dr. Nancy Bilicich for representing the City on Zone 7, Flood Control and Water Conservation District. She spoke about her meeting with the Magical Bridge Foundation and the potential for a fully inclusive accessible park for Watsonville. She stated Erik Chalhoub had left the Register Pájaronian and thanked him for his service over the years. She asked the public to be safe during spring break and care for students on vacation.

Member Hurst spoke about his attendance at several community events and invited the public to the Light up the Night Bike Ride and to the Open Streets meeting.

Member Hernandez spoke about his attendance at several community events. He spoke about funding the County had received to address homelessness and how the City could benefit from those funds. He invited the public to future events.

Member Gonzalez spoke about his attendance at the League of California Cities New Mayors and Council Members Academy. He spoke about his efforts as Member of the Santa Cruz Metropolitan Transit District to create and maintain murals at the Watsonville Transit Center. He spoke about Salvation Army's work in the community.

Member Coffman-Gomez spoke about her travels to New Zealand and the unfortunate mosque shooting. She invited the public to upcoming community events.

Mayor Pro Tempore Garcia spoke about her attendance at the Cabrillo College Ag Technology Grand Opening. She invited the Council and public to the celebration of the 30th Anniversary of the lawsuit won to change At-large Elections to District Elections in Watsonville. She asked the Council to volunteer at the Census Booth at the Earth Day event.

Mayor Estrada invited the public to upcoming community events. He expressed his support for the Muslim Community in hindsight of the Mosque shootings in New Zealand. He spoke about several events he attended over the previous weeks.

8.B. REPORT OUT OF CLOSED SESSION

City Attorney Smith stated Council received a report on the item listed on the Closed Session Agenda, but took no action.

9. PUBLIC HEARINGS, ORDINANCES, & APPEALS

9.A. ADOPTION OF URGENCY ORDINANCE RELATING TO CANNABIS EQUITY PROGRAM & RESOLUTION AUTHORIZING CITY MANAGER TO SUBMIT GRANT APPLICATION TO STATE FOR FUNDING

1) Staff Report

The report was given by City Attorney Smith.

2) City Council Questions

City Attorney Smith and City Manager Huffaker answered questions from Mayor Pro Tempore Garcia regarding eligibility requirements for funding under the proposed program and types of funding that would be available.

In answering Member Hurst, City Attorney Smith stated funding for cannabis equipment would be included under the proposed program.

City Manager Huffaker, in answering Member Parker stated the proposed program would offer options for cannabis businesses to finance equipment.

City Attorney Smith and City Manager Huffaker answered questions from Member Coffman-Gomez regarding fee waivers, available funds, eligibility requirements, potential for revisions of the ordinance, and efforts the City will make to learn about future opportunities in a more timely manner.

City Manager Huffaker and City Attorney Smith answered questions from Member Gonzalez regarding impact the new program would have on the City and ability the City would have in determining what type of funding would be provided to applicants.

In answering Member Parker, City Manager Huffaker stated the City would ask lobbyists to seek cannabis related opportunities.

In answering Member Coffman-Gomez, City Attorney Smith stated the cannabis funds received from the State would be placed in a specific account for tracking and distribution to the applicants.

City Attorney Smith answered questions from Member Hernandez regarding eligibility requirements for the City versus eligibility requirements at the State level.

In answering Mayor Estrada, City Attorney Smith spoke about the proposed eligibility requirements and ranking system for applications.

3) Public Hearing

Mayor Estrada opened the public hearing.

Steve Trujillo, Pájaro Village, stated some of his neighbors relied on cannabis products for medical treatment and asked that Council support the proposed ordinance and resolution.

Victorius Alexander asked that the Council have more input on the crafting of the ordinance.

Lisa Tulner announced she had received her annual State Cannabis Permit. She spoke about the importance of cannabis in medicine and asked that Council approve the proposed ordinance and resolution. She gave recommendations on how to improve the ordinance and program.

Seth Smith, Santa Cruz Veterans Alliance, spoke in support of the proposed ordinance and resolution. He gave recommendations on how to further improve the ordinance and proposed program.

Jake Herer, Chief Financial Officer at Crème De Canna, asked Council to support the proposed ordinance and resolution.

Victor Marani spoke in support of the proposed ordinance and resolution. He recommended establishment of a subcommittee that could study the State's cannabis policy and integrate it within the City.

Seeing no one else approach the podium, Mayor Estrada closed the Public Hearing.

4) City Council Discussion

City Attorney Smith, in answering Member Coffman-Gomez, spoke about eligibility requirements as proposed by staff.

Member Coffman-Gomez stated she would like State legislation to accompany ordinances in the future. She asked that the ordinance be brought back for revisions.

City Attorney Smith and City Manager Huffaker, in answering Mayor Pro Tempore Garcia, explained the eligibility requirement that considers income levels.

**5) ORDINANCE NO. 1381-19 (CM):
ADOPTION OF URGENCY ORDINANCE ADDING NEW CHAPTER 49
(CANNABIS EQUITY PROGRAM) TO TITLE 5 (PUBLIC WELFARE, MORALS,
& CONDUCT) OF WATSONVILLE MUNICIPAL CODE TO PROVIDE LOCAL
GUIDELINES FOR ADMINISTERING A CANNABIS EQUITY PROGRAM IN
THE CITY OF WATSONVILLE (5 Votes required)**

**6) RESOLUTION NO. 36-19 (CM):
RESOLUTION AUTHORIZING & DIRECTING SUBMITTAL OF APPLICATION
TO STATE OF CALIFORNIA, DEPARTMENT OF CONSUMER AFFAIRS,
BUREAU OF CANNABIS CONTROL FOR EQUITY ACT GRANT FUNDS; &
APPROPRIATING SUCH FUNDS TO CANNABIS EQUITY GRANT FUND**

MOTION: It was moved by Member Gonzalez, seconded by Member Hernandez and carried by the following vote to approve the above ordinance 9.A.5) and resolution 9.A.6):

AYES:	MEMBERS:	Coffman-Gomez, Garcia, Gonzalez, Hernandez, Hurst, Parker, Estrada
NOES:	MEMBERS:	None
ABSENT:	MEMBERS:	None

JOINT CITY COUNCIL/SUCCESSOR HOUSING AGENCY

10. NEW BUSINESS

10.A. CONSIDERATION OF FUNDING COMMITMENT IN THE AMOUNT OF \$1,800,000 TO MIDPEN HOUSING CORPORATION TO ASSIST IN THE CONSTRUCTION OF A 61 UNIT MULTI-FAMILY AFFORDABLE HOUSING DEVELOPMENT AT 139-161 MILES LANE & KIMBERLY LANE

1) Staff Report

The report was given by Community Development Director Merriam.

2) MidPen Report

The report was given by Betsy Wilson, Director of Housing Development at MidPen Housing.

3) City Council Questions

Member Hernandez asked Ms. Wilson to explore a partnership with Monterey Bay Community Power for installation of solar panels for the project.

Ms. Wilson, and Christine Sipple, Director of Impact & Partnerships at Encompass, answered questions from Member Coffman-Gomez regarding efforts to prevent displacement, potential for a commercial space as part of the project, potential for accessible units, the loan agreement, property tax exemptions, and work towards temporary housing on other sites.

Ms. Wilson, Ms. Sipple, and Community Development Director Merriam answered questions from Member Gonzalez regarding safeguards that will be in place to protect neighboring organizations from the project, services offered, protections of the neighboring wetlands, potential for park equipment at the site, and predevelopment funds.

Ms. Wilson and Community Development Director Merriam answered questions from Mayor Pro Tempore Garcia regarding eligibility for rental of the units and potential for a clause that gives priority to those who live or work in County of Santa Cruz.

Ms. Wilson and Ms. Sipple answered questions from Member Parker regarding who would qualify for housing and types of services that would be offered at the site.

In answering Member Hernandez, Ms. Wilson stated the project would be subject to prevailing wage.

In answering Member Gonzalez, Ms. Sipple spoke about who would be served in the programs.

In answering Member Coffman-Gomez, City Manager Huffaker stated staff would negotiate terms with the applicant regarding fair compensation for City services. He added that Council would have more opportunities to provide input on the project. Member Coffman-Gomez asked that a sign be posted on the project site that informs the public where they could find additional information on the project.

4) Public Input

Daniel Hernandez spoke in support of the programs that would be offered at the project site. In answering Mr. Hernandez, City Manager Huffaker stated project specifics would be discussed at a future meeting.

Victorius Alexander asked that a local hire provision be included in the negotiations for construction of the project.

Kathryn Walters, District 5, spoke in support of staff recommendation.

5) City Council Discussion

In answering Member Coffman-Gomez, Community Development Director Merriam stated interest rates would not be discussed at that meeting.

**6) RESOLUTION NO. 37-19 (CM):
RESOLUTION NO. 1-19 (SHA):**

JOINT RESOLUTION OF CITY COUNCIL & CITY COUNCIL IN ITS CAPACITY AS SUCCESSOR TO THE HOUSING ASSETS & FUNCTIONS OF FORMER REDEVELOPMENT AGENCY (1) APPROVING FUNDING COMMITMENT IN THE AMOUNT OF \$1,800,000 TO MIDPEN HOUSING CORPORATION TO ASSIST IN CONSTRUCTION OF 61 UNIT MULTI-FAMILY AFFORDABLE HOUSING DEVELOPMENT LOCATED AT 139-161 MILES LANE & 201 KIMBERLY LANE), (2) AUTHORIZING & DIRECTING CITY MANAGER TO NEGOTIATE & EXECUTE LOAN AGREEMENT; & (3) AUTHORIZING BUDGET APPROPRIATION OF \$1,000,000 FROM SUCCESSOR HOUSING AGENCY FUND & \$800,000 FROM THE INCLUSIONARY HOUSING FUND

MOTION: It was moved by Mayor Pro Tempore Garcia, seconded by Member Hernandez and carried by the following vote to approve resolution 10.A.6) with a provision that gives preference to those who work or live in Santa Cruz County:

AYES: MEMBERS: Coffman-Gomez, Garcia, Gonzalez, Hernandez, Hurst, Parker, Estrada

NOES: MEMBERS: None

ABSENT: MEMBERS: None

10.B. CONSIDERATION OF APPROVAL OF (1) THE SALE OF THE AFFORDABLE HOUSING PROJECT AT 500 MAIN STREET (JEFSSEN HOTEL TO CHIPTHUY500 LLC ("BUYER"), (2) ENTRY INTO AN ASSIGNMENT & ASSUMPTION AGREEMENT CONSENTING TO SALE OF PROPERTY, & (3) ENTRY INTO A SUBORDINATION AGREEMENT REQUIRED IN CONNECTION WITH THE BUYER'S ACQUISITION FINANCING

1) Staff Report

The report was given by City Attorney Smith.

2) City Council Questions

City Attorney Smith, in answering Mayor Pro Tempore Garcia, spoke about affordability requirements and the relation to increase rent rates.

City Attorney Smith and City Manager Huffaker answered questions from Member Coffman-Gomez regarding potential for continuation of affordability clause as part of the subordination agreement transfer.

City Manager Huffaker answered questions from Mayor Pro Tempore Garcia regarding inability to apply the inclusionary housing ordinance to the property.

Member Coffman-Gomez spoke about the importance of preserving the affordable units at the property and asked to examine the subordination agreement to extend the affordability requirement.

Community Development Director Merriam spoke about options the City had to explore retention of affordability covenants.

Member Hernandez asked if businesses and residential tenants would see an increase in rent or face displacement, and if the City could retain affordability status for said residential units.

3) Public Input

Steve Trujillo spoke about the importance of preserving historical value of structures and protecting tenants at the property.

?Woman stated the buyer was a fair landlord not looking to displace tenants.

Kathy Oliver, Oliver Property Management, spoke favorably about Chipthuy 500 LLC.

Chip Kirschner, ChipThuy 500, spoke about his vision for the property and future options.

Kyle Buckland, Property Manager for Swenson, spoke about rental rates at the Jefferson Building and spoke in support of the sale of the building

4) City Council Discussion

Member Coffman-Gomez spoke about the City's mission to revitalize the downtown and stated her concerns regarding the future of the proposed building for sale.

Member Gonzalez stated his concerns in approving the sale of the building due to loss of affordable units.

In answering Mayor Pro Tempore Garcia, City Attorney Smith stated if Council denied the sale, the current owner would retain the property.

Kathy Oliver, Oliver Property Management, stated Mr. Kirschner was a kind man who cared for his tenants.

Community Development Director Merriam and City Manager Huffaker, in answering Mayor Pro Tempore Garcia, stated the affordability covenants would expire regardless of ownership, but new agreements could be reached in the future.

**5) RESOLUTION NO. 2-19 (SHA):
RESOLUTION OF CITY COUNCIL IN ITS CAPACITY AS SUCCESSOR TO
HOUSING ASSETS & FUNCTIONS OF FORMER REDEVELOPMENT
AGENCY APPROVING: (1) THE SALE OF PROPERTY LOCATED AT 500
MAIN STREET (COMMONLY KNOWN AS THE JEFSEN HOTEL) FROM
GREEN VALLEY CORPORATION TO CHIPTHUY500 LLC, (2) CERTAIN
ASSIGNMENT & ASSUMPTION OF AFFORDABILITY AGREEMENT AMONG
CITY, GREEN VALLEY CORPORATION, & CHIPTHUY500 LLC, & (3)
CERTAIN SUBORDINATION AGREEMENT AMONG CITY, CHIPTHUY500
LLC, & [BANK (TBD)]**

MOTION: It was moved by Member Hurst, seconded by Member Parker and carried by the following vote to approve resolution 10.B.5):

AYES:	MEMBERS:	Coffman-Gomez, Garcia, Gonzalez, Hurst, Parker
NOES:	MEMBERS:	Hernandez, Estrada
ABSENT:	MEMBERS:	None

Member Coffman-Gomez asked staff to explore language that could be integrated in agreements to ensure affordability covenants did not expire.

CITY COUNCIL

10.C. CONSIDERATION OF 5-YEAR AGREEMENT WITH AXON FOR THE PURCHASE OF BODY WORN CAMERA (BWC) EQUIPMENT & EVIDENCE.COM DIGITAL MEDIA STORAGE

1) Staff Report

The report was given by Police Captain Rodriguez.

2) City Council Questions

Police Captain Rodriguez answered questions from Member Hernandez regarding funding sources, quality of video, storage of video footage, retention period for videos, and charging of battery power for the cameras.

Police Captain Rodriguez answered questions from Member Parker regarding replacement of the cameras according to the agreement, storage capacity for footage, and access for the public in regards to body camera use.

In answering Mayor Pro Tempore Garcia, Police Captain Rodriguez explained the situations when the body cameras would be activated and what type of training officers would receive.

In answering Member Coffman-Gomez, Police Captain Rodriguez, spoke about safeguards being implemented to prevent video footage tampering.

Police Captain Rodriguez, in answering Member Gonzalez, spoke about cyber security provided for footage as part of the agreement.

In answering Mayor Estrada, Police Captain Rodriguez spoke about the benefits of body cameras.

3) Public Input

Victorius Alexander stated he wished community members and the faith based community would have been involved in the selection process of the body cameras. He stated officers had used the camera footage with biased in previous experience and asked for third party review of video footage away from police control.

Steve Trujillo spoke in support of staff recommendation and the importance of video surveillance.

4) City Council Discussion

Police Captain Rodriguez answered questions from Member Coffman-Gomez regarding input from the community and protection of footage from deletion or tampering.

In answering Mayor Estrada, Police Captain Rodriguez stated intentionally turning off cameras during incidents was against policy.

**5) RESOLUTION NO. 38-19 (CM):
RESOLUTION AUTHORIZING SOLE SOURCE PURCHASE WITH AXON ENTERPRISE, INC., FOR 75 AXON BODY WORN CAMERAS, EQUIPMENT UPDATES AT 2.5 & 5 YEARS & COMMITMENT FOR 5 YEARS TO AXON'S EVIDENCE.COM DIGITAL MEDIA STORAGE SOLUTION, IN AN AMOUNT NOT TO EXCEED \$471,727.18**

MOTION: It was moved by Member Gonzalez, seconded by Member Hernandez and carried by the following vote to approve resolution 10.C.5):

AYES:	MEMBERS:	Coffman-Gomez, Garcia, Gonzalez, Hernandez, Hurst, Parker, Estrada
NOES:	MEMBERS:	None
ABSENT:	MEMBERS:	None

10.D. CITY OF WATSONVILLE HOUSING PROGRAMS WHITE PAPER REPORT

1) Staff Report

The report was given by Jeff Baird , Marian Wolfe, and Robert Sronce of Baird and Driskell.

2) City Council Questions

Mr. Baird, Ms. Wolf, City Manager Huffaker, and Community Development Director Merriam answered questions from Mayor Pro Tempore Garcia regarding application of the Responsible Landlord Engagement Initiative and potential for need of new policies to address scenarios presented by Mayor Pro Tempore Garcia.

Member Coffman-Gomez asked for involvement from Ag leaders and the Pájaro Valley Unified District on housing issues, explore language that could be integrated in agreements that protect the affordability clause, explore revisions for requirements for the affordable housing program the city administers, and seek options to encourage developers to sell homes rather than rent them.

In answering Member Hurst, Mr. Baird and Ms. Wolf spoke about programs the City could explore to allow for more legal accessory dwelling units.

Mr. Baird answered questions from Member Coffman-Gomez regarding efforts to address Regional Housing Needs Allocation (RHNA).

Ms. Wolf answered questions from Mayor Estrada regarding creative approaches to addressing housing needs.

Mayor Pro Tempore Garcia asked for a map that shows where affordable housing units are available. Community Development Director Merriam, in answering Mayor Pro Tempore Garcia, spoke about the City's Downpayment Assistance Program and efforts to help residents access those funds.

Member Coffman-Gomez spoke about the importance of creating housing near public transportation. Mr. Baird stated Assembly Bill 50 sets requirements for having public transportation near new housing developments.

3) Public Input (None)

4) City Council Discussion (None)

- 5) MOTION:** It was moved by Member Parker, seconded by Member Coffman-Gomez and carried by the following vote to accept the report on the City of Watsonville Housing Programs White Paper and direct staff to continue to work to meet the City's housing goals, as outlined in the White Paper Report:

AYES:	MEMBERS:	Coffman-Gomez, Garcia, Gonzalez, Hernandez, Hurst, Parker, Estrada
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NOES:	MEMBERS:	None
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ABSENT:	MEMBERS:	None
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11. EMERGENCY ITEMS ADDED TO AGENDA

12. REQUESTS & SCHEDULING FUTURE AGENDA ITEMS

Member Coffman-Gomez asked for a report regarding the Strawberry Festival.

13. ADJOURNMENT

The meeting adjourned at 11:35 p.m.

Francisco Estrada, Mayor

ATTEST:

Beatriz Vázquez Flores, City Clerk



MINUTES REGULAR CITY COUNCIL MEETING

April 9, 2019

City of Watsonville
Council Chambers
275 Main Street, Top Floor

5:30 p.m.

1. **CLOSED SESSION**

(City Council Conference Room, 275 Main Street, 4th Floor)

- (a) Public Comments regarding the Closed Session agenda were accepted by the City Council at that time.
- (b) Closed Session Announcement
The City Council recessed the regular Council Meeting to discuss those items listed on the Closed Session Statement attached to the Agenda.

1.A. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

(Government Code § 54956.8)

- 1. Property: 21, 27, and 31 West Beach Street (APN: 017-111-19)
Negotiating parties: Matt Huffaker (City)
In Sook Yum dba Top USA
Under Negotiation: Lease terms and conditions

1.B. **CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION**

(Government Code Section 54956.9)

- 1. Anticipated litigation pursuant to subdivision (e)(3):
 - a) Claimant: Celestine Marie Glover (Represented by
Dolan Law Firm, PC)
Agency claimed against: City of Watsonville

6:35 p.m.

2. **ROLL CALL**

Mayor Estrada, Mayor Pro Tempore Garcia, and Council Members Coffman-Gomez, González, Hernandez, Hurst, and Parker were present.

Staff members present were City Manager Huffaker, City Attorney Smith, City Clerk Vázquez Flores, Public Works & Utilities Director Palmisano, Police Chief Honda, Interim Fire Chief Lopez, Administrative Services Director Czerwin, Airport Director Williams, Community Development Director Merriam, Library Director Heitzing, Information Technology Director Boyes, Parks & Community Services Director Calubaquib, Deputy City Manager Vides, Fire Division Chief Schaefer, Housing Manager Landaverry, Police Sergeant Radich, Assistant City Clerk Ortiz, Administrative Analyst Meyer, Recreation Supervisor Tirado, and Interpreter Esqueda.

3. PLEDGE OF ALLEGIANCE

4. INFORMATION ITEMS—Written Report(s) Only

4.A. REPORT OF DISBURSEMENTS

4.B. MISCELLANEOUS DOCUMENTS REPORT

5. PRESENTATIONS & ORAL COMMUNICATIONS

5.A. PERFORMANCE OF "GIPPSLAND" BY WATSONVILLE COMMUNITY BAND

5.B. ORAL COMMUNICATIONS FROM THE PUBLIC & CITY COUNCIL

Patsy Gasca, American Red Cross, gave a report on the Home Fire Alarm Program and thanked City staff for their support. She invited the public and Council to the Farm to Table Dinner 2019 Fundraiser.

Kimberly Ferm, Executive Director at Pájaro Valley Shelter Services, announced they were celebrating their 35th Anniversary and invited the public to the Mother's Day Run for Shelter.

Steve Trujillo thanked Mayor Pro Tempore Garcia, Member Hurst, and Public Works & Utilities Director Palmisano for their donation to YMCA and asked the public for donations. He announced that Parks & Community Services Director Calubaquib had committed to ending use of Roundup in City parks. He asked the Council to support Senator Monning in efforts to rid the State of carcinogenic products.

Kristhian Guzmán asked Council to suspend the use of Roundup.

Kirby Harris, District 7, spoke about the negative effects of Roundup use and asked Council to suspend its use along with other toxic chemicals outlined in the City's Integrated Pest Management (IPM) Plan.

Sara Mains asked Council to ban the use of Roundup.

Woody Rehanek, retired teacher, asked Council to cease the use of Roundup on City properties.

Barbara Anders, Santa Cruz County resident, asked the City to cease using Roundup for weed control because it was a known carcinogen.

Christie Turano, Safe Ag Safe Schools, spoke about the negative effects of pesticides and Roundup and asked that they be banned in the City.

Patty Ruppelt asked Council to cease using Roundup for weed control. She commended the City for tree planting efforts.

City Manager Huffaker, in answering Mayor Estrada, stated the recent tree planting efforts were conducted by Parks & Community Services Department, Watsonville Wetlands Watch, and California Conservation Corps.

Kathleen Kilpatrick commended Parks & Community Services for efforts to end use of Roundup at parks. She asked that the City ban Roundup citywide and gave suggestions on how the City could apply IPM citywide.

Sarai Martinez, Community Organizer at Safe Ag Safe Schools, commended the City for the effort to reduce the use of Roundup and asked that the City cease using it and other toxic chemicals altogether.

Mayor Pro Tempore Garcia spoke about her meeting with Safe Ag Safe Schools and asked City Manager Huffaker and Parks & Community Services Director Calubaquib to provide her with a written response to the following questions:

1. Will the Council receive a cost analysis of the elimination of Roundup and usage of alternatives?
2. Will the Council be told to what extent Roundup is being used and where?
3. Is the City using pesticides other than Roundup?
4. Are there any County policies that address Roundup being used on the River Levee?
5. How much public input is being acquired in the creation of the IPM?

Mayor Pro Tempore Garcia spoke about her attendance at the Watsonville Film Festival and thanked staff for allowing it to take place at the Youth Center. She stated she was recognized by Girls Inc. for being Strong, Smart, and Bold.

Member Coffman-Gomez stated Kathleen Crocetti was seeking input for the parking garage mural and asked the public to reach out to her to learn more. She spoke about her attendance at the Pájaro Valley Arts Gallery Vote! Your Vote is Your Voice Exhibit and invited the public to visit. She thanked the Scout Troops for honoring veterans through placement of flags on Freedom Boulevard.

Member Gonzalez spoke about his attendance at several community events. He asked for an item on the agenda to discuss ban of Roundup citywide. Mayor Estrada announced the Council would be discussing ban of Roundup at the April 23, 2019, meeting.

Member Hernandez spoke about his attendance at several community events. He invited the public to visit the Pájaro Valley Arts Gallery Vote! Your Vote is Your Voice Exhibit and participate in the CycloBia event. He announced that April was Distracted Driving Month and asked the public to drive without distractions. He thanked police for their work in the community.

Member Hurst spoke about events he attended over the previous weeks and commended Mayor Pro Tempore Garcia for being recognized by Girls Inc. for being Strong, Smart, and Bold. He invited the public to the Friends of the Library Annual Meeting. He thanked the public for their involvement in local government.

Member Parker thanked Parks & Community Services Directory Calubaquib for his work to implement the IPM. She spoke about her attendance at the Skillicorn Barbecue and invited the public to upcoming community events.

Mayor Estrada commended those involved in organizing the Watsonville Film Festival and commended Parks & Community Services for their work in organizing the Cesar Chavez Awards. He reminded the public that community grant applications were due. He invited the public to upcoming community events.

Mayor Pro Tempore Garcia invited the public to the 30th Anniversary Celebration of the Gomez v. Watsonville lawsuit that changed elections from at-large to district elections.

5.C. REPORT OUT OF CLOSED SESSION

City Attorney Smith stated Council received reports on the items listed on the Closed Session Agenda, but took no action.

6. REPORTS TO COUNCIL -- No Action Required

6.A. MONTEREY BAY COMMUNITY POWER ANNUAL UPDATE TO MEMBER AGENCY BY ALEXIS GARCIA-ARRAZOLA, PUBLIC ENGAGEMENT ASSOCIATE

6.B. 2019 STRAWBERRY FESTIVAL STATUS REPORT BY PARKS & COMMUNITY SERVICES DIRECTOR CALUBAQUIB

7. CONSENT AGENDA

Public Input on any Consent Agenda Item (None)

Member Hurst asked the public to read his report regarding his attendance to the Yosemite Leadership and Policy Conference.

MOTION: It was moved by Member Coffman-Gomez, seconded by Member Gonzalez and carried by the following vote to approve the Consent Agenda:

AYES:	MEMBERS:	Coffman-Gomez, García, González, Hurst, Hernandez, Parker, Estrada
NOES:	MEMBERS:	None
ABSENT:	MEMBERS:	None

7.A. MOTION APPROVING ATTENDANCE REQUEST BY MAYOR ESTRADA AND MAYOR PRO TEMPORE GARCIA TO ATTEND 2019 LEGISLATIVE ACTION DAY ON APRIL 24-25, 2019 IN SACRAMENTO, CA (\$535.02 - ESTRADA, \$632.84 - GARCIA)

7.B. MOTION ACCEPTING WRITTEN REPORTS FROM CITY COUNCIL MEMBERS REGARDING CONFERENCE ATTENDANCE - AS REQUIRED BY AB 1234 - 2019 YOSEMITE LEADERSHIP AND POLICY CONFERENCE (MARCH 14 - 17, 2019 - YOSEMITE) (COUNCIL MEMBERS GONZALEZ AND HURST)

**7.C. RESOLUTION NO. 39-19 (CM):
RESOLUTION APPROVING THE CITY OF WATSONVILLE - SB1
PROJECT LIST FY 19/20 TO BE FUNDED BY SENATE BILL 1 FUNDS**

**7.D. RESOLUTION NO. 40-19 (CM):
RESOLUTION ACCEPTING \$10,000 GRANT FROM THE CALIFORNIA
GREEN BUSINESS NETWORK TO SUPPORT THE CITY OF
WATSONVILLE'S GREEN BUSINESS PROGRAM**

- 7.E. **RESOLUTION NO. 41-19 (CM):
RESOLUTION DIRECTING FILING OF 2019-20 ANNUAL ENGINEER'S
REPORT FOR BAY BREEZE SUBDIVISION LANDSCAPING & LIGHTING
MAINTENANCE ASSESSMENT DISTRICT NO. PK-03-02 (LLMAD)**
- 7.F. **RESOLUTION NO. 42-19 (CM):
RESOLUTION DIRECTING FILING OF 2019-20 ANNUAL ENGINEER'S
REPORT FOR VISTA MONTAÑA SUBDIVISION LANDSCAPING &
LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. PK-03-03
(LLMAD)**
- 7.G. **RESOLUTION NO. 43-19 (CM):
RESOLUTION DIRECTING FILING OF 2019-20 ANNUAL ENGINEER'S REPORT FOR
GONZALES STREET ALLEYWAY LANDSCAPING & LIGHTING MAINTENANCE
ASSESSMENT DISTRICT NO. PK-94-1 (LLMAD)**
- 8. **ITEMS REMOVED FROM CONSENT AGENDA**
- 9. **NEW BUSINESS**
- 9.A. **PRESENTATION OF THE 2018 HOUSING ELEMENT ANNUAL REPORT**
 - 1) **Staff Report**

The report was given by Community Development Director Merriam.
 - 2) **City Council Questions**

Member Hernandez asked Community Development Director Merriam to direct housing developers to Monterey Bay Community Power to partner for solar panel installation.

Member Coffman-Gomez spoke about the challenges in reaching housing goals.

In answering Mayor Pro Tempore Garcia, City Manager Huffaker and Community Development Director Merriam spoke about efforts by the City to encourage residents to use affordable housing programs and spoke about Regional Housing Needs Allocation (RHNA) progress.

In answering Member Gonzalez, Community Development Director Merriam spoke about efforts to simplify the permit process for developers.

Member Hurst spoke about the need to address safety conditions at illegal accessory dwelling units and encouraging property owners bring their units into compliance.

Member Coffman-Gomez asked staff to share the answers to her written questions in advance of the meeting with the rest of the Council.
 - 3) **Public Input**

Steve Trujillo asked the Mayor and staff to work with Governor Newsom to prevent the City from being fined for not reaching RHNA requirements.

Kimberly Ferm, Executive Director at Pájaro Valley Shelter Services congratulated Housing Manager Landaverry on being hired by the City. She stated she wanted to partner with the City to advocate for new housing.

4) City Council Discussion

Community Development Director Merriam, in answering Member Gonzalez, spoke about efforts by staff implement the Responsible Landlord Incentive Program as a way to deter landlords from increasing rents and displacing tenants.

In answering Member Coffman-Gomez, Community Development Director Merriam and City Manager Huffaker stated they would inform Council on how many affordable homes had been lost and efforts to continue advocating for affordable housing.

5) MOTION: It was moved by Mayor Pro Tempore Garcia, seconded by Member Hernandez and carried by the following vote to accept the Housing Element Annual Report:

AYES:	MEMBERS:	Coffman-Gomez, Garcia, Gonzalez, Hernandez, Hurst, Parker, Estrada
NOES:	MEMBERS:	None
ABSENT:	MEMBERS:	None

10. EMERGENCY ITEMS ADDED TO AGENDA (None)

11. REQUESTS & SCHEDULING FUTURE AGENDA ITEMS (None)

Mayor Pro Tempore Garcia asked for a resolution to support Landlord Initiative in the White Paper Report with inclusion of reasonable rent increases, just evictions, and code enforcement of just violations.

Member Hernandez asked for an update on potential ban of plastic utensils and straws.

12. ADJOURNMENT

The meeting adjourned at 8:49 p.m.

ATTEST:

Francisco Estrada, Mayor

Beatriz Vázquez Flores, City Clerk

**City of Watsonville
Public Works and Utilities**

M E M O R A N D U M



DATE: April 17, 2019

TO: Matthew D. Huffaker, City Manager

FROM: Steve Palmisano, Public Works & Utilities Director
Maria Esther Rodriguez, Assistant Director of Public Works & Utilities

SUBJECT: Approval of Plans and Specifications and Advertising for Bids for the Bicycle Safety Improvements Project TR-19-01

AGENDA ITEM: April 23, 2019 City Council

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution approving plans and specifications and calling for bids for the Bicycle Safety Improvements Project – No. TR-19-01.

DISCUSSION:

In 2018, the City was awarded a \$325,000 grant through the Santa Cruz County Regional Transportation Commission for a Bicycle Safety Improvement project. The project will improve existing bicycle facilities by installing new striping, markings, and installing new green bike lanes at the street approaches.

The locations included in the project are:

- Beach Street from Lee Road to Rodriguez Street
- Bridge Street from Beck street to East Lake Avenue
- Green Valley Road from Harkins Slough to Corralitos Creek Bridge
- Harkins Slough Road/Walker Street from Green Valley Road to Riverside Drive
- Rodriguez Street from Main Street to Riverside Drive.

The Engineer's estimate for the project is \$525,000. Bids are scheduled to open on Thursday, May 23, 2019 at 11:00 a.m.

STRATEGIC PLAN:

The project is consistent with the strategic plan Goal 3.E.2: Infrastructure and Environment, Improved Multimodal Features for Bicycles and Pedestrians.

FINANCIAL IMPACT:

This estimated \$525,000 project is being funded with \$325,000 in State Transportation Improvement Program (STIP) grant funding and the remainder from Gas Tax funding (Account 0305-923-14508) and is included in the current adopted budget.

ALTERNATIVES:

The City Council may decide not to approve the plans and specifications and not issue a call for bids for the project.

ATTACHMENTS:

- 1) Project Map

cc: City Attorney



LEGEND

- 1 BEACH ST, FROM LEE TO RODRIGUEZ (1.42 MI)
- 2 BRIDGE ST, FROM BECK ST TO EAST LAKE AVE (1.48 MI)
- 3 GREEN VALLEY RD, FROM HARKINS SLOUGH RD TO CORRALITOS CREEK BRIDGE (1.92 MI)
- 4 HARKINS SLOUGH RD/ WALKER ST, FROM GREEN VALLEY RD TO RIVERSIDE DR (1.73 MI)
- 5 RODRIGUEZ ST, FROM RIVERSIDE DR TO MAIN ST (0.92 MI)



WATSONVILLE BIKE SAFETY PROJECT

PREPARED AT THE REQUEST OF
CITY OF WATSONVILLE



DRAWN BY: JP
CHECKED BY: PMALS
JOB NUMBER: 18191

RESOLUTION NO. _____ (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE APPROVING PLANS AND SPECIFICATIONS AND CALLING FOR BIDS FOR THE BICYCLE SAFETY IMPROVEMENTS PROJECT, NO. TR-19-01 (ESTIMATED COST OF \$525,000: \$325,000 WILL BE FUNDED FROM THE STATE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) GRANT AND \$200,000 WILL BE FUNDED FROM THE STATE GAS TAX FUND [0305]

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

1. That the plans and specifications for the Bicycle Safety Improvements Project, No. TR-19-01, copies of which are on file in the Office of the City Clerk, are hereby ratified and approved.

2. That the Purchasing Officer is hereby authorized and directed to call for public competitive sealed bids for the above named project, and that the bids are to be opened in the "Old City Council Chambers," 250 Main Street, Watsonville, California, on Thursday, May 23, 2019, at 11:00 A.M., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

3. That hand-carried bids should be delivered to the City of Watsonville, 250 Main Street, Watsonville, California, c/o Purchasing Officer. Bidders may mail bids at their own risk to the City of Watsonville, c/o Purchasing Officer, 250 Main Street, Watsonville, California 95076.

4. That after the bids are opened, they shall be tabulated and analyzed and a report submitted to the City Manager, who shall recommend the awarding, or other action to the Council at its next regular meeting, or as soon thereafter as possible.

**City of Watsonville
Public Works and Utilities**



M E M O R A N D U M

DATE: April 17, 2019

TO: Matthew D. Huffaker, City Manager

FROM: Steve Palmisano, Public Works & Utilities Director
Danielle Green, Principal Engineer
Alex Yasbek, Civil Engineer

SUBJECT: Approval of Plans and Specifications and Advertising for Bids
for the Roache Road Sanitary Sewer Replacement, Project, No.
SS-18-09

AGENDA ITEM: April 23, 2019 **City Council**

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution approving plans and specifications and calling for bids for construction of the Roache Road Sanitary Sewer Replacement, Project No. SS-18-09.

DISCUSSION:

This sewer replacement project consists of the removal and replacement of 1,900 lineal feet of sewer in Roache Road. The existing 6" vitrified clay sewer pipe is separating and has a number of cracks and breakages and has reached the end of its useful life.

The sewer will be replaced with 8" PVC pipe (to meet City Standards). The project includes the replacement of three manholes that serve this line, the installation of two new manholes to correct the spacing between existing manholes, the adjustment of the pipe slope for better flow characteristics, and also the reconnection of the sewer laterals serving each property on the line.

The Engineer's estimate for the project is \$642,000. Plans and Specifications are on file in the City Clerk's Office.

Bids are scheduled to open on Tuesday, May 21 2019 at 3:00 p.m.

STRATEGIC PLAN:

The project is consistent with the Strategic Plan Goal 3.D.5, Infrastructure and Environment, Sewer Projects.

FINANCIAL IMPACT:

There is adequate funding in the Wastewater Enterprise Fund for this project by reallocating available funds from account 0710-911-7855-14410 to a new project in the same fund.

ALTERNATIVES:

The City Council may decide not to approve the plans and specifications and not issue a call for bids for the project. As a result, the condition of the existing sewer will continue to deteriorate.

ATTACHMENTS:

- 1) Project Map

cc: City Attorney

Roache Road Sewer Main Project

Attachment 1
Page 1 of 1



City of Watsonville

Legend



6" Sewer Main



Watsonville City Limit



1 inch = 500 feet

Prepared by Watsonville GIS Center 4/3/2019 (PWKS1906)

This document is a graphic representation only of best available sources from the County of Santa Cruz. The City of Watsonville assumes no responsibility for any errors.

RESOLUTION NO. _____ (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE APPROVING PLANS AND SPECIFICATIONS AND CALLING FOR BIDS FOR THE ROACHE ROAD SANITARY SEWER REPLACEMENT PROJECT NO. SS-18-09 (ESTIMATED COST OF \$642,000 WILL BE FUNDED FROM THE WASTEWATER ENTERPRISE FUND [0710])

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

1. That the plans and specifications for the Roache Road Sanitary Sewer Replacement, Project No. SS-18-09, copies of which are on file in the Office of the City Clerk, are hereby ratified and approved.
2. That the Purchasing Officer is hereby authorized and directed to call for public competitive sealed bids for the above named project, and that the bids are to be opened in the "Old City Council Chambers," 250 Main Street, Watsonville, California, on Tuesday, May 21, 2019, at 3:00 P.M., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.
3. That hand-carried bids should be delivered to the City of Watsonville, 250 Main Street, Watsonville, California, c/o Purchasing Officer. Bidders may mail bids at their own risk to the City of Watsonville, c/o Purchasing Officer, 250 Main Street, Watsonville, California 95076.
4. That after the bids are opened, they shall be tabulated and analyzed and a report submitted to the City Manager, who shall recommend the awarding, or other action to the Council at its next regular meeting, or as soon thereafter as possible.

**City of Watsonville
Public Works and Utilities**

M E M O R A N D U M



DATE: April 17, 2019

TO: Matthew D. Huffaker, City Manager

FROM: Steve Palmisano, Public Works & Utilities Director
Patrice Theriot, Principal Engineer

SUBJECT: Award Green Valley Road Pavement Preservation Project,
No. ST-18-02 to Granite Construction Company in the amount
of \$1,362,482.67

AGENDA ITEM: April 23, 2019 City Council

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution awarding the bid for construction of the Green Valley Road Pavement Preservation Project, No. ST-18-02 to Granite Construction Company in the amount of \$1,362,482.67.

DISCUSSION:

At the August 28, 2018 meeting, the City Council adopted resolution 117-18 (CM) approving the plans, specifications, and calling for bids for the Green Valley Road Pavement Preservation Project. The project limits are from approximately Struve Slough to Freedom Boulevard (see Attachment 1: Project Location Map). The proposed project will provide enhanced pedestrian facilities on Green Valley Road, as well as reconstructing the roadway and widening the bike lanes. The pedestrian improvements include wider concrete sidewalks and new curb ramps.

Bids for this project were opened on April 3, 2019 at 11:00 A.M. The bids received for the project are as follows:

Contractor	Bid Amount
Granite Construction Company	\$1,362,482.67
Granite Rock Company	\$1,543,700.00
JJ Albanese, Inc	\$1,546,531.00

Staff recommends the bid received from Granite Construction Company be accepted by the City. Granite Construction Company was the lowest bidder.

STRATEGIC PLAN:

This project is consistent with the Strategic Plan Goal 3.E., improving road infrastructure.

FINANCIAL IMPACT:

The total project cost is \$1,362,482.67 with \$795,000 being funded by a State Transportation Improvement Program (STIP) grant, and the remaining \$567,482.67, being the City's match, will be paid for with Gas Tax funds (account 0305-923-7837-14312) and is included in the current budget.

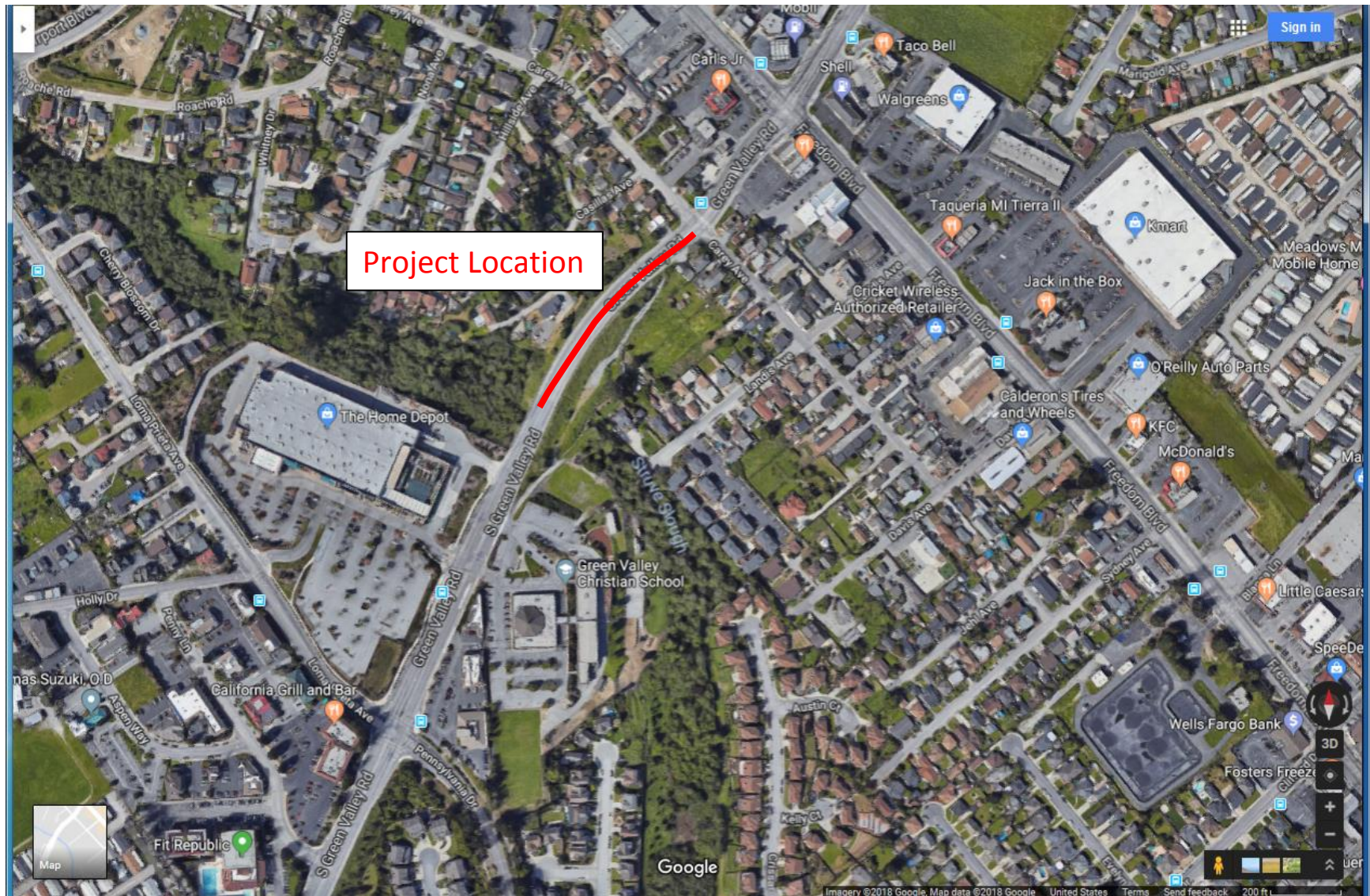
ALTERNATIVES:

The City Council may decide not to award the contract. As a result, the City will not meet the project construction award deadline and will no longer qualify for grant funding reimbursement.

ATTACHMENTS:

1 - Project Location Map

cc: City Attorney



**Green Valley Road Pavement Preservation Project
City Project No. ST-18-02**

RESOLUTION NO. _____ (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE AWARDED \$1,362,482.67 BID TO GRANITE CONSTRUCTION COMPANY, A CORPORATION, FOR THE GREEN VALLEY ROAD PAVEMENT PRESERVATION PROJECT NO. ST-18-02 (ESTIMATED COST OF \$1,362,482.67: \$795,000 WILL BE FUNDED FROM THE STATE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) GRANT AND \$567,482.67 BEING THE CITY'S MATCH, WILL BE PAID FROM THE GAS TAX FUND [0305])

WHEREAS, Resolution No. 117-18 (CM) adopted by the City Council of the City of Watsonville on August 28, 2018, approved plans and specifications and authorized calling for bids for the Green Valley Road Pavement Preservation Project, No. ST-18-02; and

WHEREAS, the bids received for the Green Valley Road Pavement Preservation Project, No. ST-18-02 were opened in the "Old City Council Chambers", City Hall, 250 Main Street, Watsonville, California, on Wednesday, April 3, 2019, at 11:00 A.M., and later tabulated by the Purchasing Officer for the consideration of the City Manager and submission to the City Council; and

WHEREAS, the City Manager has recommended that the bid from Granite Construction Company, a corporation, [Contractor License #89], for the Green Valley Road Pavement Preservation Project, No. ST-18-02, in the amount of \$1,362,482.67, be accepted as the low responsible bid.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

1. That the bid of Granite Construction Company, a corporation, for the Green Valley Road Pavement Preservation Project, No. ST-18-02 in the amount of

\$1,362,482.67 be accepted, and the execution of a contract by the City Manager is hereby authorized.

2. That all other bids are hereby rejected.

**City of Watsonville
Parks and Community Service**

M E M O R A N D U M



DATE: April 11, 2019

TO: Matthew D. Huffaker, City Manager

FROM: Nick Calubaquib, Parks and Community Services Director
Steve Palmisano, Public Works & Utilities Director
Maria E. Rodriguez, Assistant Public Works & Utilities Director
Benjamin Heistein, Assistant Parks and Community Services Director

SUBJECT: Gonzales Street Alleyway Landscape & Lighting District

AGENDA ITEM: April 23, 2019

City Council

RECOMMENDATION:

Staff recommends that the City Council adopt the resolutions Accepting the Engineer's Report and Intention to Order Improvements, Levy and Collect Assessments and Set the Public Hearing for May 28, 2019 to consider the annual program and budget for the Gonzales Street Alleyway Landscaping & Lighting District (Gonzales LLMAD). There is no increase proposed for the annual assessment.

The Engineer's Report is on file in the City Clerk's office. This resolution is a procedural one that serves to set the public hearing. This assessment district is clearly one of "special benefit" to the adjacent parcels and a single public hearing is required.

DISCUSSION:

The Gonzales LLMAD was established in order to assist the residents bordering the alleyway and adjoining small parcel to cooperatively maintain this parcel which is now owned by the City but benefits its neighbors. The annual cost of \$600.00 to maintain the area was spread among the 17 parcels with one parcel not immediately adjacent to the alley paying slightly less.

STRATEGIC PLAN:

The Gonzales Street Alleyway Assessment District meets the City Council's goals of protecting public safety and enhancing community image.

FINANCIAL IMPACT:

The fees are outlined in Attachment A and total \$600.00

ALTERNATIVES:

None. This resolution is a procedural one to set the public hearing.

ATTACHMENTS:

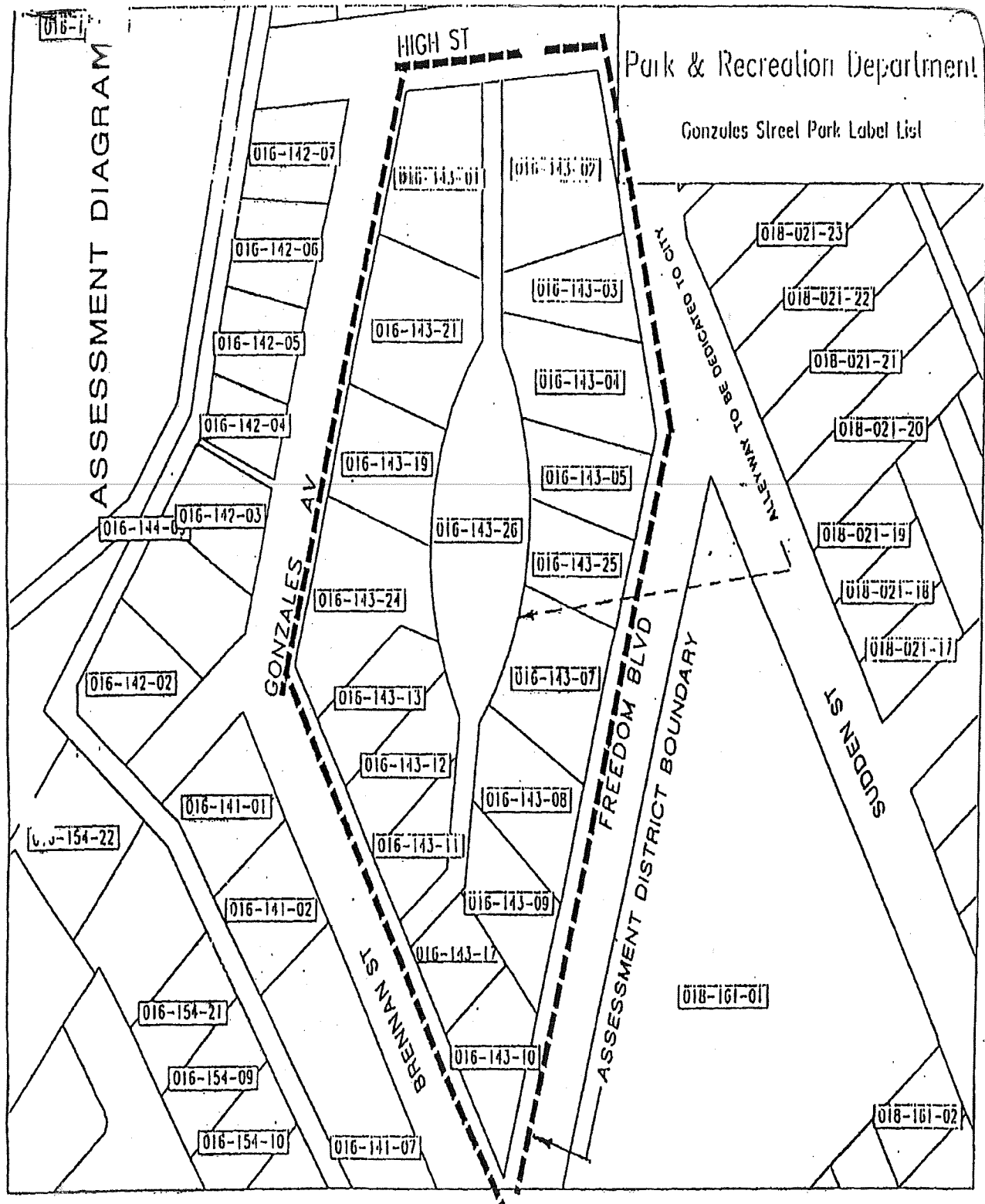
Attachment A - Assessment Roll by Parcel

Attachment B - Assessment Diagram

cc: City Attorney

Assessment Roll
For the 2019/2020 Fiscal Year

Assessor's Parcel No.	Annual Maintenance
016-143-01	35.82
016-143-02	35.82
016-143-03	35.82
016-143-04	35.82
016-143-05	35.82
016-143-07	35.82
016-143-08	35.82
016-143-09	35.82
016-143-10	26.88
016-143-11	35.82
016-143-12	35.82
016-143-13	35.82
016-143-17	35.82
016-143-19	35.82
016-143-21	35.82
016-143-24	35.82
016-143-25	35.82
016-143-26	0 (Alleyway)



RESOLUTION NO. _____ (CM)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WATSONVILLE ACCEPTING THE ENGINEER'S REPORT FOR THE
GONZALES STREET ALLEYWAY LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT (LLMAD) FOR THE
2019-2020 FISCAL YEAR**

Assessment District No. PK-94-01

(Pursuant to the Landscaping and Lighting Act of 1972)

WHEREAS, the *Gonzales Street Alleyway Landscaping and Lighting Maintenance Assessment District* was formed pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, on April 9, 2019, the City Council adopted Resolution No. 43-19 (CM) ordering the Engineer to prepare the 2019-2020 Annual Engineer's Report for the *Gonzales Street Alleyway Landscaping And Lighting Maintenance Assessment District*; and

WHEREAS, in accordance with Resolution No. 43-19 (CM) the Engineer has prepared and filed with the City Clerk a report required by the Landscaping and Lighting Act of 1972.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

That the City Council hereby accepts the engineer's report prepared by the Engineer, attached hereto and incorporated herein by this reference, pursuant to the Landscaping and Lighting Act of 1972 for the *Gonzales Street Alleyway Landscaping and Lighting Maintenance Assessment District* for the 2019-2020 fiscal year.

CITY OF WATSONVILLE
Santa Cruz County, California



GONZALES STREET ALLEYWAY LANDSCAPING AND LIGHTING
ASSESSMENT DISTRICT NO. PK-94-1

ENGINEER'S REPORT
on the
LEVY OF AN ANNUAL ASSESSMENT

2019/20

(Pursuant to the Landscaping and Lighting Act of 1972)

Prepared by

PUBLIC WORKS & UTILITIES DEPARTMENT
MARIA ESTHER RODRIGUEZ, ASSISTANT DIRECTOR
CITY OF WATSONVILLE
CALIFORNIA

April 2019

ENGINEER'S REPORT
GONZALES STREET ALLEYWAY LANDSCAPING AND LIGHTING
ASSESSMENT DISTRICT NO. PK-94-1

(Pursuant to the Landscaping and Lighting Act of 1972)

The undersigned respectfully submits the enclosed report as directed by the City Council.

Date: _____

CITY OF WATSONVILLE
PUBLIC WORKS & UTILITIES DEPARTMENT

BY:  _____
Maria Esther Rodriguez, Assistant Public Works & Utilities Director

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached was filed with me on the _____ day of _____, 2019.

Beatriz Vázquez Flores, City Clerk
City of Watsonville
Santa Cruz County, California

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached was approved and confirmed by the City Council of the City of Watsonville, California on the _____ day of _____ 2019.

Beatriz Vázquez Flores, City Clerk
City of Watsonville
Santa Cruz County, California

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached was filed with the County Auditor of the County of Santa Cruz on the _____ day of _____ 2019.

Beatriz Vázquez Flores, City Clerk
City of Watsonville
Santa Cruz County, California

ENGINEER'S REPORT
GONZALES STREET ALLEYWAY LANDSCAPING AND LIGHTING
ASSESSMENT DISTRICT NO. PK-94-1
City of Watsonville, Santa Cruz County, California
2019/20 Fiscal Year
(Pursuant to the Landscaping and Lighting Act of 1972)

The City of Watsonville's Assistant Public Works & Utilities Director, as City Engineer of Work for Gonzales Street Alleyway Landscaping and Lighting Assessment District No. PK-94-1, City of Watsonville, Santa Cruz County, California, makes this report as directed by the City Council pursuant to Section 22500 of the Streets and Highways Code (Landscaping and Lighting Act of 1972).

The improvements, which are the subject of this report, are briefly described as the installation, servicing and/or maintenance of public lighting, landscaping, park and recreational improvements within the assessment district.

This report consists of the following parts:

PART A - Plans and specifications for the improvements to be installed and maintained.

PART B - A description of the land acquired and dedicated for public use.

PART C - An estimate of the cost of the improvements for the 2019/2020 fiscal year.

PART D - A statement of the method by which the undersigned has determined the amount proposed be assessed against each parcel.

PART E - An assessment of the estimated cost of the improvement on each benefited parcel of land within the assessment district for the 2019/2020 fiscal year. The assessment numbers are the assessor's parcel numbers as shown on the last equalized assessment roll for taxes, or as known to the Clerk.

PART F - A schedule setting forth the estimated total cost of improvements to be paid in installments including the number of installments, fiscal years which installments are to be collected, and the maximum amount of the annual installment in any year, if any.

PART G - A diagram showing all of the parcels of real property within this assessment district. The diagram is keyed to Part E and Part F by assessment number.

PART H - A list of the owner of record and notification address for each parcel to be assessed.

The proposed assessments will be used exclusively to finance the maintenance and operation costs for the alleyway. Assessments are not proposed to be increased over the amount levied in the previous year. Accordingly, the proposed assessments are exempt from the procedures and approval process set forth in section 4 of Article XIII D of the State Constitution (Proposition 218).

Respectfully submitted,

MARIA ESTHER RODRIGUEZ, Engineer of Work



Assistant Public Works & Utilities Director
City of Watsonville

PART A

PLANS & SPECIFICATIONS FOR THE WORK

The work to be done consists of:

Annual Maintenance (ongoing)

- a) Routine plant care and mowing
- b) Alleyway Maintenance

Plans for the annual maintenance activities have not been prepared. The maintenance program for the alleyway, which describes the work to be done, is available in the office of the Director of Parks and Community Services and is included herein by reference.

PART B

LAND ACQUIRED FOR PUBLIC USE

Assessor's Parcel Number 016-143-26 was donated to the City for public use at no cost to the City or property owners.

The parcel of land dedicated (the Gonzales Street Alleyway) is shown on the Assessment Diagram included as Part G. Reference is made to the maps on file with the Santa Cruz County Assessor for the detailed lines and dimensions of this parcel.

PART C

ESTIMATE OF COST

1.	Annual Maintenance Costs	
a.	Plant care, mowing and cleaning 3 hours per month @ \$12.00 per hour x 12 months	\$ 432.00
b.	Alleyway maintenance	<u>\$ 168.00</u>
	Total Estimated Annual Maintenance Costs	\$ 600.00
2.	Incidental Expense (by City)	0.00
	Estimated Total Annual Cost 2019/2020 FY	\$ 600.00

PART D

METHOD OF ASSESSMENT

There are 18 parcels within the block surrounded by High Street, Gonzales Street, Brennan Street, Freedom Boulevard and Sudden Street. Seventeen of these parcels will benefit from the maintenance and upkeep of the alleyway within this block. The 18th parcel, the alleyway, was dedicated to public use and does not benefit.

The benefits to be derived include but are not limited to additional parking, access to garages, open space uses security, and the improvement of the appearance of the adjacent land along back yard property lines. In the opinion of the Engineer, each of the 17 parcels within the block will share these benefits equally with the exception of Parcel Number 016-143-10 that does not "tack" along the alleyway. Therefore, 16 parcels were assessed an equal unit of assessment and Parcel 016-143-10 was assessed 0.75 unit due to the lack of backyard "frontage". The amount of a unit of assessment for annual maintenance was calculated by dividing the total estimated annual maintenance cost by the total number of units (16.75).

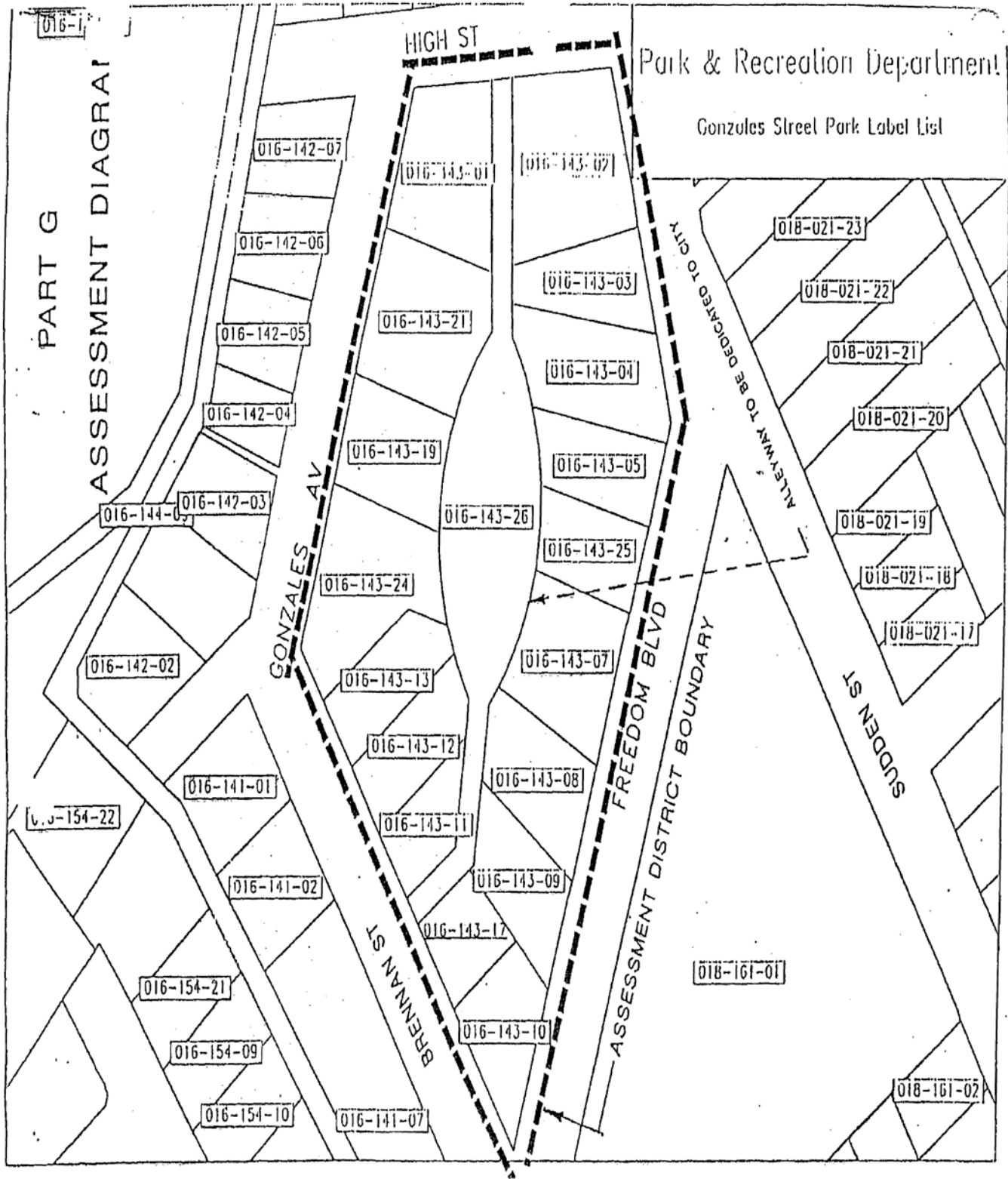
PART E

Assessment Roll
For the 2019/2020 Fiscal Year

Assessor's Parcel No.	Annual Maintenance
016-143-01	35.82
016-143-02	35.82
016-143-03	35.82
016-143-04	35.82
016-143-05	35.82
016-143-07	35.82
016-143-08	35.82
016-143-09	35.82
016-143-10	26.88
016-143-11	35.82
016-143-12	35.82
016-143-13	35.82
016-143-17	35.82
016-143-19	35.82
016-143-21	35.82
016-143-24	35.82
016-143-25	35.82
016-143-26	0 (Alleyway)

PART F

No schedule needed



PART H

Gonzales Street
Assessment Roll
For the 2019/2020 Fiscal Year

Annual Maintenance

APN	Property Owner	Owner Address					Assessment Amount	
016-143-01		747 AMESTI RD	WATSONVILLE	CA	95076	\$	35.82	
016-143-02		855 FREEDOM BLVD	WATSONVILLE	CA	95076	\$	35.82	
016-143-03		845 FREEDOM BLVD	WATSONVILLE	CA	95076	\$	35.82	
016-143-04		P O BOX 448	WATSONVILLE	CA	95077	\$	35.82	
016-143-05		833 FREEDOM BLVD	WATSONVILLE	CA	95076	\$	35.82	
016-143-07		95 LILLY WAY	WATSONVILLE	CA	95076	\$	35.82	
016-143-08		819 FREEDOM BLVD	WATSONVILLE	CA	95076	\$	35.82	
016-143-09		813 FREEDOM BLVD	WATSONVILLE	CA	95076	\$	35.82	
016-143-10		P O BOX 207	WATSONVILLE	CA	95077	\$	26.88	
016-143-11		P O BOX 207	WATSONVILLE	CA	95077	\$	35.82	
016-143-12		322 BRENNAN	WATSONVILLE	CA	95076	\$	35.82	
016-143-13		1871 ORANGE GR DR	SAN JOSE	CA	95124	\$	35.82	
016-143-17		P O BOX 207	WATSONVILLE	CA	95077	\$	35.82	
016-143-19		24 GONZALES AVE	WATSONVILLE	CA	95076	\$	35.82	
016-143-21		32 GONZALES ST	WATSONVILLE	CA	95076	\$	35.82	
016-143-24		20 GONZALES AVE	WATSONVILLE	CA	95076	\$	35.82	
016-143-25		827 FREEDOM BLVD	WATSONVILLE	CA	95076	\$	35.82	
016-143-26		275 MAIN STREET, SUITE 400	WATSONVILLE	CA	95076	\$	-	
Total						\$	600.00	

**City of Watsonville
Parks and Community Service**

M E M O R A N D U M



DATE: April 18, 2019

TO: Matthew D. Huffaker, City Manager

FROM: Nick Calubaquib, Parks and Community Services Director
Steve Palmisano, Public Works & Utilities Director
Maria E. Rodriguez, Assistant Public Works & Utilities Director
Benjamin Heistein, Assistant Parks and Community Services Director

SUBJECT: Bay Breeze Subdivision Landscaping & Lighting Maintenance Assessment District

AGENDA ITEM: April 23, 2019 **City Council**

RECOMMENDATION:

Staff recommends that the City Council adopt the resolutions accepting the Engineer's Report and Intention to Order Improvements, Levy and Collect Assessments and Set the Public Hearing for May 28, 2019 to consider the annual program and budget for the Bay Breeze Landscaping and Lighting Maintenance Assessment District PK-03-02.

The Engineer's Report is on file in the City Clerk's office. The annual assessment last year was \$58,372.56. This year, the annual assessment will be increased to \$60,999.32. This assessment amount reflects the increase in the Consumer Price Index, resulting in a 4.5% increase. The proposed annual assessment is the maximum that can be charged as specified in the Engineer's Report. A single public hearing is required.

DISCUSSION:

The Bay Breeze Subdivision is located at the southwest corner of Ohlone Parkway and Harkins Slough Road. The Bay Breeze Landscaping and Lighting Maintenance Assessment District (LLMAD) program includes the following:

1. Maintenance and replacement of the street trees within the subdivision.
2. Operation, maintenance, repair and replacement of the detention basins and the detention basis access roads within the subdivision.
3. Operation, maintenance, repair and replacement of the perimeter fencing around the entire subdivision.
4. Maintenance and replacement of the plantings done as part of the wetland mitigation

- plan.
5. Maintenance of the environmental management parcel to be created within the subdivision.
 6. Maintenance, repair and replacement of the landscaping within the public right-of-way abutting and within the subdivision, including the Ohlone Parkway medians.
 7. Operation, maintenance, repair and replacement of the sewer pump station.
 8. Maintenance of the graffiti coatings on the public exposure of the perimeter walls along the District boundaries.

The Bay Breeze Subdivision LLMAD is comprised of 114 single family residential parcels. The annual costs for the operation, maintenance and servicing of landscaping and street lighting improvements is apportioned to each parcel within the District in proportion to the EDU's (Equivalent Dwelling Unit) assigned to the parcel as a percentage of the total number of EDU's assigned to all parcels within the District. In 2018-2019, the assessment was \$512.04 per EDU and the total District assessment was \$58,372.56. The proposed 2019-20 assessment of \$535.08 per EDU is the maximum allowed per the Engineer's Report and reflects the increase in the Consumer Price Index. The total District assessment will be \$60,999.32.

STRATEGIC PLAN:

The Assessment District addresses the City Council's goals of protecting public safety and enhancing community image.

FINANCIAL IMPACT:

In 2018-2019, the assessment was \$512.04 per EDU and the total District assessment was \$58,372.56. For fiscal year 2019-2020, the total annual assessment per EDU will be increased to \$535.08 and the total District assessment will be increased to \$60,999.12 to reflect the increase in the Consumer Price Index of 4.5%. This amount includes \$20,689.98 for annual maintenance and the remainder sum of \$40,309.14 will be placed in a reserve for replacement of trees, lights, sewer pump station and perimeter fencing (0354-958).

ALTERNATIVES:

None. This resolution is a procedural one to set the public hearing.

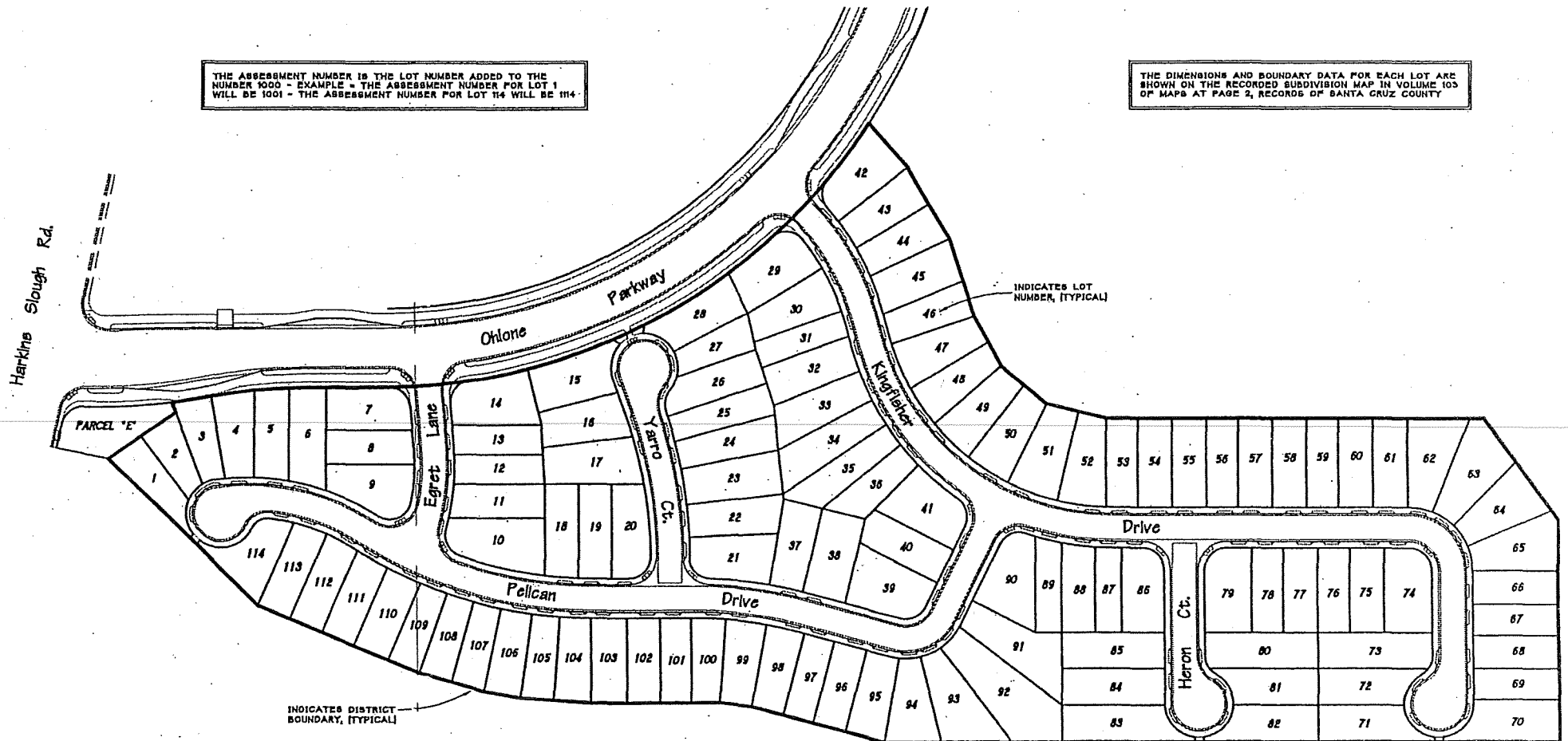
ATTACHMENTS:

Attachment A – Assessment Diagram.

cc: City Attorney

THE ASSESSMENT NUMBER IS THE LOT NUMBER ADDED TO THE NUMBER 1000 - EXAMPLE - THE ASSESSMENT NUMBER FOR LOT 1 WILL BE 1001 - THE ASSESSMENT NUMBER FOR LOT 114 WILL BE 1114.

THE DIMENSIONS AND BOUNDARY DATA FOR EACH LOT ARE SHOWN ON THE RECORDED SUBDIVISION MAP IN VOLUME 103 OF MAPS AT PAGE 2, RECORDS OF SANTA CRUZ COUNTY.



ASSESSMENT DIAGRAM Bay Breeze Landscape and Lighting Maintenance District

FEBRUARY 2003 CITY OF WATSONVILLE SCALE: 1" = 80'

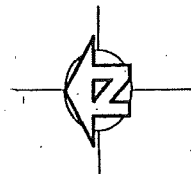
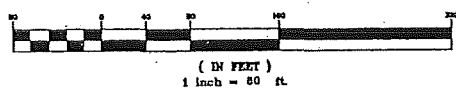


1100 WATER STREET
 SANTA CRUZ, CA 95002
 TEL (831) 428-8313
 FAX (831) 428-1783

SHEET NO. 1 OF 1 SHEET JOB NUMBER 08001.01

Attachment A 1 of 1

GRAPHIC SCALE



RESOLUTION NO. _____ (CM)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WATSONVILLE ACCEPTING THE ENGINEER'S REPORT FOR THE *BAY
BREEZE SUBDIVISION LANDSCAPING AND LIGHTING MAINTENANCE
ASSESSMENT DISTRICT (LLMAD)* FOR THE 2019-2020 FISCAL YEAR**

Assessment District No. PK-03-02

(Pursuant to the Landscaping and Lighting Act of 1972)

WHEREAS, the *Bay Breeze Subdivision Landscaping and Lighting Maintenance Assessment District* was formed pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, on April 9, 2019, the City Council adopted Resolution No. 41-19 (CM) ordering the Engineer to prepare the 2019-2020 Annual Engineer's Report for the *Bay Breeze Subdivision Landscaping And Lighting Maintenance Assessment District*; and

WHEREAS, in accordance with Resolution No. 41-19 (CM) the Engineer has prepared and filed with the City Clerk a report required by the Landscaping and Lighting Act of 1972.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
WATSONVILLE, CALIFORNIA, AS FOLLOWS:**

That the City Council hereby accepts the engineer's report prepared by the Engineer, a copy of which report is attached hereto and incorporated herein by this reference, pursuant to the Landscaping and Lighting Act of 1972 for the *Bay Breeze Subdivision Landscaping and Lighting Maintenance Assessment District* for the 2019-2020 fiscal year levy of annual assessment.

CITY OF WATSONVILLE
Santa Cruz County, California



BAY BREEZE LANDSCAPE AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT NO. PK-03-02

ENGINEER'S REPORT
On the
LEVY OF ANNUAL ASSESSMENT

2019/2020

(Pursuant to the Landscaping and Lighting Act of 1972)

Prepared by

Public Works and Utilities Department
Maria Esther Rodriguez, Assistant Director
City of Watsonville
California

ENGINEER'S REPORT

**CITY OF WATSONVILLE
BAY BREEZE LANDSCAPE AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT No. PK 03-02**

(Pursuant to the Landscaping and Lighting Act of 1972)

The undersigned respectfully submits the enclosed report as directed by the City Council.

DATED: _____

MARIA ESTHER RODRIGUEZ

Assistant Public Works/Utilities Director, Engineer Of Work

By: 

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was filed with me on the _____ day of _____, 2019.

BEATRIZ VAZQUEZ FLORES, CMC City Clerk,
City of Watsonville, Santa Cruz County, California

By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Watsonville, Santa Cruz County, California, on the _____ day of _____, 2019.

BEATRIZ VAZQUEZ FLORES, CMC City Clerk,
City of Watsonville, Santa Cruz County, California

By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was filed with the County Auditor of the County of Santa Cruz on the _____ day of _____, 2019.

BEATRIZ VAZQUEZ FLORES, CMC City Clerk,
City of Watsonville, Santa Cruz County, California

By: _____

ENGINEER'S REPORT
BAY BREEZE LANDSCAPE AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT No. PK 03-02
City of Watsonville, Santa Cruz County, California
(Pursuant to the Landscaping and Lighting Act of 1972)

The City of Watsonville's Assistant Public Works and Utilities Director, Maria Esther Rodriguez, as City Engineer of Work for Bay Breeze Landscape and Lighting Maintenance Assessment District No. PK 03-02, City of Watsonville, Santa Cruz County, California makes this report, as directed by the City Council, pursuant to Section 22500 of the Streets and Highways, Code (Landscaping and Lighting Act of 1972).

The improvements which are the subject of this report are briefly described as the maintenance, repair and servicing of public lighting, landscaping, park and recreational improvements within the assessment district.

This report consists of the following parts:

- PART A:** **Plans and Specifications** for the work and the improvements to be maintained. .
- PART B:** **Estimate of Cost** of the improvements for the 2019/2020 fiscal year.
- PART C:** **Assessment District Diagram** showing all parcels of real property within this assessment district. Incorporated within this report as Appendix A
- PART D:** **Method of Apportionment of Assessment** based upon the estimated benefits to be received based upon the parcel classification of land within the Assessment District and in proportion to the estimated benefits.
- PART E:** **Property List and Assessment Roll-** This part contains an assessment of the estimated cost of the improvements on each benefited lot or parcel of land within the Assessment District. The Assessment Roll is filed in the Office of the City of Watsonville City Clerk and is incorporated within this Report as Appendix B.

Respectfully Submitted,



MARIA ESTHER RODRIGUEZ
Assistant Public Works and Utilities Director
Engineer of Work

PART A

PLANS AND SPECIFICATIONS FOR THE WORK

The facilities, which have been constructed within the Bay Breeze Landscaping and Lighting Maintenance Assessment District boundaries, and those which may be subsequently constructed, which will be maintained, repaired and serviced include:

- Operate, maintain, repair, and replace the interior streetlights within the District.
- Maintain and replace the street trees within the District.
- Operate, maintain, repair and replace the detention basins and detention basin access roads that service the District.
- Operate, maintain, repair, and replace the perimeter fencing on the exterior boundaries of the District. This includes lots 42 through 71, lot 82, lot 83, lots 92 through 114 and lot 1.
- Maintain and replace the plantings done as a part of the wetland mitigation plan. This shall include, but not be limited to, erosion control measures and landscaping in the area of the pedestrian path and the detention basins.
- Maintain the Environmental Management Open Space parcel created with the project final map.
- Maintain, repair and replace the pedestrian path within the slough area adjacent to the District.
- Maintain, repair, and replace the landscaping within the public lands [abutting] and within the District, including one-half of the Ohlone Parkway medians, the portion of the District that fronts on Ohlone Parkway and Harkins Slough Road and the sewer pump station lot.
- Operate, maintain, repair, and replace the sewer pump station within the District.
- Maintain the graffiti coatings on the public exposure of the perimeter walls along the District boundaries. This includes lot 1 through lot 7, lot 15, lot 15, lot 28, lot 29 and lot 42.
- Administrative services to operate the District.

Services include, but are not limited to: personnel; electrical energy; utilities such as water; materials; contractual services; grading; clearing; removal of debris; installation or construction of walls, irrigation, drainage, hardscapes, trees, furnishings such as tree grates, fencing, pathway, graffiti coatings and appurtenant facilities as required to provide an aesthetically pleasing environment throughout the District; and other items necessary for the maintenance or servicing or both including the facilities described below.

Maintenance means the furnishing of services and materials for the ordinary and usual operations, maintenance and servicing of the landscaping, public facilities, including repair, removal or replacement of all or part of any of the landscaping, public facilities, street lighting, detention basins, fencing, pathway

and sewer lift station; providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; and the removal of trimmings, rubbish, debris and other solid waste. Servicing means the furnishing of water for the irrigation of the landscaping, and recreational facilities or appurtenant facilities.

A copy of the plans of the improvements installed by the Bay Breeze subdivision are available in the office of the Director of Parks, Recreation and Neighborhood Services and are included herein by reference.

PART B

ESTIMATE OF COST

The 1972 Act provides that the total cost of installation, construction, operation, maintenance and servicing of landscaping and appurtenant facilities can be recovered by the District. Maintenance can include the repair and replacement of existing facilities. Servicing can include electrical and associated costs from a public utility. Incidental expenses, including administration of the District, engineering fees, legal fees, printing, posting, and mailing of notices, and all other costs associated with the annual collection process can also be included.

The projected costs for the maintenance, repair and servicing costs of the improvements upon completion and acceptance by the City are summarized below:

<u>Item</u>	<u>Maintenance</u>	<u>Reserve</u>
Street Lights	1,004.49	5,081.55
Street Trees	14,787.21	887.24
Detention Basins	1,386.31	1,155.26
Perimeter Fencing	0.00	12,072.37
Wetland Mitigation	0.00	1325.02
Environmental Management Open Space	0.00	462.11
Pedestrian Path	0.00	4801.35
Landscaping	1,848.40	2,888.14
Sewer Pump Station	1,386.31	10,714.95
Graffiti Coating	0.00	924.20
Administration	277.26	0.00
Annual Total	\$20,689.98	\$40,309.14
Maximum Annual Assessment		\$60,999.12
Maximum Annual Assessment per EDU		\$535.08

** Amount rounded*

The 1972 Act requires that a special fund be set up for the revenues and expenditures of the District. Funds raised by the assessments shall be used only for the purpose as stated herein. A contribution to the City of Watsonville, for the Bay Breeze Landscape & Lighting Maintenance Assessment District, may be made to reduce assessments, as the City Council deems appropriate. Any balance remaining on July 1 must be carried over to the next fiscal year unless the funds are being accumulated for future capital improvements and operating reserves. The District may accumulate an operating reserve which shall not exceed the estimated costs of maintenance and servicing to December 10 of the fiscal year or whenever the City expects to receive its apportionment of special assessments from the County.

PART C

ASSESSMENT DISTRICT DIAGRAM

The boundaries of Bay Breeze Landscape and Lighting Maintenance Assessment District are on file in the Office of the Watsonville City Clerk and are incorporated in this Report by reference as Appendix A.

A detailed description of the lines and dimensions of each lot or parcel within the Maintenance Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of Santa Cruz.

PART D

METHOD OF APPORTIONMENT OF ASSESSMENT

BENEFIT SPREAD METHODOLOGY

The total operation, maintenance and servicing cost for the landscaping, street lighting, open space and other improvements are apportioned in accordance with a methodology that is consistent with standard assessment engineering practices.

Since the assessments are levied on the owners of properties as shown on the secured property tax rolls, the final charges must be assigned by Assessor's Parcel Number. The assessments are to be spread by lot, since all lots contain single family detached homes which receive equal benefit from the improvements.

Assessment District No. PK-03-02 is comprised of 114 single family residential parcels (each defined as an Equivalent Dwelling Unit or EDU). The annual costs for the operation, maintenance and servicing of landscaping and street lighting improvements shall be apportioned to each parcel within the District in proportion to the EDU's assigned to the parcel as a percentage of the total number of EDU's assigned to all parcels within the District.

The maximum assessment rate per EDU that may be levied is set at the rates shown below. The maximum assessment rate may be increased annually each fiscal year by an amount which shall not be greater than the increase in the Consumer Price Index for all Urban Consumers for the San Francisco Area in any fiscal year for the year ending in December of the preceding year.

Maximum Assessment per EDU \$535.08/EDU

Properties become assessable ninety days after acceptance of the initial improvements by the City of Watsonville.

PART E

PROPERTY OWNER LIST & ASSESSMENT ROLL

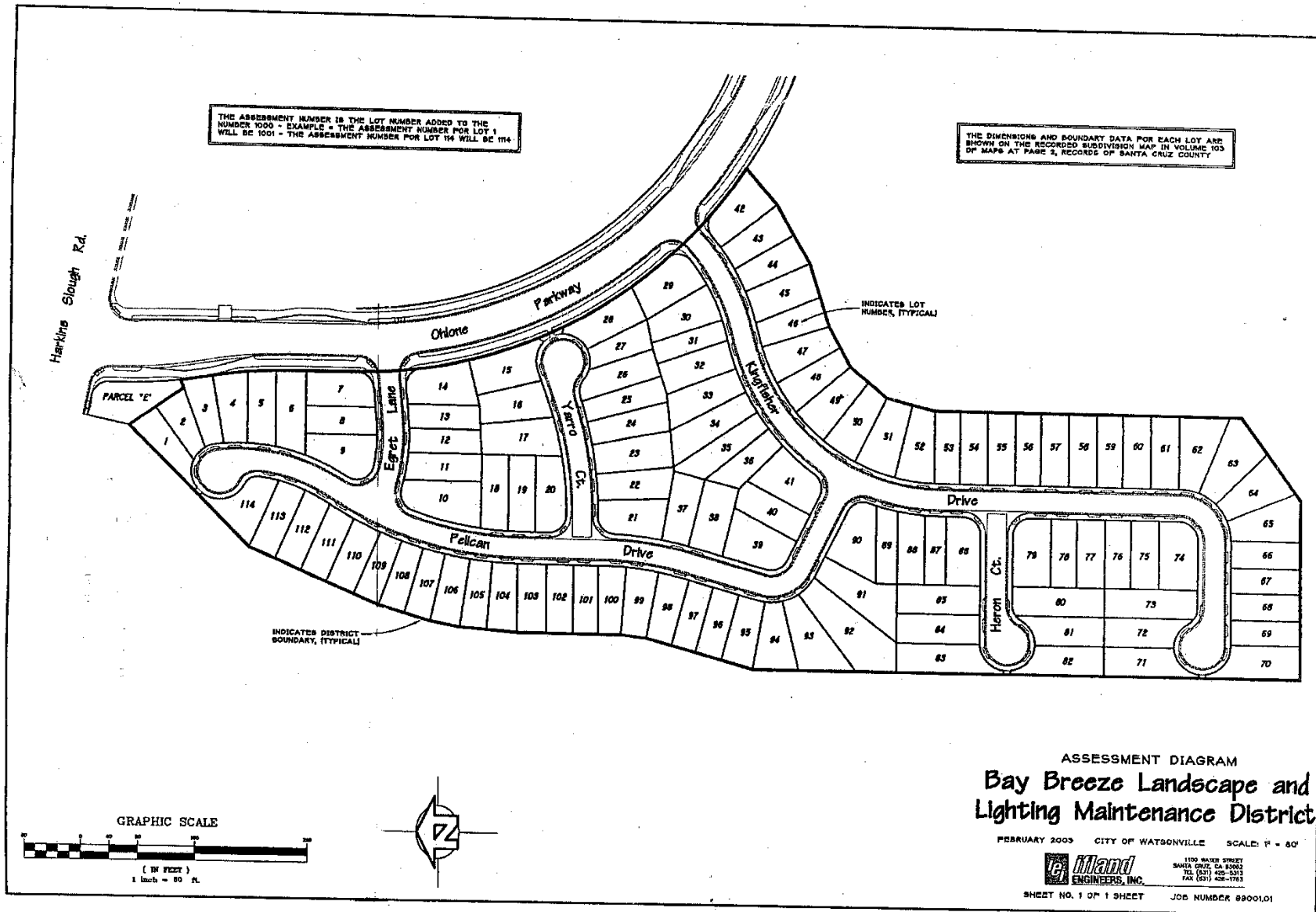
A list of names and addresses of the owners of all parcels within the City of Watsonville's Bay Breeze Landscape and Lighting Maintenance Assessment District is shown on the last equalized Property Tax Roll of the Assessor of the County of Santa Cruz, which is hereby made a part of this report. This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll on file in the Office of the City Clerk

The proposed assessments and the amount of assessments for FY 2019-20 apportioned to each lot or parcel, as shown on the latest roll at the Assessor's Office, are on file in the Office of the City Clerk. The description of each lot or parcel is part of the records of the Assessor of the County of Santa Cruz and these records are, by reference, made part of this Report.

The total proposed maximum assessment which may be levied for FY 2019-20 shall not be greater than \$60,999.12.

The Assessment Roll for FY 2019-20 is included in Appendix B of this Report and is on file in the Office of the City Clerk.

APPENDIX A
FY 2019-20
ASSESSMENT DIAGRAM



APPENDIX A

APPENDIX B
FY 2019-20
ASSESSMENT ROLL

APPENDIX B
Bay Breeze Landscaping and Lighting Maintenance District
Property Owner List and Assessment Roll

Asmnt No.	A.P.N.	Owner	Owner Address	City	State	Zip	Asmnt Amount
1001	018-601-01		116 PELICAN DR	WATSONVILLE	CA	95076	535.08
1002	018-601-02		112 PELICAN DR	WATSONVILLE	CA	95076	535.08
1003	018-601-04		108 PELICA DR	WATSONVILLE	CA	95076	535.08
1004	018-601-05		104 PELICAN DR	WATSONVILLE	CA	95076	535.08
1005	018-601-06		100 PELICAN DR	WATSONVILLE	CA	95076	535.08
1006	018-601-07		96 PELICAN DR	WATSONVILLE	CA	95076	535.08
1007	018-601-10		4 EGRET LN	WATSONVILLE	CA	95076	535.08
1008	018-601-09		8 EGRET LN	WATSONVILLE	CA	95076	535.08
1009	018-601-08		12 EGRET LN	WATSONVILLE	CA	95076	535.08
1010	018-602-01		21 EGRET LN	WATSONVILLE	CA	95076	535.08
1011	018-602-02		17 EGRET LN	WATSONVILLE	CA	95076	535.08
1012	018-602-03		13 EGRET LN	WATSONVILLE	CA	95076	535.08
1013	018-602-04		9 EGRET LN	WATSONVILLE	CA	95076	535.08
1014	018-602-05		5 EGRET LN	WATSONVILLE	CA	95076	535.08
1015	018-611-06		25 YARRO CT	WATSONVILLE	CA	95076	535.08
1016	018-611-05		21 YARRO CT	WATSONVILLE	CA	95076	535.08
1017	018-611-04		17 YARRO CT	WATSONVILLE	CA	95076	535.08
1018	018-611-01		60 PELICAN DR	WATSONVILLE	CA	95076	535.08
1019	018-611-02		56 PELICAN DR	WATSONVILLE	CA	95076	535.08
1020	018-611-03		52 PELICAN DR	WATSONVILLE	CA	95076	535.08
1021	018-613-08		4 YARRO CT	WATSONVILLE	CA	95076	535.08
1022	018-613-07		8 YARRO CT	WATSONVILLE	CA	95076	535.08
1023	018-613-06		12 YARRO CT	WATSONVILLE	CA	95076	535.08
1024	018-613-05		16 YARRO CT	WATSONVILLE	CA	95076	535.08
1025	018-613-04		20 YARRO CT	WATSONVILLE	CA	95076	535.08
1026	018-613-03		24 YARRO CT	WATSONVILLE	CA	95076	535.08
1027	018-613-02		28 YARRO CT	WATSONVILLE	CA	95076	535.08

1028	018-613-01		32 YARRO CT	WATSONVILLE	CA	95076	535.08
1029	018-613-21		4 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1030	018-613-20		8 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1031	018-613-19		12 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1032	018-613-18		16 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1033	018-613-17		20 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1034	018-613-16		24 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1035	018-613-15		28 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1036	018-613-14		32 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1037	018-613-09		20 PELICAN DR	WATSONVILLE	CA	95076	535.08
1038	018-613-10		16 PELICAN DR	WATSONVILLE	CA	95076	535.08
1039	018-613-11		12 PELICAN DR	WATSONVILLE	CA	95076	535.08
1040	018-613-12		8 PELICAN DR	WATSONVILLE	CA	95076	535.08
1041	018-613-13		4 PELICAN DR	WATSONVILLE	CA	95076	535.08
1042	018-614-01		5 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1043	018-614-02		110 BRYCE CT	APTOS	CA	95003	535.08
1044	018-614-03		13 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1045	018-614-04		17 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1046	018-614-05		21 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1047	018-614-06		10 KITE HILL RD	SANTA CRUZ	CA	95060	535.08
1048	018-614-07		29 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1049	018-614-08		33 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1050	018-621-01		37 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1051	018-621-02		41 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1052	018-621-03		45 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1053	018-621-04		49 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1054	018-621-05		53 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1055	018-621-06		255 FIELDBROOK LN	WATSONVILLE	CA	95076	535.08
1056	018-621-07		61 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1057	018-621-08		3085 AGUAZUL DR	SOQUEL	CA	95073	535.08
1058	018-621-09		69 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1059	018-621-10		73 KINGFISHER DR	WATSONVILLE	CA	95076	535.08

1060	018-621-11		77 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1061	018-621-12		81 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1062	018-621-13		85 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1063	018-621-14		89 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1064	018-621-15		93 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1065	018-621-16		97 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1066	018-621-17		101 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1067	018-621-18		105 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1068	018-621-19		109 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1069	018-621-20		3085 AGUAZUL DR	SOQUEL	CA	95073	535.08
1070	018-621-21		117 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1071	018-622-01		88 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1072	018-622-02		84 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1073	018-622-03		80 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1074	018-622-04		76 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1075	018-622-05		72 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1076	018-622-06		68 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1077	018-622-07		64 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1078	018-622-08		60 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1079	018-622-09		56 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1080	018-622-10		5 HERON CT	WATSONVILLE	CA	95076	535.08
1081	018-622-11		9 HERON CT	WATSONVILLE	CA	95076	535.08
1082	018-622-12		13 HERON CT	WATSONVILLE	CA	95076	535.08
1083	018-623-01		12 HERON CT	WATSONVILLE	CA	95076	535.08
1084	018-623-02		8 HERON CT	WATSONVILLE	CA	95076	535.08
1085	018-623-03		PO BOX 610	SOQUEL	CA	95073	535.08
1086	018-623-04		3596 HART CMN	FREMONT	CA	94538	535.08
1087	018-623-05		48 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1088	018-623-06		44 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1089	018-623-07		40 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1090	018-623-08		36 KINGFISHER DR	WATSONVILLE	CA	95076	535.08
1091	018-623-09		9 PELICAN DR	WATSONVILLE	CA	95076	535.08

1092	018-623-10		13 PELICAN DR	WATSONVILLE	CA	95076	535.08
1093	018-612-12		17 PELICAN DR	WATSONVILLE	CA	95076	535.08
1094	018-612-11		21 PELICAN DR	WATSONVILLE	CA	95076	535.08
1095	018-612-10		17426 BELLETTO DR	MORGAN HILL	CA	95037	535.08
1096	018-612-09		29 PELICAN DR	WATSONVILLE	CA	95076	535.08
1097	018-612-08		33 PELICAN DR	WATSONVILLE	CA	95076	535.08
1098	018-612-07		815 CLINTONIA AVE	SAN JOSE	CA	95125	535.08
1099	018-612-06		41 PELICAN DR	WATSONVILLE	CA	95076	535.08
1100	018-612-05		15470 LA PALA CT	MORGAN HILL	CA	95037	535.08
1101	018-612-04		49 PELICAN DR	WATSONVILLE	CA	95076	535.08
1102	018-612-03		53 PELICAN DR	WATSONVILLE	CA	95076	535.08
1103	018-612-02		57 PELICAN DR	WATSONVILLE	CA	95076	535.08
1104	018-612-01		61 PELICAN DR	WATSONVILLE	CA	95076	535.08
1105	018-603-10		65 PELICAN DR	WATSONVILLE	CA	95076	535.08
1106	018-603-09		69 PELICAN DR	WATSONVILLE	CA	95076	535.08
1107	018-603-08		73 PELICAN DR	WATSONVILLE	CA	95076	535.08
1108	018-603-07		245 LAUREL DR	FELTON	CA	95018	535.08
1109	018-603-06		125 VIA MEDICI	APTOS	CA	95003	535.08
1110	018-603-05		85 PELICAN DR	WATSONVILLE	CA	95076	535.08
1111	018-603-04		89 PELICAN DR	WATSONVILLE	CA	95076	535.08
1112	018-603-03		93 PELICAN DR	WATSONVILLE	CA	95076	535.08
1113	018-603-02		97 PELICAN DR	WATSONVILLE	CA	95076	535.08
1114	018-603-01		101 PELICAN DR	WATSONVILLE	CA	95076	535.08
Total Assessment FY 2019/20							\$ 60,999.12

RESOLUTION NO. _____ (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE ADOPTING A RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS, LEVY AND COLLECT ASSESSMENTS AND SET A PUBLIC HEARING FOR MAY 28, 2019, TO CONSIDER THE LANDSCAPING AND LIGHTING MAINTENANCE PROGRAM AND BUDGET FOR THE *BAY BREEZE SUBDIVISION LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT (LLMAD)* FOR THE 2019-2020 FISCAL YEAR

Assessment District No. PK-03-02

(Pursuant to the Landscaping and Lighting Act of 1972)

WHEREAS, the *Bay Breeze Subdivision Landscaping and Lighting Maintenance Assessment District* was formed pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, on April 9, 2019, the City Council adopted Resolution No. 41-19 (CM) ordering the Engineer to prepare the 2019-2020 Annual Engineer's Report for the *Bay Breeze Subdivision Landscaping and Lighting Maintenance Assessment District*.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

1. That the City Council intends to levy and collect assessments within the *Bay Breeze Subdivision Landscaping and Lighting Maintenance Assessment District*, during the fiscal year 2019-2020 pursuant to the Landscaping and Lighting Act of 1972.

2. That the improvements to be made in this assessment district are generally described as follows:

a. Maintenance and replacement of the street trees within the subdivision.

- b. Operation, maintenance, repair and replacement of the detention basins and the detention basis access roads within the subdivision.
- c. Operation, maintenance, repair and replacement of the perimeter fencing around the entire subdivision.
- d. Maintenance and replacement of the plantings done as part of the wetland mitigation plan.
- e. Maintenance of the environmental management parcel to be created within the subdivision.
- f. Maintenance, repair and replacement of the landscaping within the public right-of-way abutting and within the subdivision, including the Ohlone Parkway medians.
- g. Operation, maintenance, repair and replacement of the sewer pump station.
- h. Maintenance of the graffiti coatings on the public exposure of the perimeter walls along the District boundaries.

3. That in accordance with the City Council's Resolution No. 41-19 (CM) the Engineer has filed with the City Clerk a report required by the Landscaping and Lighting Act of 1972. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessment district and the proposed assessments upon assessable lots and parcels of land within the assessment district.

4. That the assessments in the *Bay Breeze Subdivision Landscaping and Lighting Maintenance Assessment District* are proposed to be increased over the amount levied in the previous fiscal year from \$58,372.56 to \$60,992.32.

5. That on Tuesday, May 28, 2019, at 6:30 p.m. or as soon thereafter as is practical, the City Council will conduct a public hearing on the proposed annual assessment. The public hearing will be held at the meeting place of the City Council, located in the City Council Chambers, 275 Main Street, (4th) Fourth Floor, Watsonville, California.

6. That the City Clerk is hereby authorized and directed to give notice of the hearing in accordance with the provisions of the Landscaping and Lighting Act of 1972. (Section 22552 and 22553 of the California Streets and Highways Code)

**City of Watsonville
Parks and Community Service**

M E M O R A N D U M



DATE: April 18, 2019

TO: Matthew Huffaker, City Manager

FROM: Nick Calubaquib, Parks and Community Services Director
Steve Palmisano, Public Works & Utilities Director
Maria E. Rodriguez, Assistant Public Works & Utilities Director
Benjamin Heistein, Assistant Parks and Community Services Director

SUBJECT: Vista Montaña Subdivision Landscaping & Lighting
Maintenance Assessment District

AGENDA ITEM: April 23, 2019 **City Council**

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution Accepting the Engineer's Report and Intention to Order Improvements, Levy and Collect Assessments and Set a Public Hearing for May 28, 2019 to consider the annual program and budget for the Vista Montaña Subdivision Landscaping and Lighting Maintenance Assessment District PK-03-03.

The Engineer's Report is on file in the City Clerk's office. The total annual assessment for the district was \$131,880.67 last year. The proposed total assessment for 2019-20 is \$137,815.30. This amount reflects the increase in the Consumer Price Index, representing a 4.5% increase, and is the maximum that can be charged as specified in the Engineer's Report. A single public hearing is required.

DISCUSSION:

The Vista Montaña Subdivision is located off of East Lake Avenue and adjacent to Ann Soldo Elementary School and the Bay Village subdivision. The Vista Montaña Subdivision Landscaping and Lighting Maintenance Assessment District (LLMAD) program includes the following:

1. Regular maintenance, repair and replacement of all facilities within the agricultural buffer area (except the street and utilities) which includes but is not limited to, the landscaping, signage, perimeter wall, retaining walls, pedestrian path and erosion control plantings within or adjacent to the detention basins and drainage swale.
2. Operation, maintenance, repairs and replacement of and power for the street lighting within the District.

3. Regular maintenance, repair and replacement of the parkway strip and street trees on Cipres, Roble, Arce, Manzana, Cirvelo, Cereza, and Secoya Streets, and Vista Montaña, Franich and Marcela Drives.
4. Operation, maintenance, repair and replacement of the storm drain detention basins, drainage channel, drainage facilities and erosion control measurers within the agricultural buffer, including the proposed storm drain culvert crossing Highway 152 and the inlet structure on the west side of Highway 152.
5. Regular maintenance, repair and replacement of the landscaping and perimeter wall along the Highway 152 frontage adjacent to the District boundaries, including graffiti removal.
6. Regular maintenance, repair and replacement of the pedestrian/bike path connecting Secoya Street and McKenzie Avenue, adjacent to the District boundaries.
7. Regular maintenance, repair and replacement of pedestrian pathways located at the end of Roble Street, at the end of Cirvelo Street, within the agricultural buffer area and parallel to Bridge Street, on the south side of the town homes parallel to Franich Drive and on the west side of the town homes parallel to Marcela Drive.

The Vista Montaña Subdivision LLMAD is comprised of two Zones: A and B. Zone A benefits all parcels within the District which includes, for example, the street lighting installed along Highway 152, the landscape improvements along Highway 152 and the agricultural buffer area. Zone B benefits those parcels within the single family residential area primarily and includes the maintenance of the street end caps, the park strips and street lighting.

The Assessment District is based on a total number of Equivalent Dwelling Units (EDU's) and maximum annual assessments are included in the Engineer's Report.

STRATEGIC PLAN:

The Assessment District addresses the City Council's goals of protecting public safety and enhancing community image.

FINANCIAL IMPACT:

In fiscal year 2018-19, the total annual assessment was \$131,880.67. The assessment for single family dwelling units was \$480.89 per unit, the assessment for townhomes was \$384.72 per unit and the assessment for apartments was \$132.66 per unit. For fiscal year 2019-20, the total annual assessment will be increased to \$137,814.34 to reflect the increase in the consumer price index and includes funds in the amount of \$92,677 for annual maintenance and \$45,137 for a reserve, which provides for replacement costs of such things as lighting or street trees based on current EDU's within the district (0354-959). The assessment for single family dwelling units will be \$502.53 per unit, the assessment for townhomes will be \$402.02 per unit and the assessment for apartments will be \$138.63 per unit.

ALTERNATIVES:

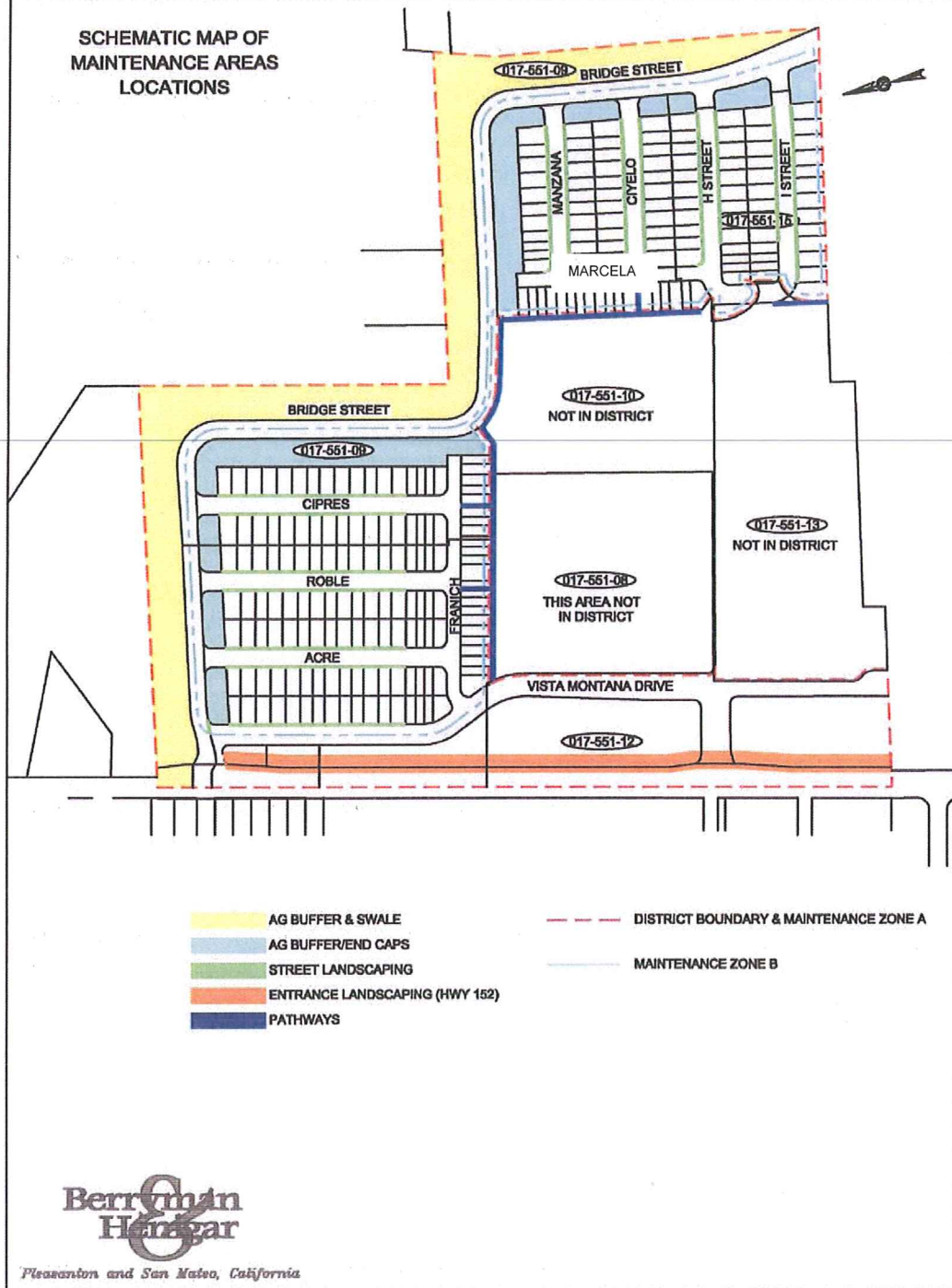
None. This resolution is a procedural one to set the public hearing.

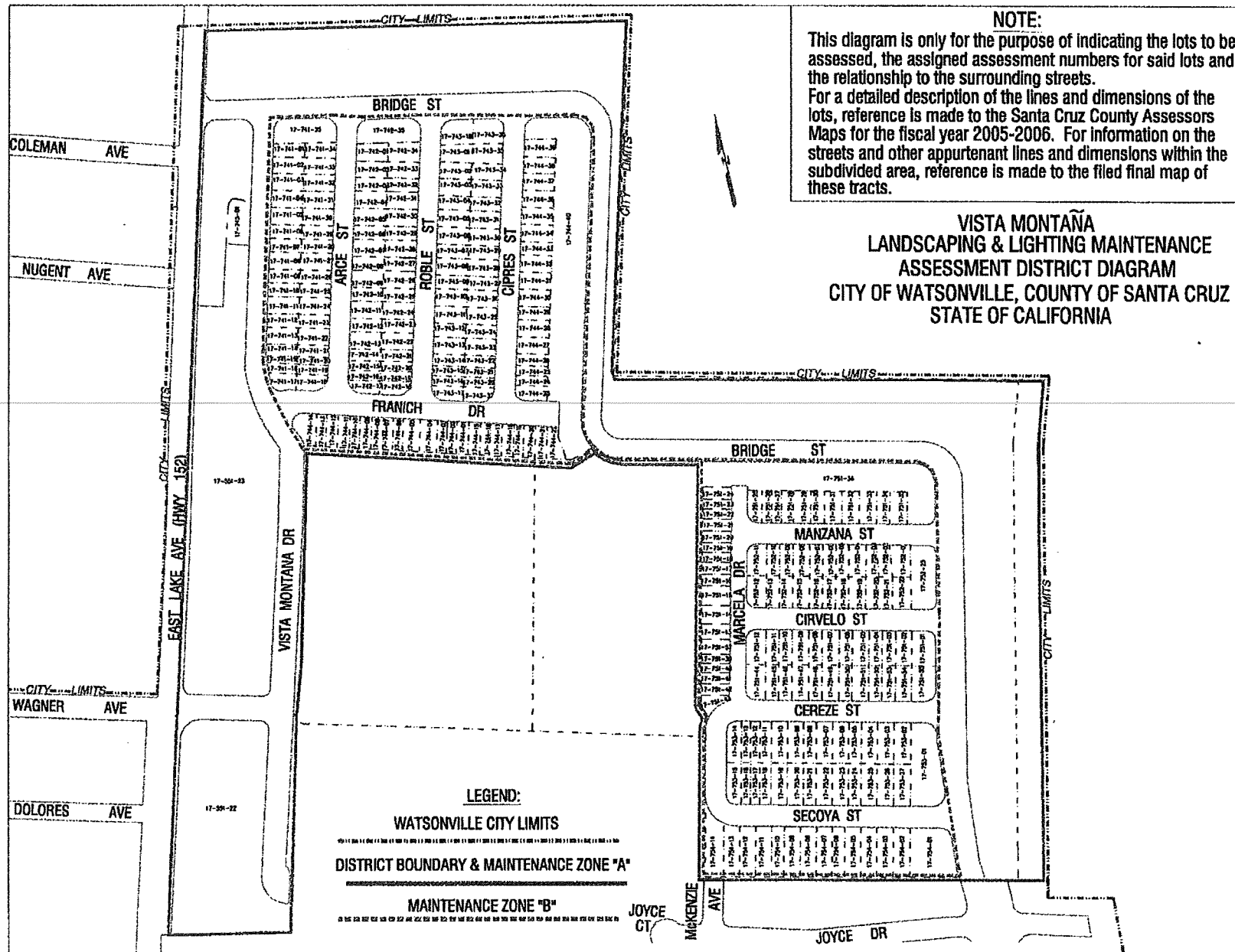
ATTACHMENTS:

Attachment A – Schematic Map
Attachment B – Assessment Diagram

cc: City Attorney

**SCHEMATIC MAP OF
MAINTENANCE AREAS
LOCATIONS**





RESOLUTION NO. _____ (CM)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WATSONVILLE ACCEPTING THE ENGINEER'S REPORT FOR THE
VISTA MONTAÑA SUBDIVISION LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT (LLMAD) FOR THE 2019-
2020 FISCAL YEAR**

Assessment District No. PK-03-03

(Pursuant to the Landscaping and Lighting Act of 1972)

WHEREAS, the *Vista Montaña Subdivision Landscaping and Lighting Maintenance Assessment District* was formed pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, on April 9, 2019, the City Council adopted Resolution No. 42-19 (CM) ordering the Engineer to prepare the Engineer's Report for the *Vista Montaña Subdivision Landscaping And Lighting Maintenance Assessment District* for the 2019-2020 fiscal year; and

WHEREAS, in accordance with Resolution No. 42-19 (CM) the Engineer has prepared and filed with the City Clerk a report required by the Landscaping and Lighting Act of 1972.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

That the City Council hereby accepts the engineer's report prepared by the Engineer, attached hereto and incorporated herein by this reference, pursuant to the Landscaping and Lighting Act of 1972 for the *Vista Montaña Subdivision Landscaping and Lighting Maintenance Assessment District* for the 2019-2020 fiscal year.

CITY OF WATSONVILLE
Santa Cruz County, California



VISTA MONTAÑA LANDSCAPE AND LIGHTING MAINTENANCE
ASSESSMENT DISTRICT No. PK- 03-03

ENGINEER'S REPORT
On the
LEVY OF ANNUAL ASSESSMENT

2019/2020

(Pursuant to the Landscaping and Lighting Act of 1972)

Prepared by

PUBLIC WORKS AND UTILITIES DEPARTMENT
MARIA ESTHER RODRIGUEZ, ASSISTANT DIRECTOR
CITY OF WATSONVILLE
CALIFORNIA

ENGINEER'S REPORT
CITY OF WATSONVILLE
VISTA MONTAÑA LANDSCAPE AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT No. PK 03-03

(Pursuant to the Landscaping and Lighting Act of 1972)

The undersigned respectfully submits the enclosed report as directed by the City Council.

DATED: _____ MARIA ESTHER RODRIGUEZ
Assistant Public Works/Utilities Director, Engineer Of Work

By: 

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was filed with me on the _____ day of _____, 2019.

BEATRIZ VAZQUEZ FLORES, CMC City Clerk,
City of Watsonville, Santa Cruz County, California

By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Watsonville, Santa Cruz County, California, on the _____ day of _____, 2019.

BEATRIZ VAZQUEZ FLORES, CMC City Clerk,
City of Watsonville, Santa Cruz County, California

By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was filed with the County Auditor of the County of Santa Cruz on the _____ day of _____, 2019.

BEATRIZ VAZQUEZ FLORES, CMC City Clerk,
City of Watsonville, Santa Cruz County, California

By: _____

ENGINEER'S REPORT
VISTA MONTAÑA LANDSCAPE AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT No. PK 03-03
City of Watsonville, Santa Cruz County, California
(Pursuant to the Landscaping and Lighting Act of 1972)

The City of Watsonville's Public Works and Utilities Assistant Director, Maria Esther Rodriguez, as City Engineer of Work for Vista Montaña Landscape and Lighting Maintenance Assessment District No. PK 03-03, City of Watsonville, Santa Cruz County, California makes this report, as directed by the City Council, pursuant to Section 22500 of the Streets and Highways, Code (Landscaping and Lighting Act of 1972).

The improvements which are the subject of this report are briefly described as the maintenance, repair and servicing of public lighting, landscaping, park and recreational improvements within the assessment district.

This report consists of the following parts:

- PART A: Plans and Specifications:** This part describes the improvements to be maintained by the District. Plans and specifications for the improvements are as set forth on the lists thereof, attached hereto, and are on file in the Office of the City Engineer of the City of Watsonville, and are incorporated herein by reference.
- PART B: Estimate of Cost:** This part contains an estimate of the cost for the maintenance, repair and servicing of the improvements, including incidental costs and expenses in connection therewith.
- PART C: Assessment District Diagram:** This part incorporates, by reference, a Diagram of the Assessment District showing the exterior boundaries of the Assessment District, the boundaries of any zones within the Assessment District, and the lines and dimensions of each lot or parcel of land within the Assessment District. This Diagram has been prepared by the Engineer of Work and is on file in the Office of the City Clerk of the City of Watsonville and is incorporated in this Report by reference as Appendix A
- PART D: Method of Apportionment of Assessment:** This part describes the method of apportionment of assessments based upon the parcel classification of land within the Assessment District, and in proportion to the estimated benefits to be received.
- PART E: Property Owner List and Assessment Roll-** This part contains an assessment of the estimated cost of the improvements on each benefited lot or parcel of land within the Assessment District. The Assessment Roll is filed in the Office of the City of Watsonville City Clerk and is incorporated within this Report as Appendix B.

Respectfully Submitted,



MARIA ESTHER RODRIGUEZ
Assistant Public Works and Utilities Director
Engineer of Work

PART A

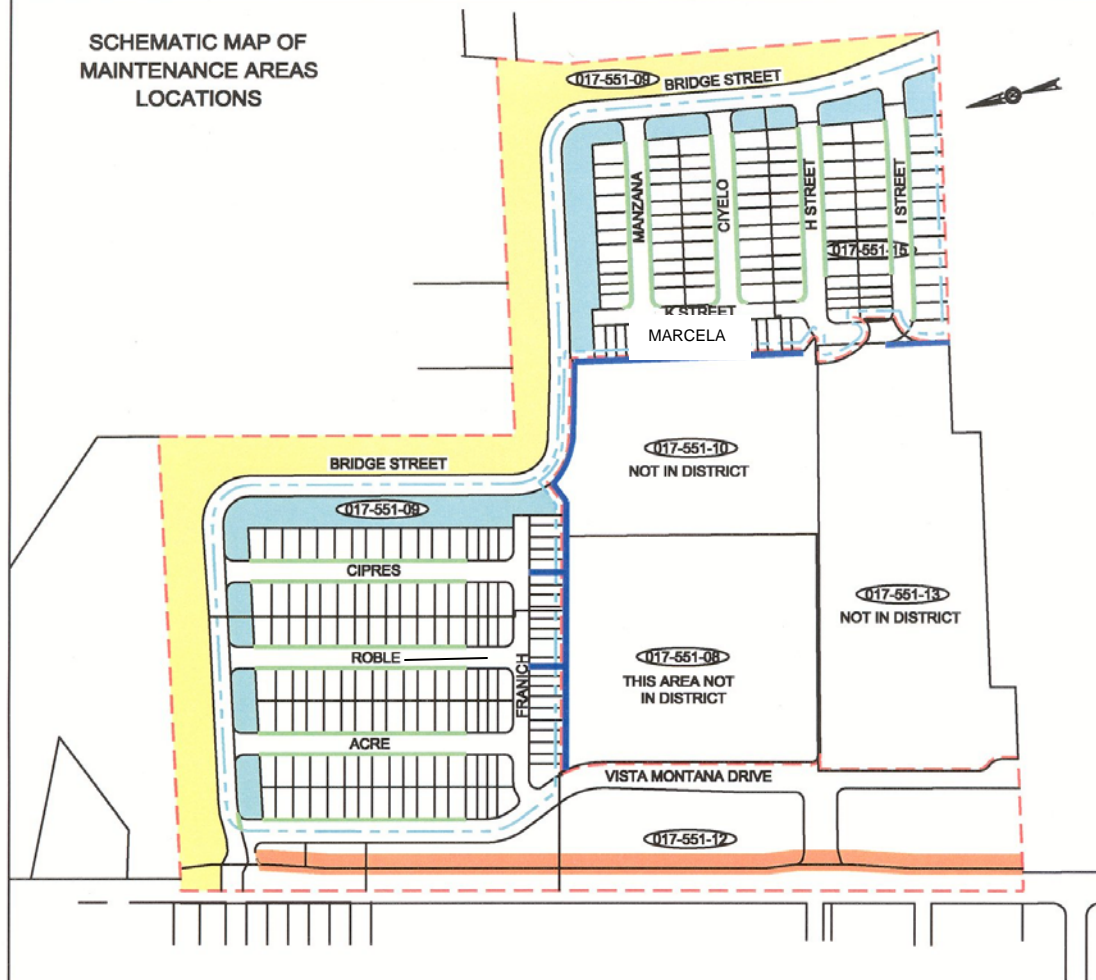
PLANS AND SPECIFICATIONS

The facilities, which have been constructed within the Vista Montaña Landscaping and Lighting Maintenance Assessment District boundaries, and those which may be subsequently constructed, which will be maintained, repaired and serviced include:

- Regular maintenance, repair and replacement of all facilities within the agricultural buffer area (except the street and utilities) which shall include, but not be limited to, the landscaping, signage, perimeter wall, retaining walls, pedestrian path and erosion control plantings within or adjacent to the detention basins and drainage swale.
- Operation, maintenance, repairs, replacement of and power for the street lighting within the District.
- Regular maintenance, repair and replacement of the parkway strip and street trees on Cipres Street, Roble Street, Arce Street, Vista Montaña Drive, Manzana Street, Cirvelo Street, Cereze Street, Secoya Street, Franich Drive, and Marcela Drive
- Operation, maintenance, repair and replacement of the storm drain detention basins, drainage channel, drainage facilities and erosion control measures within the agricultural buffer, including the proposed storm drain culvert crossing Highway 152 and the inlet structure on the west side of Highway 152.
- Regular maintenance, repair and replacement of the landscaping and perimeter wall along the Highway 152 frontage adjacent to the district boundaries, including graffiti removal.
- Regular maintenance, repair and replacement of the pedestrian/bike path connecting McKenzie Avenue and the District.
- Regular maintenance, repair and replacement of pedestrian pathways located at the end of Roble Street, at the end of Cirvelo Street, within the agricultural buffer area and parallel to Bridge Street, on the south side of the townhomes parallel to Franich Drive and on the west side of the townhomes parallel to Marcela Drive.
- Administrative services to operate the District.

The location of the facilities are as shown on the following page.

**SCHEMATIC MAP OF
MAINTENANCE AREAS
LOCATIONS**



- AG BUFFER & SWALE
- AG BUFFER/END CAPS
- STREET LANDSCAPING
- ENTRANCE LANDSCAPING (HWY 152)
- PATHWAYS

- DISTRICT BOUNDARY & MAINTENANCE ZONE A
- MAINTENANCE ZONE B

**Berryman
Hartgar**

Pleasanton and San Mateo, California

Services include, but are not limited to: personnel; electrical energy; utilities such as water; materials; contractual services; grading; clearing; removal of debris; installation or construction of walls, irrigation, drainage, hardscapes, trees, furnishings such as pots, bollards, tree grates, and appurtenant facilities as required to provide an aesthetically pleasing environment throughout the District; and other items necessary for the maintenance or servicing or both including the facilities described below.

Maintenance means the furnishing of services and materials for the ordinary and usual operations, maintenance and servicing of the landscaping, public park facilities and appurtenant facilities, including repair, removal or replacement of all or part of any of the landscaping, public park or appurtenant facilities; providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; and the removal of trimmings, rubbish, debris and other solid waste. Servicing means the furnishing of water for the irrigation of the landscaping, and recreational facilities or appurtenant facilities.

Plans and specifications for these improvements shall be as approved by the City of Watsonville and upon approval shall be placed on file in the office of the City Engineer.

PART B

ESTIMATE OF COST

The 1972 Act provides that the total cost of installation, construction, operation, maintenance and servicing of landscaping and appurtenant facilities can be recovered by the District. Maintenance can include the repair and replacement of existing facilities. Servicing can include electrical and associated costs from a public utility. Incidental expenses, including administration of the District, engineering fees, legal fees, printing, posting, and mailing of notices, and all other costs associated with the annual collection process can also be included.

The projected costs for the maintenance, repair and servicing costs of the improvements upon completion and acceptance by the City are summarized in the table shown on the following page.

The costs shown are based upon an estimate of the annual costs for maintenance and servicing of the improvements upon completion of the improvements. In addition, a Capital Replacement Reserve fund shall be established for the future replacement or rehabilitation of the facilities maintained by the District based upon the expected useful life of each facility. The funds will be set aside annually and shall only be used for the replacement or rehabilitation of the improvements unless the City determines that there is a surplus based upon expected future replacement costs.

To provide for future increases in the costs of maintaining and servicing District facilities, the cost per EDU may be increased up to the maximum rate (which shall be indexed to the Consumer Price Index for all Urban Consumers for the San Francisco Area) shown as required to provided sufficient revenues for the maintenance of the improvements. The City shall have no obligation to commit funds in excess of the assessment revenues collected for the maintenance of the improvements and the level of maintenance provided shall be adjusted to match the funds available.

The 1972 Act requires that a special fund be set up for the revenues and expenditures of the District. Funds raised by the assessments shall be used only for the purpose as stated herein. A contribution to the City of Watsonville, for the Vista Montaña Landscape & Lighting Maintenance District, may be made to reduce assessments, as the City Council deems appropriate. Any balance remaining on July 1 must be carried over to the next fiscal year unless the funds are being accumulated for future capital improvements and operating reserves. The District may accumulate an operating reserve which shall not exceed the estimated costs of maintenance and servicing to December 10 of the fiscal year or whenever the City expects to receive its apportionment of special assessments form the County.

PART C

ASSESSMENT DISTRICT DIAGRAM

The boundaries of Vista Montaña Landscape and Lighting Maintenance Assessment District are on file in the Office of the Watsonville City Clerk and are incorporated in this Report by reference as Appendix A.

A detailed description of the lines and dimensions of each lot or parcel within the assessment District are those lines and dimensions shown on the maps of the Assessor of the County of Santa Cruz for FY 2019-20.

PART D

METHOD OF APPORTIONMENT OF ASSESSMENT

GENERAL

Part 2 of Division 15 of the Streets and Highways Code, the Landscaping and Lighting Act of 1972, permits the establishment of assessment districts by Agencies for the purpose of providing certain public improvements which include the operation, maintenance and servicing of landscaping and street lighting improvements for the purpose of:

- improving the livability, appearance, and economic conditions within the boundaries of the District, and
- ensuring that improvements do not reach a state of deterioration or disrepair so as to cause the depreciation of surrounding property or be materially detrimental to nearby properties and improvements; and
- protecting the health, safety and general welfare of occupants and visitors to properties.

Section 22573 of the Landscape and Lighting Act of 1972 requires that maintenance assessments must be levied according to benefit rather than according to assessed value. This Section states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefit to be received by each such lot or parcel from the improvements."

The determination of whether or not a lot or parcel will benefit from the improvements shall be made pursuant to the Improvement Act of 1911 (Division 7 (commencing with Section 5000) [of the Streets and Highways Code, State of California])."

In addition, Article XIID, Section 4(a) of the California Constitution limits the amount of any assessment to the proportional special benefit conferred on the property.

Because assessments are levied on the basis of benefit, they are considered a user's fee, not a tax, and, therefore, are not governed by Article IIIA of the California Constitution.

The 1972 Act permits the designation of zones of benefit within any individual assessment district if "by reasons or variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the

improvement" (Sec. 22547).

Thus, the 1972 Act requires the levy of a true "assessment" rather than a "special tax." Article XIID provides that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts and public parkways.

LANDSCAPING BENEFIT DETERMINATION

Trees, landscaping, hardscaping and appurtenant facilities, if well maintained, provide beautification, shade and enhance the desirability of the surroundings, and therefore increase property values. The maintenance of the "park strips" and landscaping in the "street end caps" within Maintenance Zone B will benefit each parcel within the zone.

STREET LIGHTING BENEFIT DETERMINATION

The proper functioning of street lighting is imperative for the welfare and safety of the property owners within the District. Proper operation, maintenance, and servicing of a street lighting system benefits properties by providing increased illumination for ingress and egress, safety traveling at night, improved security, protection of property and the reduction of traffic accidents. All parcels within Zone A of the District benefit from the street lighting installed along Highway 152 and Bridge Street. Parcels within Zone B of the District benefit from the street lighting installed along the streets adjacent to their residential units.

OPEN SPACE and AGRICULTURE BUFFER BENEFIT DETERMINATION

The overall quality of life and desirability of an area is enhanced, when open space is maintained in safe, and clean manner. Property desirability in an area also increases where an open space buffer is provided between land uses. In addition, open space and buffer areas provide areas that enable property owners to participate in leisure and other miscellaneous activities. All parcels within the District will benefit from the open space including the landscape improvements along Highway 152, and agriculture buffer areas and those improvements are within Maintenance Zone A.

PARCEL CLASSIFICATIONS

Single Residential Family Residential - The single-family residential parcel classification will be per the City of Watsonville land use codes as shown in the records of the County Assessor and will be assessed on a per parcel basis. Each single family residential parcel will be assigned 1 Equivalent Dwelling Unit (EDU).

Townhome/Condominium – Townhome/condominium parcels shall be defined as those dwelling units/parcels which share a common wall and which have been assigned an assessor parcel number by the County Assessor. Each townhome/condominium parcels will be assigned 0.8 EDU's.

Multi-Family Residential - The multi-family residential classifications will be per City of Watsonville land use codes as shown on the records of the County Assessor and will be assessed 0.5 EDU on a per unit basis.

Exempt - Exempted from the assessment would be the areas of all public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, all easements and rights-of-ways, all public parks, greenbelts and parkways and all other public property designated open space.

ZONE CLASSIFICATION

The Vista Montaña Landscape and Lighting Maintenance Assessment District was formed to provide a funding source for the operation, maintenance and servicing of landscaping and lighting improvements within the boundaries of the District. All parcels within the District benefit from the maintenance and servicing of improvements within Maintenance Zone A. Only those parcels within Maintenance Zone B benefit from the maintenance of the improvements within Zone B. The boundaries for each benefit zone are shown on the Assessment Diagram.

BENEFIT SPREAD METHODOLOGY

The total operation, maintenance and servicing cost for the landscaping, street lighting, and open space improvements are apportioned in accordance with a methodology that is consistent with standard assessment engineering practices.

Since the assessments are levied on the owners of properties as shown on the secured property tax rolls, the final charges must be assigned by Assessor's Parcel Number. If assessments were to be spread by parcel, not considering land use, this would not be equitable, because a single-family parcel would be paying the same as a 50-unit apartment parcel or a large commercial establishment. Therefore, as previously stated, the total assessment costs are spread to each parcel of land based on the benefit received by each particular parcel.

The Assessment District is comprised of 173 single family residential parcels, 80 townhome residential parcels and 135 multi-family residential units. The annual costs for the operation, maintenance and servicing of landscaping and street lighting improvements within maintenance Zone A shall be apportioned to each parcel within the District in proportion to the EDU's assigned to the parcel as a percentage of the total number of EDU's assigned to all parcels within the District. The costs for the operation, maintenance and servicing of landscaping and street lighting improvements within maintenance Zone B (which shall include all single-family residential and townhome/condominium parcels) shall be apportioned to each parcel within the Zone B in proportion to the EDU's assigned to the parcel as a percentage of the total number of EDU's assigned to all parcels within Zone B.

The maximum assessment rate per EDU within Zone A and Zone B which may be levied is set at the rates shown below. The maximum assessment rate may be increased annually each fiscal year by an amount which shall not be greater than the increase in the Consumer Price Index for all Urban Consumers for the San Francisco Area in any fiscal year for the year ending in December of the preceding year.

Maximum Assessment per EDU Zone A	\$ 277.26/EDU
Maximum Assessment per EDU Zone B	\$ 225.27/EDU
Total Maximum Assessment per EDU	\$ 502.53/EDU

Properties become assessable after they have had their final map approved. Based upon the EDU's to be assigned to each parcel, the table below summarizes the assessment by land use category based upon the maximum assessment rate per EDU that can be levied after completion of all improvements.

Maximum Annual Assessment								
Land Use	Number of Units	EDU's /Unit	Total EDU's	Rate per EDU by Benefit Zone		Maximum Assessment/ EDU	Maximum Rate per Unit	Maximum Assessment Revenue
				Zone A	Zone B			
Single Family	173	1	173	\$277.26	\$225.27	\$502.53	\$502.53	\$86,937.69
Townhome/ Condominium	80	0.8	64	\$277.26	\$225.27	\$502.53	\$402.02	\$32,161.60
Apartment	135	0.5	67.5	\$277.26	N/A	\$277.26	\$138.63	\$18,715.05
Totals	388		304.5					\$137,814.34

PART E

PROPERTY OWNER LIST & ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels within the City of Watsonville's Vista Montaña Landscape and Lighting Maintenance Assessment District No. PK 03-03 is shown on the last equalized Property Tax Roll of the Assessor of the County of Santa Cruz, which is hereby made a part of this report. This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll on file in the Office of the City Clerk

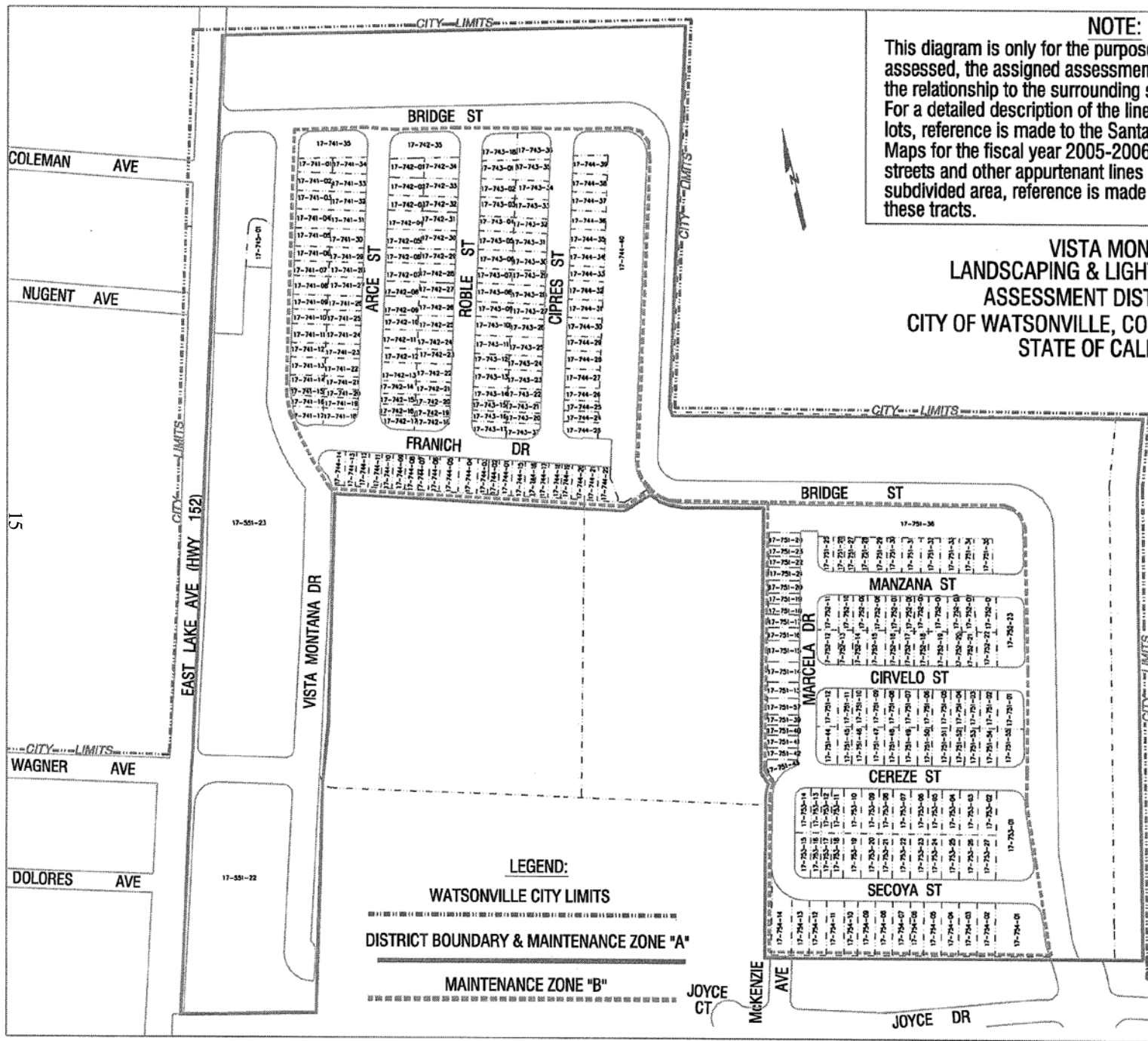
The proposed assessments and the amount of assessments for FY 2019-20 apportioned to each lot or parcel, as shown on the latest roll at the Assessor's Office, are on file in the Office of the City Clerk. The description of each lot or parcel is part of the records of the Assessor of the County of Santa Cruz and these records are, by reference, made part of this Report.

The total proposed maximum assessment which may be levied for FY 2019-20 shall not be greater than \$137,814.34.

The Assessment Roll for FY 2019-20 is included in Appendix B of this Report and is on file in the Office of the City Clerk.

APPENDIX A

ASSESSMENT DISTRICT DIAGRAM



NOTE:

This diagram is only for the purpose of indicating the lots to be assessed, the assigned assessment numbers for said lots and the relationship to the surrounding streets. For a detailed description of the lines and dimensions of the lots, reference is made to the Santa Cruz County Assessors Maps for the fiscal year 2005-2006. For information on the streets and other appurtenant lines and dimensions within the subdivided area, reference is made to the filed final map of these tracts.

**VISTA MONTAÑA
LANDSCAPING & LIGHTING MAINTENANCE
ASSESSMENT DISTRICT DIAGRAM
CITY OF WATSONVILLE, COUNTY OF SANTA CRUZ
STATE OF CALIFORNIA**

APPENDIX B

FY 2019-20

ASSESSMENT ROLL

APPENDIX B						
Vista Montaña Landscaping and Lighting Maintenance Assessment District (19/20)						
Property Owner List and Assessment Roll						
APN	Owner	Owner Address	City	State	Zip	Assessment Amount*
017-741-01		262 E LAKE AVE	WATSONVILLE	CA	95076	\$502.53
017-741-02		705 VISTA MONTANA DR	WATSONVILLE	CA	95076	\$502.53
017-741-03		709 VISTA MONTANA DR	WATSONVILLE	CA	95076	\$502.53
017-741-04		713 VISTA MONTANA DR	WATSONVILLE	CA	95076	\$502.53
017-741-05		2290 MURIEL DR	SANTA CRUZ	CA	95062	\$502.53
017-741-06		2290 MURIEL DR	SANTA CRUZ	CA	95062	\$502.53
017-741-07		2290 MURIEL DR	SANTA CRUZ	CA	95062	\$502.53
017-741-08		215 JUNE CT	WATSONVILLE	CA	95076	\$502.53
017-741-09		733 VISTA MONTANA DR	WATSONVILLE	CA	95076	\$502.53
017-741-10		2290 MURIEL DR	SANTA CRUZ	CA	95062	\$502.53
017-741-11		741 VISTA MONTANA DR	WATSONVILLE	CA	95076	\$502.53
017-741-12		745 VISTA MONTANA DR	WATSONVILLE	CA	95076	\$502.53
017-741-13		140 KINGSTON DR	WATSONVILLE	CA	95076	\$502.53
017-741-14		P O BOX 60970	PALO ALTO	CA	94306	\$402.02
017-741-15		757 VISTA MONTANA DR	WATSONVILLE	CA	95076	\$402.02
017-741-16		761 VISTA MONTANA DR	WATSONVILLE	CA	95076	\$402.02
017-741-17		101 FRANICH DR	WATSONVILLE	CA	95076	\$402.02
017-741-18		3355 HAAS DR	APTOS	CA	95003	\$402.02
017-741-19		762 ARCE ST	WATSONVILLE	CA	95076	\$402.02
017-741-20		758 ARCE ST	WATSONVILLE	CA	95076	\$402.02
017-741-21		754 ARCE ST	WATSONVILLE	CA	95076	\$402.02
017-741-22		750 ARCE ST	WATSONVILLE	CA	95076	\$502.43
017-741-23		746 ARCE ST	WATSONVILLE	CA	95076	\$502.43
017-741-24		742 ARCE ST	WATSONVILLE	CA	95076	\$502.43
017-741-25		505 MANZANA ST	WATSONVILLE	CA	95076	\$502.43
017-741-26		734 ARCE ST	WATSONVILLE	CA	95076	\$502.43
017-741-27		730 ARCE ST	WATSONVILLE	CA	95076	\$502.43
017-741-28		726 ARCE ST	WATSONVILLE	CA	95076	\$502.43
017-741-29		722 ARCE ST	WATSONVILLE	CA	95076	\$502.43
017-741-30		718 ARCE ST	WATSONVILLE	CA	95076	\$502.43
017-741-31		714 ARCE ST	WATSONVILLE	CA	95076	\$502.43
017-741-32		710 ARCE ST	WATSONVILLE	CA	95076	\$502.43
017-741-33		706 ARCE ST	WATSONVILLE	CA	95076	\$502.43
017-741-34		702 ARCE ST	WATSONVILLE	CA	95076	\$502.43
017-742-01		112 JAUNELL RD	APTOS	CA	95003	\$502.43

017-742-02		140 CUTTER DR	WATSONVILLE	CA	95076	\$502.43
017-742-03		709 ARCE ST	WATSONVILLE	CA	95076	\$502.43
017-742-04		713 ARCE ST	WATSONVILLE	CA	95076	\$502.43
017-742-05		P O BOX 1617	FREEDOM	CA	95019	\$502.43
017-742-06		721 ARCE ST	WATSONVILLE	CA	95076	\$502.43
017-742-07		725 ARCE ST	WATSONVILLE	CA	95076	\$502.43
017-742-08		729 ARCE ST	WATSONVILLE	CA	95076	\$502.43
017-742-09		733 ARCE ST	WATSONVILLE	CA	95076	\$502.43
017-742-10		739 ARCE ST	WATSONVILLE	CA	95076	\$502.43
017-742-11		741 ARCE ST	WATSONVILLE	CA	95076	\$502.43
017-742-12		745 ARCE ST	WATSONVILLE	CA	95076	\$502.43
017-742-13		749 ARCE ST	WATSONVILLE	CA	95076	\$502.43
017-742-14		753 ARCE ST	WATSONVILLE	CA	95076	\$402.02
017-742-15		757 ARCE ST	WATSONVILLE	CA	95076	\$402.02
017-742-16		600 CELESTE WAY	SANTA CRUZ	CA	95065	\$402.02
017-742-17		121 FRANICH DR	WATSONVILLE	CA	95076	\$402.02
017-742-18		408 PILGRIM DR	CAPITOLA	CA	95010	\$402.02
017-742-19		762 ROBLE ST	WATSONVILLE	CA	95076	\$402.02
017-742-20		758 ROBLE ST	WATSONVILLE	CA	95076	\$402.02
017-742-21		754 ROBLE ST	WATSONVILLE	CA	95076	\$402.02
017-742-22		750 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-742-23		746 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-742-24		742 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-742-25		738 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-742-26		734 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-742-27		730 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-742-28		726 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-742-29		722 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-742-30		718 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-742-31		714 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-742-32		710 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-742-33		706 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-742-34		702 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-743-01		701 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-743-02		705 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-743-03		709 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-743-04		713 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-743-05		717 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-743-06		721 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-743-07		725 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-743-08		P O BOX 1006	WATSONVILLE	CA	95077	\$502.53

017-743-09		733 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-743-10		737 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-743-11		172 CARNATION DR	FREEDOM	CA	95019	\$502.53
017-743-12		745 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-743-13		749 ROBLE ST	WATSONVILLE	CA	95076	\$502.53
017-743-14		753 ROBLE ST	WATSONVILLE	CA	95076	\$402.02
017-743-15		757 ROBLE ST	WATSONVILLE	CA	95076	\$402.02
017-743-16		761 ROBLE ST	WATSONVILLE	CA	95076	\$402.02
017-743-17		147 FRANICH DR	WATSONVILLE	CA	95076	\$402.02
017-743-20		762 CIPRES ST	WATSONVILLE	CA	95076	\$402.02
017-743-21		2290 MURIEL DR	SANTA CRUZ	CA	95062	\$402.02
017-743-22		754 CIPRES ST	WATSONVILLE	CA	95076	\$402.02
017-743-23		P.O. BOX 3893	SANTA CRUZ	CA	95063	\$502.53
017-743-24		746 CIPRES ST	WATSONVILLE	CA	95076	\$502.53
017-743-25		742 CIPRES ST	WATSONVILLE	CA	95076	\$502.53
017-743-26		738 CIPRES ST	WATSONVILLE	CA	95076	\$502.53
017-743-27		734 CIPRES ST	WATSONVILLE	CA	95076	\$502.53
017-743-28		730 CIPRES ST	WATSONVILLE	CA	95076	\$502.53
017-743-29		726 CIPRES ST	WATSONVILLE	CA	95076	\$502.53
017-743-30		722 CIPRES ST	WATSONVILLE	CA	95076	\$502.53
017-743-31		718 CIPRES ST	WATSONVILLE	CA	95076	\$502.53
017-743-32		714 CIPRES ST	WATSONVILLE	CA	95076	\$502.53
017-743-33		710 CIPRES ST	WATSONVILLE	CA	95076	\$502.53
017-743-34		706 CIPRES ST	WATSONVILLE	CA	95076	\$502.53
017-743-35		702 CIPRES ST	WATSONVILLE	CA	95076	\$502.53
017-743-37		163 FRANICH DR	WATSONVILLE	CA	95076	\$402.02
017-744-01		156 FRANICH DR	WATSONVILLE	CA	95076	\$402.02
017-744-02		152 FRANICH DR	WATSONVILLE	CA	95076	\$402.02
017-744-03		148 FRANICH DR	WATSONVILLE	CA	95076	\$402.02
017-744-04		144 FRANICH DR	WATSONVILLE	CA	95076	\$402.02
017-744-05		140 FRANICH DR	WATSONVILLE	CA	95076	\$402.02
017-744-06		2550 BEGONIA PL	SANTA CRUZ	CA	95062	\$402.02
017-744-07		132 FRANICH DR	WATSONVILLE	CA	95076	\$402.02
017-744-08		128 FRANICH DR	WATSONVILLE	CA	95076	\$402.02
017-744-09		124 FRANICH DR	WATSONVILLE	CA	95076	\$402.02
017-744-10		120 FRANICH DR	WATSONVILLE	CA	95076	\$402.02
017-744-11		116 FRANICH DR	WATSONVILLE	CA	95076	\$402.02
017-744-12		24 PIMA ST	WATSONVILLE	CA	95076	\$402.02
017-744-13		108 FRANICH DR	WATSONVILLE	CA	95076	\$402.02

017-744-14		104 FRANICH DR	WATSONVILLE	CA	95076	\$402.02
017-744-15		P O BOX 2624	WATSONVILLE	CA	95076	\$402.02
017-744-16		164 FRANICH DR	WATSONVILLE	CA	95076	\$402.02
017-744-17		168 FRANICH DR	WATSONVILLE	CA	95076	\$402.02
017-744-18		172 FRANICH DR	WATSONVILLE	CA	95076	\$402.02
017-744-19		176 FRANICH DR	WATSONVILLE	CA	95076	\$402.02
017-744-20		530 LIGHT SPRINGS RD	APTOS	CA	95003	\$402.02
017-744-21		P O BOX 64	WATSONVILLE	CA	95077	\$402.02
017-744-22		P O BOX 64	WATSONVILLE	CA	95077	\$402.02
017-744-23		115 MARNELL AVE B	SANTA CRUZ	CA	95062	\$402.02
017-744-24		761 CIPRES ST	WATSONVILLE	CA	95076	\$402.02
017-744-25		757 CIPRES ST	WATSONVILLE	CA	95076	\$402.02
017-744-26		753 CIPRES ST	WATSONVILLE	CA	95076	\$402.02
017-744-27		749 CIPRES ST	WATSONVILLE	CA	95076	\$502.53
017-744-28		745 CIPRES ST	WATSONVILLE	CA	95076	\$502.53
017-744-29		741 CIPRES ST	WATSONVILLE	CA	95076	\$502.53
017-744-30		737 CIPRES ST	WATSONVILLE	CA	95076	\$502.53
017-744-31		733 CIPRES ST	WATSONVILLE	CA	95076	\$502.53
017-744-32		729 CIPRES ST	WATSONVILLE	CA	95076	\$502.53
017-744-33		9 E PHILLIPS RD	WATSONVILLE	CA	95076	\$502.53
017-744-34		P.O. BOX 3893	SANTA CRUZ	CA	95063	\$502.53
017-744-35		1400 PINECREST DR	Boulder Creek	CA	95006	\$502.53
017-744-36		713 CIPRES ST	WATSONVILLE	CA	95076	\$502.53
017-744-37		709 CIPRES ST	WATSONVILLE	CA	95076	\$502.53
017-744-38		705 CIPRES ST	WATSONVILLE	CA	95076	\$502.53
017-744-39		701 CIPRES ST	WATSONVILLE	CA	95076	\$502.53
017-551-23 (a)		P O BOX 60970	PALO ALTO	CA	94306	18,715.05
017-751-02		505 CIRVELO ST	WATSONVILLE	CA	95076	\$502.53
017-751-03		509 CIRVELO ST	WATSONVILLE	CA	95076	\$502.53
017-751-04		513 CIRVELO ST	WATSONVILLE	CA	95076	\$502.53
017-751-05		517 CIRVELO ST	WATSONVILLE	CA	95076	\$502.53
017-751-06		521 CIRVELO ST	WATSONVILLE	CA	95076	\$502.53
017-751-07		525 CIRVELO ST	WATSONVILLE	CA	95076	\$502.53
017-751-08		529 CIRVELO ST	WATSONVILLE	CA	95076	\$502.53
017-751-09		533 CIRVELO ST	WATSONVILLE	CA	95076	\$502.53
017-751-10		537 CIRVELO ST	WATSONVILLE	CA	95076	\$502.53
017-751-11		541 CIRVELO ST	WATSONVILLE	CA	95076	\$502.53
017-751-12		545 CIRVELO ST	WATSONVILLE	CA	95076	\$502.53
017-751-13		62 BROWN VALLEY RD	WATSONVILLE	CA	95076	\$402.02

017-751-14		135 MARCELA DR	WATSONVILLE	CA	95076	\$402.02
017-751-15		270 TENNYSON DR	PALO ALTO	CA	94301	\$402.02
017-751-16		600 CELESTE WAY	SANTA CRUZ	CA	95065	\$402.02
017-751-17		147 MARCELA DR	WATSONVILLE	CA	95076	\$402.02
017-751-18		151 MARCELA DR	WATSONVILLE	CA	95076	\$402.02
017-751-19		155 MARCELA DR	WATSONVILLE	CA	95076	\$402.02
017-751-20		159 MARCELA DR	WATSONVILLE	CA	95076	\$402.02
017-751-21		163 MARCELA DR	WATSONVILLE	CA	95076	\$402.02
017-751-22		167 MARCELA DR	WATSONVILLE	CA	95076	\$402.02
017-751-23		171 MARCELA DR	WATSONVILLE	CA	95076	\$402.02
017-751-24		509 E BEACH ST	WATSONVILLE	CA	95076	\$402.02
017-751-25		166 MARCELA DR	WATSONVILLE	CA	95076	\$402.02
017-751-26		542 MANZANA ST	WATSONVILLE	CA	95076	\$402.02
017-751-27		538 MANZANA ST	WATSONVILLE	CA	95076	\$402.02
017-751-28		534 MANZANA ST	WATSONVILLE	CA	95076	\$402.02
017-751-29		530 MANZANA ST	WATSONVILLE	CA	95076	\$502.53
017-751-30		528 MANZANA ST	WATSONVILLE	CA	95076	\$502.53
017-751-31		522 MANZANA ST	WATSONVILLE	CA	95076	\$502.53
017-751-32		518 MANZANA ST	WATSONVILLE	CA	95076	\$502.53
017-751-33		514 MANZANA ST	WATSONVILLE	CA	95076	\$502.53
017-751-34		510 MANZANA ST	WATSONVILLE	CA	95076	\$502.53
017-751-35		506 MANZANA ST	WATSONVILLE	CA	95076	\$502.53
017-751-39		123 MARCELA DR	WATSONVILLE	CA	95076	\$402.02
017-751-40		119 MARCELA DR	WATSONVILLE	CA	95076	\$402.02
017-751-41		411 LOMA AVE	CAPITOLA	CA	95010	\$402.02
017-751-42		111 MARCELA DR	WATSONVILLE	CA	95076	\$402.02
017-751-43		107 MARCELA DR	WATSONVILLE	CA	95076	\$402.02
017-751-44		546 CEREZE ST	WATSONVILLE	CA	95076	\$502.53
017-751-45		542 CEREZE ST	WATSONVILLE	CA	95076	\$502.53
017-751-46		538 CEREZE ST	WATSONVILLE	CA	95076	\$502.53
017-751-47		534 CEREZE ST	WATSONVILLE	CA	95076	\$502.53
017-751-48		530 CEREZE ST	WATSONVILLE	CA	95076	\$502.53
017-751-49		526 CEREZE ST	WATSONVILLE	CA	95076	\$502.53
017-751-50		522 CEREZE ST	WATSONVILLE	CA	95076	\$502.53
017-751-51		1961 MAIN ST 144	WATSONVILLE	CA	95076	\$502.53
017-751-52		514 CEREZE ST	WATSONVILLE	CA	95076	\$502.53
017-751-53		510 CEREZE ST	WATSONVILLE	CA	95076	\$502.53
017-751-54		PO BOX 1275	CAPITOLA	CA	95010	\$502.53
017-751-57		110 BRYCE CT	APTOS	CA	95003	\$402.02
017-752-01		505 MANZANA ST	WATSONVILLE	CA	95076	\$502.53
017-752-02		509 MANZANA ST	WATSONVILLE	CA	95076	\$502.53

017-752-03		513 MANZANA ST	WATSONVILLE	CA	95076	\$502.53
017-752-04		510 VISTA DEL MAR DR	APTOS	CA	95003	\$502.53
017-752-05		521 MANZANA ST	WATSONVILLE	CA	95076	\$502.53
017-752-06		525 MANZANA ST	WATSONVILLE	CA	95076	\$502.53
017-752-07		529 MANZANA ST	WATSONVILLE	CA	95076	\$502.53
017-752-08		533 MANZANA ST	WATSONVILLE	CA	95076	\$502.53
017-752-09		537 MANZANA ST	WATSONVILLE	CA	95076	\$502.53
017-752-10		541 MANZANA ST	WATSONVILLE	CA	95076	\$502.53
017-752-11		545 MANZANA ST	WATSONVILLE	CA	95076	\$502.53
017-752-12		546 CORVELO ST	WATSONVILLE	CA	95076	\$502.53
017-752-13		542 CIRVELO ST	WATSONVILLE	CA	95076	\$502.53
017-752-14		538 CIRVELO ST	WATSONVILLE	CA	95076	\$502.53
017-752-15		534 CIRVELO ST	WATSONVILLE	CA	95076	\$502.53
017-752-16		530 CIRVELO ST	WATSONVILLE	CA	95076	\$502.53
017-752-17		526 CIRVELO ST	WATSONVILLE	CA	95076	\$502.53
017-752-18		522 CIRVELO ST	WATSONVILLE	CA	95076	\$502.53
017-752-19		518 CIRVELO ST	WATSONVILLE	CA	95076	\$502.53
017-752-20		514 CIRVELO ST	WATSONVILLE	CA	95076	\$502.53
017-752-21		510 CIRVELO ST	WATSONVILLE	CA	95076	\$502.53
017-752-22		1588 CAMDEN CT	SAN JOSE	CA	95124	\$502.53
017-753-02		505 CEREZE ST	WATSONVILLE	CA	95076	\$502.53
017-753-03		509 CEREZE ST	WATSONVILLE	CA	95076	\$502.53
017-753-04		513 CEREZE ST	WATSONVILLE	CA	95076	\$502.53
017-753-05		517 CEREZE ST	WATSONVILLE	CA	95076	\$502.53
017-753-06		521 CEREZE ST	WATSONVILLE	CA	95076	\$502.53
017-753-07		525 CEREZE ST	WATSONVILLE	CA	95076	\$502.53
017-753-08		529 CEREZE ST	WATSONVILLE	CA	95076	\$502.53
017-753-09		533 CEREZE ST	WATSONVILLE	CA	95076	\$502.53
017-753-10		537 CEREZE ST	WATSONVILLE	CA	95076	\$502.53
017-753-11		541 CEREZE ST	WATSONVILLE	CA	95076	\$402.02
017-753-12		545 CEREZE ST	WATSONVILLE	CA	95076	\$402.02
017-753-13		PO BOX 2005	WATSONVILLE	CA	95077	\$402.02
017-753-14		106 MARCELA DR	WATSONVILLE	CA	95076	\$402.02
017-753-15		102 MARCELA DR	WATSONVILLE	CA	95076	\$402.02
017-753-16		550 SECOYA ST	WATSONVILLE	CA	95076	\$402.02
017-753-17		161 NAVIGATOR DR	SCOTTS VALLEY	CA	95066	\$402.02
017-753-18		542 SECOYA ST	WATSONVILLE	CA	95076	\$402.02
017-753-19		538 SECOYA ST	WATSONVILLE	CA	95076	\$502.53
017-753-20		534 SECOYA ST	WATSONVILLE	CA	95076	\$502.53
017-753-21		530 SECOYA ST	WATSONVILLE	CA	95076	\$502.53
017-753-22		526 SECOYA ST	WATSONVILLE	CA	95076	\$502.53

017-753-23		522 SECOYA ST	WATSONVILLE	CA	95076	\$502.53
017-753-24		518 SECOYA ST	WATSONVILLE	CA	95076	\$502.53
017-753-25		514 SECOYA ST	WATSONVILLE	CA	95076	\$502.53
017-753-26		510 SECOYA ST	WATSONVILLE	CA	95076	\$502.53
017-753-27		506 SECOYA ST	WATSONVILLE	CA	95076	\$502.53
017-754-02		505 SECOYA ST	WATSONVILLE	CA	95076	\$502.53
017-754-03		509 SECOYA ST	WATSONVILLE	CA	95076	\$502.53
017-754-04		513 SECOYA ST	WATSONVILLE	CA	95076	\$502.53
017-754-05		517 SECOYA ST	WATSONVILLE	CA	95076	\$502.53
017-754-06		521 SECOYA ST	WATSONVILLE	CA	95076	\$502.53
017-754-07		525 SECOYA ST	WATSONVILLE	CA	95076	\$502.53
017-754-08		529 SECOYA ST	WATSONVILLE	CA	95076	\$502.53
017-754-09		533 SECOYA ST	WATSONVILLE	CA	95076	\$502.53
017-754-10		537 SECOYA ST	WATSONVILLE	CA	95076	\$502.53
017-754-11		541 SECOYA ST	WATSONVILLE	CA	95076	\$502.53
017-754-12		545 SECOYA ST	WATSONVILLE	CA	95076	\$502.53
017-754-13		549 SECOYA ST	WATSONVILLE	CA	95076	\$502.53
017-754-14		411 LOMA AVE	CAPITOLA	CA	95010	\$502.53
Total Assessment FY 2019/2020						\$137,814.34

Assessment Amount determined as follows:

\$502.53 price per Single Family Dwelling Unit

\$402.02 price per Town Home

\$138.63 price per Apartment

017-551-23 (a) – Cost on this parcel includes amount for 135 apartment units.

RESOLUTION NO. _____ (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE ADOPTING A RESOLUTION OF INTENTION TO ORDER IMPROVEMENTS, LEVY AND COLLECT ASSESSMENTS AND SET A PUBLIC HEARING FOR MAY 28, 2019, TO CONSIDER THE LANDSCAPING, LIGHTING, AND MAINTENANCE PROGRAM AND BUDGET FOR THE *VISTA MONTAÑA SUBDIVISION LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT (LLMAD)* FOR THE 2019-2020 FISCAL YEAR

Assessment District No. PK-03-03

(Pursuant to the Landscaping and Lighting Act of 1972)

WHEREAS, the *Vista Montaña Subdivision Landscaping and Lighting Maintenance Assessment District* was formed pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, on April 9, 2019, the City Council adopted Resolution No. 42-19 (CM) ordering the Engineer to prepare the Engineer's Report for the *Vista Montaña Subdivision Landscaping And Lighting Maintenance Assessment District* for the 2019-2020 fiscal year.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

1. That the City Council intends to levy and collect assessments within the *Vista Montaña Subdivision Landscaping and Lighting Maintenance Assessment District*, during the fiscal year 2019-2020 pursuant to the Landscaping and Lighting Act of 1972.

2. That the improvements to be made in this assessment district are generally described as follows:

(a) Regular maintenance, repair and replacement of all facilities within the agricultural buffer area (except the street and utilities) which includes, but not

be limited to, the landscaping, signage, perimeter wall, retaining walls, pedestrian path and erosion control plantings within or adjacent to the detention basins and drainage swale.

(b) Operation, maintenance, repairs, and replacement of and power for the street lighting within the District

(c) Regular maintenance, repair and replacement of the parkway strip and street trees on Cipres, Roble, Arce, Manzana, Cirvelo, Cereza, and Secoya Streets, and Vista Montaña, Franich, and Marcela Drives.

(d) Operation, maintenance, repair and replacement of the storm drain detention basins, drainage channel, drainage facilities and erosion control measures within the agricultural buffer, including the proposed storm drain culvert crossing Highway 152 and the inlet structure on the west side of Highway 152.

(e) Regular maintenance, repair, and replacement of the landscaping and perimeter wall along the Highway 152 frontage adjacent to the District boundaries, including graffiti removal.

(f) Regular maintenance, repair, and replacement of the pedestrian/bike path connecting Secoya Street and McKenzie Avenue, adjacent to the District boundaries.

(g) Regular maintenance, repair and replacement of pedestrian pathways located at the end of Roble Street, at the end of Cirvelo Street, within the agricultural buffer area and parallel to Bridge Street, on the south side of the townhomes parallel to Franich Drive and on the west side of the townhomes parallel to Marcela Drive.

3. That in accordance with the City Council's Resolution No. 42-19 (CM) the Engineer has filed with the City Clerk a report required by the Landscaping and Lighting Act of 1972. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessment district and the proposed assessments upon assessable lots and parcels of land within the assessment district.

4. That the assessments in the *Vista Montaña Subdivision Landscaping and Lighting Maintenance Assessment District* are proposed to be increased over the amount levied in the previous fiscal year from \$131,880.67 to \$137,815.30.

5. That on Tuesday, May 28, 2019, at 6:30 p.m. or as soon thereafter as is practical, the City Council will conduct a public hearing on the proposed annual assessment. The public hearing will be held at the meeting place of the City Council, located in the City Council Chambers, 275 Main Street, (4th) Fourth Floor, Watsonville, California.

6. That the City Clerk is hereby authorized and directed to give notice of the hearing in accordance with the provisions of the Landscaping and Lighting Act of 1972. (Section 22552 and 22553 of the California Streets and Highways Code)

City of Watsonville
Community Development Department



M E M O R A N D U M

DATE: April 18, 2019

TO: Matthew D. Huffaker, City Manager

FROM: Suzi Merriam, Community Development Director

SUBJECT: Consider adopting a Resolution approving an application for an SB2 Planning Grant for up to \$160,000 to partially fund the completion of the Downtown Specific Plan and Downtown Specific Plan Environmental Impact Report (EIR), and authorize City Manager to execute all necessary documentation

AGENDA ITEM: April 23, 2019 **City Council**

RECOMMENDATION:

It is recommended that the City Council adopt a resolution approving an application for the SB2 Planning Grant and authorize the City Manager to execute and submit all documents necessary for completion of the project.

DISCUSSION:

The City Council's 2018-2020 Strategic Plan calls for the completion of a Downtown Specific Plan to create a vibrant downtown district that preserves and enhances the diversity and character of Watsonville.

Staff submitted an application for a Sustainable Communities Planning Grant in November, 2018 to help fund the Downtown Specific Plan and the City will not find out whether this grant is awarded until Fall, 2019. In the meantime, SB2 funds are becoming available and can also be used to help prepare the Downtown Specific Plan.

SB2 was part of the 2017 Housing Package passed by the State to provide funding for the construction of affordable housing as well as one time funding for capital projects that address homelessness. Funding comes from a new fee placed on real estate transactions that began to be charged January 1, 2018. The first year SB2 funds, which will begin to be issued in late 2019, can be used for planning activities, including those activities that are part of the Downtown Specific Plan.

Staff believes that the Downtown Specific Plan is an excellent candidate for the SB2 Planning Grant because the stated goals of the plan:

- Foster additional housing in the historic downtown core
- Provide a master EIR that will help streamline the construction of housing in the downtown
- Develop objective design guidelines for downtown architecture that will help facilitate non-discretionary permitting

All of these goals are included in the eligibility criteria listed in the grant application guidance.

Currently, the City has a small amount of funding set aside from the General Fund to begin background work and create an advisory committee while we wait to hear whether the grant applications have been approved.

STRATEGIC PLAN:

The project supported by the proposed grant application supports Goals 4 (Economic Development) and 5 (Community Engagement & Well-Being) of the Strategic Plan, by creating a comprehensive planning and environmental document to allow increased density for both housing and commercial uses in the downtown, connecting multiple transportation modes, and providing a robust public outreach and engagement program as part of the Specific Plan.

FINANCIAL IMPACT:

There is no financial impact to apply for the SB2 funds and no local match required. If awarded, grant funds will be placed in the City's Grant Fund into a specific sub-account for the Downtown Specific Plan.

ALTERNATIVES:

The City Council could choose not to adopt a resolution supporting the grant application, which would delay any significant work on the Downtown Specific Plan to early 2020.

ATTACHMENTS:

None

cc: City Attorney

RESOLUTION NO. _____ (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE AUTHORIZING AND DIRECTING THE CITY MANAGER ON BEHALF OF THE CITY OF WATSONVILLE TO SUBMIT AN APPLICATION FOR \$160,000 TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE SB2 PLANNING GRANTS PROGRAM; AND IF AWARDED, TO NEGOTIATE, EXECUTE AND SUBMIT ALL DOCUMENTS INCLUDING, BUT NOT LIMITED TO APPLICATIONS, AGREEMENTS, PAYMENT REQUESTS AND SO ON, WHICH MAY BE NECESSARY TO PARTIALLY FUND THE COMPLETION OF A DOWNTOWN SPECIFIC PLAN AND DOWNTOWN SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT (EIR); AND APPROPRIATING SUCH FUNDS TO THE SPECIAL GRANTS FUND

WHEREAS, in 2017, Governor Brown signed a 15-bill housing package to provide funding for the construction of affordable housing as well as one time funding for capital projects that address homelessness; and

WHEREAS, the State of California, Department of Housing and Community Development (Department) has issued a Notice of Funding Availability (NOFA) dated March 29, 2019, for its SB2 Planning grants Program (PGP); and

WHEREAS, the City of Watsonville desires to submit a project application for the PGP program to accelerate the production of housing and will submit a 2019 PGP grant application described in the Planning Grants Program NOFA and SB2 Planning Grants Program Guidelines released by the Department for the PGP Program; and

WHEREAS, the Department is authorized to provide up to \$1.2 million under SB2 Planning Grants program from the Building Homes and Jobs Trust Fund for assistance to Cities (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (SB2)) related to the PGP Program; and

WHEREAS, upon award of a Planning Grants Program Grant, the City of Watsonville will enter into a contract with the Department to partially fund the completion of the Downtown Specific Plan and Downtown Specific Plan EIR.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

1. That the City Council hereby authorizes and directs the City Manager to apply for and submit to the Department the 2019 Planning Grants Program application released March 29, 2019, in the amount of \$160,000 on behalf of the City of Watsonville.

2. In connection with the PGP grant, if the application is approved by the Department, the City Manager of the City of Watsonville is authorized to enter into, execute, and deliver a State of California Standard Agreement (Standard Agreement) for the amount of \$160,000, and any and all other documents required or deemed necessary or appropriate to evidence and secure the PGP grant, the City of Watsonville's obligations related thereto, and all amendments thereto (collectively, the "PGP Grant Documents").

3. The City of Watsonville shall be subject to the terms and conditions as specified in the Standard Agreement, the SB2 Planning Grants Program Guidelines, and any applicable PGP guidelines published by the Department. Funds are to be used for allowable expenditures as specifically identified in the Standard Agreement. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application will be enforceable through the executed Standard Agreement. The City Council of the City of Watsonville hereby agrees to use the funds for eligible uses in the manner presented in the application as approved by the Department and in accordance with the Planning Grants NOFA, the Planning Grants Program Guidelines, and 2019 Planning Grants Program Application.

4. The City of Watsonville City Manager is authorized and directed to execute the City of Watsonville Planning Grants Program application, the PGP Grant Documents,

and any amendments thereto, on behalf of the City of Watsonville as required by the Department for receipt of the PGP Grant.

5. That the City Manager of the City of Watsonville is authorized and directed, if said grant is awarded, to appropriate \$160,000 to the Special Grants Fund [0260] for the Downtown Specific Plan Project.

**City of Watsonville
Fire Department**

M E M O R A N D U M



DATE: April 18, 2019

TO: Matthew D. Huffaker, City Manager

FROM: Rudy Lopez Sr., Interim Fire Chief

SUBJECT: Donation of 2001 Central States Fire Engine

AGENDA ITEM: April 23, 2019 **City Council**

RECOMMENDATION:

It is recommended that the City Council approves by resolution the donation of the 2001 Central States fire engine to the County of Santa Cruz Fire Training Battalion to be used only for training. The value of the engine is \$35,067.44.

DISCUSSION:

The Watsonville Fire Department (WFD) recommends that the City donate the City's 2001 Central States fire engine to the County of Santa Cruz Fire Training Battalion to be used at the CalFire CZU Santa Cruz County Training Center located off Empire Grade in Felton, CA., where many firefighters, including our own, may use the apparatus for training. This donation will continue to strengthen coordinated training capabilities as well as allowing the Watsonville Fire Department to be more involved with upcoming training opportunities at the facility. This engine has served the City for 18 years and no longer meets our safety standards for daily use, but is still valuable as a training resource. If the City did not proceed with donating the engine, the Fire Department could sell the vehicle through a public surplus auction, but such sales typically yield a small return after fees, shipping costs and staff time.

STRATEGIC PLAN:

The 2018-2020 Strategic Plan's sixth goal is Public Safety. The Strategic Plan identified public safety partnerships as a focus. This recommendation is within the parameters of the City Council's vision and priorities.

FINANCIAL IMPACT:

There is no financial impact.

ALTERNATIVES:

Retire the engine and find a place to store it.

ATTACHMENTS:

None

cc: City Attorney

RESOLUTION NO. _____ (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE DECLARING A 2001 CENTRAL STATES FIRE ENGINE AS SURPLUS; AUTHORIZING THE DONATION THEREOF TO THE COUNTY OF SANTA CRUZ FIRE TRAINING BATTALION WITHOUT SEEKING INFORMAL BIDS; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS TO ACCOMPLISH SUCH DONATION

WHEREAS, the Watsonville Fire Department recommends that the City donate the 2001 Central States fire engine to the County of Santa Cruz Fire Training Battalion to be used only for training purposes; and

WHEREAS, this engine has served the City for 18 years and no longer meets safety standards for daily use, but it is still valuable as a training resource.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

1. Pursuant to Section 3-5.13 of the Watsonville Municipal Code, surplus supplies and equipment may be donated to non-profit, charitable, or governmental agencies and must be approved by City Council should the value of the surplus item exceed \$35,000.

2. The estimated value of the engine is \$35,067.44.

3. That the 2001 Central States Fire engine be and is hereby declared as surplus and the same is no longer needed for City purposes.

4. That it is in the best interest of the City of Watsonville to donate said engine without informal competitive bids.

5. That the donation of the 2001 Central States fire engine is to be donated, "as is-where is," with no express or implied warranty to the County of Santa Cruz Fire

Training Battalion.

6. That the City Manager is hereby authorized and directed to execute any and all necessary documents to accomplish such donation.

**City of Watsonville
Fire Department**

M E M O R A N D U M



DATE: April 17, 2019

TO: Matthew D. Huffaker, City Manager

FROM: Rudy Lopez Sr., Interim Fire Chief
Rosa Meyer, Administrative Analyst

SUBJECT: Donation from Home Depot USA, Inc

AGENDA ITEM: April 23, 2019 **City Council**

RECOMMENDATION:

It is recommended that the City Council accept the donation of \$2,000 from Home Depot U.S.A., Inc. to be used for the purchase of child safety seats.

DISCUSSION:

The Watsonville Fire Department (WFD) has been offering car seat inspections by a certified technician since 2006. Watsonville Fire joined the SafeKids Santa Cruz Coalition, partnering with other local agencies to provide car seat inspections to residents of Santa Cruz County. Seats were obtained through grants from the County of Santa Cruz Health Services Agency-SEATS for KIDS program. In the last few years, due to turnover within the Health Services Agency, fewer grants have been obtained which means less seats are available. Home Depot staff was quick to respond to this need in our community and gave a donation to the Watsonville Fire Department to be used towards the purchase of car seats. Depending on the type of seats ordered, this would help us provide about 38 car seats to low income families.

STRATEGIC PLAN:

The 2018-2020 Strategic Plan's fifth goal is Community Engagement & Well-Being and the sixth goal is Public Safety. The Strategic Plan identified community health and improving quality of life as a focus. This recommendation is within the parameters of the City Council's vision and priorities.

FINANCIAL IMPACT:

There is no financial impact.

ALTERNATIVES:

Provide only car seat inspections and continue with the current waitlist should seats become available.

ATTACHMENTS: None

cc: City Attorney

RESOLUTION NO. _____ (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ACCEPT THE DONATION OF \$2,000 FROM HOME DEPOT U.S.A., INC. TO BE USED FOR THE WATSONVILLE FIRE DEPARTMENT'S CHILD CAR SEAT INSPECTIONS PROGRAM; AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS; AND APPROPRIATING SUCH FUNDS TO THE SPECIAL GRANTS FUND

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

1. That the \$2,000 donation from Home Depot U.S.A., Inc., to be used for the purchase of child safety seats for the Watsonville Fire Department's Child Car Seat Inspections Program is hereby accepted.
2. That the City Manager is hereby authorized and directed to execute in the name of the City of Watsonville, any and all documents required by Home Depot U.S.A., Inc.
3. That the \$2,000 donation is hereby appropriated to the Special Grants Fund [0260].

City of Watsonville
Public Works and Utilities Department



M E M O R A N D U M

DATE: April 17, 2019

TO: Matthew D. Huffaker, City Manager

FROM: Steve Palmisano, Director of Public Works and Utilities
Maria Esther Rodriguez, Asst. Director of Public Works and Utilities
Murray A. Fontes, Principal Engineer

SUBJECT: Resolution of Vacation for Rail Trail Project: Summary vacation and abandonment of five-foot wide 1,886 square foot portion of Ohlone Parkway and authorizing City Manager to accept a trail easement grant deed over a portion of 751 Ohlone Parkway (APN 018-711-19) in exchange

AGENDA ITEM: April 23, 2019

City Council

RECOMMENDATION:

It is recommended that the City Council adopt a resolution:

1. Ordering summary vacation and abandonment of a five-foot-wide, 1,886 square foot strip within Ohlone Parkway that is contiguous to 701 (APN 018-711-23) and 751 Ohlone Parkway (APN 018-711-19);
2. Authorizing the City Manager to exchange the vacated and abandoned right of way for a 96 square foot trail easement grant deed from East Ohlone Watsonville, LLC (EOW), over a portion of 751 Ohlone (APN 018-711-19).

DISCUSSION:

RAIL TRAIL PROJECT

The City's Rail Trail Project calls for installation of a 12-foot wide pedestrian and bicycle trail adjacent to the railroad tracks between Lee Road and Walker Street. For much of the project, the trail will be within the existing railroad right of way. On the east side of Ohlone Parkway, there is a small metal building that operates the railroad crossing equipment at this location. To avoid the building, the trail will shift to the west and cross onto private property. The City will need an easement where the trail is on private property. The trail easement will burden 751 Ohlone Parkway (APN 018-711-19), which is owned by EOW. Staff tentatively agreed to exchange a portion of Ohlone Parkway road right of way that

fronts on EOW property for the easement. The City may lose construction funding for the trail if the trail easement is not acquired by August 12, 2019.

SUMMARY VACATION

The portion of Ohlone Parkway to be exchanged is within a 30 foot wide strip of land that is between the roadway and the properties owned by EOW at 701 (APN 018-711-23) and 751 Ohlone Parkway (APN 018-711-19). The segment to be exchanged is five feet wide and has an area of 1,886 square feet. No sidewalk, landscaping or utilities are within the five-foot wide strip and the remaining 25 feet remain available for future road widening or public utilities. Attached and identified as Attachment 1 is an aerial photograph showing the five-foot-wide strip of Ohlone Parkway and the 96 square foot trail.

California Government Code § 8334 provides, in part, that a city may summarily vacate excess right-of-way of a street not required for street purposes. Staff has found that this five-foot-wide section of Ohlone Parkway is not required for street purposes. California Government Code 8334.5 provides that a street may not be summarily vacated if there are in-place public utility facilities that are in use and would be affected by the vacation. Staff has found that there are no public utility facilities in use and none recorded that would be affected by the vacation of this five-foot-wide strip of Ohlone Parkway.

TRAIL EASEMENT GRANT DEED

EOW agrees to easement grant deed the 96-square-foot trail to the City in exchange for the City vacating the five-foot-wide public street in favor of EOW. No money will be exchanged. Attached as Attachment 3 is a letter from the EOW agreeing to the exchange. The City will prepare and record all documents.

STRATEGIC PLAN:

This project is consistent with Strategic Plan Goal #3.E.1, Maintaining City Trails.

FINANCIAL IMPACT:

There is no cost to the City. The cost of preparation, filing and recordation of legal documents shall not exceed \$10,000 and will be funded through the Rail Trail project, Account Number 0305-923-7837-14309. There is adequate funding in the 2018-2019 budget to support this contract.

ALTERNATIVES:

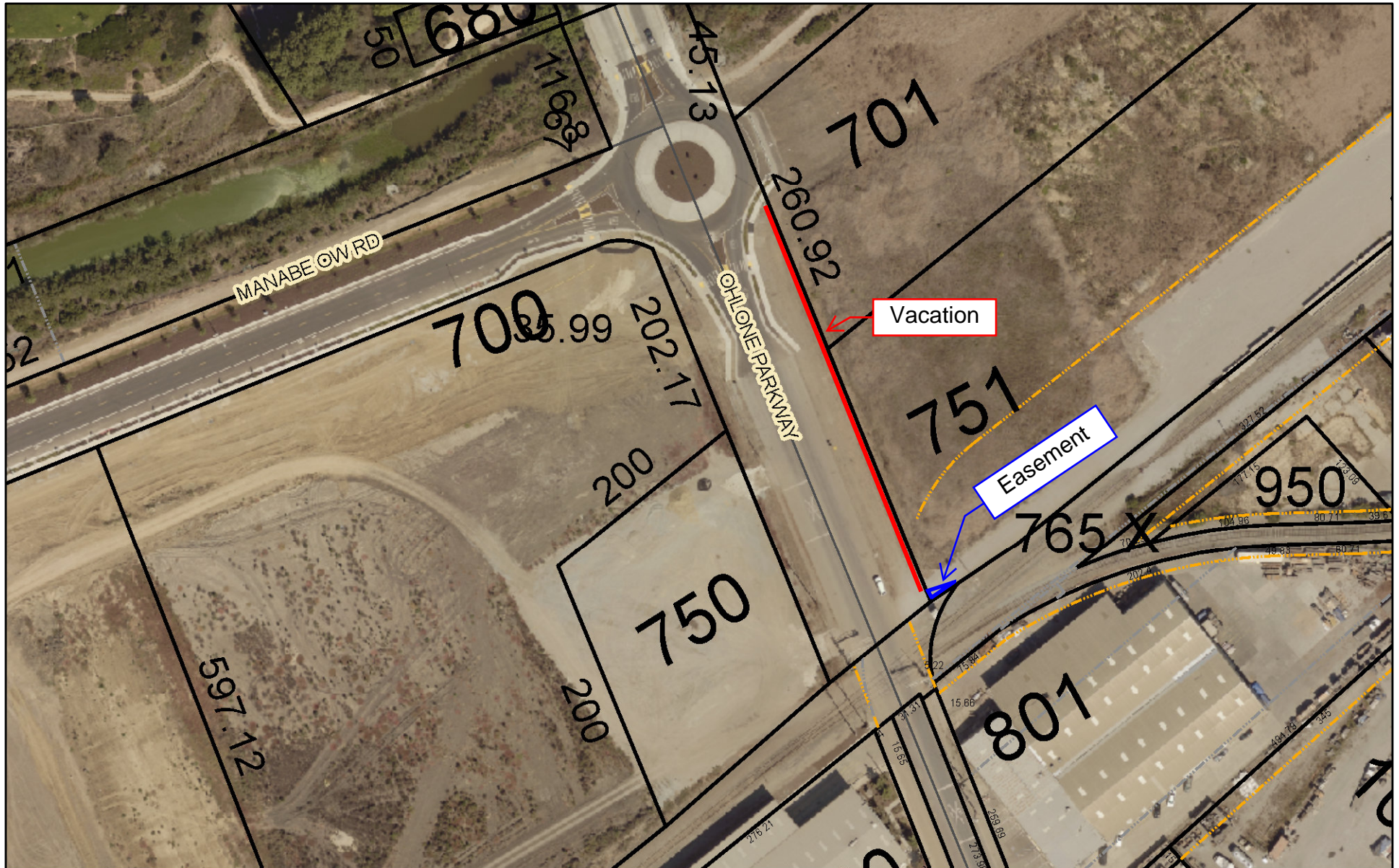
None

ATTACHMENTS:

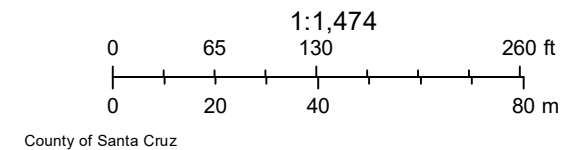
1. Aerial map of fee area vacated and trail easement to be grant deeded.
2. March 10, 2019 letter from Benjamin Ow of EOW to Tom Sharp, Senior Utilities Engineer for the City agreeing to deed 96-square-foot area.

cc: City Attorney

Ohlone Parkway Vacation



March 11, 2019



Benjamin Ow
East Ohlone Watsonville, LLC
1601 41st Avenue, #202
Capitola, California 95010
benjamin@owcommercial.com

March 10, 2019

City of Watsonville
250 Main Street
Watsonville, CA 95076
Attn: Tom Sharp
tom.sharp@cityofwatsonville.org

Dear Mr. Sharp,

This letter is in reference to the property owned by East Ohlone Watsonville LLC in the City of Watsonville at 751 Ohlone Parkway, APN #s 018-711-19 and 018-711-23. As discussed, we agree in principle to granting an easement to the City of Watsonville for use of an approximately 96-square-foot portion of the property for a pedestrian trail in conjunction with the City abandoning an approximately 1,875-square-foot right-of-way over the property it possesses and transferring its interest in the right of way to us. This arrangement is subject to our being able to draft and execute mutually agreeable documents. Nothing in this letter shall grant any rights to the City of Watsonville or give up any rights of East Ohlone Watsonville LLC.

Best regards,

A handwritten signature in black ink, appearing to read "Benjamin Ow", written in a cursive style.

Benjamin Ow
Manager of East Ohlone Watsonville, LLC

RESOLUTION NO. _____ (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE ENACTED PURSUANT TO THE SUMMARY ABANDONMENT PROVISIONS OF PART 3 OF DIVISION 9 OF CHAPTER 4 OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA ABANDONING AND VACATING A FIVE-FOOT-WIDE, 1,886 SQUARE FOOT STRIP WITHIN OHLONE PARKWAY, AS ACQUIRED, CONTIGUOUS TO 701 (APN: 018-711-23) AND 751 OHLONE PARKWAY (APN: 018-711-19) AND CONDITIONED ON DELIVERY OF A TRAIL EASEMENT GRAND DEED BY EAST OHLONE WATSONVILLE, LLC (EOW), OVER A PORTION OF 751 OHLONE PARKWAY (APN 018-711-19); AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO ACCEPT A 96 SQUARE FOOT TRAIL EASEMENT GRANT DEED ON BEHALF OF THE CITY

WHEREAS, the City's Rail Trail project requires acquisition and construction of a 12-foot wide pedestrian and bicycle path next to the railroad tracks between Lee Road and Walker Street; and

WHEREAS, City staff has arranged for an exchange of some of the Ohlone Parkway road right of way in front of 701 and 751 Ohlone Parkway in exchange for an easement across a portion of the parcel in order to construct the Rail Trail project; and

WHEREAS, the owner of the parcels, East Ohlone Watsonville, LLC, will grant the City a 96 square foot easement at the southwest corner of the subject parcel and the City will provide East Ohlone Watsonville, LLC a five-foot-wide, 1,886 square foot strip within Ohlone Parkway road right of way along the frontage of the parcels; and

WHEREAS, the proposed segment of road right of way to be vacated is unimproved as there is no sidewalk or landscaping and no utilities have been identified at this location.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

1. That the City Council, pursuant to the provisions of the Public Streets, Highways, and Service Easements Vacation Law (Part 3 of Division 9 of Chapter 4 of the

Streets & Highways Code of the State of California commencing with §8300 et seq) does hereby abandon, reject and vacate a 1,886 square foot portion of the Ohlone Parkway road right of way in front of 701 (APN: 018-711-23) and 751 Ohlone Parkway (APN: 018-711-19), as more particularly described in Exhibit "A," attached hereto and incorporated herein by this reference.

2. That this abandonment is made because the portion of a 1,886 square foot of existing Ohlone Parkway road right of way in front of 701 and 751 Ohlone Parkway is not required for street purposes.

3. That no public utilities or public service easements lie within the area being abandoned.

4 That this summary vacation is made pursuant to subdivision (a) of §8335 and §8336 of the California Streets and Highways Code.

5. That the City Manager is hereby authorized and directed to exchange a 1,886 square foot portion of the existing Ohlone Parkway road right of way for a 96 square foot easement at the southwest corner of the subject parcel for the Rail Trail project as more particularly described in Exhibit "B," attached hereto and incorporated herein by this reference.

6. That from and after the date this resolution is recorded, the street and public service easements hereby vacated no longer constitute public streets or a public services easement.

7. That the City Clerk is hereby directed to forthwith record a certified copy of this resolution in the Office of the Recorder of the County of Santa Cruz.

LANDS TO BE ABANDONED

EXHIBIT A

SITUATE in the City of Watsonville, County of Santa Cruz, State of California and

BEING a portion of Ohlone Parkway (a City Street 110' wide) as shown on page 3 of that certain map entitled "Record of Survey | City of Watsonville | Manabe Wetlands Restoration Project" filed for record May 22, 2015 in Volume 123 of Maps, Page 31, Santa Cruz County Records, being more particularly described as follows:

BEGINNING at a 1/2" diameter iron pipe (LS 6832) set at the most southern corner of the lands conveyed to M.F. Farming Company by grant deed recorded in Volume 138, Page 466, Official Records of Santa Cruz County as shown on the above said map; thence from said point of being and along the western boundary thereof North 22°12'31" West (map shows North 22° 59'30" West) 6.09 feet to the TRUE POINT OF BEGINNING for this description; thence from said true point of beginning and leaving said western boundary South 67°47'29" West 5.00 feet; thence North 22°12'31" West 375.19 feet; thence North 29°28'15" East 6.37 feet to the aforementioned western boundary; thence along said western boundary South 22°12'31" East 379.14 feet to the true point of beginning.

CONTAINING 1,886 square feet of land, a little more or less.

The basis of bearings for this description is North American Datum 1983, California Coordinate System Zone 3 (2007) accessed using GPS methods and City control per that certain map entitled "Record of Survey | A City Wide Benchmark Network | Prepared For The City Of Watsonville" filed for record in Volume 115 of Maps, Page 7, Santa Cruz County Records.

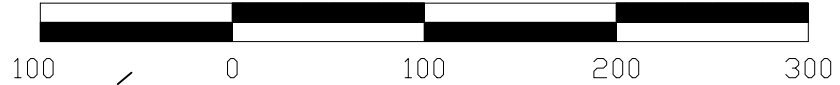
Distances are in feet and decimals thereof and are ground based.

COMPILED MARCH 6, 2019, 2019 BY MID COAST ENGINEERS UNDER JOB NO. 15160.



03-06-2019

EXHIBIT A



SCALE IN FEET : 1" = 100'



M.F. FARMING CO.
138 O.R. 466
(REMAINDER)
APN 18-711-19 & 23

123 M 31

5' WIDE STRIP TO BE
ABANDONED BY THE
CITY OF WATSONVILLE
1,886± Sq.Ft.

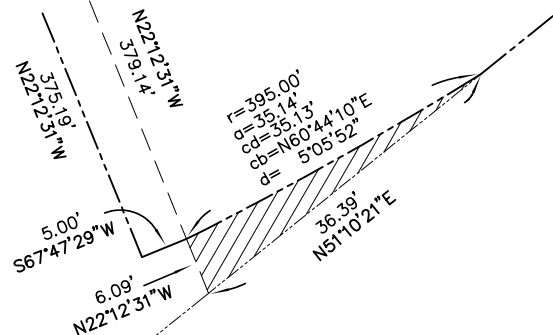
OH LONE PARKWAY
(A CITY STREET)

TRIANGLE TO BE
ACQUIRED BY THE
CITY OF WATSONVILLE
97± Sq.Ft.
SEE DETAIL BELOW

THE BASIS OF BEARINGS FOR THIS
SURVEY IS NAD83, CCS ZONE 3
(2007) PER CITY CONTROL SURVEY
FILED FOR RECORD IN VOL. 115 OF
MAPS, PAGE 7, SANTA CRUZ COUNTY
RECORDS.

SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION

LANDS TO BE ACQUIRED
AND ABANDONED BY THE
CITY OF WATSONVILLE



DETAIL
LANDS TO BE ACQUIRED
(SHOWN HATCHED)
SCALE: 1"=20'

DATE: 03-05-2019
MCE JOB NO. 15160

LANDS TO BE ACQUIRED

EXHIBIT B

SITUATE in the City of Watsonville, County of Santa Cruz, State of California and

BEING a portion of the lands conveyed to M.F. Farming Company by grant deed recorded in Volume 138, Page 466, Official Records of Santa Cruz County as shown on page 3 of that certain map entitled "Record of Survey | City of Watsonville | Manabe Wetlands Restoration Project" filed for record May 22, 2015 in Volume 123 of Maps, Page 31, Santa Cruz County Records, being more particularly described as follows:

BEGINNING at a 1/2" diameter iron pipe (LS 6832) set at the most southern corner of the above said lands; thence from said point of being and along the southeastern boundary thereof North 51°10'21" East (map shows North 50°23'23" East) 36.39 feet; thence leaving said boundary along a curve to the right with a chord bearing of South 60°44'10" West, a radius of 395.00 feet, an arc length of 35.14 feet, and a central angle of 5°05'52" to the western boundary thereof; thence along said western boundary South 22°12'31" East 6.09 feet to the point of beginning.

CONTAINING 97 square feet of land, a little more or less.

The basis of bearings for this description is North American Datum 1983, California Coordinate System Zone 3 (2007) accessed using GPS methods and City control per that certain map entitled "Record of Survey | A City Wide Benchmark Network | Prepared For The City Of Watsonville" filed for record in Volume 115 of Maps, Page 7, Santa Cruz County Records.

Distances are in feet and decimals thereof and are ground based.

COMPILED MARCH 6, 2019 BY MID COAST ENGINEERS UNDER JOB NO. 15160.



03-06-2019

EXHIBIT A

Scale: 1" = 100'

110'

N29°28'18"E 6.37'

S22°12'31"E 17.00'

5' WIDE STRIP TO BE ABANDONED BY THE CITY OF WATSONVILLE
1,886± Sq.Ft.

123 M 31

OH LONE PARKWAY
(A CITY STREET)

N22°12'31"E 37.914'

S22°12'31"E 37.914'

TRIANGLE TO BE ACQUIRED BY THE CITY OF WATSONVILLE
97± Sq.Ft.
SEE DETAIL BELOW

50'

SANTA CRUZ COUNTY REGIONAL TRANSPORTATION COMMISSION

THE BASIS OF BEARINGS FOR THIS SURVEY IS NAD83, CCS ZONE 3 (2007) PER CITY CONTROL SURVEY FILED FOR RECORD IN VOL. 115 OF MAPS, PAGE 7, SANTA CRUZ COUNTY RECORDS.

LANDS TO BE ACQUIRED AND ABANDONED BY THE CITY OF WATSONVILLE

DATE: 03-05-2019
MCE JOB NO. 15160

DETAIL
LANDS TO BE ACQUIRED
(SHOWN HATCHED)
SCALE: 1"=20'

N22°12'31"W 37.914'

N22°12'31"W 37.914'

5.00'

S67°47'29"W

6.09'

N22°12'31"W

36.39'

N51°10'21"E

r=395.00'
α=35°14'
cd=N60°44'10"E
d=5'05'52"



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STREETS AND HIGHWAYS CODE - SHC

DIVISION 9. CHANGE OF GRADE AND VACATION [8000 - 8363] (*Division 9 added by Stats. 1941, Ch. 79.*)

PART 3. PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENTS VACATION LAW [8300 - 8363] (*Part 3 repealed and added by Stats. 1980, Ch. 1050, Sec. 29.*)

CHAPTER 4. Summary Vacation [8330 - 8336] (*Chapter 4 added by Stats. 1980, Ch. 1050, Sec. 29.*)

ARTICLE 2. Procedure [8335 - 8336] (*Article 2 added by Stats. 1980, Ch. 1050, Sec. 29.*)

8335. (a) (1) The legislative body may vacate a street, highway, or public service easement pursuant to the authority provided in this chapter by adopting a resolution of vacation.

(2) The legislative body may delegate the authority to vacate a public service easement to any public officer or employee otherwise qualified to prepare easements or approve parcel maps or final maps as defined in Title 7 of Division 2 of the Government Code, pursuant to the authority provided in this chapter by recordation of a document containing the information in subdivision (b).

(b) The resolution of vacation shall state all of the following:

(1) That the vacation is made under this chapter.

(2) The name or other designation of the street, highway, or public service easement and a precise description of the portion vacated. The description of the portion vacated may be by a precise map which is recorded or to which reference is made in the resolution and which is permanently maintained by the public entity.

(3) The facts under which the summary vacation is made. If the vacation is made pursuant to Section 8332, the statement shall include the date of the agreement. The resolution is prima facie evidence of the facts stated.

(4) That from and after the date the resolution is recorded, the street, highway, or public service easement vacated no longer constitutes a street, highway, or public service easement.

(5) If the resolution of vacation applies to a public service easement vacated by a public officer or employee delegated authority pursuant to subdivision (a), a certification that all entities having any right, title, or interest in the public service easement being vacated have been notified of this action.

(Amended by Stats. 2015, Ch. 269, Sec. 36. (SB 184) Effective January 1, 2016.)

8336. (a) The clerk shall cause a certified copy of the resolution of vacation, attested by the clerk under seal, to be recorded without acknowledgment, certificate of acknowledgment, or further proof in the office of the recorder of the county in which the property is located. No fee shall be charged for recordation.

(b) Upon such recordation, the vacation is complete.

(Added by Stats. 1980, Ch. 1050, Sec. 29.)

**City of Watsonville
Community Development Department**



M E M O R A N D U M

DATE: April 18, 2019

TO: Matthew D. Huffaker, City Manager

FROM: Suzi Merriam, Community Development Director

SUBJECT: Consider adopting a Resolution supporting Assembly Bill 705 (M. Stone)

AGENDA ITEM: April 23, 2019 City Council

RECOMMENDATION:

It is recommended that the City Council adopt a resolution in support of the passage of Assembly Bill 705 (AB705) (Mark Stone).

DISCUSSION:

City staff has received a request by William Constantine, our contract attorney for laws and regulations regarding mobile home parks, to adopt a resolution supporting the passage of AB705 on April 24, 2019. In January, the City Council adopted a Mobile Home Park Overlay Zoning ordinance to provide additional protections for the residents of mobile home parks. However, there are still ways that mobile home park owners may legally close mobile home parks, and the passage of AB705 is an attempt at the state level to make these conversions more difficult.

AB705 will prevent “sham closures” of mobile home parks. Local regulations address the conversion of mobile home parks to other uses, but do not directly address the closure of mobile home parks. The City’s Mobile Home Park Overlay Zoning district makes the reuse of a property zoned for mobile home parks much more difficult, as it would require a rezoning, but it doesn’t preclude the closure of a mobile home park without a demonstration of need. AB705 will require the park owner to first demonstrate the need to close the park in advance of filing an application to close or replace the park.

AB705 will allow local jurisdictions to require more stringent mitigation standards when mobile home park tenants are displaced. AB705 will clarify existing language in the Government Code (Sections 65863.7 & 66427.4) so that local jurisdictions can require more mitigations than the state regulations provide for the displacement of mobile home park tenants. Further, these changes will allow a local jurisdiction to reject a conversion request if the request does not meet local requirements.

STRATEGIC PLAN:

The proposed resolution supporting the passage of AB705 supports Goal 1 (Housing) of the Strategic Plan. Passage of AB705 will provide additional protections to those residents living in mobile home parks.

FINANCIAL IMPACT:

There is no financial impact to supporting the passage of AB705

ALTERNATIVES:

The City Council could choose not to adopt a resolution supporting the passage of AB705.

ATTACHMENTS:

None

cc: City Attorney

RESOLUTION NO. _____ (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE DECLARING ITS SUPPORT OF ASSEMBLY BILL 705 (M. STONE) ENTITLED *MOBILEHOME PARKS: CHANGE OF USE* WHICH WILL ALLOW LOCAL JURISDICTIONS TO REQUIRE MORE STRINGENT MITIGATION REQUIREMENTS TO CLOSE MOBILEHOME PARKS

WHEREAS, Assembly Bill 705 introduced by Assembly Member Mark Stone on February 19, 2019, entitled *Mobilehome parks: change of use*, if approved, will allow local jurisdictions to require more stringent mitigation requirements to close mobilehome parks; and

WHEREAS, Government Code Sections 65583(b)(1) and 65583(c)(4) require the City of Watsonville to adopt a goal and policy of conserving the existing affordable housing stock located in the City and programs to implement them, including programs addressing ways to mitigate the loss of dwelling units demolished by private action. This mandate has been interpreted by the courts to require the City to adopt and implement a program to preserve the continued availability and affordability of the current low-income housing stock located in manufactured home parks in the City. See Buena Vista Gardens Apartments Assn. v. City of San Diego Planning Dept. (1985) 175 Cal.App.3d 289, 303-304; and

WHEREAS, in order to comply with the above statutes, in 2016, the City Council adopted the City's 2015 - 2023 Housing Element (Resolution No 35-16), which includes Goal 1.0 "Improve, conserve and preserve both the safe condition and the continued availability of Watsonville's existing affordable housing stock in order to meet the needs of all economic segments of the community" and Policy 1.5 to "Preserve the existing stock of affordable housing, including mobile homes, through City regulations and land use and development controls." As one of the programs, required by Government Code

Section 65583(c)(4) to implement this Goal and Policy, the City's Municipal Code contains Chapter 14-42 "Mobile Home Park Conversions to Resident Ownership or Any Other Use," which is the City's Mobile Home Park Conversion Ordinance. However, it is outdated and in need of revision. In recognition of this, and in order to further implement Goal 1.0 and Policy 1.5, the City's Housing Element also contains the Five-Year Objective of "Review and revise the City's mobile home park ordinance to streamline the process and to ensure consistency with state law" and is currently in the process of doing so; and

WHEREAS, Government Code Sections 65863.7 and 66427.4 control the conversion of manufactured home parks to other uses and their closure but they contain ambiguous and inconsistent provisions, which relate to the enforcement of Goal 1.0 and Policy 1.5. The most notable of which is that Government Code Section 65863.7 controls manufactured home park closures and conversions that do not require tentative map approval. Government Code Section 66427.4 then controls all manufactured home park conversions to subdivisions that require tentative map approval, which constitute almost all of the conversions to other uses. Government Code Section 66473.5 then provides that, for approval, a conversion under Section 66427.4 must be found to be consistent with a local jurisdiction's General Plan, which, applied to the City, would include Goal 1.0 and Policy 1.5 of the City's Housing Element. It, thereby, provides an unambiguous enforcement mechanism for enforcing Goal 1.0 and Policy 1.5. However, taking advantage of the inconsistencies in the two statutes, park owners, in a large majority of conversions that have taken place in other local jurisdictions, have been able to circumvent these affordable housing preservation requirements by first closing their parks, under Government Code Section 65863.7, and then, after a park's closure is

approved, applying for and obtaining approval of the development that is replacing the park. These ambiguities and inconsistencies in Government Code Sections 66427.4 and 65863.7 make it extremely difficult for the City to fulfill its Five-Year Objective of revising the City's manufactured home park conversion ordinance to make it consistent with state law and then, subsequently, to be able to enforce Goal 1.0 and Policy 1.5 of its Housing Element; and

WHEREAS, AB 705 resolves the inconsistencies between Government Code Sections 66427.4 and 65863.7 and clarifies their ambiguities relating to the enforcement of the above affordable housing preservation requirements by requiring park owners, who wish to close their park under Government Code Section 65863.7, to demonstrate that they are truly intending to close their manufactured home park and not merely using Section 65863.7's procedures to avoid the above affordable housing protections and also by requiring a finding, under Civil Code Section 798.56(g) for approval of a conversion, that it will not result in a shortage of housing opportunities and choices within the local jurisdiction for low and moderate income households; and

WHEREAS, Government Code Sections 65863.7 and 66427.4 also require a park owner proposing to convert or close a mobile home park to provide a report on the impact of the conversion on the displaced homeowners' ability to find adequate housing and spaces in other manufactured home parks and then for the local jurisdiction to impose mitigation requirements on the park owner that will enable the displaced homeowners to do so. Government Code Section 65863.7 contains the additional command that the mitigation benefits shall not exceed the costs of relocation. However, these statutes do not contain sufficient guidance on the standard that local jurisdictions are to apply to determine if the mitigation benefits will meet these goals and what they

are to do if it is determined that the mitigation benefits will not be able to do so. These deficiencies make it additionally difficult for the City to fulfill its Five-Year Objective of revising its manufactured home park conversion ordinance to make it consistent with state law and to ensure that any manufactured home park conversion or closure that the City then, subsequently, decides to approve of under the ordinance meets the mitigation requirements of Government Code Sections 65863.7 and 66427.4.; and

WHEREAS, AB 705 resolves Government Code Sections 65863.7's and 66427.4's failure to contain a sufficient mitigation standard by adopting the standard that Government Code Section 7260(i) currently imposes on local jurisdictions for determining the adequacy of the relocation assistance, which is required under the California Uniform Relocation Act, that local jurisdictions must provide to enable a displaced person to obtain a "comparable replacement dwelling" under that Act. It also does so by further requiring that a proposed manufactured home park conversion cannot be approved unless a relocation plan is submitted that demonstrates that sufficient mitigation benefits are being provided that will enable the displaced homeowners to obtain and relocate into adequate housing in manufactured home parks within a reasonable distance of the park being closed; and

WHEREAS, the City of Watsonville has a significant manufactured home population, comprised mostly of low- and moderate- income households whose investments in their manufactured homes, as well as the long-term preservation of their manufactured home parks as a source of low and moderate income - affordable housing, can be lost through the conversion of their manufactured home parks to other uses. A conversion of their manufactured home park could also result in the homeowners being displaced without being provided with adequate mitigation benefits to enable them to

obtain and relocate into adequate housing in manufactured home parks within Watsonville or within a reasonable distance of the park being converted; and

WHEREAS, AB 705 resolves the ambiguities, inconsistencies and deficiencies in the Government Code Sections 66427.4 and 65863.7 and in Civil Code Section 798.56(g) in a manner that ensures the preservation of the low and moderate income affordable housing stock currently located in the City's mobile home parks and also ensures that any homeowners whom are displaced from a conversion or closure that is approved by the City will receive adequate benefits to enable them to purchase and relocate into adequate housing in other manufactured home parks in the Watsonville area. This is needed to support the adoption of amendments to the City's manufactured home park conversion ordinance and enable the City to fulfill its five-year objective of doing so.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

That the City Council of the City of Watsonville hereby supports AB 705 and requests that the League of California Cities endorse and support it, that all members of the State Legislature approve and pass it and that the Governor of the State of California sign it into law, as soon as possible so as to enact its critical clarifications of existing law.

ASSEMBLY BILL

No. 705

Introduced by Assembly Member Mark Stone

February 19, 2019

An act to amend Section 798.56 of the Civil Code, and to amend Sections 65863.7 and 66427.4 of the Government Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 705, as introduced, Mark Stone. Mobilehome parks: change of use.

Existing law, the Mobilehome Residency Law, requires the management of a mobilehome park to comply with notice and specified other requirements in order to terminate a tenancy in a mobilehome park because of a change of use of the mobilehome park, including giving homeowners at least 15 days written notice that the management will be appearing before a local governmental board, commission, or body to request permits for the change of use.

This bill would instead require the management to give homeowners at least 60 days' written notice that the management will be appearing before a local governmental board, commission, or body to obtain local approval for the intended change of use of the mobilehome park and comply with other specified provisions. The bill would also require the local government to first make a finding that the approval of the closure of the mobilehome park and of its conversion into its intended new use will not result in, or materially contribute to, a shortage of housing opportunities and choices within the local jurisdiction for low-and moderate-income households.

Existing law, the Planning and Zoning Law, requires a person or entity proposing a change in use of a mobilehome park to file a report on the impact of the conversion, closure, or cessation of use upon the displaced residents of the mobilehome park that includes, among other things, the availability of adequate replacement housing in mobilehome parks and relocation costs. Existing law requires the person proposing the change in use to provide the report to a resident of each mobilehome park at least 15 days prior to the hearing on the impact report by the advisory agency or legislative body, and requires the legislative body or advisory agency to review the report prior to any change of use.

This bill would instead require that report to include a replacement and relocation plan that adequately mitigates the impact on displaced residents of the mobilehome park, as specified, and would require the person proposing the change in use to provide the report to a resident of each mobilehome park at least 60 days before the hearing. The bill would prohibit the legislative body from approving or conditionally approving the report unless the replacement and relocation plan demonstrates that it will enable each displaced mobilehome park resident to obtain and relocate into adequate housing in a mobilehome park, as specified. The bill would require the person or entity proposing certain changes of use of a mobilehome park to file a supporting certificate with the local government, under penalty of perjury, thereby imposing a state-mandated local program. The bill would specify that those statutory provisions that include requiring the report to be filed and provided to residents establish a minimum standard for local regulation of conversions of mobilehome parks and floating home marinas.

Existing law, the Subdivision Map Act, requires an impact report to be filed at the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a mobilehome park or floating home marina to another use that, among other things, addresses the availability of adequate replacement space in mobilehome parks or floating home marinas, and requires the subdivider to make the report available to each resident of the mobilehome park or floating home marina at least 15 days prior to the hearing on the map by the advisory agency or legislative body.

This bill would instead require the report to include a replacement and relocation plan that adequately mitigates the impact on displaced residents of the mobilehome park or floating home marina, as specified, and would require the report to be made available to residents at least 60 days before the hearing. The bill would prohibit the legislative body

from approving or conditionally approving the report unless the replacement and relocation plan demonstrates that it will enable each displaced mobilehome park or floating home marina resident to obtain and relocate into adequate housing in a mobilehome park or floating home marina, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 798.56 of the Civil Code is amended to
2 read:
3 798.56. A tenancy shall be terminated by the management only
4 for one or more of the following reasons:
5 (a) Failure of the homeowner or resident to comply with a local
6 ordinance or state law or regulation relating to mobilehomes within
7 a reasonable time after the homeowner receives a notice of
8 noncompliance from the appropriate governmental agency.
9 (b) Conduct by the homeowner or resident, upon the park
10 premises, that constitutes a substantial annoyance to other
11 homeowners or residents.
12 (c) (1) Conviction of the homeowner or resident for prostitution,
13 for a violation of subdivision (d) of Section 243, paragraph (2) of
14 subdivision (a), or subdivision (b), of Section 245, Section 288,
15 or Section 451, of the Penal Code, or a felony controlled substance
16 offense, if the act resulting in the conviction was committed
17 anywhere on the premises of the mobilehome park, including, but
18 not limited to, within the homeowner's mobilehome.
19 (2) However the tenancy may not be terminated for the reason
20 specified in this subdivision if the person convicted of the offense
21 has permanently vacated, and does not subsequently reoccupy, the
22 mobilehome.
23 (d) Failure of the homeowner or resident to comply with a
24 reasonable rule or regulation of the park that is part of the rental
25 agreement or any amendment thereto.

1 No act or omission of the homeowner or resident shall constitute
2 a failure to comply with a reasonable rule or regulation unless and
3 until the management has given the homeowner written notice of
4 the alleged rule or regulation violation and the homeowner or
5 resident has failed to adhere to the rule or regulation within seven
6 days. However, if a homeowner has been given a written notice
7 of an alleged violation of the same rule or regulation on three or
8 more occasions within a 12-month period after the homeowner or
9 resident has violated that rule or regulation, no written notice shall
10 be required for a subsequent violation of the same rule or
11 regulation.

12 Nothing in this subdivision shall relieve the management from
13 its obligation to demonstrate that a rule or regulation has in fact
14 been violated.

15 (e) (1) Nonpayment of rent, utility charges, or reasonable
16 incidental service charges; provided that the amount due has been
17 unpaid for a period of at least five days from its due date, and
18 provided that the homeowner shall be given a three-day written
19 notice subsequent to that five-day period to pay the amount due
20 or to vacate the tenancy. For purposes of this subdivision, the
21 five-day period does not include the date the payment is due. The
22 three-day written notice shall be given to the homeowner in the
23 manner prescribed by Section 1162 of the Code of Civil Procedure.
24 A copy of this notice shall be sent to the persons or entities
25 specified in subdivision (b) of Section 798.55 within 10 days after
26 notice is delivered to the homeowner. If the homeowner cures the
27 default, the notice need not be sent. The notice may be given at
28 the same time as the 60 days' notice required for termination of
29 the tenancy. A three-day notice given pursuant to this subdivision
30 shall contain the following provisions printed in at least 12-point
31 boldface type at the top of the notice, with the appropriate number
32 written in the blank:

33 “Warning: This notice is the (insert number) three-day notice for
34 nonpayment of rent, utility charges, or other reasonable incidental
35 services that has been served upon you in the last 12 months.
36 Pursuant to Civil Code Section 798.56 (e) (5), if you have been
37 given a three-day notice to either pay rent, utility charges, or other
38 reasonable incidental services or to vacate your tenancy on three
39 or more occasions within a 12-month period, management is not

1 required to give you a further three-day period to pay rent or vacate
2 the tenancy before your tenancy can be terminated.”

3 (2) Payment by the homeowner prior to the expiration of the
4 three-day notice period shall cure a default under this subdivision.
5 If the homeowner does not pay prior to the expiration of the
6 three-day notice period, the homeowner shall remain liable for all
7 payments due up until the time the tenancy is vacated.

8 (3) Payment by the legal owner, as defined in Section 18005.8
9 of the Health and Safety Code, any junior lienholder, as defined
10 in Section 18005.3 of the Health and Safety Code, or the registered
11 owner, as defined in Section 18009.5 of the Health and Safety
12 Code, if other than the homeowner, on behalf of the homeowner
13 prior to the expiration of 30 calendar days following the mailing
14 of the notice to the legal owner, each junior lienholder, and the
15 registered owner provided in subdivision (b) of Section 798.55,
16 shall cure a default under this subdivision with respect to that
17 payment.

18 (4) Cure of a default of rent, utility charges, or reasonable
19 incidental service charges by the legal owner, any junior lienholder,
20 or the registered owner, if other than the homeowner, as provided
21 by this subdivision, may not be exercised more than twice during
22 a 12-month period.

23 (5) If a homeowner has been given a three-day notice to pay
24 the amount due or to vacate the tenancy on three or more occasions
25 within the preceding 12-month period and each notice includes
26 the provisions specified in paragraph (1), no written three-day
27 notice shall be required in the case of a subsequent nonpayment
28 of rent, utility charges, or reasonable incidental service charges.

29 In that event, the management shall give written notice to the
30 homeowner in the manner prescribed by Section 1162 of the Code
31 of Civil Procedure to remove the mobilehome from the park within
32 a period of not less than 60 days, which period shall be specified
33 in the notice. A copy of this notice shall be sent to the legal owner,
34 each junior lienholder, and the registered owner of the mobilehome,
35 if other than the homeowner, as specified in paragraph (b) of
36 Section 798.55, by certified or registered mail, return receipt
37 requested, within 10 days after notice is sent to the homeowner.

38 (6) When a copy of the 60 days’ notice described in paragraph
39 (5) is sent to the legal owner, each junior lienholder, and the
40 registered owner of the mobilehome, if other than the homeowner,

1 the default may be cured by any of them on behalf of the
2 homeowner prior to the expiration of 30 calendar days following
3 the mailing of the notice, if all of the following conditions exist:

4 (A) A copy of a three-day notice sent pursuant to subdivision
5 (b) of Section 798.55 to a homeowner for the nonpayment of rent,
6 utility charges, or reasonable incidental service charges was not
7 sent to the legal owner, junior lienholder, or registered owner, of
8 the mobilehome, if other than the homeowner, during the preceding
9 12-month period.

10 (B) The legal owner, junior lienholder, or registered owner of
11 the mobilehome, if other than the homeowner, has not previously
12 cured a default of the homeowner during the preceding 12-month
13 period.

14 (C) The legal owner, junior lienholder or registered owner, if
15 other than the homeowner, is not a financial institution or
16 mobilehome dealer.

17 If the default is cured by the legal owner, junior lienholder, or
18 registered owner within the 30-day period, the notice to remove
19 the mobilehome from the park described in paragraph (5) shall be
20 rescinded.

21 (f) Condemnation of the park.

22 (g) Change of use of the park or any portion thereof, provided:

23 (1) The management gives the homeowners at least ~~15~~ 60 days'
24 written notice that the management will be appearing before a
25 local governmental board, commission, or body to request permits
26 for a change of use of the mobilehome park.

27 (2) After all ~~required permits requesting a change of use permits~~
28 *that are required for the intended new use of the park* have been
29 approved by the local governmental board, commission, or body,
30 the management shall give the homeowners six months' or more
31 written notice of termination of tenancy.

32 If the *intended* change of use requires no local governmental
33 permits, then notice shall be given 12 months or more ~~prior to~~
34 *before* the management's determination that a change of use will
35 occur. The management in the notice shall disclose and describe
36 in detail the nature of the change of use.

37 (3) The management gives each proposed homeowner written
38 notice thereof ~~prior to before the inception of his or her the~~ tenancy
39 that the management is requesting a change of use before local

1 governmental bodies or that a change of use request has been
2 granted.

3 (4) The notice requirements for termination of tenancy set forth
4 in Sections 798.56 and 798.57 shall be followed if the proposed
5 change actually occurs.

6 (5) *The applicant has complied with all of other applicable state*
7 *laws, including, but not limited to, the requirements of, the*
8 *applicable, of either Section 65863.7 or 66427.4 of the Government*
9 *Code.*

10 (6) *A finding has been made by the local government, pursuant*
11 *to either Section 65863.7 or 66427.4 of the Government Code,*
12 *that the approval of the closure of the park and of its conversion*
13 *into its intended new use will not result in or materially contribute*
14 *to a shortage of housing opportunities and choices within the local*
15 *jurisdiction for low and moderate income households.*

16 ~~(5)~~

17 (7) A notice of a proposed change of use given ~~prior to~~ *before*
18 January 1, 1980, that conforms to the requirements in effect at that
19 time shall be valid. The requirements for a notice of a proposed
20 change of use imposed by this subdivision shall be governed by
21 the law in effect at the time the notice was given.

22 (h) The report required pursuant to *either* subdivisions (b) and
23 ~~(i) (k)~~ *(k)* of Section 65863.7 ~~or subdivision (b) of Section 66427.4~~
24 *of the Government Code* shall be given to the homeowners or
25 residents at the same time that notice is required pursuant to
26 subdivision (g) of this section.

27 (i) For purposes of this section, “financial institution” means a
28 state or national bank, state or federal savings and loan association
29 or credit union, or similar organization, and mobilehome dealer
30 as defined in Section 18002.6 of the Health and Safety Code or
31 any other organization that, as part of its usual course of business,
32 originates, owns, or provides loan servicing for loans secured by
33 a mobilehome.

34 SEC. 2. Section 65863.7 of the Government Code is amended
35 to read:

36 65863.7. (a) ~~Prior to~~ *Before* the conversion of a mobilehome
37 park to another use, except pursuant to the Subdivision Map Act
38 (Division 2 (commencing with Section 66410) of Title 7), or ~~prior~~
39 ~~to before~~ closure of a mobilehome park or cessation of use of the
40 land as a mobilehome park, the person or entity proposing the

1 change in use shall file a report on the *social and economic* impact
2 of the conversion, closure, or cessation of use *of the park. The*
3 *report shall include a replacement and relocation plan that*
4 *adequately mitigates that impact* upon the displaced residents of
5 the mobilehome park to be converted or closed. In ~~determining~~
6 ~~order to adequately mitigate~~ the impact of the conversion, closure,
7 or cessation of use on displaced mobilehome park residents, the
8 ~~report replacement and relocation plan shall address the~~
9 ~~availability of include a binding commitment to provide adequate~~
10 ~~replacement housing in mobilehome parks and relocation costs.~~
11 ~~the costs of obtaining and relocating to that housing.~~

12 (b) The person proposing the change in use shall provide a copy
13 of the report to a resident of each mobilehome in the mobilehome
14 park at least ~~15~~ 60 days ~~prior to~~ *before* the hearing, if any, on the
15 impact report by the advisory agency, or if there is no advisory
16 agency, by the legislative body.

17 (c) When the impact report is filed ~~prior to~~ *before* the closure
18 or cessation of use, the person or entity proposing the change shall
19 provide a copy of the report to a resident of each mobilehome in
20 the mobilehome park at the same time as the notice of the change
21 is provided to the residents pursuant to paragraph (2) of subdivision
22 (g) of Section 798.56 of the Civil Code.

23 (d) When the impact report is filed ~~prior to~~ *before* the closure
24 or cessation of use, the person or entity filing the report or park
25 resident may request, and shall have a right to, a hearing before
26 the legislative body on the sufficiency of the report.

27 (e) (1) The legislative body, or its delegated advisory agency,
28 shall review the report, ~~prior to~~ *before* any change of use, and ~~may~~
29 *shall* require, as a condition of the change, the person or entity to
30 take steps to mitigate any adverse impact of the conversion, closure,
31 or cessation of use on the ability of displaced mobilehome park
32 residents to ~~find~~ *obtain and relocate to* adequate housing in a
33 mobilehome park. ~~The steps required to be taken to mitigate shall~~
34 ~~not exceed the reasonable costs of relocation. The legislative body,~~
35 ~~or its delegated advisory agency, shall not approve or conditionally~~
36 ~~approve the report unless the replacement and relocation plan~~
37 ~~demonstrates that, with the mitigation assistance that it provides~~
38 ~~or that can be imposed as conditions of approval, it will enable~~
39 ~~each displaced resident to obtain and relocate into adequate~~
40 ~~housing in a mobilehome park.~~

1 (2) *For purposes of this section, the term “adequate housing in*
2 *a mobilehome park” means an available mobilehome, or an*
3 *available mobilehome space if it is determined that the displaced*
4 *resident’s current mobilehome can be moved into it, that meets all*
5 *of the following criteria:*

6 (A) *The mobilehome is decent, safe, and sanitary and located*
7 *in a mobilehome park that is decent, safe, and sanitary.*

8 (B) *The mobilehome is adequate in size to accommodate the*
9 *occupants.*

10 (C) *The mobilehome is located in a mobilehome park in which*
11 *the displaced resident has the financial ability to pay the rents and*
12 *charges of the park. The displaced resident has the financial ability*
13 *to pay the rents and charges of the park only if their monthly*
14 *housing costs, including their space rent, estimated average*
15 *monthly utility costs, other monthly fees and charges of the park,*
16 *and their monthly mortgage or purchase loan payment on their*
17 *mobilehome will not exceed 33 percent of the displaced resident’s*
18 *average monthly income.*

19 (D) *The mobilehome is comparable to the displaced resident’s*
20 *current or prior mobilehome with respect to the number of rooms,*
21 *habitable space, and type and quality of construction. A mobile*
22 *home is comparable under this subparagraph if the principal*
23 *features of the prior or current mobilehome are present. However,*
24 *comparability under this subparagraph shall not require strict*
25 *adherence to a detailed, feature-by-feature comparison, and the*
26 *mobilehome is not required to possess every feature of the*
27 *displaced mobilehome.*

28 (E) *The mobilehome is located in an area not subject to*
29 *unreasonable adverse environmental conditions.*

30 (F) *The mobilehome is in a location generally not less desirable*
31 *than the location of the displaced mobilehome park resident’s*
32 *current mobilehome with respect to public utilities, facilities,*
33 *services, and the displaced resident’s place of employment.*

34 (f) *If compliance with the requirements of subdivision (e)*
35 *requires that a displaced resident must be provided with sufficient*
36 *mitigation assistance to enable them to purchase a mobilehome*
37 *comparable to the displaced resident’s current mobilehome, the*
38 *amount of that assistance shall be presumed to equal the in-place*
39 *value of the displaced resident’s current mobilehome. However,*
40 *if the amount of the assistance necessary to enable the displaced*

1 mobilehome park resident to obtain that mobilehome exceeds the
2 in-place value of the displaced resident's current mobilehome, the
3 person or entity proposing the change of use shall be required to
4 pay to the displaced resident the actual reasonable costs of
5 obtaining that mobilehome.

6 (g) If the person or entity proposing the change of use proposes
7 to close the mobilehome park, or to cease using the land on which
8 the park is located as a mobilehome park, without concurrently
9 submitting an application for a new use of the park, then the report
10 required by this section shall not be approved unless that person
11 or entity demonstrate that the mobilehome park cannot continue
12 to be operated as a rental mobilehome park, while earning a
13 reasonable return on their investment, until the time that they are
14 able to determine a new use for the mobilehome park and apply
15 for its necessary local permits. To meet this burden, the person or
16 entity proposing the change of use shall file a supporting
17 certificate, under penalty of perjury, that states specifically
18 articulable facts, that are supported by appropriate documentary
19 or other evidence.

20 ~~(f)~~

21 (h) If the closure or cessation of use of a mobilehome park
22 results from the entry of an order for relief in bankruptcy, the
23 provisions of this section shall not be applicable.

24 ~~(g)~~

25 (i) The legislative body may establish reasonable fees pursuant
26 to Section 66016 to cover any costs incurred by the local agency
27 in implementing this section and Section 65863.8. Those fees shall
28 be paid by the person or entity proposing the change in use.

29 ~~(h)~~

30 (j) This section is applicable to charter cities.

31 ~~(i)~~

32 (k) This section is applicable when the closure, cessation, or
33 change of use is the result of a decision by a local governmental
34 entity or planning agency not to renew a conditional use permit or
35 zoning variance under which the mobilehome park has operated,
36 or as a result of any other zoning or planning decision, action, or
37 inaction. In this case, the local governmental agency is the person
38 proposing the change in use for the purposes of preparing the
39 impact report required by this section and is required to take steps

1 to mitigate the adverse impact of the change as may be required
2 in subdivision (e).

3 (j)

4 (l) This section is applicable when the closure, cessation, or
5 change of use is the result of a decision by an enforcement agency,
6 as defined in Section 18207 of the Health and Safety Code, to
7 suspend the permit to operate the mobilehome park. In this case,
8 the mobilehome park owner is the person proposing the change in
9 use for purposes of preparing the impact report required by this
10 section and is required to take steps to mitigate the adverse impact
11 of the change as may be required in subdivision (e).

12 *(m) This section establishes a minimum standard for local*
13 *regulation of the conversion of a mobilehome park to another use,*
14 *the closure of a mobilehome park, and the cessation of use of the*
15 *land as a mobilehome park and shall not prevent a local agency*
16 *from enacting more stringent measures.*

17 SEC. 3. Section 66427.4 of the Government Code is amended
18 to read:

19 66427.4. (a) At the time of filing a tentative or parcel map for
20 a subdivision to be created from the conversion of a mobilehome
21 park or floating home marina to another use, the subdivider shall
22 also file a report on the *social and economic* impact of the
23 *conversion of the park or floating home marina. The report shall*
24 *include a replacement and relocation plan that adequately*
25 *mitigates the impact* upon the displaced residents of the
26 mobilehome park or floating home marina to be converted. In
27 ~~determining~~ *order to adequately mitigate* the impact of the
28 conversion on displaced mobilehome park or floating home marina
29 residents, the ~~report~~ *replacement and relocation plan* shall ~~address~~
30 ~~the availability of~~ *include a binding commitment to provide*
31 *adequate replacement-space housing* in mobilehome parks or
32 ~~floating home marinas.~~ *marinas and the costs of obtaining and*
33 *relocating to that housing.*

34 (b) The subdivider shall make a copy of the report available to
35 each resident of the mobilehome park or floating home marina at
36 ~~least 15 days prior to~~ *60 days before* the hearing on the map by
37 the advisory agency or, if there is no advisory agency, by the
38 legislative body.

39 (c) (l) The legislative body, or an advisory agency that is
40 authorized by local ordinance to approve, conditionally approve,

1 or disapprove the map, ~~may~~ *shall* require the subdivider to take
2 steps to mitigate any adverse impact of the conversion on the ability
3 of displaced mobilehome park or floating home marina residents
4 to ~~find adequate space~~ *obtain adequate housing* in a mobilehome
5 park or floating home marina, respectively. *The legislative body,*
6 *or its delegated advisory agency, shall not approve or conditionally*
7 *approve the report unless the replacement and relocation plan*
8 *demonstrates that, with the mitigation assistance that it provides*
9 *or that can be imposed as conditions of approval, it will enable*
10 *each displaced mobilehome park or floating home marina resident*
11 *to obtain and relocate into adequate housing in a mobilehome*
12 *park or floating home marina.*

13 (2) *For purposes of this section, the term "adequate housing in*
14 *a mobilehome park or floating home marina" means an available*
15 *mobilehome or floating home, or an available space in a*
16 *mobilehome park or floating home marina if it is determined that*
17 *the displaced resident's current mobilehome or floating home can*
18 *be moved into it, that meets all of the following criteria:*

19 (A) *The mobilehome or floating home is decent, safe, and*
20 *sanitary and located in a mobilehome park or floating home marina*
21 *that is decent, safe, and sanitary.*

22 (B) *The mobilehome or floating home is adequate in size to*
23 *accommodate the occupants.*

24 (C) *The mobilehome or floating home is located in a mobilehome*
25 *park or floating home marina in which the displaced resident has*
26 *the financial ability to pay the rents and charges of the park or*
27 *marina. The displaced resident has the financial ability to pay the*
28 *rents and charges of the park or marina only if their monthly*
29 *housing costs, including their monthly space rent, estimated*
30 *average monthly utility costs and other monthly fees and charges*
31 *of the park or marina, and any monthly mortgage or purchase*
32 *loan payments on their mobilehome or floating home will not*
33 *exceed 33 percent of the displaced resident's average monthly*
34 *income.*

35 (D) *The mobilehome or floating home is comparable to the*
36 *displaced resident's current or prior mobilehome or floating home*
37 *with respect to the number of rooms, habitable space, and type*
38 *and quality of construction. A mobilehome or floating home is*
39 *comparable under this subparagraph if the principal features of*
40 *the current or prior mobilehome or floating home are present.*

1 *However, comparability under this subparagraph shall not require*
2 *strict adherence to a detailed, feature-by-feature comparison, and*
3 *the mobilehome or floating home is not required to possess every*
4 *feature of the displaced housing.*

5 *(E) The mobilehome or floating home is located in an area not*
6 *subject to unreasonable adverse environmental conditions.*

7 *(F) The mobilehome or floating home is in a location generally*
8 *not less desirable than the location of the displaced resident's*
9 *current housing with respect to public utilities, facilities, services,*
10 *and the displaced resident's place of employment.*

11 *(d) If compliance with the requirements of subdivision (e) would*
12 *require that the displaced mobilehome park or floating home*
13 *marina resident must be provided with sufficient mitigation*
14 *assistance to enable them to purchase a mobilehome or floating*
15 *home comparable to the displaced resident's current mobilehome*
16 *or floating home, the amount of that assistance shall be presumed*
17 *to equal the in-place value of the displaced resident's current*
18 *mobilehome or floating home. However, if the amount of the*
19 *assistance necessary to enable the displaced mobilehome park or*
20 *floating home marina resident to obtain an available mobilehome*
21 *or floating home in another mobilehome park or floating home*
22 *marina exceeds the in-place value of the displaced resident's*
23 *current mobilehome or floating home, the person or entity*
24 *proposing the change of use shall be required to pay to the*
25 *displaced resident the actual reasonable cost of obtaining that*
26 *mobilehome or floating home.*

27 ~~(d)~~

28 *(e) This section establishes a minimum standard for local*
29 *regulation of conversions of mobilehome parks and floating home*
30 *marinas into other uses and shall not prevent a local agency from*
31 *enacting more stringent measures.*

32 ~~(e)~~

33 *(f) This section shall not be applicable to a subdivision that is*
34 *created from the conversion of a rental mobilehome park or rental*
35 *floating home marina to resident ownership.*

36 SEC. 4. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

- 1 for a crime or infraction, within the meaning of Section 17556 of
- 2 the Government Code, or changes the definition of a crime within
- 3 the meaning of Section 6 of Article XIII B of the California
- 4 Constitution.

O

Buena Vista Gardens Apartments Ass'n v. City of San Diego Planning Dep't

Court of Appeal of California, Fourth Appellate District, Division One

December 5, 1985

No. D001376

Reporter

175 Cal. App. 3d 289 *; 220 Cal. Rptr. 732 **; 1985 Cal. App. LEXIS 2835 ***

BUENA VISTA GARDENS APARTMENTS
ASSOCIATION et al., Plaintiffs and Appellants,
v. CITY OF SAN DIEGO PLANNING
DEPARTMENT et al., Defendants and
Respondents; WOODCREST
DEVELOPMENT, INC., et al., Real Parties in
Interest and Respondents

Prior History: [***1] Superior Court of San Diego County, No. 507584, Jack R. Levitt, Judge.

Disposition: The writ is granted with direction to the trial court to refuse approval of the permit until the defects in the plan as specified in this opinion are corrected to substantially conform to the statutory requirement. In all other respects the decision of the trial court is affirmed.

Case Summary

Procedural Posture

Plaintiff apartment association appealed a denial from the Superior Court of San Diego County (California) of a writ of mandate to set aside defendant city council's approval of a planned residential development permit in favor of real party in interest developers. Plaintiff contended that defendant had no authority to approve the plan because there was no compliance with [Cal. Gov't Code § 65583](#).

Overview

Plaintiff apartment association appealed the denial of a writ of mandate to set aside defendant city council's approval of a planned residential development permit. Real party in interest developer had been granted the permit, and plaintiff argued that defendant had no authority to approve the project because there was no reasonable compliance with [Cal. Gov't Code § 65583](#). [Cal. Gov't Code § 65583](#) provided that the program should conserve and improve the condition of existing affordable housing stock. There were no programs directed to how the city would conserve the existing affordable apartment rental stock. Underlying defendant's approval of real party's in interest planned residential permit was the fear that if defendant did not approve the permit, real party in interest would raze plaintiff's complex anyway since defendant lacked discretion to deny real party in interest a demolition permit. This factor demonstrated defendant's lack of a program to conserve its stock of affordable housing. Therefore, the writ was conditionally granted until defects in the plan were corrected.

Outcome

Plaintiff apartment association's unqualified writ was denied where it was found that defendant city council substantially complied with the law as to conserving affordable housing when it approved a permit for real party in interest developer's planned project.

However, the writ was granted with directions to refuse approval of the permit until the defects in the plan were corrected to substantially conform to statutory requirements.

LexisNexis® Headnotes

Governments > Local
Governments > Duties & Powers

[HN1\[↓\]](#) Local Governments, Duties & Powers

The legislative body of each city must adopt a comprehensive, long-term general plan for the physical development of the city. [Cal. Gov't Code § 65300](#). The general plan is intended to be an integrated, internally consistent and compatible statement of city policies, [Cal. Gov't Code § 65300.5](#) and is required to set forth objectives, principles, standards and plan proposals as to each mandatory element. [Cal. Gov't Code § 65302](#). A housing element is mandatory. [Cal. Gov't Code § 65302\(c\)](#).

Governments > Local
Governments > Duties & Powers

[HN2\[↓\]](#) Local Governments, Duties & Powers

Any interested party may seek review of the housing element pursuant to [Cal. Civ. Proc. Code § 1085](#). Under this procedure, citizen groups may enjoin a project when the general plan either lacks a relevant element or the element is inadequate. The court's function is to review the housing element to determine if the element substantially complies with [Cal. Gov't Code §§ 65580-65589.9](#). [Cal. Gov't Code § 65587\(b\)](#).

Governments > Local
Governments > Duties & Powers

[HN3\[↓\]](#) Local Governments, Duties & Powers

In reviewing the general plan before use, the court has in mind that the adoption of a general plan is a legislative act; the wisdom or merits of a plan are not proper subjects of judicial scrutiny.

Civil Procedure > Appeals > Standards of Review > General Overview

Governments > Local
Governments > Duties & Powers

[HN4\[↓\]](#) Appeals, Standards of Review

The standard of review is not limited to whether there is a complete or substantial failure of a city to adopt a plan which approximates the Legislature's expressed desires but whether there is actual compliance with specified requirements.

Administrative Law > Judicial Review > Standards of Review > Arbitrary & Capricious Standard of Review

Administrative Law > Judicial Review > Standards of Review > General Overview

[HN5\[↓\]](#) Standards of Review, Arbitrary & Capricious Standard of Review

The appropriate standard of appellate review is whether the local adopting agency has acted arbitrarily, capriciously, or without evidentiary basis. Because the question of substantial compliance is one of law, the court need not

give deference to the conclusion of the trial court.

Business & Corporate
Compliance > ... > Public Health & Welfare
Law > Housing & Public
Buildings > Accessibility, Construction &
Design

Governments > Local
Governments > Duties & Powers

[HN6](#) **Housing & Public Buildings, Accessibility, Construction & Design**

See [Cal. Gov't Code § 65583\(c\)](#).

Business & Corporate
Compliance > ... > Public Health & Welfare
Law > Housing & Public
Buildings > Accessibility, Construction &
Design

Governments > Local
Governments > Duties & Powers

[HN7](#) **Housing & Public Buildings, Accessibility, Construction & Design**

See [Cal. Gov't Code § 65583\(c\)\(1\)](#).

Business & Corporate
Compliance > ... > Public Health & Welfare
Law > Housing & Public
Buildings > Accessibility, Construction &
Design

Governments > Local
Governments > Duties & Powers

[HN8](#) **Housing & Public Buildings, Accessibility, Construction & Design**

See [Cal. Gov't Code § 65583\(c\)\(2\)](#).

Business & Corporate
Compliance > ... > Public Health & Welfare
Law > Housing & Public
Buildings > Accessibility, Construction &
Design

Governments > Local
Governments > Duties & Powers

[HN9](#) **Housing & Public Buildings, Accessibility, Construction & Design**

See [Cal. Gov't Code § 65583\(c\)\(4\)](#).

Governments > Local
Governments > Duties & Powers

[HN10](#) **Local Governments, Duties & Powers**

See [Cal. Gov't Code § 65583\(c\)](#).

Business & Corporate
Compliance > ... > Public Health & Welfare
Law > Housing & Public
Buildings > Accessibility, Construction &
Design

Governments > Local
Governments > Duties & Powers

[HN11](#) **Housing & Public Buildings, Accessibility, Construction & Design**

See [Cal. Gov't Code § 65583](#).

Governments > Local
Governments > Charters

Governments > Local
Governments > Ordinances & Regulations

[HN12](#) **Local Governments, Charters**

See [Cal. Const. art. XI, § 5](#).

Governments > Local
Governments > Charters

Governments > Legislation > Interpretation

Governments > Local
Governments > Ordinances & Regulations

[HN13](#) [📄] **Local Governments, Charters**

In charter cities, the city charter, ordinances, and regulations which relate to purely municipal affairs prevail over state laws on the same subject. However, if a matter is of statewide concern, then charter cities must yield to the applicable general state laws regardless of the provisions of its charter. Whether a matter is of municipal or statewide concern is for judicial determination. Nonetheless, the judiciary will accord great weight to the Legislature's evaluation of whether a matter is of statewide concern.

Business & Corporate
Compliance > ... > Real Property
Law > Zoning > Comprehensive Plans

Real Property Law > Zoning > Judicial
Review

[HN14](#) [📄] **Zoning, Comprehensive Plans**

Absence of relevant elements in a general plan precludes enactment of zoning ordinances and the like. If a plan does not reflect substantial compliance with the mandatory elements the responsible agency has failed to perform an act which the law specially enjoins.

Headnotes/Summary

Summary **CALIFORNIA OFFICIAL REPORTS** **SUMMARY**

Associations concerned with housing were denied a writ of mandate to set aside a city's approval of a planned residential development permit which would allow developers to demolish apartments and replace them with condominiums. (Superior Court of San Diego County, No. 507584, Jack R. Levitt, Judge.)

The Court of Appeal affirmed the judgment, but issued a writ of mandate directing the trial court to refuse approval of the permit until the city corrected specified defects in its physical development plan ([Gov. Code, § 65300](#)) to substantially conform to the statutory requirements for the mandatory housing element ([Gov. Code, § 65583](#)). (Opinion by Staniforth, Acting P. J., with Wiener and Work, JJ., concurring.)

Headnotes **CALIFORNIA OFFICIAL REPORTS** **HEADNOTES**

Classified to California Digest of Official Reports, 3d Series

[CA\(1a\)](#) [📄] (1a) [CA\(1b\)](#) [📄] (1b) [CA\(1c\)](#) [📄] (1c)

Zoning and Planning § 13—Content and Validity of Zoning Ordinances and Planning Enactments—Legislative Discretion and Judicial Review—Standard of Judicial Review.

--The standard of judicial review of the mandatory housing element ([Gov. Code, § 65302, subd. \(c\)](#)) of a city's physical development plan ([Gov. Code, § 65300](#)) is not limited to whether there is a "complete" or "substantial" failure of a city to adopt a plan which "approximates the Legislature's expressed desires," but whether there is

"actual compliance" with specified requirements.

[CA\(2a\)](#) [↓] (2a) [CA\(2b\)](#) [↓] (2b) [CA\(2c\)](#) [↓] (2c)

Zoning and Planning § 13—Content and Validity of Zoning Ordinances and Planning Enactments—Legislative Discretion and Judicial Review—Scope of Review.

--Upon judicial review of the mandatory housing element ([Gov. Code, § 65302, subd. \(c\)](#)) of a city's physical development plan ([Gov. Code, § 65300](#)), a court is prohibited from examining the "merits" of the element.

[CA\(3\)](#) [↓] (3)

Zoning and Planning § 13—Content and Validity of Zoning Ordinances and Planning Enactments—Legislative Discretion and Judicial Review—Standard of Review.

--The appropriate standard of appellate review of the mandatory housing element ([Gov. Code, § 65302, subd. \(c\)](#)) of a city's physical development plan ([Gov. Code, § 65300](#)) is whether the local adopting agency has acted "arbitrarily, capriciously, or without evidentiary basis" and because the question of substantial compliance with the requirements of the Legislature is one of law, the appellate court need not give deference to the conclusion of the trial court.

[CA\(4\)](#) [↓] (4)

Zoning and Planning § 10—Content and Validity of Zoning Ordinances and Planning Enactments—Comprehensive Zoning—Mandatory Housing Element of Physical Development Plan.

--The mandatory housing element ([Gov. Code, § 65302, subd. \(c\)](#)) of a city's physical

development plan ([Gov. Code, § 65300](#)) was in substantial compliance with the Legislature's requirement of a "five-year schedule of actions" ([Gov. Code, § 65583, subd. \(c\)](#)) where it was reasonable to interpret the word "continuing" in the element as "continuing over five years."

[CA\(5\)](#) [↓] (5)

Zoning and Planning § 10—Content and Validity of Zoning Ordinances and Planning Enactments—Comprehensive Zoning—Mandatory Housing Element of Physical Development Plan.

--The mandatory housing element ([Gov. Code, § 65302, subd. \(c\)](#)) of a city's physical development plan ([Gov. Code, § 65300](#)) was in substantial compliance with the Legislature's requirement of identification of adequate sites for housing development ([Gov. Code, § 65583, subd. \(c\)\(1\)](#)) where it stated that 40 subareas each had a community plan stating land capacity remaining for further residential development, where it stated that a computer program would monitor the development process, and where it was possible that the subarea community plans provided the required identification of specific sites for mobile-homes, rental housing and factory-built housing not otherwise evident in the record.

[CA\(6\)](#) [↓] (6)

Zoning and Planning § 10—Content and Validity of Zoning Ordinances and Planning Enactments—Comprehensive Zoning—Mandatory Housing Element of Physical Development Plan.

--The mandatory housing element ([Gov. Code, § 65302, subd. \(c\)](#)) of a city's physical development plan ([Gov. Code, § 65300](#)) was in substantial compliance with the Legislature's requirement of assisting "in the development of

adequate housing to meet the needs of low- and moderate-income households" ([Gov. Code, § 65583, subd. \(c\)\(2\)](#)) where the relevant provisions of the element were directed toward the required assistance; a determination that the city might be able to adopt other and, perhaps, more effective programs would be to review the merits of the element which was not the function of an appellate court.

[CA\(7\)](#) [📌] (7)

Zoning and Planning § 10—Content and Validity of Zoning Ordinances and Planning Enactments—Comprehensive Zoning—Mandatory Housing Element of Physical Development Plan.

--The mandatory housing element ([Gov. Code, § 65302, subd. \(c\)](#)) of a city's physical development plan ([Gov. Code, § 65300](#)) was not in substantial compliance with the Legislature's requirement to "conserve and improve the condition of the existing affordable housing stock" ([Gov. Code, § 65583, subd. \(c\)\(4\)](#)) where all of its programs addressed the conservation and rehabilitation of the structural condition of the existing housing stock and not the conservation of existing affordable housing opportunities in the community.

[CA\(8\)](#) [📌] (8)

Zoning and Planning § 10—Content and Validity of Zoning Ordinances and Planning Enactments—Comprehensive Zoning—Mandatory Housing Element of Physical Development Plan.

--The mandatory housing element ([Gov. Code, § 65302, subd. \(c\)](#)) of a city's physical development plan ([Gov. Code, § 65300](#)) was in substantial compliance with the Legislature's requirement to "include an identification of the agencies and officials responsible for the

implementation of the various actions" ([Gov. Code, § 65583, subd. \(c\)](#)) where it listed generally the entity or official responsible for implementation.

[CA\(9\)](#) [📌] (9)

Zoning and Planning § 10—Content and Validity of Zoning Ordinances and Planning Enactments—Comprehensive Zoning—Mandatory Housing Element of Physical Development Plan.

--The failure of the mandatory housing element ([Gov. Code, § 65302, subd. \(c\)](#)) of a city's physical development plan ([Gov. Code, § 65300](#)) to include any description of the city's effort to include public participation in the development of the housing element, as required by [Gov. Code, § 65583, subd. \(c\)](#), was a "technical imperfection" which did not justify enjoining approval of a planned residential development permit where the record indicated there had been actual public participation, which was the Legislature's concern.

[CA\(10\)](#) [📌] (10)

Zoning and Planning § 10—Content and Validity of Zoning Ordinances and Planning Enactments—Comprehensive Zoning—Mandatory Housing Element of Physical Development Plan.

--A lack of required quantification ([Gov. Code, § 65583](#)) in the mandatory housing element ([Gov. Code, § 65302, subd. \(c\)](#)) of a city's physical development plan ([Gov. Code, § 65300](#)) did not invalidate the element, notwithstanding criticism by the Department of Housing and Community Development (Department), and notwithstanding the Legislature's intent that cities quantify their housing objectives, where it was a reasonable construction of the stated projected housing

needs that they were equated with the housing objectives, in light of the fact the city's capacity exceeded its needs, and where the recommendations of the Department were only advisory ([Gov. Code, § 65585, subd. \(a\)](#)).

[CA\(11\)](#) [📄] (11)

Municipalities § 23—Powers—Matters of Statewide Concern.

--A charter city is subject to [Gov. Code, § 65583, subd. \(c\)](#) (requirements for the mandatory housing element of a city's physical development plan). Charter cities must yield to the applicable general state laws on matters of statewide concern. Whether a matter is of statewide concern is for judicial determination, and the judiciary, as well as the Legislature, has found the need to provide adequate housing to be a matter of statewide concern.

[CA\(12\)](#) [📄] (12)

Equity § 7—Laches and Stale Demands—Challenge to City Physical Development Plan.

--The doctrine of laches did not apply to bar an attempt by associations concerned with housing to set aside a city's approval of a planned residential development permit on the ground that the mandatory housing element ([Gov. Code, § 65302, subd. \(c\)](#)) of the city's physical development plan ([Gov. Code, § 65300](#)) failed to reasonably comply with [Gov. Code, § 65583](#) (requirements for the mandatory housing element), where the plaintiff associations had challenged approval of the project at every stage, and where one of the plaintiff associations apparently had no involvement in the development or review of the challenged mandatory housing element.

[CA\(13\)](#) [📄] (13)

Parties § 7—Joinder—Indispensable Parties—Action Challenging Development Permit.

--On petition for a writ of mandate to set aside a city's approval of a planned residential development permit, plaintiff associations concerned with housing did not fail to join indispensable parties by failing to join others who had received permits allegedly invalid due to the alleged invalidity of the city's physical development plan ([Gov. Code, § 65300](#)), where the petition did not seek to cancel or suspend any approval previously granted.

[CA\(14\)](#) [📄] (14)

Zoning and Planning § 30—Conditional Uses; Permits and Certificates—Judicial Review—Sufficiency of Evidence.

--In a proceeding by associations concerned with housing seeking a writ of mandate to set aside a city's approval of a planned residential development permit, the city's findings supporting issuance of the permit were sufficiently supported by evidence that the city considered the project's impact on the community as a whole and on the apartment tenants who might be displaced, considered alternatives to the project, and imposed conditions for approval designed to mitigate detrimental aspects of the project.

[CA\(15\)](#) [📄] (15)

Zoning and Planning § 30—Conditional Uses; Permits and Certificates—Judicial Review.

--An unqualified granting of a writ of mandate to set aside a city's approval of a planned residential development permit on the ground that the city's physical development plan ([Gov. Code, § 65300](#)) failed to reasonably comply with [Gov. Code, § 65583](#) (requirements for the mandatory housing element of the plan), was

not warranted where there was substantial compliance as to each of the statutory requirements except one, and the writ was granted to refuse approval of the permit until the defects specified were corrected to substantially conform to that statutory requirement.

Counsel: Richard J. Wharton and William J. Hatcher for Plaintiffs and Appellants.

John W. Witt, City Attorney, Ronald L. Johnson, Senior Chief Deputy City Attorney, Eugene P. Gordon, Chief Deputy City Attorney, and Leslie J. Girard, Deputy City Attorney, for Defendants and Respondents.

James S. Milch and Milch, Wolfsheimer & Wagner for Real Parties in Interest and Respondents.

Judges: Opinion by Staniforth, Acting P. J., with Wiener and Work, JJ., concurring.

Opinion by: STANIFORTH

Opinion

[*294] [**734] Buena Vista Gardens Apartments Association and Housing Coalition of Greater San Diego (together Association) appeal the superior court's denial of a writ of mandate to set aside the San Diego City Council's (City) approval of a planned residential development permit in favor of Woodcrest Development, Inc. and Prudent Buena Vista [***2] Properties (together Developers).

The permit allows Developers to demolish 1,023 apartments in the Buena Vista Gardens Apartments complex and replace them with 2,287 condominium units over a 10-year period. Association argues City had no authority to approve the project because City's housing element fails to reasonably comply with [Government Code section 65583](#) and

because the evidence does not support the City's findings supporting issuance of the permit.

The apartments are about 30 years old and located on approximately 56 acres of land in the Clairemont Mesa community. The complex represents nearly 34 percent of the available rental housing in Clairemont Mesa. The majority of the tenants are over age 62 (74 percent), retired (76 percent) and of low or moderate income.

The Clairemont Mesa community plan provides for a density of 15 to 45 dwelling units per net acre on the property involved. The current density is about 18 dwelling units per acre. The proposed density would be about 43 1/2 dwelling units per acre.

In February 1982, Developers applied for a planned residential development permit. The planning director approved the permit with conditions. The Association [***3] appealed the director's decision to the planning commission which denied the appeal. The permit was approved with conditions including relocation assistance for the tenants and the provision of approximately 100 units as rental units for those of the original senior citizen tenants remaining at the time the final phase is completed.

I

[CA\(1a\)](#)[T] (1a) [HN1](#)[T] The legislative body of each city must adopt a "comprehensive, long-term general plan for the physical development of the city." ([Gov. Code](#),¹ [§ 65300](#).) The general plan is intended to be an "integrated, internally consistent and compatible statement" of city policies ([§ 65300.5](#)) and [*295] is required to set forth "objectives, principles, standards and plan

¹ All statutory references are to the [Government Code](#) unless otherwise specified.

proposals" as to each mandatory element. (§ [65302](#).) A housing element is mandatory. (§ [65302, subd. \(c\)](#).)

In enacting Government Code, article 10.6 (§§ 65580-65589.8), detailing requirements for the mandatory housing element, the *****4** Legislature declared the availability of housing is a matter of "vital statewide importance" and "the early attainment of decent housing and a suitable living environment for every California family is a priority of the highest order." (§ [65580, subd. \(a\)](#).) To attain the state housing goal, the Legislature found, requires "cooperative participation" between government and the private sector (§ [65580, subd. \(b\)](#)), cooperation among all levels of government (§ [65580, subd. \(c\)](#)), and use of state and local governmental power "to facilitate the improvement and development of housing" for "all economic segments of the community" (§ [65580, subd. \(d\)](#)). The Legislature recognized each local government in adopting a housing element must also consider economic, environmental and fiscal factors as well as community ****735** goals set forth in the general plan. (§ [65580, subd. \(e\)](#).)

The Legislature stated its intent in enacting article 10.6 was, inter alia, "[to] assure . . . cities recognize their responsibilities in contributing to the attainment of the state housing goal" (§ 65581, subd. (a)) and "will prepare and implement housing elements which, along with federal and state programs, *****5** will move toward attainment of the state housing goal." (§ 65581, subd. (b).)

The Legislature provided: "The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, and scheduled programs for the preservation, improvement, and development of housing. The housing element

shall identify adequate sites for housing, including rental housing, factory-built housing, and mobilehomes, and shall make adequate provision for the existing and projected needs of all economic segments of the community." (§ [65583](#).) The Legislature then set out detailed requirements for an "assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs" (§ [65583, subd. \(a\)](#)), "[a] statement of the community's goals, quantified objectives, and policies relative to the maintenance, improvement, and development of housing" (§ [65583, subd. \(b\)](#)), and "[a] program which sets forth a five-year schedule of actions" the city "is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element" (§ [65583, ***6 subd. \(c\)](#)). The Legislature also directed cities to consider the guidelines adopted by the Department of Housing and Community Development ***296** (§ [65585, subd. \(a\)](#)) and to submit both the proposed as well as the adopted housing element to the Department for review (§ [65585, subs. \(b\), \(c\)](#)).

HN2 Any interested party may seek review of the housing element pursuant to [Code of Civil Procedure section 1085](#). (§ [65587, subd. \(b\)](#).) Under this procedure, citizen groups may enjoin a project when the general plan either lacks a relevant element or the element is inadequate. (See [Camp v. Board of Supervisors \(1981\) 123 Cal.App.3d 334 \[176 Cal.Rptr. 620\]](#) (inadequate housing element); [Friends of "B" Street v. City of Hayward \(1980\) 106 Cal.App.3d 988 \[165 Cal.Rptr. 514\]](#) (city improvement project enjoined when noise element lacking); [Save El Toro Assn. v. Days \(1977\) 74 Cal.App.3d 64 \[141 Cal.Rptr. 282\]](#) (city enjoined from acquiring, regulating or restricting open space land or approving subdivision map until valid open space plan exists). The court's function is to review the housing element to determine if the element

"substantially complies" with article [***7] the community."

10.6. ([§ 65587, subd. \(b\).](#))

[CA\(2a\)\[T\]](#) (2a) Both City and Developers maintain the substantial compliance standard for housing elements is enunciated in [Bownds v. City of Glendale \(1980\) 113 Cal.App.3d 875 \[170 Cal.Rptr. 342\]](#): "Absent a *complete failure* or at least *substantial failure* on the part of a local governmental agency to adopt a plan which approximates the Legislature's expressed desires, the courts are ill-equipped to determine whether the language used in a local plan is 'adequate' to achieve the broad general goals of the Legislature. In short, while a court, such as in [Save El Toro Assn. v. Days, supra, 74 Cal.App.3d 64](#), may conclude that in form and general content, a local plan fails to meet the general requirements of the statute, *a court cannot and should not involve itself in a detailed analysis of whether the elements of the plan are adequate to achieve its purpose.* To do so would involve the court in the writing of the plan. That issue is one for determination by the political process and not by the judicial process." ([Id., at p. 884](#), italics added.)

Bownds, however, was decided before the Legislature enacted the detailed housing element [***8] requirements in article 10.6. At the time of the *Bownds* decision, the housing element requirement was contained [**736] in toto in [section 65302, subdivision \(c\)](#). It read: "The plan shall include the following elements:

". . . .

[*297] "(c) A housing element, to be developed pursuant to regulations established under Section 41134 of the Health and Safety Code, consisting of standards and plans for the improvement of housing and for provision of adequate sites for housing. This element of the plan shall make adequate provision for the housing needs of all economic segments of

The issues presented in *Bownds* were whether the regulations of the Department of Housing and Community Development were mandatory or advisory and whether Glendale's housing element was inadequate because it failed to address condominium conversions. The *Bownds* court concluded the regulations were "advisory only" ([Bownds v. City of Glendale, supra, 113 Cal.App.3d 875, 885](#), italics added) and the housing element "[represented] an honest and reasonable effort to comply with the state's statutory requirements." ([Id., at p. 884](#).) The court's holding rested [***9] in large measure upon its observation: "In the absence of more specific legislation, it would ill-behoove any court to indirectly mandate such a specific 'action' program [e.g., the "'who, what and when" for the *creation* of housing'] under the guise of declaring an otherwise complete and comprehensive plan to be inadequate, basing its decision on nothing more than a subjective interpretation of such nonspecific language." (*Ibid.*)

II

[CA\(1b\)\[T\]](#) (1b) Since the *Bownds* decision, the Legislature has enacted "specific legislation" affecting the standard of review. Among other things, the Legislature has expressed its intent that "the term 'substantially complies,' . . . , be given the same interpretation as was given that term by the court in [Camp v. Board of Supervisors \(1981\) 123 Cal.App.3d 334, 348 \[176 Cal.Rptr. 620\]](#)." (Stats. 1984, ch. 1009, § 44.)

The Court of Appeal in [Concerned Citizens of Calaveras County v. Board of Supervisors \(1985\) 166 Cal.App.3d 90, 95-96 \[212 Cal.Rptr. 273\]](#), cited the *Camp* decision as authority, saying: [CA\(2b\)\[T\]](#) (2b) "[HN3\[T\]](#) In reviewing the [general] plan before use, we have in mind that the adoption of a general plan is a legislative act; the wisdom [***10] or

merits of a plan are not proper subjects of judicial scrutiny. ([Selby Realty Co. v. City of San Buenaventura \(1973\) 10 Cal.3d 110, 118](#) . . .)

CA(1c) [↑] (1c) "Nonetheless, before 1982, California courts had recognized that general plans were not immune from review by courts. The courts noted the Legislature had enacted statutes that imposed mandatory duties on local agencies in connection with their adoption of general plans, and, if a local [*298] agency violated such a statute, the courts acted to remedy the violation of state law. Thus, in [Camp v. Board of Supervisors \(1981\) 123 Cal.App.3d 334](#) . . . , the court said: 'Section 65302 enumerates the nine elements which a plan "shall include," and describes the contents of each. The word "shall" is to be construed as mandatory in this context. (Gov. Code, §§ 5, 14.) The county must accordingly "have a general plan that encompasses all of the requirements of state law." ([Save El Toro Assn. v. Days \(1977\) 74 Cal.App.3d 64, 72](#)) If the plan adopted for it does not reflect substantial compliance with those requirements, the Board and other responsible agencies of the County have failed in the "performance of [***11] an act which the law specially enjoins." [para.] "Substantial compliance, as the phrase is used in the decisions, means *actual* compliance in respect to the substance essential to every reasonable objective of the statute," as distinguished from "mere technical imperfections of form." ([Id., at p. 348](#))"

[**737] Thus, the *Bownds* decision no longer accurately reflects the state of the legislatively mandated housing element nor its standard of review. **HN4** [↑] The standard of review is not limited to whether there is a "complete" or "substantial" failure of a city to adopt a plan which "approximates the Legislature's expressed desires" ([Bownds v. City of Glendale, supra, 113 Cal.App.3d 875, 884](#)) but

whether there is "*actual* compliance" ([Camp v. Board of Supervisors, supra, 123 Cal.App.3d 334, 348](#)) with specified requirements. **CA(2c)** [↑] (2c) *Bownds* retains validity to the extent it prohibits a court from examining the "merits" of an element. (See [Bownds, supra, at p. 884](#); [Camp, supra, at p. 348](#); [Selby Realty Co. v. City of San Buenaventura \(1973\) 10 Cal.3d 110, 118](#) [109 Cal.Rptr. 799, 514 P.2d 111].)

CA(3) [↑] (3) **HN5** [↑] Finally, the appropriate standard of [***12] appellate review is whether the local adopting agency has acted "arbitrarily, capriciously, or without evidentiary basis." ([Environmental Council v. Board of Supervisors \(1982\) 135 Cal.App.3d 428, 439-440](#) [185 Cal.Rptr. 363].) "Because the question of substantial compliance is one of law, this court need not give deference to the conclusion of the trial court. ([Twain Harte Homeowners Assn. v. County of Tuolumne, supra, 138 Cal.App.3d at p. 674](#) [188 Cal.Rptr. 233].)" ([Concerned Citizens of Calaveras County v. Board of Supervisors, supra, 166 Cal.App.3d 90, 96](#).)

III

Association contends City's housing element is defective in these specifics: There is a failure to set forth a five-year schedule of actions (§ 65583, *subd. (c)*); a failure to identify adequate sites to meet City's housing goals (§ 65583, *subd. (c)(1)*); a lack of a program to assist in the development of [*299] adequate housing for low- and moderate-income households (§ 65583, *subd. (c)(2)*); a lack of a program to conserve and improve the condition of the existing affordable housing stock (§ 65583, *subd. (c)(4)*); a failure to adequately identify the officials and agencies responsible [***13] for implementing City's programs (§ 65583, *subd. (c)*); a failure to describe the public participation involved in developing the housing element (§ 65583, *subd. (c)*); and a

lack of quantified objectives in City's housing action program ([§ 65583](#)).²

[*14]** These claimed defects largely reflect the June 1982 analysis of City's housing element by the Department of Housing and Community Development (Department). The Department found: "The adopted element contains a comprehensive and in-depth analysis of housing problems generally, and San Diego's problems specifically. With several minor exceptions, the City's housing needs, resources, and constraints are well documented. . . . However, despite all of these very positive efforts, *the San Diego housing element adopted September 29, 1981 does not yet meet all of the requirements of Article 10.6 of the Government Code.*" (Italics added.)

IV

We address Association's contentions of deficiency seriatim.

[CA\(4\)](#)^[↑] **(4)** First, the code specifies: [HN6](#)^[↑] "The element shall contain . . . [a] program which sets forth a five-year schedule of actions the local government is undertaking or intends to undertake to **[**738]** implement the policies and achieve the goals and objectives of the housing element" ([§ 65583, subd. \(c\).](#))

²The defects alleged by Association differ somewhat depending on whether one looks to their petition for writ of mandate, their opening brief on appeal or their closing brief. City responds only to the defects as phrased in the petition and asks us not to address those defects which are raised for the "first time" on appeal. (See [Sierra Club, Inc. v. California Coastal Com. \(1979\) 95 Cal.App.3d 495, 503 \[157 Cal.Rptr. 190\]](#).) We note, however, Association's contentions on appeal are not truly new, but rather variations on those contentions raised below and contained in the Department of Housing and Community Development report appended to their petition. Moreover, contentions which are strictly matters of law and do not rest upon a resolution of conflicting facts may be raised for the first time on appeal. (See [Redevelopment Agency v. City of Berkeley \(1978\) 80 Cal.App.3d 158, 167 \[143 Cal.Rptr. 633\]](#).)

The housing action program itself notes it is "an incomplete listing of implementation measures" and lists its program time spans as "FY 1981-1982;" "FY 1982-1983" or as "continuing." **[***15]** The Department found this did "not clearly encompass a five year time span as required by law."

[*300] City argues, in light of the legislatively mandated five-year time span "continuing" must be construed as "continuing over five years." This interpretation seems reasonable. While a more definitive time table is preferable for City action programs, the City is in substantial compliance with this requirement. To invalidate the housing element on this ground would be to elevate form over substance.

V

[CA\(5\)](#)^[↑] **(5)** The code requires: [HN7](#)^[↑] "The program shall . . . [identify] adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing and mobilehomes, in order to meet the community's housing goals as identified in subdivision (b). The program may include an identification of adequate sites for emergency housing." ([§ 65583, subd. \(c\)\(1\).](#))

The Department noted this requirement "envision[s] two responses: (1) provision of a sufficient supply of land that is zoned for **[***16]** residential use and served by infrastructure that is or will be made available to meet the locality's identified new construction needs in the aggregate; and (2) provision of a sufficient variety of sites in terms of cost and density to meet the needs of households at various income levels."

The Department pointed out the zoning ordinance provided some variety of housing type, but City needed to document sites were being made available for assisted housing, manufactured housing and mobilehomes. The only "program" in City's housing element which addresses this matter is contained in section 5.4 and states: "City-owned land designated for residential use and surplus to public facility needs may be offered to public and non-profit housing agencies for development of affordable housing. This will continue the program which has committed about 226 acres of City-owned land valued in excess of \$ 22.9 million to production of over 1,700 affordable units. (Continuing. City Council.)"

Department asserted this program only stated City "may" offer land and "does not evidence a firm commitment to implementation." Department also noted "there is no indication of how much land will be made *****17** available, its zoning, or dwelling-unit capacity." However, elsewhere in City's housing element, City states San Diego is divided into 40 subareas each with its own community plan and City has set forth the capacity of each subarea community plan and the capacity remaining for further residential development. **[*301]** The capacity remaining exceeds City's housing needs for the five-year time span contemplated by the element.

Moreover, in section 2.5.2 of the element, City addresses "Available Housing Sites" and states it has developed a computer program to monitor development projects throughout the development process and therefore can obtain "a picture of current patterns and a one- to three-year look into the future." This section thus, is evidence of compliance with [section 65583, subdivision \(c\)\(1\)](#)'s requirement that City identify adequate sites.

While nowhere in the housing element itself is found a provision of specific sites for

mobilehomes, rental housing or factory-built housing, it appears these designations may be in the detailed community plans which are referred to in City's housing element. Association has not shown these community plans fail to make adequate *****18** *****739** identification of appropriate sites. On this state of the record we find City's housing element is in substantial compliance with [section 65583, subdivision \(c\)\(1\)](#).

VI

[CA\(6\)\(T\)](#) **(6)** The statute provides the program shall [HN8\(T\)](#) "[assist] in the development of adequate housing to meet the needs of low- and moderate-income households." ([§ 65583, subd. \(c\)\(2\)](#).)

City's Housing Action Program, section 5.4, "Affordable Housing Development," provides:

"5.4 Affordable Housing Development

"o Studies will be undertaken to determine the feasibility of consolidating responsibility for public housing program review and approval in a single decision-making body in order to simplify and expedite development of assisted projects. This consolidation will not include those discretionary actions vested in design review boards, etc. (FY 1981-82. City Council.)

"O Referendums to provide authority under Article XXXIV of the California Constitution for the development, acquisition, financing and/or ownership of at least 2,500 housing units will be placed before the voters. (FY 1981-82. City Council.)

"o City-owned land designated for residential use and surplus to public facility needs may be offered *****19** to public and non-profit housing agencies for development of affordable housing. This will continue the program which **[*302]** has committed about 226 acres of City-owned land valued in excess

of \$ 22.9 million to production of over 1,700 affordable units. (Continuing. City Council.)

"o Density bonuses of up to 50 percent will be permitted for projects which provide at least 20 percent housing affordable by low- and/or moderate-income households pursuant to the City's Affordable Housing Density Bonus Program. Additional density variances will be considered for projects meeting other criteria such as very low-income affordable housing. (Continuing. City Manager, Planning Commission and Department, Housing Commission.)

"o An annual Housing Assistance Plan shall be prepared detailing each agency's programs and goals for providing new affordable housing, assisting rehabilitation and preserving existing affordable housing. (Continuing. Housing Commission and all Development Corporations.)"

The Department criticizes City's action program for failing to give more complete descriptions of its programs and not setting forth "a comprehensive five-year schedule of actions." The [***20] Department also suggested how City might improve its density bonus program.

While it may be true City could improve this aspect by including more detail and by adopting other programs, we conclude its "Affordable Housing Development" program is in substantial compliance with [section 65583, subdivision \(c\)\(2\)](#). That section requires only that City "assist" in the development of housing to meet the needs of low-and moderate-income households. All of the programs in the "Affordable Housing Development" program are directed toward assisting this development. The fact City might be able to adopt other and, perhaps, more effective programs would be to review the merits of the program. This is not the appellate court function. We find City is in substantial

compliance with [section 65583, subdivision \(c\)\(2\)](#).

VII

[CA\(7\)\[↑\]](#) (7) [HN9\[↑\]](#) The statute provides: "The program shall . . . [conserve] and improve the condition of the existing affordable housing stock." ([§ 65583, subd. \(c\)\(4\)](#).)

The Department contends this requirement "anticipates two types of program responses: 1) conservation and rehabilitation of the structural condition [***303**] of the existing housing stock, and 2) conservation [****740**] [*****21**] of the existing affordable housing opportunities in the community."

City says it has complied with this requirement in section 5.5 (housing quality conservation) of its housing action program. This section provides:

"o The Municipal Code will be amended to include state approved rehabilitation codes as alternatives to other uniform codes. (FY 1981-82. City Council.)

"o Housing Code inspections will be focused upon concentrated rehabilitation and neighborhood improvement areas. (Continuing. City Manager.)

"o The Community Development Block [*sic*] Grant and other assistance programs shall be programmed to focus public facility improvements upon concentrated rehabilitation and neighborhood improvement areas. (Continuing. City Council, City Manager.)

"o Community-based, self-help rehabilitation training services will be initiated and assisted in neighborhood improvement and concentrated rehabilitation areas. (Continuing. Housing Commission and all Development Corporations.)"

These programs all address the conservation and rehabilitation of the structural condition of

the existing housing stock and not the conservation of existing affordable housing opportunities in the [***22] community. In particular, as pointed out by the Department, there are no programs directed to how the city will "encourage" conservation of mobilehome parks or will conserve the existing affordable apartment rental stock. The Department viewed this latter omission "as a serious deficiency in the element given the City's declining multiple-family vacancy rate and threatened loss of approximately 11 % of the City's total apartment inventory." (*Ibid.*)

Underlying the City's approval of Developers' planned residential permit was the fear if City did not approve the permit, *Developers would raze the apartment complex anyway* since City lacked discretion to deny Developers a demolition permit. This factor demonstrates City's lack of a program to conserve its stock of affordable housing, particularly its affordable rental stock.³

[*304] We conclude [***23] City has not substantially complied with [section 65583, subdivision \(c\)\(4\)](#).

VIII

[CA\(8\)\[T\]](#) (8) The statute requires: "[HN10\[T\]](#) The program shall include an identification of the agencies and officials responsible for the implementation of the various actions" ([§ 65583, subd. \(c\)](#).)

The Department noted "the housing element does not clearly delineate the roles and responsibilities of the various entities responsible for implementation of the City's housing programs" and, in particular, criticized City's failure to define the term "all Development Corporations." The Legislature,

however, did not require a detailed description of the roles and responsibilities but only "an identification of the agencies and officials responsible for the implementation." We find City substantially complied with this requirement, since it listed generally the entity or official responsible for implementation (e.g., "City Council," "City Manager," "Planning Commission & Department").

IX

[CA\(9\)\[T\]](#) (9) The statute declares: "The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort." [***24] ([§ 65583, subd. \(c\)](#).)

City's housing element fails to include any description of City's effort to include public participation. However, it is clear there was ample public participation in the development of the housing element. (See [**741] declaration of Tim O'Connell; Department of Housing and Community Development Report noting the Housing Coalition of Greater San Diego among others had a standing request for copies of housing element reviews.) The Legislature's concern was with actual public participation rather than a description of that public participation. We conclude the omission to be a "technical imperfection" which does not justify enjoining approval of a planned residential development permit.

X

[CA\(10\)\[T\]](#) (10) Throughout its report, Department is critical of City's failure to make quantifications in its programs, e.g., City's failure to state how much land would be available in its program for assisted housing. City's failure [*305] to quantify objectives for rehabilitation or conservation Department stated: "The complete absence of

³ The Legislature has expressed specific concern with the demolition of low- and moderate-income housing in the coastal zone. (See §§ 65590, 65590.1.)

quantification in the program section of the adopted housing element makes it impossible to determine exactly what the City intends to [***25] accomplish."

City contends [section 65583, subdivision \(c\)](#), does not require any quantification in its programs and that, moreover, this is an attack on the merits, an evaluation of the plan's ability to perform.

[Section 65583](#) states [HN11](#)^[↑] "The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, *quantified objectives* and scheduled programs for the preservation, improvement, and development of housing." (Italics added.) Subdivision (b) requires "[a] statement of the community's goals, *quantified objectives*, and policies relative to the maintenance, improvement, and development of housing." (Italics added.) Subdivision (c)(1) requires a program to "[identify] adequate sites . . . in order to meet the community's housing goals as identified in subdivision (b)." Subdivision (b) explains: "It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with [Section 65300](#)). Under these circumstances, the quantified [***26] objectives need not be identical to the identified housing needs, but should establish the maximum number of housing units that can be constructed, rehabilitated, and conserved over a five-year time frame."

These sections make clear the Legislature's intent that cities quantify their housing objectives in their housing elements. City has failed to meet this requirement unless the projected housing needs are equated with the housing objective. This is not an unreasonable construction in light of the fact

City's capacity exceeds its needs.

The program requirements of [section 65583, subdivision \(c\)](#), do not expressly require quantification except to the extent subdivision (c)(1), requires identification of adequate sites. Otherwise, the Legislature has spoken in terms of cities developing programs to "[assist] in the development of adequate housing" (subd. (c)(2)), "[address]" governmental constraints (subd. (c)(3)), "[conserve]" and *improve* the condition of affordable housing (subd. (c)(4)), and "[promote]" housing opportunities" (subd. (c)(5)). (Italics added.) These terms do not necessarily mandate a precise quantification in programs. While Department [***27] is correct in concluding the lack of quantification makes it difficult to assess the programs, we do not think the lack of quantification invalidates City's housing element.

[*306] The Department's review of City's housing element differs from our judicial review. The Department reviews not only to ensure the requirements of 65583 are met, but also to make suggestions for improvements. In that context, the lack of quantification makes Department's job more difficult. However, a court looks only to ensure the requirements of 65583 are met and not whether, in the court's judgment, the programs adopted are adequate to meet their objectives or are the programs which the court thinks ought to [**742] be there. While this court may be of the opinion City should adopt Department's recommendations, *the Legislature has stated its recommendations are advisory.* ([§ 65585, subd. \(a\)](#).)

XI

[CA\(11\)](#)^[↑] (11) City inappropriately contends [section 65583, subdivision \(c\)](#), is not applicable to the City of San Diego because it intrudes into matters traditionally reserved to municipalities.

The California Constitution provides: [HN12](#)^[↑] "It shall be competent in any city charter to provide that the city governed **[***28]** thereunder may make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws." (Art. XI, [§ 5](#).)

[HN13](#)^[↑] In charter cities, such as San Diego, the city charter, ordinances and regulations which relate to purely municipal affairs prevail over state laws on the same subject. ([Baggett v. Gates \(1982\) 32 Cal.3d 128, 136 \[185 Cal.Rptr. 232, 649 P.2d 874\]](#).) However, if a matter is of statewide concern, then charter cities must yield to the applicable general state laws regardless of the provisions of its charter. (*Ibid.*) Whether a matter is of municipal or statewide concern is for judicial determination. ([Bishop v. City of San Jose \(1969\) 1 Cal.3d 56, 62 \[81 Cal.Rptr. 465, 460 P.2d 137\]](#).) Nonetheless, the judiciary will accord great weight to the Legislature's evaluation of whether a matter is of statewide concern. ([Baggett v. Gates, supra, 32 Cal.3d 128, 136](#); [Bishop v. City of San Jose, supra, 1 Cal.3d 56, 63](#).)

The Legislature has expressly declared housing to be a matter of statewide **[***29]** concern not only in article 10.6 of the Government Code ([§ 65580](#)) but also in a number of other provisions (see, e.g., [Health & Saf. Code, §§ 33250, 50001- 50004](#); Stats. 1984, ch. 1691, § 1 et seq.; Stats. 1982, ch. 1440, § 1, subd. (a); Stats. 1981, ch. 974, § 1; Stats. 1981, ch. 887, § 1; Stats. 1979, ch. 1043, §§ 1, 2.) The judiciary has likewise found the need to provide adequate housing to be a matter of statewide concern. (See [Marina Point, \[*307\] Ltd. v. Wolfson \(1982\) 30 Cal.3d 721, 743 \[180 Cal.Rptr. 496, 640 P.2d 115, 30 A.L.R.4th 1161\]](#); [Green v. Superior Court \(1974\) 10 Cal.3d 616, 625 \[111 Cal.Rptr. 704,](#)

[517 P.2d 1168\]](#); [Bruce v. City of Alameda \(1985\) 166 Cal.App.3d 18, 21-22 \[212 Cal.Rptr. 304\]](#).) As the court noted in [Bruce v. City of Alameda, supra, 166 Cal.App.3d 18, 22](#): "These high pronouncements [of statewide need for adequate housing] do no more than iterate what is the common knowledge of all. (See [Evid. Code, § 452, subd. \(h\)](#).)"

City concedes "there is a legitimate statewide concern in requiring all cities and counties to adopt general plans, the meat and substance of which is statements of policy," but argues **[***30]** [section 65583, subdivision \(c\)](#), impermissibly intrudes into municipal affairs by requiring a local government to "use its' [sic] legislative and administrative authority to actually accomplish specific goals." This argument would limit the Legislature to declarations matters were of statewide concern and would prohibit the Legislature from compelling cities to take action to address the concern. Such argument has no merit. Moreover, [section 65583, subdivision \(c\)](#), leaves cities considerable discretion in the manner of implementing programs to reach the state housing goal. Finally, in section 65589 the Legislature has expressly recognized cities' right to govern their municipal affairs and has provided:

"(a) Nothing in this article shall require a city, county, or city and county to do any of the following:

"(1) Expend local revenues for the construction of housing, housing subsidies, or land acquisition.

"(2) Disapprove any residential development which is consistent with the general plan.

"(b) Nothing in this article shall be construed to be a grant of authority or a repeal of any authority which may exist of a local government to impose rent controls or restrictions **[***31]** on the sale of real property.

"(c) Nothing in this article shall be construed to be a grant of authority or a **[**743]** repeal of any authority which may exist of a local government with respect to measures that may be undertaken or required by a local government to be undertaken to implement the housing element of the local general plan.

"(d) The provisions of this article shall be construed consistent with, and in promotion of, the statewide goal of a sufficient supply of decent housing to meet the needs of all Californians."

[*308] XII

These further miscellaneous contentions of error are made. [CA\(12\)\[↑\]](#) (12) Developers contend the appellants are precluded from attacking the housing element because of the doctrine of laches. Developers point out the Housing Coalition had a standing request to receive a copy of all of City's housing element reviews, failed to bring any legal attack on the sufficiency of the housing element until the instant action, and that Developers expended over a million dollars on architectural, engineering, legal and other services in connection with its application.

Developers rely upon [Concerned Citizens of Palm Desert, Inc. v. Board of Supervisors \[***32\] \(1974\) 38 Cal.App.3d 257, 265 \[113 Cal.Rptr. 328\]](#), and [Millbrae Assn. for Residential Survival v. City of Millbrae \(1968\) 262 Cal.App.2d 222, 235-236 \[69 Cal.Rptr. 251\]](#). Both of these cases applied the doctrine of laches because the plaintiffs had failed to make any challenges based on ordinances during the review of the developer's application. Indeed, in *Millbrae*, plaintiffs failed to bring a challenge until after the developer had already completed part of his project. That is not the situation involved here. Appellants have challenged approval of the project at every stage. The doctrine of laches does not apply to the case at bar. It is

particularly inapplicable to Association since there is no indication that it was involved in the development or review of City's housing element.

[CA\(13\)\[↑\]](#) (13) Developers next contend Association failed to join indispensable parties, that is, others who have received permits invalid due to the inadequacy of the housing element.

This issue was disposed of in [Camp v. Board of Supervisors, supra, 123 Cal.App.3d 334, 354](#), where the court concluded all indispensable parties had been joined because the petitions involved there, as in **[***33]** the instant case, did not seek to cancel or suspend any approval previously granted.

[CA\(14\)\[↑\]](#) (14) Finally, Association contends the administrative record does not support City's findings:

The City found:

"1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. The plan encourages a wide range of residential densities and building types. The proposed project includes townhouses, mid-rise and high-rise buildings. The proposed density of the project is 40 dwelling units per acre which is **[*309]** within the range of 15 to 45 units shown in the community plan. The Planning Director believes that this finding can be made.

"2. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety, and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. The proposed project includes pedestrian access to be continued along Cowley Way. In addition, the proposed project includes observation areas to be located on the north and south of the area to

ensure continued public access and visibility to the **[***34]** adjacent Tecolote Canyon. A landscaping plan is proposed which will enhance the Tecolote Canyon area where disturbed for the purposes of drainage plan. The Engineering and Development **[**744]** Department has indicated that there is adequate access for vehicular traffic and emergency vehicles. The parking ratio shown on Exhibit 'A' is considered adequate by the Engineering and Development Department.

"3. The proposed use will comply with the relevant regulations in the Municipal Code. The Planning Director believes that this finding can be made. The PRD Ordinance requires in the R-3 Zone, 26 acres of total open space. The PRD is proposing 42 acres which is 16 acres in excess of the minimum required. The proposed usable open space required is 13.1. The permit indicates 27.8 which is 14.7 acres in excess of what is required. In addition, the application proposes a variety of recreational facilities."

Association also argues City's finding the project was not detrimental to the public health, safety and general welfare was factually unsupported. It is argued the City acted contrary to the health, safety and welfare of the apartment residents and therefore abused its discretion.

[*35]** We note the health, safety and general welfare standard applies to the community generally rather than to just the apartment tenants. There was substantial evidence to support City's finding the Villamar project would not be detrimental to the health, safety or general welfare of the community. City heard testimony on the impact of the project on the community and specifically adopted mitigating factors, inter alia, to ensure emergency vehicle access, canyon access and to lessen the impact of the project on the canyon (planting and drainage requirements, placement of the canyon rim units).

Additionally, City considered the impact of the project on the apartment tenants and considered, inter alia, the fact the project would be phased in over 10 years, the past vacancy rate in the complex, the income levels of **[*310]** the tenants, the availability of rental housing generally, and alternatives to project approval including renovation, subsidization and Developers' planned demolition if the permit was denied. In light of the project's impact on the senior tenants of the complex, City required Developers to provide relocation assistance and up to 100 rental units for those of the **[***36]** original tenants remaining at the time the project was completed. Under these circumstances, we cannot say City findings in these areas are unsupported by the evidence except as this court has found (in VII above) a failure to substantially comply with [section 65583, subdivision \(c\)\(4\)](#).

CA(15)[T] (15) We have found City's housing element was incomplete on one relevant aspect, i.e., a program to conserve existing housing stock.

"Does the lack of a mandatory element in a general plan invalidate the entire plan? Yes, if the missing element was directly involved in the projects being reviewed. ([Save El Toro Assn. v. Days \(1977\) 74 Cal.App.3d 64](#) . . . ; [Friends of "B" Street v. City of Hayward \(1980\) 106 Cal.App.3d 988](#) . . .) **HN14**[T] Absence of relevant elements in a general plan precludes enactment of zoning ordinances and the like. ([Resource Defense Fund v. County of Santa Cruz \(1982\) 133 Cal.App.3d 800, 806](#) . . .) If a plan does not reflect substantial compliance with the mandatory elements the responsible agency has failed to perform an act which the law specially enjoins. ([Camp v. Board of Supervisors, 123 Cal.App.3d 334, 348](#) . . .)" ([Guardians of Turlock's Integrity \[***37\] v. Turlock City Council \(1983\) 149 Cal.App.3d 584, 592-593 \[197 Cal.Rptr. 303\]](#).)

Here, however, we have found substantial

compliance as to each of the required elements except one. An unqualified granting of a writ is not warranted in these circumstances.

The writ is granted with direction to the trial court to refuse approval of the permit until the defects in the plan as specified in this opinion are corrected to substantially conform to the statutory requirement. In all other respects the decision of the trial court is affirmed.

End of Document

[Cal Gov Code § 65583](#)

Deering's California Codes are current through Chapter 4 of the 2019 Regular Session.

Deering's California Codes Annotated > GOVERNMENT CODE (§§ 1 — 500000–500049) > Title 7 Planning and Land Use (Divs. 1 — 3) > Division 1 Planning and Zoning (Chs. 1 — 11) > Chapter 3 Local Planning (Arts. 1 — 14) > Article 10.6 Housing Elements (§§ 65580 — 65589.8)

§ 65583. Housing element components

The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

- (a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:
 - (1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and [Section 50106 of the Health and Safety Code](#). These existing and projected needs shall include the locality's share of the regional housing need in accordance with [Section 65584](#). Local agencies shall calculate the subset of very low income households allotted under [Section 65584](#) that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to [Section 65584](#).
 - (2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.
 - (3) An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a

designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4)

(A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

- (i)** The maximum number of beds or persons permitted to be served nightly by the facility.
- (ii)** Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.
- (iii)** The size and location of exterior and interior onsite waiting and client intake areas.
- (iv)** The provision of onsite management.
- (v)** The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.
- (vi)** The length of stay.
- (vii)** Lighting.
- (viii)** Security during hours that the emergency shelter is in operation.

(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with [Section 21000](#)) of the *Public Resources Code*).

(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can

accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.

(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, local processing and permit procedures, and any locally adopted ordinances that directly impact the cost and supply of residential development. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with [Section 65584](#) and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7).

(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of *Section 65583.2*, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with [Section 65584](#). The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing.

(7) An analysis of any special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability, as defined in [Section 4512 of the Welfare and Institutions Code](#); large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on annual and seasonal need. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period. An analysis of special housing needs by a city or county may include an analysis of the need for frequent user coordinated care housing services.

(8) An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.

(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of [Section 65863.10](#), state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to [Section 65916](#).

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use, and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government that have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs that can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program that have not been legally obligated for other purposes and that could be available for use in preserving assisted housing developments.

(b)

(1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with [Section 65300](#)). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.

(c) A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, that may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, the utilization of appropriate federal and state financing and subsidy programs when available, and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with [Section 33000](#)) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of [Section 65584.09](#). Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to [Section 65584](#), rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period pursuant to [Section 65588](#), shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of [Section 65585](#) or the date that is 90 days after receipt of comments from the

department pursuant to subdivision (b) of [Section 65585](#), whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element within 120 days of the statutory deadline in [Section 65588](#) for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than three years and 120 days from the statutory deadline in [Section 65588](#) for adoption of the housing element.

(B) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to [Section 65584](#), the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of [Section 65583.2](#). The identification of sites shall include all components specified in [Section 65583.2](#).

(C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.

(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. Transitional housing and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Supportive housing, as defined in [Section 65650](#), shall be a use by right in all zones where multifamily and mixed uses are permitted, as provided in Article 11 (commencing with [Section 65650](#)).

(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.

(5) Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with [Section 12900](#)) of Division 3 of Title 2), [Section 65008](#), and any other state and federal fair housing and planning law.

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

(7) Include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.

(8) Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.

(9)

(A) Affirmatively further fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall include an assessment of fair housing in the jurisdiction that shall include all of the following components:

(i) A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity.

(ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk.

(iii) An assessment of the contributing factors for the fair housing issues identified under clause (ii).

(iv) An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved.

(v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement.

(B) A jurisdiction that completes or revises an assessment of fair housing pursuant to Subpart A (commencing with Section 5.150) of Part 5 of Subtitle A of Title 24 of the Code of Federal Regulations, as published in Volume 80 of

the Federal Register, Number 136, page 42272, dated July 16, 2015, or an analysis of impediments to fair housing choice in accordance with the requirements of [Section 91.225 of Title 24 of the Code of Federal Regulations](#) in effect prior to August 17, 2015, may incorporate relevant portions of that assessment or revised assessment of fair housing or analysis or revised analysis of impediments to fair housing into its housing element.

(C) The requirements of this paragraph shall apply to housing elements due to be revised pursuant to Section 65588 on or after January 1, 2021.

(d)

(1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.

(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit toward its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.

(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:

(A) How the joint facility will meet the jurisdiction's emergency shelter need.

(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility.

(C) The amount and source of the funding that the jurisdiction contributes to the facility.

(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.

(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:

(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of [Section 65588](#) or [Section 65584.02](#), when a city, county, or city and county submits a draft to the department for review pursuant to [Section 65585](#) more than 90 days after the effective date of the amendment to this section.

(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of [Section 65588](#) or [Section 65584.02](#), when the city, county, or city and county fails to submit the first draft to the department before the due date specified in [Section 65588](#) or [65584.02](#).

(f) The deadline for completing required rezoning pursuant to subparagraph (A) of paragraph (1) of subdivision (c) shall be extended by one year if the local government has completed the rezoning at densities sufficient to accommodate at least 75 percent of the units for low- and very low income households and if the legislative body at the

conclusion of a public hearing determines, based upon substantial evidence, that any of the following circumstances exist:

- (1)** The local government has been unable to complete the rezoning because of the action or inaction beyond the control of the local government of any other state, federal, or local agency.
- (2)** The local government is unable to complete the rezoning because of infrastructure deficiencies due to fiscal or regulatory constraints.
- (3)** The local government must undertake a major revision to its general plan in order to accommodate the housing-related policies of a sustainable communities strategy or an alternative planning strategy adopted pursuant to [Section 65080](#).

The resolution and the findings shall be transmitted to the department together with a detailed budget and schedule for preparation and adoption of the required rezonings, including plans for citizen participation and expected interim action. The schedule shall provide for adoption of the required rezoning within one year of the adoption of the resolution.

(g)

(1) If a local government fails to complete the rezoning by the deadline provided in subparagraph (A) of paragraph (1) of subdivision (c), as it may be extended pursuant to subdivision (f), except as provided in paragraph (2), a local government may not disapprove a housing development project, nor require a conditional use permit, planned unit development permit, or other locally imposed discretionary permit, or impose a condition that would render the project infeasible, if the housing development project (A) is proposed to be located on a site required to be rezoned pursuant to the program action required by that subparagraph and (B) complies with applicable, objective general plan and zoning standards and criteria, including design review standards, described in the program action required by that subparagraph. Any subdivision of sites shall be subject to the Subdivision Map Act (Division 2 (commencing with [Section 66410](#))). Design review shall not constitute a "project" for purposes of Division 13 (commencing with [Section 21000](#)) of the *Public Resources Code*.

(2) A local government may disapprove a housing development described in paragraph (1) if it makes written findings supported by substantial evidence on the record that both of the following conditions exist:

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

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the

housing development project or the approval of the project upon the condition that it be developed at a lower density.

(3) The applicant or any interested person may bring an action to enforce this subdivision. If a court finds that the local agency disapproved a project or conditioned its approval in violation of this subdivision, the court shall issue an order or judgment compelling compliance within 60 days. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders to ensure that the purposes and policies of this subdivision are fulfilled. In any such action, the city, county, or city and county shall bear the burden of proof.

(4) For purposes of this subdivision, “housing development project” means a project to construct residential units for which the project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of at least 49 percent of the housing units for very low, low-, and moderate-income households with an affordable housing cost or affordable rent, as defined in [Section 50052.5 or 50053 of the Health and Safety Code](#), respectively, for the period required by the applicable financing.

(h) An action to enforce the program actions of the housing element shall be brought pursuant to [Section 1085 of the Code of Civil Procedure](#).

History

Added Stats 1980 ch 1143 § 3. Amended Stats 1984 ch 1691 § 3, effective September 30, 1984; Stats 1986 ch 1383 § 2; [Stats 1989 ch 1140 § 2](#), ch 1451 § 1.5; [Stats 1991 ch 730 § 1 \(AB 1929\)](#), ch 889 § 2 (SB 1019); [Stats 1992 ch 1030 § 2 \(SB 1807\)](#); [Stats 1999 ch 967 § 5 \(AB 1505\)](#); [Stats 2001 ch 671 § 2 \(SB 520\)](#); [Stats 2002 ch 971 § 6 \(SB 1468\)](#); [Stats 2004 ch 227 § 57 \(SB 1102\)](#), effective August 16, 2004, ch 724 § 1 (AB 2348); [Stats 2005 ch 614 § 1 \(AB 1233\)](#), effective January 1, 2006; [Stats 2006 ch 891 § 2 \(AB 2634\)](#), effective January 1, 2007; [Stats 2007 ch 633 § 3 \(SB 2\)](#), effective January 1, 2008; [Stats 2008 ch 728 § 7 \(SB 375\)](#), effective January 1, 2009; [Stats 2009 ch 467 § 3.5 \(AB 720\)](#), effective January 1, 2010; [Stats 2010 ch 328 § 96 \(SB 1330\)](#), ch 507 § 1 (SB 812) (ch 507 prevails), ch 610 § 1.9 (AB 2762), effective January 1, 2011; [Stats 2015 ch 188 § 3 \(AB 1403\)](#), effective January 1, 2016; [Stats 2017 ch 374 § 2 \(AB 879\)](#), effective January 1, 2018; [Stats 2017 ch 375 § 2.5 \(AB 1397\)](#), effective January 1, 2018 (ch 375 prevails); [Stats 2018 ch 753 § 2 \(AB 2162\)](#), effective January 1, 2019; [Stats 2018 ch 958 § 2.5 \(AB 686\)](#), effective January 1, 2019 (ch 958 prevails).

Annotations

Notes

Editor's Notes—

Amendments:**Note—****Editor's Notes—**

Gov C § [65583](#), as amended Stats 2008 ch 664 § [2](#), did not become operative because Senate Bill 375 of the 2007–08 Regular Session was enacted as Stats 2008 ch 728, effective January 1, 2009.

Amendments:**1984 Amendment:**

(1) Amended subd (a)(6) by (a) deleting “and” following “farmworkers,”; and (b) adding “, and families and persons in need of emergency shelter” at the end; and (2) amended subd (c)(1) by (a) adding the comma following “factory-built housing”; and (b) adding the last sentence.

1986 Amendment:

Amended subd (c)(1) by (1) substituting “mobilehomes, emergency shelters and transitional housing” for “and mobilehomes,” after “factory-built housing,”; and (2) deleting the former second sentence which read: “The program may include an identification of adequate sites for emergency housing.”

1989 Amendment:

Added (1) subd (a)(8); (2) “preservation,” in the first paragraph of subd (b); (3) “and the utilization of moneys in a Low and Moderate Income Housing Fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code)” in the first paragraph of subd (c); (4) subd (c)(6); and (5) subds (d) and (e). (As amended Stats 1989, ch 1451, compared to the section as it read prior to 1989. This section was also amended by an earlier chapter, ch 1140. See Gov C § 9605.)

1991 Amendment:

(1) Added “An” at the beginning of subds (a)(1), (a)(2), and (a)(4)–(a)(7); (2) amended the first sentence in subd (a)(8) by substituting (a) “from low-income” for “to non-low-income”; and (b) “restrictions on use” for “use restrictions” at the end; (3) designated the former first and second paragraphs of subd (b) to be subds (b)(1) and (b)(2); (4) amended subd (b)(2) by (a) substituting “total housing needs” for “identified existing housing needs, but should establish the maximum number of housing units that can be constructed, rehabilitated, and conserved over a five-year time frame” in the second sentence; and (b) adding the third sentence; (5) amended subd (c)(1) by adding (a) “multifamily” after “including” in the first sentence; (b) a comma after “shelters” in the first sentence; and (c) the second through fourth sentences; (6) added “, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action” in subd (c)(4); (7) designated the former first and second paragraphs in subd (c)(6) to be subds (c)(6)(A) and (c)(6)(B); and (8) substituted “July 1, 1992” for “January 1, 1992” in subds (d) and

(e). (As amended Stats 1991, ch 889, compared to the section as it read prior to 1991. This section was also amended by an earlier chapter, ch 730. See Gov C § 9605.)

1992 Amendment:

(1) Added “financial resources,” after “quantified objectives” in the first sentence; and (2) added the second sentence in subd (a)(4).

1999 Amendment:

(1) Added subdivision designations (c)(1)(A) and (c)(1)(B); (2) amended the first sentence of subd (c)(1)(A) by substituting (a) “services and facilities, including sewage collection and treatment, domestic water supply, and septic tanks and wells,” for “public services and facilities”; and (b) “, mobilehomes, housing for agricultural employees,” for “mobilehomes,”; (3) added the last sentence of subd (c)(1)(A); (4) added “or industrial uses” in the first sentence of subd (c)(1)(B); and (5) added subd (c)(1)(C).

2001 Amendment:

(1) Amended subd (a)(4) by adding (a) “and for persons with disabilities as identified in the analysis pursuant to paragraph (4) of subdivision (a)” in the first sentence; and (b) “and from meeting the need for housing for persons with disabilities identified pursuant to paragraph (6)” at the end of the last sentence; (2) substituted “elderly, persons with disabilities,” for “handicapped, elderly,” in subd (a)(6); (3) substituted “low- and moderate- income housing fund” for “Low and Moderate Income Housing Fund” in the first sentence of subd (c); (4) added subdivision designations (c)(1)(A)(i) and (c)(1)(A)(ii); (5) substituted “low- and very low” for “low and very low” in subd (c)(1)(A)(ii); (6) amended subd (c)(3) by (a) adding “, including housing for all income levels and housing for persons with disabilities” at the end of the first sentence; and (b) the second sentence; and (7) substituted “color, familial status, or disability” for “or color” at the end of subd (c)(5).

2002 Amendment:

(1) Added “all of” after “shall include” in subd (a); (2) substituted “paragraph (6)” for “paragraph (4) of subdivision (a)” in subd (a)(4); and (3) substituted “project-by-project” for “project by project” in subd (a)(8)(B).

2004 Amendment (ch 227):

(1) Substituted “qualification” for “quantification” in subd (a)(1); (2) added the second and third sentences of subd (a)(6); and (2) added “At the option of local government,” in subd (a)(7).

2004 Amendment (ch 724):

(1) Substituted “quantification” for “qualification” in subd (a)(1); (2) deleted the former last two sentences of subd (a)(6) which read: “The department shall adopt regulations to implement this paragraph, including parts of this paragraph determined by the department or any other state agency or a court to be a reimbursable state mandate. For any revision of a housing element required pursuant to Section 65588 that occurs subsequent to the adoption of those regulations,

any actions undertaken by the locality beyond those specified in the regulations are at that locality's option and are not required by this section.”; (3) substituted “An analysis” for “At the option of local government, an analysis” in subd (a)(7); (4) redesignated former subd (c)(1)(A) to be subd (c)(1); (5) amended subd (c)(1) by substituting (a) “Identify actions that will be taken to make sites available during the planning period of the general plan with” for “Identify adequate sites which will be made available through”; (b) “facilities to accommodate that portion of the city’s or county’s share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning. Sites shall be identified as” for “facilities, including sewage collection and treatment, domestic water supply, and septic tanks and wells,”; and (c) “transitional housing” for “transitional housing in order to meet the community’s housing goals as identified in subdivision (b)”;

(6) redesignated former subds (c)(1)(A)(i) and (c)(1)(A)(ii) to be subds (c)(1)(A) and (c)(1)(B); (7) substituted “shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2” for “provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low and low-income households” in subd (c)(1)(A)(i); (8) redesignated former subd (c)(1)(B) to be subd (c)(1)(B)(i); (9) substituted subd (c)(1)(B)(i) for the former subd (c)(1)(B) which read: “(B) For purposes of this paragraph, the phrase “use by right” shall mean the use does not require a conditional use permit, except when the proposed project is a mixed-use project involving both commercial or industrial uses and residential uses. Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5.”; and (10) deleted former subd (c)(1)(C) which read: “(C) The requirements of this subdivision regarding identification of sites for farmworker housing shall apply commencing with the next revision of housing elements required by Section 65588 following the enactment of this subparagraph.”

2005 Amendment:

Added “, and to comply with the requirements of Section 65584.09” after “without rezoning” in subd (c)(1).

2006 Amendment:

(1) Amended subd (a)(1) by adding (a) “, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code”; and (b) the last three sentences; (2) amended subd (a)(4) by adding “, including the types of housing identified in paragraph (1) of subdivision (c)”;

(3) amended subd (b)(2) by adding “, including extremely low income,”; (4) amended subd (c)(1) by adding “supportive housing single-room occupancy units”; (5) amended subd (c)(2) by adding “extremely low, very low,”; (6) amended subd (c)(6) by (a) deleting the subd (A) designation and (b) redesignating former subd (B) as subd (c)(7); (7) substituted the present version of subd (d) for the former, which read: “(d) The analysis and program for preserving assisted housing developments required by the amendments to this section enacted by the Statutes of 1989 shall be adopted as an amendment to the housing element by July 1, 1992.”; and (8) deleted former subd (e), which read: “(e) Failure of the department to review and report its findings pursuant to Section 65585 to the local government between July 1, 1992, and the next periodic review and revision required by Section 65588,

concerning the housing element amendment required by the amendments to this section by the Statutes of 1989, shall not be used as a basis for allocation or denial of any housing assistance administered pursuant to Part 2 (commencing with Section 50400) of Division 31 of the Health and Safety Code.” (As amended Stats 2006 ch 891, compared to the section as it read prior to 2006. This section was also amended by an earlier chapter, ch 890. See Gov C § 9605.)

2007 Amendment:

(1) Substituted “factory-built housing, mobilehomes, and emergency shelters, and” for “factory-built housing, and mobilehomes, and” in the introductory paragraph; (2) added subd (a)(4); (3) redesignated former subd (a)(4) to be subd (a)(5); (4) amended subd (a)(5) by adding (a) “, supportive housing, transitional housing, and emergency shelters” in the second sentence; and (b) the last sentence; (5) redesignated former subds (a)(5)–(a)(8) to be subds (a)(6)–(a)(9); (6) added the last two sentences in subd (a)(7); (8) added “the” after “land use and development controls,” in subd (c); (9) substituted “and” for “or” after “remove constraints to,” in subd (c)(3); (10) substituted “paragraph (9) of subdivision (a)” for “paragraph (8) of subdivision (a)” both times it appears in subd (c)(6); (11) redesignated former subd (d) to be subd (e); (12) amended subd (e)(1) by (a) substituting “when a city,” for “where a city”; and (b) deleting “first” after “county submits a”; and (13) substituted “when the city,” for “where the city” in subd (e)(2).

2008 Amendment:

(1) Substituted “pursuant to paragraph (7)” for “pursuant to paragraph (6)” in the first and second sentences of subd (a)(5); (2) substituted “a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that” for “a five-year schedule of actions” in the introductory paragraph of subd (c); (3) added subd (c)(1)(A); (4) redesignated former subds (c)(1)(A) and (c)(1)(B) to be subds (C)(1)(B) and (c)(1)(C); (5) added the last sentence of subd (c)(1)(B); and (6) added subds (f)–(h).

2009 Amendment:

(1) Added the last two sentences of subd (a)(8); (2) added the comma after “low-income use” in the first sentence of subd (a)(9)(A); and (3) substituted “the units” for “the sites” in the introductory clause of subd (f).

2010 Amendment:

(1) Amended the first sentence of subd (a)(7) by substituting (a) the semicolon for the comma after “the elderly” and after “of households”; and (b) “including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code; large families farmworkers;” for “large families, farmworkers;”; (2) amended the first sentence of the introductory paragraph of subd (c) by (a) deleting “and” after “concessions and incentives;”; and (b) adding the comma after “when available”; (3) deleted “of the general plan” after “planning period” in the first sentence of the first paragraph of subd (c)(1); (4) deleted “The program shall” at the beginning of subd (c)(7); (5) added subdivision designation (c)(8); (6) substituted “Include a diligent effort by the local government” for “The local government shall make a diligent effort” in subd (c)(8); (7) substituted “state, federal,” for “state federal” in subd (f)(1); (8) substituted “housing-related” for “housing

related” in subd (f)(3); and (9) amended subd (g)(1) by (a) deleting the semicolon before “and (B)” in the first sentence; and (b) adding “(Division 2 (commencing with Section 66410))” in the second sentence. (As amended Stats 2010 ch 610, compared to the section as it read prior to 2010. This section was also amended by an earlier chapter, ch 507. See Gov C § 9605.)

2015 Amendment:

(1) Added the last sentence of subd (a)(7); and (2) substituted “toward” for “towards” in subd (d)(2).

2017 Amendment:

In (a)(3), added “and available” and substituted “realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level” for “potential for redevelopment”; in the first sentence of (a)(5), deleted “and” preceding “local processing” and added “, and any locally adopted ordinances that directly impact the cost and supply of residential development”; in (a)(6), in the first sentence, deleted “and” preceding “the cost of construction” and added “, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Section 65584”, and added the second sentence; deleted “subdivision (b) of” preceding “Section 65583.2” in the second sentence of (c)(1)(B); and added “and nongovernmental” in the first sentence of (c)(3).

2018 Amendment (ch 958):

Deleted the former last sentence of (a)(5) which read: “Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.”; substituted “that” for “which” in (a)(9)(C), in the first sentence of (a)(9)(D), twice in the second sentence of (a)(9)(D), and twice in the first sentence of the introductory language of (c); added the third and fourth sentences of (c)(3); in (c)(5), substituted “and affirmatively further fair housing opportunities and promote housing throughout the community or communities” for “ housing opportunities” and added “, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law”; and added (c)(9).

Note—

[Stats 2009 ch 354](#) provides:

SEC. 5. Chapter 728 of the Statutes of 2008 shall be known and may be cited as the Sustainable Communities and Climate Protection Act.

[Stats 2008 ch 664](#) provides:

SEC. 25. (a) Section 1 of this act shall not become operative if Senate Bill 375 of the 2007-08 Regular Session is enacted and becomes effective on or before January 1, 2009, and amends [Section 65400 of the Government Code](#).

(b) Section 2 of this act shall not become operative if Senate Bill 375 of the 2007-08 Regular Session is enacted and becomes effective on or before January 1, 2009, and amends [Section 65583 of the Government Code](#).

(c) Section 4 of this act shall not become operative if Senate Bill 375 of the 2007-08 Regular Session is enacted and becomes effective and amends [Section 65584.04 of the Government Code](#).

(d) Section 6 of this act shall not become operative if Senate Bill 375 of the 2007-08 Regular Session is enacted and becomes effective and amends [Section 65588 of the Government Code](#).

[Stats 2006 ch 891](#) provides:

SECTION 1. This act shall be known and may be cited as the Supportive Housing Development Act of 2006.

[Stats 2002 ch 971](#), as amended Stats 2004 ch 907 § [8](#), provides:

SEC. 8. A city or county shall not be required to comply with the amendments made by this act to [Sections 65302, 65302.3, 65560, and 65583 of the Government Code](#), relating to military readiness activities, military personnel, military airports, and military installations, until the city or county undertakes its next general plan revision.

[Stats 1999 ch 967](#) provides:

SEC. 7. It is the intent of the Legislature that when reviewing a jurisdiction's housing element for substantial compliance with state law, the Department of Housing and Community Development shall (a) consider whether the sites identified for farmworker housing pursuant to paragraph (1) of subdivision (c) of [Section 65583 of the Government Code](#) facilitate the improvement and development of housing for farmworkers while minimizing the development of prime agricultural land to urban uses, and (b) recognize and support efforts by cities and counties in agricultural areas to work together cooperatively to identify their respective share of the sites needed for farmworker housing and to locate those sites, to the extent feasible, within or adjacent to existing urbanized areas.

[Stats 1991 ch 889](#) provides:

SEC. 5. The additional requirements and duties created by Sections 1, 2, and 4 of this act shall be applicable upon the next amendment or periodic review of the housing element by the legislative body.

Stats 1986 ch 1383 provides:

SECTION 1. The Legislature finds and declares that there exists in the state a severe crisis caused by the lack of any available shelter for a significant segment of California's population. The "homeless" are estimated to number as many as 100,000, and are composed largely of veterans, women, families with children, the mentally ill, and unemployed adults.

The crisis of homelessness has many causes, which include a severe shortage of low-cost housing, unemployment, the absence of an adequate support system for the mentally ill, and the failure to properly administer and carry out the intent of public assistance programs.

The Legislature finds and declares that this act will assist in addressing the profound problems encountered by homeless persons.

SEC. 3. The amendments to paragraph (1) of subdivision (c) of [Section 65583 of the Government Code](#) made by the act adding this section during the 1986 Regular Session of the Legislature shall require an identification of sites for emergency shelters and transitional housing by January 1, 1988, or by the next periodic review of a housing element pursuant to [Section 65588 of the Government Code](#), whichever is later, in order to give local governments adequate time to plan for, and to assist in the development of, housing for homeless persons, if it is determined that there is a need for emergency shelter pursuant to paragraph (6) of subdivision (a) of [Section 65583 of the Government Code](#).

Stats 1984 ch 1691 provides:

SECTION 1. The Legislature finds and declares that because of economic, physical, and mental conditions that are beyond their control, thousands of individuals and families in California are homeless. Churches, local governments, and nonprofit organizations providing assistance to the homeless have been overwhelmed by a new class of homeless: families with children, individuals with employable skills, and formerly middle-class families and individuals with long work histories.

The programs provided by the state, local, and federal governments, and by private institutions, have been unable to meet existing needs and further action is necessary. The Legislature finds and declares that two levels of housing assistance are needed: an emergency fund to supplement temporary shelter programs, and a fund to facilitate the preservation of existing housing and the creation of new housing units affordable to very low income households. It is in the public interest for the State of California to provide this assistance.

The Legislature further finds and declares that there is a need for more information on the numbers of homeless and the causes of homelessness, and for systematic exploration of more comprehensive solutions to the problem. Both local and state government have a role to play in identifying, understanding, and devising solutions to the problem of homelessness.

Notes to Decisions

1. Generally

2. Constitutionality

3. Legislative Intent

4. Construction**5. Compliance****6. Noncompliance****7. Standing****8. Error****9. Particular Determinations****1. Generally**

The housing element of a city's general plan adequately analyzed and removed governmental restraints as required by Gov C § [65583](#)(a)(4) and (c)(3). The discussion of governmental restraints spanned nine single-spaced pages and encompassed such topics as land use controls, density, growth management goals and policies, method of calculating density, zoning code, building height, parking standards, prohibition of attached units, building codes and enforcement, fees and improvements, and local processing and permit procedures. The element included the conclusions that a regional plan would be satisfied and that the density allowance was not a significant restraint on affordable housing. These conclusions were not arbitrary, capricious, or without evidentiary basis. [Hernandez v. City of Encinitas \(Cal. App. 4th Dist. Sept. 30, 1994\), 28 Cal. App. 4th 1048, 33 Cal. Rptr. 2d 875, 1994 Cal. App. LEXIS 1009.](#)

2. Constitutionality

Trial court did not have jurisdiction under Cal Const Art VI § [10](#) to review a municipality's regional housing needs assessment following a Gov C § 65584.05 administrative hearing because the statutory scheme does not contemplate judicial review. No single entity controlled the entire process, as indicated in Gov C §§ [65584](#), [65584.04](#), and due process was not violated; moreover, Gov C § [65583\(b\)\(2\)](#) allows a community to determine that its resources are inadequate to provide its share of the regional housing needs. [City of Irvine v. Southern California Assn. of Governments \(Cal. App. 4th Dist. June 30, 2009\), 175 Cal. App. 4th 506, 96 Cal. Rptr. 3d 78, 2009 Cal. App. LEXIS 1068](#), modified, [\(Cal. App. 4th Dist. July 21, 2009\), 2009 Cal. App. LEXIS 1177.](#)

3. Legislative Intent

A lack of required quantification (Gov C § [65583](#)) in the mandatory housing element (Gov C § [65302](#)(c)) of a city's physical development plan (Gov C § [65300](#)) did not invalidate the element, notwithstanding criticism by the Department of Housing and Community Development (Department), and notwithstanding the Legislature's intent that cities quantify their housing objectives, where it was a reasonable construction of the stated projected housing needs that they were equated with the housing objectives, in light of the fact the city's capacity exceeded its needs, and where the recommendations of the Department were only advisory (Gov C § [65585](#)(a)). [Buena Vista Gardens Apartments Assn. v. City of San Diego Planning Dept. \(Cal. App. 4th Dist. Dec. 5, 1985\), 175 Cal. App. 3d 289, 220 Cal. Rptr. 732, 1985 Cal. App. LEXIS 2835.](#)

4. Construction

The mandatory housing element (Gov C § [65302\(c\)](#)) of a city's physical development plan (Gov C § [65300](#)) was in substantial compliance with the Legislature's requirement of a "five-year schedule of actions" (Gov C § [65583\(c\)](#)) where it was reasonable to interpret the word "continuing" in the element as "continuing over five years." [*Buena Vista Gardens Apartments Assn. v. City of San Diego Planning Dept. \(Cal. App. 4th Dist. Dec. 5, 1985\), 175 Cal. App. 3d 289, 220 Cal. Rptr. 732, 1985 Cal. App. LEXIS 2835.*](#)

Gov C §§ [65583](#), [65587](#) (housing element of local plan; review of compliance) do not remove a city's power and duty to exercise its discretion in making a zoning decision based on the public welfare. Thus, a city's plan does not have the force of reducing a zoning decision to a mere ministerial duty to conform to the housing element. [*Mira Development Corp. v. City of San Diego \(Cal. App. 4th Dist. Nov. 3, 1988\), 205 Cal. App. 3d 1201, 252 Cal. Rptr. 825, 1988 Cal. App. LEXIS 1064.*](#)

In proceedings challenging a city's housing element on the basis that it failed to include sufficient planning for the homeless population, the trial court's order requiring the city to identify adequate sites that would be made available through its action plan to meet the identified housing needs of all the homeless population was inconsistent with the plain language of Gov C § [65583\(b\)](#) and (c), insofar as the order required the city to adopt a five-year action plan designed to eliminate the entire homeless population's housing needs within that time frame. Where the needs are greater than the available resources, the quantified objectives need not be identical to the total housing needs. Gov C § [65583\(c\)](#), required the city's housing element to set forth a five-year schedule of action the city had undertaken or intended to undertake "to implement the policies and achieve the goals and objectives of the housing element," not a plan to satisfy the total unmet needs of each population segment within its term. Similarly, Gov C § [65583\(c\)\(1\)](#), only required the city to identify adequate sites that its program would make available to facilitate and encourage development in order to meet the community's housing goals. [*Hoffmaster v. City of San Diego \(Cal. App. 4th Dist. June 17, 1997\), 55 Cal. App. 4th 1098, 64 Cal. Rptr. 2d 684, 1997 Cal. App. LEXIS 479.*](#)

In order for a city's housing element to substantially comply with the legislative mandate under Gov C § [65583\(c\)\(1\)](#) to identify sites that its action program would make available to satisfy the city's quantified objectives for the homeless, it was not necessary for the city to identify geographical zones where such housing could be sited as a matter of right without the need for a conditional use permit. Gov C § [65583\(c\)\(1\)](#) only mandates waiver of a conditional use permit where the site inventory under Gov C § [65583\(a\)\(3\)](#) fails to identify adequate housing sites to accommodate the need for groups of all household income levels pursuant to Gov C § [65584](#). That statute, which governs the determination and distribution of a municipality's share of the regional housing needs, does not include emergency shelter and transitional housing for the homeless. However, the city's identification of sites had to be sufficiently specific in order to be meaningful, setting forth sites that could be developed without restrictive zoning burdens, with available sites being officially designated and publicized, preferably in the housing element. Through its action program, the city had to ensure that the regulatory process actually encouraged

the development of shelters and transitional housing. [*Hoffmaster v. City of San Diego* \(Cal. App. 4th Dist. June 17, 1997\), 55 Cal. App. 4th 1098, 64 Cal. Rptr. 2d 684, 1997 Cal. App. LEXIS 479.](#)

Under the housing element requirement to identify adequate sites to be made available for homeless emergency shelters and transitional housing (Gov C § [65583\(c\)\(1\)](#)), an “adequate site” is one available for immediate development, which is located within reasonable access to public agencies and transportation services; will not require unusually high-site development costs; has available public services and facilities; is consistent with the general plan designation and site zoning so as to permit the development of, conversion to, or use of, a shelter or transitional housing without undue regulatory approval; and is consistent with applicable parking requirements, fire regulations, and design standards. [*Hoffmaster v. City of San Diego* \(Cal. App. 4th Dist. June 17, 1997\), 55 Cal. App. 4th 1098, 64 Cal. Rptr. 2d 684, 1997 Cal. App. LEXIS 479.](#)

Gov C § [65583\(c\)\(7\)](#) is a clear exception to the requirement of Gov C § [65300.5](#) that general plans be facially consistent because, in the case of housing, the Legislature has permitted some inconsistency so long as the means of resolving any inconsistency is also set out. Inclusion in the revision of a housing element of proposed changes to other land use regulations in a general plan is thus permitted on the condition that the municipality sets forth a timeline for adoption of such proposed changes. [*Friends of Aviara v. City of Carlsbad* \(Cal. App. 4th Dist. Nov. 1, 2012\), 210 Cal. App. 4th 1103, 148 Cal. Rptr. 3d 805, 2012 Cal. App. LEXIS 1147.](#)

5. Compliance

The mandatory housing element (Gov C § [65302\(c\)](#)) of a city’s physical development plan (Gov C § [65300](#)) was in substantial compliance with the Legislature’s requirement of identification of adequate sites for housing development (Gov C § [65583\(c\)\(1\)](#)) where it stated that 40 sub-areas each had a community plan stating land capacity remaining for further residential development, where it stated that a computer program would monitor the development process, and where it was possible, on the state of the record, that the sub-area community plans provided the required identification of specific sites for mobilehomes, rental housing and factory-built housing. [*Buena Vista Gardens Apartments Assn. v. City of San Diego Planning Dept.* \(Cal. App. 4th Dist. Dec. 5, 1985\), 175 Cal. App. 3d 289, 220 Cal. Rptr. 732, 1985 Cal. App. LEXIS 2835.](#)

The mandatory housing element (Gov C § [65302\(c\)](#)) of a city’s physical development plan (Gov C § [65300](#)) was in substantial compliance with the Legislature’s requirement of assisting “in the development of adequate housing to meet the needs of low- and moderate-income households” (Gov C § [65583\(c\)\(2\)](#)) where the relevant provisions of the element were directed toward the required assistance; a determination that the city might be able to adopt other and, perhaps, more effective programs would be to review the merits of the element which was not the function of an appellate court. [*Buena Vista Gardens Apartments Assn. v. City of San Diego Planning Dept.* \(Cal. App. 4th Dist. Dec. 5, 1985\), 175 Cal. App. 3d 289, 220 Cal. Rptr. 732, 1985 Cal. App. LEXIS 2835.](#)

The mandatory housing element (Gov C § [65302\(c\)](#)) of a city’s physical development plan (Gov C § [65300](#)) was in substantial compliance with the Legislature’s requirement to “include an identification of the agencies and officials responsible for the implementation of the various actions” (Gov C § [65583\(c\)](#)) where it listed generally the entity or official responsible for

implementation. [Buena Vista Gardens Apartments Assn. v. City of San Diego Planning Dept. \(Cal. App. 4th Dist. Dec. 5, 1985\), 175 Cal. App. 3d 289, 220 Cal. Rptr. 732, 1985 Cal. App. LEXIS 2835.](#)

A city's express consideration and application of the requirements of Gov C § [65583\(a\)](#) and Gov C § [65584](#), in determining the housing element of its general plan, constituted actual, and thus substantial, compliance with those provisions relating to quantifying the assessment of housing needs. The city determined that the estimated housing need for the relevant five-year period was 1,406 units. A regional plan for a seven-and-one-half-year period estimated housing need at 2,109. The city took this figure, multiplied by five years, and divided by seven and one-half years. This yielded the 1,406 figure. It was fully appropriate for the city's housing element to contain the figures from the regional report applicable to the relevant five-year period. There was no basis in the statutory scheme, which merely requires review of the housing element "as frequently as appropriate," for the city to include the figure from a period that began before the five years covered by the plan. [Hernandez v. City of Encinitas \(Cal. App. 4th Dist. Sept. 30, 1994\), 28 Cal. App. 4th 1048, 33 Cal. Rptr. 2d 875, 1994 Cal. App. LEXIS 1009.](#)

The housing element of a city's general plan adequately included an inventory of land as required by Gov C § [65583\(a\)\(3\)](#). The housing element pointed out that with 2,434 acres of vacant land planned for residential development there would be significant additional growth in the city. However, it was noted that much of the vacant land was planned for lower density development due to substantial environmental constraints. Moreover, the housing element discussed and analyzed the inventory of underdeveloped sites available that might be "recycled" to higher density units. Finally, the housing element considered a proposal for mixed use development in commercial districts, involving inclusion of residential units along with development of principal commercial uses. The creation of a certain number of new units affordable to very low and low income households was the five-year goal of this proposal. Thus, the city demonstrated actual, substantial compliance with the statute. [Hernandez v. City of Encinitas \(Cal. App. 4th Dist. Sept. 30, 1994\), 28 Cal. App. 4th 1048, 33 Cal. Rptr. 2d 875, 1994 Cal. App. LEXIS 1009.](#)

The housing element of a city's general plan adequately analyzed the special housing needs of farm workers and the homeless as required by Gov C § [65583\(a\)\(6\)](#). The housing element discussed both categories of housing needs. As to farm workers, the housing element stated that the city had developed specific provisions in its zoning ordinance to facilitate housing for its agricultural worker population. The housing element set forth a program to review the current standards and limitations in the city's ordinance to provide incentives for the creation of accessory agricultural worker housing. In addition, the housing element projected a doubling of units in pertinent time periods. Concerning the homeless, the housing element analyzed the subject, pointing out the amount of service to homeless persons furnished by the one agency in the city and the characteristics of the persons receiving those services. The housing element concluded that programs set forth in the element were designed to address the needs of the homeless. [Hernandez v. City of Encinitas \(Cal. App. 4th Dist. Sept. 30, 1994\), 28 Cal. App. 4th 1048, 33 Cal. Rptr. 2d 875, 1994 Cal. App. LEXIS 1009.](#)

The housing element of a city's general plan substantially complied with the requirements of Gov C § [65583\(b\)](#), which calls for a statement of the community's quantified objectives "relative to the

maintenance, preservation, improvement, and development of housing.” The numbers reflected in the housing element’s statement of the city’s estimated fair share based on a regionwide report represented a quantification as required by § 65583(b). There was additional quantification in sections of the housing element under the titles “Residential Development Potential Compared with Regional Share Needs” and “Housing Objectives.” Moreover, a housing programs table in the housing element identified a total of 220 units to be rehabilitated and 1,192 units to be conserved in addition to the 1,410 units to be constructed during the 5-year goals period. This constituted substantial compliance with the quantification requirement. [Hernandez v. City of Encinitas \(Cal. App. 4th Dist. Sept. 30, 1994\), 28 Cal. App. 4th 1048, 33 Cal. Rptr. 2d 875, 1994 Cal. App. LEXIS 1009.](#)

The housing element of a city’s general plan substantially complied with the requirements of Gov C § [65583\(c\)](#), which generally calls for a housing element to set forth a five-year housing program containing certain elements enumerated in the statute. At a hearing adjudicating a challenge to the housing element, the challengers presented the declaration of a university professor who stated that the housing element failed to identify appropriate sites for low and moderate income housing. The court was not bound by the professor’s opinion. Examination of the housing element disclosed ample identification applicable to the various categories of housing needs. The housing element included programs in each of the categories listed in Gov C § [65583\(c\)\(1\)](#). It was entirely appropriate for the court to determine substantial compliance with the statute without engaging in an examination of the merits of the city’s programs. Further, the city’s indication of its intent to implement housing programs constituted substantial compliance with the requirement that a five-year program include provisions to assist in the development of adequate housing to meet the needs of low and moderate income households. Finally, the housing element adequately discussed the plans to conserve existing affordable housing stock. [Hernandez v. City of Encinitas \(Cal. App. 4th Dist. Sept. 30, 1994\), 28 Cal. App. 4th 1048, 33 Cal. Rptr. 2d 875, 1994 Cal. App. LEXIS 1009.](#)

Housing element of a city’s general plan substantially complied with former Gov C § 65583(a)(3), which did not require a land inventory or its accompanying analysis to be site-specific, by stating the number of acres that would be made available for lower income housing and identifying potential infrastructure constraints. [Fonseca v. City of Gilroy \(Cal. App. 6th Dist. Mar. 23, 2007\), 148 Cal. App. 4th 1174, 56 Cal. Rptr. 3d 374, 2007 Cal. App. LEXIS 418.](#)

Housing element of a city’s general plan was sufficient, although some sites would need to be rezoned; former Gov C § 65583(c)(1)(A), did not require that sites be immediately available for development in order for them to be considered adequate, Gov C § [65913.1](#) does not require that a locality immediately rezone upon adoption of a revised housing element, and Gov C §§ [65583\(c\)](#), [65913\(a\)\(3\)](#), do not require immediate action and permit a locality to act within the planning period to meet regional housing needs. [Fonseca v. City of Gilroy \(Cal. App. 6th Dist. Mar. 23, 2007\), 148 Cal. App. 4th 1174, 56 Cal. Rptr. 3d 374, 2007 Cal. App. LEXIS 418.](#)

6. Noncompliance

The mandatory housing element (Gov C § [65302\(c\)](#)) of a city’s physical development plan (Gov C § [65300](#)) was not in substantial compliance with the Legislature’s requirement to “conserve and improve the condition of the existing affordable housing stock” (Gov C § [65583\(c\)\(4\)](#)) where

all of its programs addressed the conservation and rehabilitation of the structural condition of the existing housing stock and not the conservation of existing affordable housing opportunities in the community. [Buena Vista Gardens Apartments Assn. v. City of San Diego Planning Dept. \(Cal. App. 4th Dist. Dec. 5, 1985\), 175 Cal. App. 3d 289, 220 Cal. Rptr. 732, 1985 Cal. App. LEXIS 2835.](#)

A city's housing element did not substantially comply with the legislative mandate under Gov C § [65583\(c\)\(1\)](#) to identify sites that its action program would make available to satisfy the city's quantified objectives for the homeless. Substantial compliance with the statute required more than merely identifying all available sites for residential use. Inasmuch as the city conceded its quantified objectives would not meet the transitional housing need as to the homeless population, it was required to identify adequate sites that would be made available for development of transitional housing for the homeless to meet its quantified housing objectives, which it failed to do. Although the housing element identified where emergency shelter and transitional housing for the homeless was most critically needed, Gov C § [65583\(c\)\(1\)](#), required more than that. The city had to provide an inventory of sites that would be made available through features of its program to meet its quantified housing objectives as to the homeless. [Hoffmaster v. City of San Diego \(Cal. App. 4th Dist. June 17, 1997\), 55 Cal. App. 4th 1098, 64 Cal. Rptr. 2d 684, 1997 Cal. App. LEXIS 479.](#)

A city's housing element did not substantially comply with the legislative mandate under Gov C § [65583\(c\)\(1\)](#) to identify sites that its action program would make available to satisfy the city's quantified objectives for the homeless, where the city's residential care facility ordinance substantially constrained siting homeless facilities for emergency shelter and meaningful transitional housing in the city, and the effect of the ordinance was not sufficiently offset by other features of the city's program. The city's "Good Neighbor Plan," which was designed to encourage operators of shelters to contact potential neighbors to resolve location issues before applying for a conditional use permit, was insufficient. Nor did the city's homeless policy contain features to offset the ordinance's restrictions. Simply coordinating the resources and efforts of the public and private sectors does not identify sites "available" for development of emergency shelter and transitional housing for the homeless. Adequate funding and ownership of land do not equate to available usable sites, absent a program of zoning development controls, meaningful regulatory concessions, and incentives to permit and encourage such development. The city's plan contained none. [Hoffmaster v. City of San Diego \(Cal. App. 4th Dist. June 17, 1997\), 55 Cal. App. 4th 1098, 64 Cal. Rptr. 2d 684, 1997 Cal. App. LEXIS 479.](#)

7. Standing

Standing to challenge exclusionary zoning practices in California does not depend on plaintiffs showing a "substantial probability" that their injuries would not exist but for those practices. It is sufficient that they show a causal relationship by alleging that the city's zoning practices have excluded them from desired residency in that city or that those practices have raised their housing costs outside that city by adversely affecting the regional housing market. Such allegations show membership in a class discriminated against and the "real" and "personal" interest that entitles plaintiff to bring the action. To require more would deny access to the courts to plaintiffs with legitimate justiciable causes. However, because standing to sue is not the same as prevailing on

the merits, a plaintiff must still prove their injuries at trial and prove that those injuries were the result of a breach of duty by the city. [*Stocks v. City of Irvine* \(Cal. App. 4th Dist. Jan. 9, 1981\), 114 Cal. App. 3d 520, 170 Cal. Rptr. 724, 1981 Cal. App. LEXIS 1292.](#)

8. Error

In a proceeding for a writ of mandate to compel a city to rescind its update of the housing element of its general plan, the trial court erred in determining that the analysis contained in the update was insufficient to satisfy the requirements of Gov C § [65583](#) (contents of housing element). The update substantially complied with the requirement that its assessment include an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels. The discussion of the city's rent control ordinance considered its effect on both new construction and the maintenance of existing housing, and concluded that the ordinance had had a positive effect. Although Gov C § [65583\(c\)\(3\)](#) requires a program addressing, where appropriate and legally possible, the removal of government constraints, the city's direct repeal of the rental control ordinance was impossible, as it was enacted by initiative, and in any case the city did not see repeal as appropriate. [*Black Property Owners Ass'n v. City of Berkeley* \(Cal. App. 1st Dist. Feb. 18, 1994\), 22 Cal. App. 4th 974, 28 Cal. Rptr. 2d 305, 1994 Cal. App. LEXIS 140.](#)

9. Particular Determinations

Trial court acted properly in requiring that a city adopt the timeline required by Gov C § [65583\(c\)](#) after it found that the city's revision to the housing element of its general plan as adopted created an impermissible conflict between the housing element and the land use element of the general plan because the trial court was not required to order that the city vacate its adoption of the revision and wait until the land use elements could be amended before addressing its housing obligations. [*Friends of Aviara v. City of Carlsbad* \(Cal. App. 4th Dist. Nov. 1, 2012\), 210 Cal. App. 4th 1103, 148 Cal. Rptr. 3d 805, 2012 Cal. App. LEXIS 1147.](#)

Because general plan amendments increasing density fell within the scope anticipated in a previous program environmental impact report (EIR), substantial evidence supported the city's decision not to prepare a supplemental or subsequent EIR; the density changes pertained not to the housing element, but to the land use element, which previously had been reviewed. [*Latinos Unidos de Napa v. City of Napa* \(Cal. App. 1st Dist. Oct. 10, 2013\), 221 Cal. App. 4th 192, 164 Cal. Rptr. 3d 274, 2013 Cal. App. LEXIS 893.](#)

City did not use improper baselines when analyzing environmental impacts for the new housing element of its general plan where the city engaged in considerable discussion of projected growth in its housing element environmental impact report (EIR) and analyzed the traffic and water supply impacts based on those projections, and the EIR compared the changes in the housing element to the existing environment, including existing height limits and densities. The housing element consisted of growth-accommodating rather than growth-inducing policies, and the baseline was not hypothetical, but based on observation of existing conditions. [*San Franciscans for Livable Neighborhoods v. City and County of San Francisco* \(Cal. App. 1st Dist. Aug. 22, 2018\), 236 Cal. Rptr. 3d 893, 26 Cal. App. 5th 596, 2018 Cal. App. LEXIS 754.](#)

Opinion Notes

Attorney General's Opinions

A community may establish its maximum number of housing units by income category that can be constructed, rehabilitated, and conserved over the next five-year period below the number of housing units that would meet the community's goal of achieving its share of the regional housing needs established pursuant to the Planning and Zoning Law if the community finds that its available resources in the aggregate, including but not limited to federal and state funds for its housing programs, its own local funds, tax or density credits, and other affordable housing programs, are insufficient to meet those needs. [88 Ops. Cal. Atty. Gen. 84](#).

Research References & Practice Aids

Cross References:

Preparation and adoption of five-year improvement program: Gov C § [65403](#).

Locality's share of regional housing needs: Gov C § [65584](#).

Law Review Articles:

Review of Selected 2007 California Legislation: Government: Chapter 891: California "Supports" ELI Housing. [38 McGeorge L. Rev. 188](#).

Review of Selected 2008 California Legislation: Government: Regional Housing Needs Assessment and Boundary Changes: Responsibility Comes with the Territory. [40 McGeorge L. Rev. 386](#).

Cracking the Foundation: Highlighting and Criticizing the Shortcomings of Mandatory Inclusionary Zoning Practices. [37 Pepp. L. Rev. 1039](#).

Why fair share housing laws fail. [34 Santa Clara L. Rev. 35](#).

Practice Tips: The Challenges of Infill Housing. *27 Los Angeles Lawyer* 12 (January).

Unintended Consequences: Eminent Domain and Affordable Housing. [46 Santa Clara L. Rev. 841](#).

Treatises:

Cal. Legal Forms, (Matthew Bender) § [30B.22](#).

Defect in city's housing element requires withholding development approval pending correction of defect. CEB Real Property Law Reporter (1986) Vol 9 No. 2 p 50.

Planning For Affordable Housing: What Do the 90s Hold. 1 CEB Land Use Forum 9.

Affordable housing: an attorney's guide to key issues and governing statutes (Part I). 16 CEB Real Prop L Rep 329.

Miller & Starr, Cal Real Estate 2d § 20:94.

8 Witkin Summary (10th ed) Constitutional Law §§ 1013, 1039.

Annotations:

Validity, Construction, and Application of Inclusionary Zoning Ordinances and Programs. [22 ALR6th 295](#).

Hierarchy Notes:

[Cal Gov Code Tit. 7, Div. 1](#)

[Cal Gov Code Tit. 7, Div. 1, Ch. 3](#)

[Cal Gov Code Tit. 7, Div. 1, Ch. 3, Art. 10.6](#)

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[Cal Gov Code § 66427.4](#)

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Deering's California Codes Annotated > **GOVERNMENT CODE (§§ 1 — 500000–500049)** > **Title 7 Planning and Land Use (Divs. 1 — 3)** > **Division 2 Subdivisions (Chs. 1 — 7)** > **Chapter 2 Maps (Arts. 1 — 3)** > **Article 1 General Provisions (§§ 66425 — 66431)**

§ 66427.4. Conversion of mobilehome park; Impact report

(a) At the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a mobilehome park or floating home marina to another use, the subdivider shall also file a report on the impact of the conversion upon the displaced residents of the mobilehome park or floating home marina to be converted. In determining the impact of the conversion on displaced mobilehome park or floating home marina residents, the report shall address the availability of adequate replacement space in mobilehome parks or floating home marinas.

(b) The subdivider shall make a copy of the report available to each resident of the mobilehome park or floating home marina at least 15 days prior to the hearing on the map by the advisory agency or, if there is no advisory agency, by the legislative body.

(c) The legislative body, or an advisory agency that is authorized by local ordinance to approve, conditionally approve, or disapprove the map, may require the subdivider to take steps to mitigate any adverse impact of the conversion on the ability of displaced mobilehome park or floating home marina residents to find adequate space in a mobilehome park or floating home marina, respectively.

(d) This section establishes a minimum standard for local regulation of conversions of mobilehome parks and floating home marinas into other uses and shall not prevent a local agency from enacting more stringent measures.

(e) This section shall not be applicable to a subdivision that is created from the conversion of a rental mobilehome park or rental floating home marina to resident ownership.

History

Added Stats 1982 ch 983 § 2, operative January 1, 1989. Amended [Stats 1991 ch 745 § 1 \(AB 1863\)](#); [Stats 1995 ch 256 § 4 \(SB 310\)](#); [Stats 2013 ch 432 § 3 \(AB 253\)](#), effective January 1, 2014.

Annotations

Notes

Former Sections:

Amendments:

Former Sections:

Former § 66427.4, similar to the present section, was added Stats 1980 ch 1065 § 1, amended Stats 1982 ch 983 § 1, and repealed, operative January 1, 1989, by its own terms.

There was another section of this number which was added Stats 1980 ch 879 § 3 and repealed Stats 1981 ch 714 § 194.

Amendments:

1991 Amendment:

(1) Added subdivision designations (a)–(d); (2) added subd (e); and (3) deleted the former last paragraph which read: “This section shall become operative on January 1, 1989.”

1995 Amendment:

Substituted subd (e) for former subd (e) which read: “(e) The subdivider shall offer each existing tenant an option to purchase his or her condominium unit which is to be created by the conversion of the park into condominium interests or to continue residency as a tenant. In the event that the tenant elects to continue residency as a tenant in a park created pursuant to Chapter 11 (commencing with Section 50780) of Part 2 of Division 31 of the Health and Safety Code, Section 66427.5 shall be applicable.”

2013 Amendment:

(1) Added “or floating home marina” wherever it appears in subds (a)–(c); (2) substituted “that is” for “which is” in subds (c) and (e); (3) added “or floating home marina, respectively” in subd (c); (4) added “and floating home marinas” in subd (d); and (5) added “or rental floating home marina”.

NOTES OF DECISIONS

1. Applicability

Gov C § [66427.4](#) was applicable to changes of use which displaced existing mobilehome park residents and required relocation of the mobilehomes because the subdivider was converting the property to a nonmobilehome park use. Gov C § [66427.5](#) applied to subdivisions created to convert a rental mobilehome park to a resident-owned mobilehome park and a city council, in acting on an application for approval of a tentative subdivision map, only had the power to determine if the park owner had complied with the requirements of the statute. It had no power to impose further mitigating conditions on the owner. Further, the rent control phaseout provisions

of § 66427.5(d) did not apply as soon as a tentative map application was filed. Subdivision (d) could not apply to avoid the economic displacement of nonpurchasing residents before there were any such residents; nor would it make any sense to allow an increase from preconversion rents before there was a conversion. Although § 66427.5 could not be used to justify preemption of a local rent control ordinance if the conversion was unsuccessful, in the normal situation in which conversion proceeded in accordance with statutory requirements, § 66427.5 became applicable to protect nonpurchasing residents as soon as the first unit was sold. The legislative history did not support the contention that the statute applied only to resident-owned parks, defined as parks with more than 50 percent resident ownership. [*El Dorado Palm Springs, Ltd. v. City of Palm Springs* \(Cal. App. 4th Dist. Mar. 14, 2002\), 96 Cal. App. 4th 1153, 118 Cal. Rptr. 2d 15, 2002 Cal. App. LEXIS 2819.](#)

Gov C § [66427.4](#) applies only when a mobilehome park is converted to other land uses, thus requiring the residents and their mobilehomes to be relocated. [*El Dorado Palm Springs, Ltd. v. City of Palm Springs* \(Cal. App. 4th Dist. Mar. 14, 2002\), 96 Cal. App. 4th 1153, 118 Cal. Rptr. 2d 15, 2002 Cal. App. LEXIS 2819.](#)

Subdivision Map Act expressly applies to mobilehome park conversions. [*Pacific Palisades Bowl Mobile Estates, LLC v. City of Los Angeles* \(Cal. Nov. 29, 2012\), 55 Cal. 4th 783, 149 Cal. Rptr. 3d 383, 288 P.3d 717, 2012 Cal. LEXIS 10959.](#)

Research References & Practice Aids

Treatises:

[Cal. Forms Pleading & Practice \(Matthew Bender\) ch 369](#) “Mobilehomes And Mobilehome Parks”.

Cal. Legal Forms, (Matthew Bender) §§ [25A.132](#), 25A.232, 25B.203, 26.272, 26A.16, 26A.234, 27A.01, 27A.10, 27A.101, 27A.120, 28C.112, 29:25A, 30B.22, 30D.100, 34.145, 39.29.

Rutter Cal Prac Guide, Landlord–Tenant §§ 5:398, 11:197, 11:198.5.

Miller & Starr, Current Law of California Real Estate §

12 Witkin Summary (10th ed) Real Property § 790.

Hierarchy Notes:

[Cal Gov Code Tit. 7, Div. 2](#)

[Cal Gov Code Tit. 7, Div. 2, Ch. 2](#)

[Cal Gov Code Tit. 7, Div. 2, Ch. 2, Art. 1](#)

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[Cal Gov Code § 65863.7](#)

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Deering's California Codes Annotated > GOVERNMENT CODE (§§ 1 — 500000–500049) > Title 7 Planning and Land Use (Divs. 1 — 3) > Division 1 Planning and Zoning (Chs. 1 — 11) > Chapter 4 Zoning Regulations (Arts. 1 — 4) > Article 2 Adoption of Regulations (§§ 65850 — 65863.13)

§ 65863.7. Report of impact on conversion of mobile homepark to another use

(a) Prior to the conversion of a mobilehome park to another use, except pursuant to the Subdivision Map Act (Division 2 (commencing with [Section 66410](#)) of Title 7), or prior to closure of a mobilehome park or cessation of use of the land as a mobilehome park, the person or entity proposing the change in use shall file a report on the impact of the conversion, closure, or cessation of use upon the displaced residents of the mobilehome park to be converted or closed. In determining the impact of the conversion, closure, or cessation of use on displaced mobilehome park residents, the report shall address the availability of adequate replacement housing in mobilehome parks and relocation costs.

(b) The person proposing the change in use shall provide a copy of the report to a resident of each mobilehome in the mobilehome park at least 15 days prior to the hearing, if any, on the impact report by the advisory agency, or if there is no advisory agency, by the legislative body.

(c) When the impact report is filed prior to the closure or cessation of use, the person or entity proposing the change shall provide a copy of the report to a resident of each mobilehome in the mobilehome park at the same time as the notice of the change is provided to the residents pursuant to paragraph (2) of subdivision (g) of [Section 798.56 of the Civil Code](#).

(d) When the impact report is filed prior to the closure or cessation of use, the person or entity filing the report or park resident may request, and shall have a right to, a hearing before the legislative body on the sufficiency of the report.

(e) The legislative body, or its delegated advisory agency, shall review the report, prior to any change of use, and may require, as a condition of the change, the person or entity to take steps to mitigate any adverse impact of the conversion, closure, or cessation of use on the ability of displaced mobilehome park residents to find adequate housing in a mobilehome park. The steps required to be taken to mitigate shall not exceed the reasonable costs of relocation.

(f) If the closure or cessation of use of a mobilehome park results from the entry of an order for relief in bankruptcy, the provisions of this section shall not be applicable.

(g) The legislative body may establish reasonable fees pursuant to [Section 66016](#) to cover any costs incurred by the local agency in implementing this section and [Section 65863.8](#). Those fees shall be paid by the person or entity proposing the change in use.

(h) This section is applicable to charter cities.

(i) This section is applicable when the closure, cessation, or change of use is the result of a decision by a local governmental entity or planning agency not to renew a conditional use permit or zoning variance under which the mobilehome park has operated, or as a result of any other zoning or planning decision, action, or inaction. In this case, the local governmental agency is the person proposing the change in use for the purposes of preparing the impact report required by this section and is required to take steps to mitigate the adverse impact of the change as may be required in subdivision (e).

(j) This section is applicable when the closure, cessation, or change of use is the result of a decision by an enforcement agency, as defined in [Section 18207 of the Health and Safety Code](#), to suspend the permit to operate the mobilehome park. In this case, the mobilehome park owner is the person proposing the change in use for purposes of preparing the impact report required by this section and is required to take steps to mitigate the adverse impact of the change as may be required in subdivision (e).

History

Added Stats 1980 ch 879 § 2. Amended Stats 1985 ch 1260 § 1; Stats 1986 ch 190 § 2, effective June 25, 1986; [Stats 1988 ch 171 § 2](#), ch 910 § 2; [Stats 1990 ch 1572 § 11 \(AB 3228\)](#); [Stats 2004 ch 680 § 1 \(AB 2581\)](#); [Stats 2007 ch 596 § 4 \(AB 382\)](#), effective January 1, 2008; [Stats 2009 ch 500 § 47 \(AB 1059\)](#), effective January 1, 2010.

Annotations

Notes

Amendments:

1985 Amendment:

1985 Amendment:

(1) Generally eliminated “such”; (2) added “, closure, or cessation of use” wherever it appears in the first and fifth paragraphs; (3) further amended the first paragraph by (a) in the first sentence, adding (i) “or prior to closure of a mobilehome park or cessation of use of the land as a mobilehome park,”; and (ii) “or closed” at the end of the sentence; and (b) substituting “housing in mobilehome parks and relocation costs” for “space in mobilehome parks” at the end; (4) amended the second paragraph by (a) substituting “provide a copy of the report to a resident of each mobilehome in” for “make a copy of the report available to each resident of”; and (b) adding “, if any,”; (5) added the third and fourth paragraphs; (6) further amended the fifth paragraph by (a) substituting

“housing” for “space” after “adequate”; and (b) adding the second sentence; and (7) substituted the sixth paragraph for the former fourth paragraph which read: “This section establishes a minimum standard for local regulation of conversions of mobilehome parks into other uses and shall not prevent a local agency from enacting more stringent measures.”

1986 Amendment:

(1) Added subdivision designations (a)–(f); (2) substituted “the” for “such” after “the notice of” in subd (c); and (3) added subds (g) and (h).

1988 Amendment:

(1) Added “and Section 65863.8” at the end of the first sentence in subd (g); and (2) added subd (i). (As amended Stats 1988 ch 910, compared to the section as it read prior to 1988. This section was also amended by an earlier chapter, ch 171. See Gov C § 9605.)

1990 Amendment:

Substituted “Section 66016” for “Chapter 13 (commencing with Section 54990) of Part 1 of Division 2 of Title 5” at the end of subd (g).

2004 Amendment:

Added subd (j).

2007 Amendment:

Substituted “subdivision (g) of Section 798.56” for “subdivision (f) of Section 798.56” in subd (c).

2009 Amendment:

Substituted “the entry of an order for relief in” for “an adjudication of” in subd (f).

NOTES OF DECISIONS

1. Applicability

A mobilehome park owner who terminated the tenancy of a resident failed to comply with Gov C § [65863.7](#), which mandates notice requirements for a park owner who is planning a mobilehome park conversion, including the requirement that the owner file an impact report with the local legislative body. Although this park owner’s planned conversion applied only to one tenant’s space in the park, the notice and reporting requirements set forth in Gov C §§ [65863.7](#), and [65863.8](#), apply whenever there is a change of use of the entire park or a functional portion thereof that results in the displacement of tenants. Furthermore, the park owner’s mailing of a copy of the impact report to the city attorney did not constitute a filing within the meaning of Gov C § [65863.7](#). Regardless of the status of the local ordinance, the filing and review of an impact report was at all times mandated by state law. The park owner’s intent, to close the entire park space by space, was in direct conflict with the intent of Gov C § [65863.7](#), as amended in 1985, which was to close

a loophole in the law that permitted a mobilehome park owner to close, move out its tenants, and later convert to another use without having to meet the requirements of law to assist relocation of tenants. [*Keh v. Walters* \(Cal. App. 6th Dist. June 24, 1997\), 55 Cal. App. 4th 1522, 65 Cal. Rptr. 2d 42, 1997 Cal. App. LEXIS 519.](#)

Research References & Practice Aids

Cross References:

Regulation of mobilehome installation: Gov C § [65852.3](#).

Mobilehome park as permitted land use: Gov C § [65852.7](#).

Verification of notification by applicant for conversion of mobile home park to another use: Gov C § [65863.8](#).

Local agency service fees and charges: Gov C §§ [66013](#) et seq.

Reasons for termination of tenancy in mobilehome park: CC § [798.56](#).

Law Review Articles:

Review of Selected 1988 Legislation. 20 Pac. L.J. 701.

Treatises:

[*Cal. Forms Pleading & Practice* \(Matthew Bender\) ch 335](#) “Landlord And Tenant: Rent Control”.

[*Cal. Forms Pleading & Practice* \(Matthew Bender\) ch 369](#) “Mobilehomes And Mobilehome Parks”.

Cal. Legal Forms, (Matthew Bender) § [30B.22](#).

Cal. Legal Forms, (Matthew Bender) § [39.24](#).

Cal. Legal Forms, (Matthew Bender) § [39.29](#).

Cal. Legal Forms, (Matthew Bender) § 3.61.

Cal. Legal Forms, (Matthew Bender) § [39.121](#).

Cal. Legal Forms, (Matthew Bender) § [39.240](#).

Rutter Cal Prac Guide, Landlord-Tenant §§ 5:350.4, 5:398, 11:197.

Miller & Starr, Cal Real Estate 3d § 25:154.

Miller & Starr, Current Law of California Real Estate § 29:25A.

12 Witkin Summary (10th ed) Real Property § 599.

Hierarchy Notes:

[Cal Gov Code Tit. 7, Div. 1](#)

[Cal Gov Code Tit. 7, Div. 1, Ch. 4, Art. 2](#)

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City of Watsonville
Public Works and Utilities

M E M O R A N D U M



DATE: April 18, 2019

TO: Matthew D. Huffaker, City Manager

FROM: Steve Palmisano, Director Public Works & Utilities
Beau Kayser, Water Operations Supervisor

SUBJECT: Contract with Carollo Engineers, Inc. to develop a Water System Master Plan in an amount not to exceed \$411,300

AGENDA ITEM: April 23, 2019 City Council

RECOMMENDATION:

It is recommended that City Council approve a Contract with Carollo Engineers, Inc. in an amount not to exceed \$411,300 to develop a Water System Master Plan.

DISCUSSION:

Background

The City of Watsonville owns and operates a water system which is comprised of supply sources (surface water diversions and groundwater wells), distribution systems, storage, and pumping facilities. The City Water Division provides 14,800 service connections servicing a customer population of approximately 66,000 in an area that includes the City of Watsonville and unincorporated areas of Santa Cruz County. The service area consists of nine hydraulic pressure zones, fourteen wells, seven storage reservoirs, nine booster pump stations, over 177 miles of pipelines, and the Corralitos Filter Plant.

To plan for future needs of the water production, storage, and distribution facilities, the Water Division is proposing to evaluate select areas of the water system with a planning horizon of 20-years as part of a Water System Master Plan.

Consultant Selection

Staff conducted a thorough Request for Qualifications (RFQ) process in the spring of 2018. Nine firms submitted proposals for work on the Master Plan. Carollo Engineers was selected as the most qualified firm for this project based on their extensive experience in doing Wastewater Master Plans, the skill sets and expertise of their staff, and responsiveness to the RFQ submittal requirements.

Scope of Work

The proposed Scope of Work, which is detailed in the Agreement, includes: assessing the current conditions of the water production, storage, and distribution system facilities, and evaluating how future conditions need to be accounted for given the City's existing infrastructure and capacity that is in place today.

The main tasks in the scope of work include:

1. Condition Assessment and Seismic Evaluation of Two Booster Pump Stations
2. Condition Assessment and Seismic Evaluation of Four Steel Tanks
3. Condition Assessment of Eleven Wells
4. Condition Assessment of Two Freedom and Pajaro Dunes Reservoirs
5. Preliminary Condition Assessment of Three Bridge Pipes
6. Hazard and Vulnerability Identification
7. Develop Future Water Demand Projections
8. Future System Hydraulic Analysis
9. Review and Update Water Main Rehabilitation / Repair Plan
10. Develop Unidirectional Flushing Pilot Program (Pajaro Dunes/Sunset Zones)
11. Water System Capital Improvements Plan
12. Water System Master Plan Report

From the proposed Master Plan, the Water Division will be able to strategically plan for improvements to the facilities over the next 20 years to continue serving the growing needs of the community, and stay in compliance with new regulations. The Plan will also inform the Division's future financial planning, and budgetary decisions.

STRATEGIC PLAN:

This project is consistent with the Strategic Plan Goal 3.D.3, Infrastructure and Environment, Wastewater and Water Master Plans.

FINANCIAL IMPACT:

There is adequate funding in the Water Enterprise Fund for this project. The \$411,300 will be reallocated from the Zone 1 or 2 Wells project (account 0720-913-7831-14557) to a new project in the same fund.

ALTERNATIVES:

City Council may decide not to fund this project.

ATTACHMENTS:

None.

cc: City Attorney

RESOLUTION NO. _____ (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE AWARDED CONTRACT TO CAROLLO ENGINEERS, INC., A CORPORATION, TO DEVELOP A WATER SYSTEM MASTER PLAN, IN AN AMOUNT NOT TO EXCEED \$411,300; AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE SAME

WHEREAS, a Request for Qualification Statements (RFQ) was issued on May 4, 2018, asking for qualified consultants to assist the City for periodic and on call professional design, construction management and/or construction inspection services; and

WHEREAS, the deadline for submittal of Request for Qualification Statements was May 31, 2018; and

WHEREAS, a number of firms submitted qualification statements; these statements were reviewed by City staff and a list was developed; and

WHEREAS, it is anticipated that the City will be contracting with a number of consultants on this list to provide engineering services on specific projects; and

WHEREAS, Carollo Engineers, Inc., is on this list of eligible consultants for the consideration of the City Manager and submission to the City Council; and

WHEREAS, the City Manager has recommended that the proposal from Carollo Engineers, Inc., a corporation, to develop a Water System Master Plan, in an amount not to exceed \$411,300, be accepted as the best response.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

1. That the proposal of Carollo Engineers, Inc., a corporation, in an amount not to exceed \$411,300, is hereby accepted.
2. That the Contract for Consultant Services between the City of Watsonville and Carollo Engineers, Inc., a corporation, to develop a Water System Master Plan, a copy

of which Contract is attached hereto and incorporated herein by this reference, is fair and equitable and is hereby ratified and approved.

3. Consultant shall file FPPC form 700s and 805s pursuant to section 19 of the Contract.

4. That the City Manager be and is hereby authorized and directed to execute the Contract for and on behalf of the City.

**CONTRACT FOR CONSULTANT SERVICES BETWEEN
THE CITY OF WATSONVILLE AND CAROLLO ENGINEERS, INC.**

THIS CONTRACT, is made and entered into this _____,
by and between the **City of Watsonville**, a municipal corporation, hereinafter called
"City," and **Carollo Engineers, Inc.**, hereinafter called "Consultant."

WITNESSETH

WHEREAS, the City needs to obtain certain professional, technical and/or
specialized services of an independent contractor to assist the City in the most
economical manner; and

WHEREAS, Consultant has the requisite skill, training, qualifications, and
experience to render such services called for under this Contract to City.

THE PARTIES HEREBY AGREE AS FOLLOWS:

SECTION 1. SCOPE OF SERVICES. Consultant shall perform those services as
specified in detail in Exhibit "A," entitled "SCOPE OF SERVICES" which is attached
hereto and incorporated herein.

SECTION 2. TERM OF CONTRACT. The term of this Contract shall be from
April 24, 2019 to December 31, 2022, inclusive.

SECTION 3. SCHEDULE OF PERFORMANCE. The services of Consultant are
to be completed according to the schedule set out in Exhibit "B," entitled "SCHEDULE
OF PERFORMANCE," which is attached hereto and incorporated herein. Consultant will
diligently proceed with the agreed Scope of Services and will provide such services in a
timely manner in accordance with the "SCHEDULE OF PERFORMANCE."

SECTION 4. COMPENSATION. The compensation to be paid to Consultant
including both payment for professional services and reimbursable expenses as well as
the rate and schedule of payment are set out in Exhibit "C" entitled "COMPENSATION,"
which is attached hereto and incorporated herein.

SECTION 5. METHOD OF PAYMENT. Except as otherwise provided in Exhibit
"C," each month, Consultant shall furnish to the City a statement of the work performed
for compensation during the preceding month. Such statement shall also include a
detailed record of the month's actual reimbursable expenditures.

SECTION 6. INDEPENDENT CONSULTANT. It is understood and agreed that
Consultant, in the performance of the work and services agreed to be performed by
Consultant, shall act as and be an independent Consultant and not an agent or
employee of City, and as an independent Consultant, shall obtain no rights to retirement

benefits or other benefits which accrue to City's employees, and Consultant hereby expressly waives any claim it may have to any such rights.

SECTION 7. ASSIGNABILITY. Consultant shall not assign or transfer any interest in this Contract nor the performance of any of Consultant's obligations hereunder, without the prior written consent of City, and any attempt by Consultant to so assign this Contract or any rights, duties or obligations arising hereunder shall be void and of no effect.

SECTION 8. INDEMNIFICATION.

To the full extent permitted by law (subject to the limitations of Civil Code section 2782.8 for any "design professional services" performed under this Contract), Consultant will indemnify, hold harmless, release and defend the City (including its officers, elected or appointed officials, employees, volunteers or agents) from and against any and all liability or claims (including actions, demands, damages, injuries, settlements, losses or costs [including legal costs and attorney's fees])(collectively "Liability") of any nature, to the extent arising out of, pertaining to, or relating to Consultant's negligence, recklessness, or willful misconduct in the performance of this Contract. In no event shall the cost to defend charged to the Consultant exceed the Consultant's proportionate percentage of fault. Consultant's indemnification obligations under this Contract are not limited by any limitations of any insurance held by Consultant, including, but not limited to, workers compensation insurance.

SECTION 9. INSURANCE.

A. Errors and Omissions Insurance. Consultant shall obtain and maintain in full force throughout the term of this Contract a professional liability insurance policy (Errors and Omissions), in a company authorized to issue such insurance in the State of California, with limits of liability of not less than One Million Dollars (\$1,000,000.00) to cover all professional services rendered pursuant to this Contract.

B. Auto and Commercial General Liability Insurance. Consultant shall also maintain in full force and effect for the term of this Contract, automobile insurance and commercial general liability insurance with an insurance carrier satisfactory to City, which insurance shall include protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from any actual occurrence arising out of the performance of this Contract. The amounts of insurance shall not be less than the following:

(1) Commercial general liability insurance, or equivalent form, with a combined single limit of not less than \$500,000.00 per occurrence. If such insurance contains a general aggregate limit, such limit shall apply separately to each project Consultant performs for City. Such insurance shall (a) name City, its appointed and elected officials, and its employees as insureds; and (b) be primary with respect to insurance or self-insurance programs maintained by City and (c) contain standard separation of insured's provisions.

(2) Business automobile liability insurance, or equivalent form, with a combined single limit of not less than \$500,000.00 per occurrence. Such insurance shall include coverage for owned, hired and non-owned automobiles.

C. Workers' Compensation Insurance. In accordance with the provisions of Section 3700 of the Labor Code, Consultant shall be insured against liability for Workers' Compensation or undertake self-insurance. Consultant agrees to comply with such provisions before commencing performance of any work under this Contract.

D. Proof of Insurance to City before Notice to Proceed to Work. Consultant shall satisfactorily provide certificates and endorsements of insurance to the City Clerk before Notice to Proceed to Work of this Contract will be issued. Certificates and policies shall state that the policy shall not be canceled or reduced in coverage without thirty (30) days written notice to City. Approval of insurance by City shall not relieve or decrease the extent to which Consultant may be held responsible for payment of damages resulting from services or operations performed pursuant to this Contract. Consultant shall not perform any work under this Contract until Consultant has obtained the required insurance and until the required certificates have been submitted to the City and approved by the City Attorney. If Consultant fails or refuses to produce or maintain the insurance required by these provisions, or fails or refuses to furnish City required proof that insurance has been procured and is in force and paid for, City shall have the right at City's election to forthwith terminate this Contract immediately without any financial or contractual obligation to the City. As a result of such termination, the City reserves the right to employ another consultant to complete the project.

E. Written notice. Contractor shall provide immediate written notice if (1) any insurance policy required by this Contract is terminated; (2) any policy limit is reduced; (3) or any deductible or self insured retention is increased.

SECTION 10. NON-DISCRIMINATION. Consultant shall not discriminate, in any way, against any person on the basis of age, sex, race, color, creed, national origin or disability in connection with or related to the performance of this Contract.

SECTION 11. TERMINATION.

A. City and Consultant shall have the right to terminate this Contract, without cause, by giving not less than ten (10) days written notice of termination.

B. If Consultant fails to perform any of its material obligations under this Contract, in addition to all other remedies provided by law, City may terminate this Contract immediately upon written notice.

C. The City Manager is empowered to terminate this Contract on behalf of City.

D. In the event of termination, Consultant shall deliver to City copies of all work papers, schedules, reports and other work performed by Consultant and upon receipt thereof, Consultant shall be paid in full for services performed and reimbursable expenses incurred to the date of termination.

SECTION 12. COMPLIANCE WITH LAWS. Consultant shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local governments. Consultant shall obtain and maintain a City of Watsonville business license during the term of this Contract.

SECTION 13. GOVERNING LAW. City and Consultant agree that the law governing this Contract shall be that of the State of California. Any suit brought by either party against the other arising out of the performance of this Contract shall be filed and maintained in the Municipal or Superior Court of the County of Santa Cruz.

SECTION 14. PRIOR CONTRACTS AND AMENDMENTS. This Contract represents the entire understanding of the parties as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Contract may only be modified by a written amendment.

SECTION 15. CONFIDENTIAL INFORMATION. All data, documents, discussions or other information developed or received by or for Consultant in performance of this Contract are confidential and not to be disclosed to any person except as authorized by the City Manager or his designee, or as required by law.

SECTION 16. OWNERSHIP OF MATERIALS. All reports, documents or other materials developed or received by Consultant or any other person engaged directly by Consultant to perform the services required hereunder shall be and remain the property of City without restriction or limitation upon their use.

SECTION 17. COVENANT AGAINST CONTINGENT FEES. The Consultant covenants that Consultant has not employed or retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure the Contract, and that Consultant has not paid or agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fees, commissions, percentage, brokerage fee, gift, or any other consideration contingent on or resulting from the award or making of this Contract, for breach or violation of this covenant, the City shall have the right to annul this Contract without liability, or in its discretion, to deduct from the Contract price or consideration or otherwise recover, the full amount of such fee, commission, percentage fee, gift, or contingency.

SECTION 18. WAIVER. Consultant agrees that waiver by City or any one or more of the conditions of performance under this Contract shall not be construed as waiver of any other condition of performance under this Contract.

SECTION 19. CONFLICT OF INTEREST.

A. A Consultant shall avoid all conflict of interest or appearance of conflict of interest in performance of this Contract. Consultant shall file a disclosure statement, if required by City Council Resolution, which shall be filed within thirty (30) days from the effective date of this Contract or such Resolution, as applicable.

B. No member, officer, or employee of the City, during their tenure, or for one (1) year thereafter, shall have any interest, direct or indirect, in this Contract or the proceeds thereof and Consultant agrees not to allow, permit, grant, transfer, or otherwise do anything which will result in such member, officer, or employee of the City from having such interest.

SECTION 20. AUDIT BOOKS AND RECORDS. Consultant shall make available to City, its authorized agents, officers and employees, for examination any and all ledgers and books of account, invoices, vouchers, canceled checks and other records or documents evidencing or related to the expenditures and disbursements charged to the City, and shall furnish to City, its authorized agents and employees, such other evidence or information as City may require with respect to any such expense or disbursement charged by Consultant.

SECTION 21. NOTICES. All notices shall be personally served or mailed, postage prepaid, to the following addresses, or to such other address as may be designated by written notice by the parties:

CITY

City Clerk's Office
275 Main Street, Suite 400
Watsonville, CA 95076
(831) 768-3040

CONSULTANT

Carollo Engineers, Inc.
Rick L. Chan
2700 Ygnacio Valley Road, Suite 300
Walnut Creek, CA 94598
(925) 932-1710

SECTION 22. EXHIBITS:

Exhibit A: Scope of Services
Exhibit B: Schedule of Performance
Exhibit C: Compensation

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WITNESS THE EXECUTION HEREOF, on the day and year first hereinabove written.

CITY

CITY OF WATSONVILLE

BY _____
Matthew D. Huffaker, City Manager

ATTEST:

BY _____
Beatriz Vázquez Flores, City Clerk

APPROVED AS TO FORM:

BY _____
Alan J. Smith, City Attorney

CONSULTANT

CAROLLO ENGINEERS, INC.

BY Rick L. Chan
Rick L. Chan, Senior Vice President

Scott C. Weddle
Associate Vice President

EXHIBIT "A"

SCOPE OF SERVICES

The scope of services is as follows:

See attached "Exhibit A"

EXHIBIT “B”

SCHEDULE OF PERFORMANCE

Services shall commence immediately upon execution of this Contract. All services performed under the provisions of this Contract shall be completed in accordance with the following schedule:

Complete all services in Scope of Work no later than December 31, 2022

EXHIBIT "C"

COMPENSATION

a. Total Compensation. The total obligation of City under this Contract shall not exceed \$411,300.

b. Basis for Payment. Payment(s) to Consultant for services performed under this Contract shall be made as follows and shall include payment for reimbursable expenses.

c. Payment Request. Consultant shall submit a request for payment for services on a monthly basis by letter to Director, or said Director's designated representative. Such request for payment shall cover the preceding monthly period during the term hereof, shall note the City's purchase order number for this Contract, shall contain a detailed listing of the total number of items or tasks or hours for which payment is requested, the individual dates on which such services were rendered, and invoices for reimbursable expenses, if any. Upon receipt in the Office of Director of said payment request, Director shall cause payment to be initiated to Consultant for appropriate compensation.



SCOPE OF WORK

WATER SYSTEM MASTER PLAN

City of Watsonville, California

April 1, 2019

Introduction

The City of Watsonville (City) owns and operates a water system which is comprised of supply sources (surface water diversions and groundwater wells), distribution systems, storage, and pumping facilities with about 14,800 service connections servicing a customer population of approximately 68,000 in an area that includes the City of Watsonville and unincorporated areas of Santa Cruz County. The service area consists of nine hydraulic pressure zones, fourteen wells, seven storage reservoirs, nine booster pump stations, over 177 miles of pipelines, and the Corralitos Filter Plant.

The City would like to conduct a Water System Master Plan with a planning horizon of 20-years to evaluate selected areas of the water system. The following scope of work is provided to prepare the Water System Master Plan.

Scope of Work

This section outlines the scope of work for the Water System Master Plan to 1) address the existing condition of various elements at select water system facilities as described below, and 2) to conduct a future system hydraulic modeling analysis. System deficiencies will be identified, and recommendations for improvements will be developed along with planning level cost estimates. These recommendations for improvements will be prioritized and grouped into recommended capital improvement projects. Prioritization criteria and ranking will be developed through discussion with the City, and will include considerations such as service criticality, likelihood of failure, and consequence of failure. Reports will be prepared for applicable tasks to document the evaluation approach and summarize key findings and recommendations. Each report will initially be submitted in draft form for the City's review and applicable comments will be incorporated into the final report.

Task 1 –Project Management and Meetings

As part of this task, Carollo's project manager will direct and coordinate the efforts of the project team members in order to deliver the project within the contracted scope, schedule, and budget.

Task 1.1 – Project Administration and Management

Carollo will provide general project administration and management for the duration of approximately six (6) months to complete the Water System Master Plan. Carollo will coordinate work effort, conduct project communication with the project team and City staff, and prepare monthly invoices with progress letter reports.

Task 1.1 Deliverables:

- Progress letter report for attachment to the monthly invoice.

Task 1.2 – Project Meetings

The project team will prepare for and attend up to five (5) project meetings. For each meeting, Carollo will prepare a meeting agenda and submit it to the City for review and input ahead of the meeting. Carollo will then prepare meeting minutes and submit to the City (in electronic format) for review and concurrence. The meetings are assumed to cover the following topics:

- Meeting No. 1 (via Webex) – Project kickoff meeting to introduce all team members, review project scope, and discuss project expectations, communication protocol, and data needs (including City Planning Department information).
- Meeting No. 2 (in Watsonville) – Discuss findings from mechanical, electrical, and instrumentation condition assessment.
- Meeting No. 3 (in Watsonville) – Discuss findings from structural condition assessment and seismic evaluation. Discuss findings from future system hydraulic analysis.
- Meeting No. 4 (in Watsonville) – Discuss recommended improvement projects and capital improvement plan.
- Meeting No. 5 - (via Webex) - Discuss City comments on the Draft Master Plan Report.

Task 1.2 Deliverables:

- Meeting agendas, meeting materials, and meeting minutes.

Task 1.3 – Quality Management

Carollo's quality management team will perform an independent review of major deliverables (report sections and TMs) before submittal to the City. This includes both a technical review (for soundness of logic and justification of conclusions reached) and a readability review (for clarity, organization, grammar, spelling, etc.).

Task 1.3 Deliverables:

- None.

Task 2 – Data Collection and Review

Task 2.1 – Data Collection and Review

Carollo will submit a list to the City requesting available relevant reports and other data/information to be provided by the City for use in this project, including but not limited to:

- As-built drawings, past condition assessment and inspection reports, Operations and Maintenance Manuals, Standard Operating Procedures, operational data reports, maintenance history logs, and other available facilities information for use during the condition assessment.
- Future development information from the City's planning department.

Carollo will develop a data collection table that will be discussed at the project kickoff meeting. Carollo will update the data collection table as items are received and will update the City on outstanding items remaining for the project.

Task 2.1 Deliverables:

- Data request list.

Task 3 – Condition Assessment

Task 3.1 – Condition Assessment and Seismic Evaluation of Two Booster Pump Stations

Condition Assessment

A multi-disciplinary engineering team ("Team") comprised of structural, mechanical, electrical and instrumentation, and civil/hydraulic engineers (by Carollo and/or subconsultants) will conduct a site visit (up to one day) to meet and conduct interviews with multi-disciplinary City staff and perform a visual condition assessment of the following booster two pump stations:

- Fowle Booster Pump Station
- Airport Booster Pump Station

The visual assessment will include the following aboveground assets:

- Buildings
- Pumps, compressors, HVAC, standby generators, and other mechanical equipment
- Piping and related appurtenances (valves, flow meters, etc.)
- Ventilation ducts
- Supports for mechanical equipment and piping
- Electrical power distribution system (motor control centers, switchgears, switchboards, panel boards, variable frequency drives, etc.)
- SCADA network system
- Programmable logic controller network system
- Lighting fixtures and lighting control system

Prior to the site visit, the Team will review available record drawings, O&M manuals, SOPs, and past condition assessment reports of these facilities to develop an asset inventory of these aboveground assets including their age. During the site visit, the Team will make observations of each asset's physical appearance and condition, as well as the asset's obsolescence and performance. During the site visits, the Team will make observations and note each asset's physical appearance and condition as related to corrosion, noise, leaks, as well as general experience of the O&M staff with the asset. Special attention will be focused on any visible deterioration, cracks or known deficiencies that are currently present. It is assumed that one or more City staff members who are knowledgeable of the facilities will be available to escort the Team around the facilities and answer questions during the assessment.

The visual condition assessments will be conducted from safely accessible locations and will not include diagnostic testing or entry into either confined spaces or energized electrical panels. It is assumed that City staff will conduct any necessary lockout-tagout procedures at each facility. The Team will evaluate the condition of each asset using a one-through-five ranking scale based on the International Infrastructure Management Manual (IIMM). The asset condition ranking will also consider O&M information provided by City staff during the assessment visits, such as anecdotal maintenance and performance history.

Condition scoring will focus on discrete modes of failure exhibited by similar assets. Using the condition assessment observations and information combined with typical life expectancies for assets commonly found at water system facilities, the remaining useful life for each asset will be estimated.

For facilities, elements, and systems that require rehabilitation or replacement to meet a designated performance goal, alternatives will be evaluated and developed along with planning-level project cost estimates for inclusion in the City's CIP.

A meeting will be conducted as part of Task 1.2 to review the key findings and recommendations of this task. The findings, recommendations, and planning-level cost estimates will then be prepared as part of the Draft and Final Water System Master Plan report to summarize the work completed in this task.

Structural Seismic Evaluation

Carollo will conduct a structural seismic evaluation of the facilities listed in this subtask (above), which includes review of available record drawings, visual verification of structural members, and computer software-based analysis. The visual seismic assessment is assumed to be conducted simultaneously with the visual condition assessment described in this task. The structures will be categorized as either buildings or water-retaining structures (as appropriate). The buildings will be analyzed for Life Safety in accordance with American Society of Civil Engineers (ASCE) 41-13 Tier 1 analysis procedures. The water-retaining concrete structures (i.e. wet wells, if any) will be evaluated in accordance with *American Concrete Institute: Seismic Design of Liquid-Containing Concrete Structures and Commentary* (ACI 350.3-06) and methods presented in ASCE 7-10 and the 2016 California Building Code. The steel tanks will be evaluated in accordance with American Water Works Association standards D100 or D103. Carollo will also perform a visual seismic evaluation for pipe connections attached to structures.

For facilities, elements, and systems that require rehabilitation or replacement to meet a designated seismic performance goal, alternatives will be evaluated and developed along with planning-level project costs for inclusion in the City's CIP.

Findings from the seismic evaluation will be considered in conjunction with the facility's structural condition assessment to develop one overall seismic and structural condition ranking for each facility. This is done because recommendations for R/R projects will be site-specific and will depend on findings from both the visual condition assessment and the seismic evaluation.

Overall Task

A meeting will be conducted as part of Task 1.2 to review the key findings and recommendations of this task. The findings, recommendations, and planning-level cost estimates will then be prepared as part of the Draft and Final Water System Master Plan report to summarize the work completed in this task.

Task 3.1 Deliverables:

- Included with Draft and Final Water System Master Plan report documents.

Task 3.2 – Condition Assessment and Seismic Evaluation of Four Steel Tanks

A multi-disciplinary engineering team ("Team") comprised of structural, mechanical, electrical and instrumentation, and civil/hydraulic engineers (by Carollo and/or subconsultants) will conduct a condition assessment and seismic evaluation with scope as described in Task 3.1 (as applicable) for the following steel storage tanks:

- Airport Reservoir 3.0 MG
- Amesti Reservoir 1.0 MG
- Hames Reservoir 0.5 MG
- Rider Reservoir 0.5 MG

The Team will conduct a site visit (up to one day) to meet and conduct interviews with multi-disciplinary City staff to perform a visual condition assessment and gather information for the seismic evaluation. Available background information will be requested from the City including tank as-built drawings and geotechnical reports. Team will also review available past inspection reports (including tank diving, cathodic protection assessments, and any in-house inspections) for inclusion into the facility condition assessments. This may include consideration of findings, developing comprehensive recommendations, and reviewing/developing planning-level cost estimates. A meeting will be conducted as part of Task 1.2 to review the key findings and recommendations of this task. The findings, recommendations, and planning-level cost estimates will then

be prepared as part of the Draft and Final Water System Master Plan report to summarize the work completed in this task.

Task 3.2 Deliverables:

- Included with Draft and Final Water System Master Plan report documents.

Task 3.3 – Condition Assessment of Eleven Wells

A multi-disciplinary engineering team ("Team") comprised of structural, mechanical, electrical and instrumentation, and civil/hydraulic engineers (by Carollo and/or subconsultants) will conduct a condition assessment and visual (non-structural) seismic assessment with scope as described in Task 3.1 (as applicable, and without seismic evaluation) for the following eleven wells:

- Wells 1, 2, 3, 7, 8, 10, 14, 15, 17, 18, and 19

The Team will conduct a site visit (up to two days) to meet and conduct interviews with multi-disciplinary City staff to perform a visual condition assessment and visual (non-structural) seismic assessment. The following available historical data will be requested and reviewed prior to the site visit:

- Initial well development and production (drilling method, total depth, static water depth, size of well, type of material used in well construction, cement records, type and location of screening)
- Well design considerations (submersible vs. vertical turbine well design criteria, manufacturer O&M manuals, whether wells have VFDs)
- Geotechnical and subsurface information from production and/or monitoring wells
- Past inspection reports (e.g. pump tests), video inspections, chemical cleaning, screen inspections or replacements
- Past maintenance records including replacement or refurbishing of parts
- Aquifer history, operating parameters, and response/recovery data (e.g. historical water levels, any trends in drawdown, interactions with multiple wells running)
- Pump information (horsepower, pump test data, pump curves, historical pumping data)
- Any regulatory changes that have or will impact well production (e.g. water quality)
- Any permitting changes that have or will impact planning or operating criteria

The visual condition assessment scope will be as outlined in Task 3.1 for the well assets including the pump motors, visible pipes, well structures and well appurtenances (such as chemical feed or wellhead treatment systems). The visual (non-structural) seismic assessment will focus on supports, lateral bracing, and anchorage for piping and mechanical equipment. The well structures are assumed to be prefabricated structures that will not require a seismic evaluation as described in Task 3.1. Particular attention will be given to the mechanical design considerations and maintenance history in order to provide mechanical recommendations for future well improvements and/or development of new wells. Hydrogeological information provided by the City will be reviewed for background information, but hydrogeological data and reports are assumed to not require further peer review or analysis.

A meeting will be conducted as part of Task 1.2 to review the key findings and recommendations of this task. The findings, recommendations, and planning-level cost estimates will then be prepared as part of the Draft and Final Water System Master Plan report to summarize the work completed in this task.

Task 3.3 Deliverables:

- Included with Draft and Final Water System Master Plan report documents.

Task 3.4 – Condition Assessment of Two Freedom and Pajaro Dunes Reservoirs

A multi-disciplinary engineering team ("Team") comprised of structural, mechanical, electrical and instrumentation, and civil/hydraulic engineers (by Carollo and/or subconsultants) will conduct a condition assessment as outlined in Task 3.1 (without seismic evaluation) of the following earthen storage reservoirs:

- Freedom Reservoir 5.3 MG
- Freedom Reservoir 0.7 MG
- Pajaro Dunes Reservoir 0.24 MG

The Team will conduct a site visit (up to one day) to meet and conduct interviews with multi-disciplinary City staff to perform a visual condition assessment. Due to the age and type of reservoirs, a seismic evaluation is not recommended with this task. Available background information will be requested from the City including tank as-built drawings and geotechnical reports. Team will also review available past inspection reports (including tank diving, cathodic protection assessments, and any in-house inspections) for inclusion into the facility condition assessments. This may include consideration of findings, developing comprehensive recommendations, and reviewing/developing planning-level cost estimates.

A meeting will be conducted as part of Task 1.2 to review the key findings and recommendations of this task. The findings, recommendations, and planning-level cost estimates will then be prepared as part of the Draft and Final Water System Master Plan report to summarize the work completed in this task.

Task 3.4 Deliverables:

- Included with Draft and Final Water System Master Plan report documents.

Task 3.5 – Preliminary Condition Assessment of Three Bridge Pipes

This task includes a structural and mechanical visual condition assessment of three water mains currently located and supported on three bridges during a half-day site visit. During the site visit, Carollo will make observations and note each asset's physical appearance and condition as related to corrosion, leaks, connection to underground pipes on either side of the bridges, and general experience of the O&M staff with the asset. Special attention will be focused on any visible deterioration, cracks or known deficiencies that are currently present. The pipes will also be evaluated in the hydraulic model to confirm location, capacity, alternative routing consideration, and recommendation for redundancy.

It is assumed that the bridges are under the jurisdiction of non-City public agencies, and that further planning and implementation of any recommendations and improvements to water mains and supports would need to be coordinated with those agencies. Coordination is assumed to be conducted by City staff and is not included in this scope and budget.

The findings, recommendations, and planning-level cost estimates will be prepared as part of the Draft and Final Water System Master Plan report to summarize the work completed in this task.

Task 3.5 Deliverables:

- Included with Draft and Final Water System Master Plan report documents.

Task 3.6 – Water Facilities Hazard Vulnerability Identification

Carollo will review publically available hazard maps and City-provided infrastructure information (fault maps, levee maps and as-built drawings, facility as-built drawings, FEMA flood maps, flood history information, fire risk maps, etc.) and identify the proximity of the major City-wide water facilities (steel tanks and earthen reservoirs, booster pump stations, wells, and the Corralitos Filter Plant) to known flooding, earthquake, and fire hazards.

Recommendations will be made for improving resiliency including considerations for future facility siting, elevations of critical equipment, site access, and operational strategies to minimize service disruptions (e.g., chemicals, power) and for coordination with related City, regional, state and/or federal projects.

Key findings and recommendations of this task will then be prepared as part of the Draft and Final Water System Master Plan report to summarize the work completed in this task.

Task 3.6 Deliverables:

- Included with Draft and Final Water System Master Plan report documents.
- Any GIS shapefiles developed will be submitted electronically.

Task 4 – Future System Hydraulic Analysis

Task 4.1 – Develop Future Water Demand Projections

Carollo will work with City staff to document growth projections, known developments, and other information available from the City's planning department. This information will be used to develop Average Day Demand (ADD), Maximum Day Demand (MDD), and Peak Hour Demand (PHD) projections, by pressure zone, for the City's water service area. As part of this task, Carollo will work with the City to determine the basis for calculating these demand projections, including whether a 20 year planning horizon (though year 2040) will be used.

Task 4.1 Deliverables:

- Included with Draft and Final Water System Master Plan report documents.

Task 4.2 – Future System Hydraulic Analysis

This task includes a hydraulic analysis of the water distribution system based on the future demand projections provided in Task 4.1. Work to be performed includes the following:

- Future Supply Analysis. Carollo will evaluate the capacity of the City's supply sources to meeting the projected MDD and PHD conditions in the system. Carollo will identify the extent of any supply deficiencies with City staff and discuss potential supply options to consider mitigating any current or future capacity shortfalls. Carollo will identify potential quantity/capacities and locations for new supply wells, if needed, based on several factors, including hydraulic impacts, system demands, potential groundwater yield (based on feedback and information provided by the City), condition assessment results from Task 3, and other factors as appropriate
- Future Storage and Pump Station Analysis. Separate desktop analyses of pump stations and storage capacity will be performed for future demand conditions. These analyses will be conducted using a spreadsheet model. The analysis will include a zone-by-zone assessment of the pumping and storage needs for each criterion and will identify potential deficiencies and solutions. The criteria used for the future system analysis will be based on the agreed-upon criteria developed as part of the ongoing Water Distribution System Hydraulic Model Development Project (by Carollo).
- Future Distribution System Analysis. The hydraulic model developed and calibrated as part of the Water Distribution System Hydraulic Model Development Project will be set up to represent various future system operating scenarios under normal conditions. Three scenarios will be set up in the model:
 - Future Average Day Demand (ADD)
 - Future Maximum Day Demand (MDD) to simulate peak hour demands (PHD)
 - Future MDD + Fireflow Conditions

The model will be used to evaluate maximum delivery pressures and pipe velocities under future ADD and PHD conditions. The model will also be used to evaluate available fire flows (under MDD condition) under future conditions

A meeting will be conducted as part of Task 1.2 to review the key findings and recommendations of this task. The findings, recommendations, and planning-level cost estimates will then be prepared as part of the Draft and Final Water System Master Plan report to summarize the work completed in this task.

Task 4.2 Deliverables:

- Included with Draft and Final Water System Master Plan report documents.

Task 4.3 – Review and Update Water Main Rehabilitation/Repair Plan

The City has developed a prioritized water main rehabilitation and replacement (R/R) program, which prioritizes main replacement based on leak history, age, fire protection, pipe material, and other factors. As part of this task, Carollo will review the City's existing water main rehabilitation and replacement plan prioritization criteria, and will recommend modifications (as needed) to the criteria based on hydraulic modeling results, known O&M issues, engineering judgement, industry standards, and our experience with other municipalities in California.

Carollo will review the recommended modifications to the prioritization criteria with City staff, and will develop a set of final main replacement prioritization criteria. We will then develop a prioritized plan for main replacement projects through the planning horizon of the master plan (assumed to be year 2040). Maps and summary tables will be prepared to summarize the proposed R/R plan.

Task 4.3 Deliverables:

- Updated main replacement prioritization criteria table.
- Maps and summary tables of prioritized plan for main replacement projects, to be included in the Draft and Final Water System Master Plan Report document.

Task 4.4 – On-Call Water System Hydraulic Modeling Support

Under this task, Carollo will perform specific evaluations and hydraulic analyses of the City's water system as directed by the City. The updated hydraulic model, created under this project, will be used to model these potential scenarios provided by the City. Carollo and the City will develop scope and budget for each modeling request, and direction and approval will be authorized in writing by the City prior to starting this task. This task currently assumes a not-to-exceed cost of \$9,800.

Task 4.4 Deliverables:

- To be determined with specific modeling request.

Task 4.5 – Unidirectional Flushing Pilot Program Development

The City is interested in exploring the possibility of implementing a unidirectional flushing (UDF) program. As part of this task, Carollo will utilize the UDF add-on tool that is part of InfoWater to develop a pilot UDF plan. UDF modeling consists of developing a series of flush sequences in a given flushing zone, starting from a clean water source. Each flushing sequence indicates the pipeline to be flushed, which valves should be closed, and the duration of flushing required. In general, each flushing sequence consists of roughly 1,000 - 1,500 LF of pipe. This task assumes that the pilot program would be implemented in the Pajaro Dunes/Sunset pressure zones, which consists of 42,700 linear feet (LF) of pipe. Therefore, it is estimated that approximately 35 flushing sequences will be created as part of this task.

UDF analysis requires that the City's valve shapefile lines up reasonably well with the City's InfoWater model pipeline network. This task assumes that a minimal amount of cleanup work will be required to "line up" the City's valve shapefile with the hydraulic model linework.

This task includes two Webex meetings. The purpose of the first meeting will be to provide the City with an overview of the UDF process and to establish constraints that will be used in the development of the UDF plan (such as maximum pipeline flush length, flush volume, and minimum flushing velocity). The purpose of the second meeting will be to review and discuss City staff comments on the draft UDF plan. A technical memorandum will also be prepared, which summarizes the UDF process and the UDF sequences, and provides procedures for performing flushing activities.

Task 4.5 Deliverables:

- Draft and Final UDF Plan TM (to be delivered electronically via PDF file).

Task 5 – Develop Improvement Recommendations

Task 5.1 – Develop Improvement Recommendations

Carollo will identify recommended capital improvement plan (CIP) projects associated with the condition assessment and future system hydraulic analysis tasks. The development of capital improvements will include grouping of recommendations from Tasks 3 and 4 into project categories based on project type, location and/or priority, while considering the following factors:

- Results of the condition assessment (Task 3).
- The recommended existing system improvements developed as part of the Water Distribution System Hydraulic Model Development Project.
- Results of the future system hydraulic analysis (Task 4).
- Planning-level cost estimates.
- Review of planned City O&M and CIP projects (and comparing with recommended CIP projects by Carollo.)

When appropriate, supply, transmission, storage, and PRV improvement alternatives (e.g., alternative alignments or other project alternatives) will be developed and evaluated.

Task 5.1 Deliverables:

- Maps, tables, and exhibits summarizing the proposed capital improvement projects will be included with Draft and Final Water System Master Plan report documents.

Task 6 – Develop Capital Improvement Plan

Task 6.1 – Unit Cost Analysis

This task consists of reviewing construction costs from similar projects in Carollo's cost database (adjusted based on local factors) and comparing with any known projects in the Watsonville area that have been constructed recently. It is assumed that the City will provide construction costs in the Watsonville area. The cost data will be used to develop unit construction costs that are tailored to the City.

Task 6.1 Deliverables:

- Recommended unit costs will be prepared and submitted for the City's review and approval prior to preparation of CIP cost estimates.

Task 6.2 – Prepare CIP Cost Estimates and Phasing

This task consists of the development of planning-level cost estimates for the recommended facility improvements developed in Task 5. Cost estimates will be presented in 2019 dollars and be prepared in accordance with the American Association of Cost Engineers (AACE) Class 4 or 5 planning level estimates. Where appropriate, cost estimates will be broken out into engineering cost (e.g. for further testing or analysis), construction cost estimate, and total project cost (which includes engineering, legal, administration, permitting, and construction management costs).

The recommended capital improvement projects will be prioritized and phased based on groupings of near-term (0 to 5 years), mid-term (5 to 10 years) and long-term (10-20 years) projects. Phasing of projects will be based on the severity of existing deficiencies for existing system improvements, and the anticipated time-frame in which future growth will occur. Phasing and grouping criteria will be discussed with the City (as part of Task 1.2) prior to development.

A master CIP table of recommended capital improvement projects will be developed, which summarizes each CIP project and summarizes the total CIP cost by facility type and phase. Individual descriptions for each CIP project will also be developed. The project descriptions will include recommended scope, map showing location and alignment, justification for the project, recommended timing for implementation, and itemized estimated planning-level capital costs.

The master CIP table will also incorporate the City's latest internal list of CIP projects (and any City-developed cost estimates) into a comprehensive list of CIP water projects for the City.

Task 6.2 Deliverables:

- Capital improvement plan tables (in Excel and PDF format) and CIP project descriptions will be included with Draft and Final Water System Master Plan report documents.

Task 7 – Water System Master Plan Report

Task 7.1 – Draft Report

This task consists of development of the Draft Water System Master Plan report. A project meeting will be conducted to discuss City (and other utility or regulatory agency) comments on the Draft Master Plan as outlined in Task 1.2.

Task 7.1 Deliverables:

- Draft Water System Master Plan Report - Five (5) hard copies and one (1) electronic copy will be submitted to the City.

Task 7.2 – Final Report

Carollo (and subconsultants, as appropriate) will respond to and incorporate the appropriate comments from the Draft Master Plan report into the Final Master Plan report.

Task 7.2 Deliverables:

- Final Water System Master Plan Report - Ten (10) hard copies and one (1) electronic copy in Microsoft Word, Microsoft Excel, and PDF format will be submitted to the City. All other appropriate project files will also be provided to the City upon completion of the Final Master Plan Report.

Assumptions and Clarifications:

- **DELIVERABLE USE AND REUSE.** Any reuse of completed documents or use of partially completed documents without written verification or concurrence by Carollo for the specific purposes intended will be at the City's sole risk and without liability or legal exposure to Carollo. Carollo's instruments of service hereunder are the printed hard copy of technical memorandums and reports issued for the Project, whereas electronic media, including CADD or modeling files, are tools for their preparation. As a convenience to the City, Carollo shall furnish to the City both printed hard copies and electronic media. In the event of a conflict in their content, the printed hard copies shall take precedence over the electronic media. Because data stored in electronic media form can be altered, inadvertently, it is agreed that the City shall hold Carollo harmless from liability arising out of changes or modifications to Carollo's data in electronic media form in the City's possession or released to others by the City.
- **STANDARD OF CARE.** Carollo shall perform the services required hereunder in accordance with the prevailing engineering standard of care by exercising the skill and ability ordinarily required of engineers performing the same or similar services, under the same or similar circumstances, in the State of California. Additionally, Carollo shall not be responsible for acts and decisions of third

parties, including governmental agencies, other than Carollo's subconsultants, that impact project completion and/or success.

- **CITY-PROVIDED INFORMATION AND SERVICES.** The City shall furnish Carollo available studies, reports and other data pertinent to Carollo's services; obtain or authorize Carollo to obtain or provide additional reports and data as required; furnish to Carollo services of others required for the performance of Carollo's services hereunder, and Carollo shall be entitled to use and rely upon all such information and services provided by the City or others in performing Carollo's services under this Agreement.
- **ACCESS.** The City shall arrange for access to and make all provisions for Carollo to enter upon public and private property as required for Carollo to perform services hereunder.
- **ESTIMATES AND PROJECTIONS.** In providing opinions of cost, financial analyses, economic feasibility projections, and schedules for potential projects, Carollo has no control over cost or price of labor and material; unknown or latent conditions of existing equipment or structures that may affect operation and maintenance costs; competitive bidding procedures and market conditions; time or quality of performance of third parties; quality, type, management, or direction of operating personnel; and other economic and operational factors that may materially affect the ultimate project cost or schedule. Therefore, Carollo makes no warranty that the City's actual project costs, financial aspects, economic feasibility, or schedules will not vary from Carollo's opinions, analyses, projections, or estimates.
- **THIRD PARTIES.** The services to be performed by Carollo are intended solely for the benefit of the City. No person or entity not a signatory to this Agreement shall be entitled to rely on Carollo's performance of its services hereunder, and no right to assert a claim against Carollo by assignment of indemnity rights or otherwise shall accrue to a third party as a result of this Agreement of the performance of Carollo's services hereunder.

**CONTRACT FOR CONSULTANT SERVICES BETWEEN
THE CITY OF WATSONVILLE AND CAROLLO ENGINEERS, INC.**

THIS CONTRACT, is made and entered into this _____,
by and between the **City of Watsonville**, a municipal corporation, hereinafter called
"City," and **Carollo Engineers, Inc.**, hereinafter called "Consultant."

WITNESSETH

WHEREAS, the City needs to obtain certain professional, technical and/or
specialized services of an independent contractor to assist the City in the most
economical manner; and

WHEREAS, Consultant has the requisite skill, training, qualifications, and
experience to render such services called for under this Contract to City.

THE PARTIES HEREBY AGREE AS FOLLOWS:

SECTION 1. SCOPE OF SERVICES. Consultant shall perform those services as
specified in detail in Exhibit "A," entitled "SCOPE OF SERVICES" which is attached
hereto and incorporated herein.

SECTION 2. TERM OF CONTRACT. The term of this Contract shall be from
April 24, 2019 to December 31, 2022, inclusive.

SECTION 3. SCHEDULE OF PERFORMANCE. The services of Consultant are
to be completed according to the schedule set out in Exhibit "B," entitled "SCHEDULE
OF PERFORMANCE," which is attached hereto and incorporated herein. Consultant will
diligently proceed with the agreed Scope of Services and will provide such services in a
timely manner in accordance with the "SCHEDULE OF PERFORMANCE."

SECTION 4. COMPENSATION. The compensation to be paid to Consultant
including both payment for professional services and reimbursable expenses as well as
the rate and schedule of payment are set out in Exhibit "C" entitled "COMPENSATION,"
which is attached hereto and incorporated herein.

SECTION 5. METHOD OF PAYMENT. Except as otherwise provided in Exhibit
"C," each month, Consultant shall furnish to the City a statement of the work performed
for compensation during the preceding month. Such statement shall also include a
detailed record of the month's actual reimbursable expenditures.

SECTION 6. INDEPENDENT CONSULTANT. It is understood and agreed that
Consultant, in the performance of the work and services agreed to be performed by
Consultant, shall act as and be an independent Consultant and not an agent or
employee of City, and as an independent Consultant, shall obtain no rights to retirement

benefits or other benefits which accrue to City's employees, and Consultant hereby expressly waives any claim it may have to any such rights.

SECTION 7. ASSIGNABILITY. Consultant shall not assign or transfer any interest in this Contract nor the performance of any of Consultant's obligations hereunder, without the prior written consent of City, and any attempt by Consultant to so assign this Contract or any rights, duties or obligations arising hereunder shall be void and of no effect.

SECTION 8. INDEMNIFICATION.

To the full extent permitted by law (subject to the limitations of Civil Code section 2782.8 for any "design professional services" performed under this Contract), Consultant will indemnify, hold harmless, release and defend the City (including its officers, elected or appointed officials, employees, volunteers or agents) from and against any and all liability or claims (including actions, demands, damages, injuries, settlements, losses or costs [including legal costs and attorney's fees])(collectively "Liability") of any nature, to the extent arising out of, pertaining to, or relating to Consultant's negligence, recklessness, or willful misconduct in the performance of this Contract. In no event shall the cost to defend charged to the Consultant exceed the Consultant's proportionate percentage of fault. Consultant's indemnification obligations under this Contract are not limited by any limitations of any insurance held by Consultant, including, but not limited to, workers compensation insurance.

SECTION 9. INSURANCE.

A. Errors and Omissions Insurance. Consultant shall obtain and maintain in full force throughout the term of this Contract a professional liability insurance policy (Errors and Omissions), in a company authorized to issue such insurance in the State of California, with limits of liability of not less than One Million Dollars (\$1,000,000.00) to cover all professional services rendered pursuant to this Contract.

B. Auto and Commercial General Liability Insurance. Consultant shall also maintain in full force and effect for the term of this Contract, automobile insurance and commercial general liability insurance with an insurance carrier satisfactory to City, which insurance shall include protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from any actual occurrence arising out of the performance of this Contract. The amounts of insurance shall not be less than the following:

(1) Commercial general liability insurance, or equivalent form, with a combined single limit of not less than \$500,000.00 per occurrence. If such insurance contains a general aggregate limit, such limit shall apply separately to each project Consultant performs for City. Such insurance shall (a) name City, its appointed and elected officials, and its employees as insureds; and (b) be primary with respect to insurance or self-insurance programs maintained by City and (c) contain standard separation of insured's provisions.

(2) Business automobile liability insurance, or equivalent form, with a combined single limit of not less than \$500,000.00 per occurrence. Such insurance shall include coverage for owned, hired and non-owned automobiles.

C. Workers' Compensation Insurance. In accordance with the provisions of Section 3700 of the Labor Code, Consultant shall be insured against liability for Workers' Compensation or undertake self-insurance. Consultant agrees to comply with such provisions before commencing performance of any work under this Contract.

D. Proof of Insurance to City before Notice to Proceed to Work. Consultant shall satisfactorily provide certificates and endorsements of insurance to the City Clerk before Notice to Proceed to Work of this Contract will be issued. Certificates and policies shall state that the policy shall not be canceled or reduced in coverage without thirty (30) days written notice to City. Approval of insurance by City shall not relieve or decrease the extent to which Consultant may be held responsible for payment of damages resulting from services or operations performed pursuant to this Contract. Consultant shall not perform any work under this Contract until Consultant has obtained the required insurance and until the required certificates have been submitted to the City and approved by the City Attorney. If Consultant fails or refuses to produce or maintain the insurance required by these provisions, or fails or refuses to furnish City required proof that insurance has been procured and is in force and paid for, City shall have the right at City's election to forthwith terminate this Contract immediately without any financial or contractual obligation to the City. As a result of such termination, the City reserves the right to employ another consultant to complete the project.

E. Written notice. Contractor shall provide immediate written notice if (1) any insurance policy required by this Contract is terminated; (2) any policy limit is reduced; (3) or any deductible or self insured retention is increased.

SECTION 10. NON-DISCRIMINATION. Consultant shall not discriminate, in any way, against any person on the basis of age, sex, race, color, creed, national origin or disability in connection with or related to the performance of this Contract.

SECTION 11. TERMINATION.

A. City and Consultant shall have the right to terminate this Contract, without cause, by giving not less than ten (10) days written notice of termination.

B. If Consultant fails to perform any of its material obligations under this Contract, in addition to all other remedies provided by law, City may terminate this Contract immediately upon written notice.

C. The City Manager is empowered to terminate this Contract on behalf of City.

D. In the event of termination, Consultant shall deliver to City copies of all work papers, schedules, reports and other work performed by Consultant and upon receipt thereof, Consultant shall be paid in full for services performed and reimbursable expenses incurred to the date of termination.

SECTION 12. COMPLIANCE WITH LAWS. Consultant shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local governments. Consultant shall obtain and maintain a City of Watsonville business license during the term of this Contract.

SECTION 13. GOVERNING LAW. City and Consultant agree that the law governing this Contract shall be that of the State of California. Any suit brought by either party against the other arising out of the performance of this Contract shall be filed and maintained in the Municipal or Superior Court of the County of Santa Cruz.

SECTION 14. PRIOR CONTRACTS AND AMENDMENTS. This Contract represents the entire understanding of the parties as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Contract may only be modified by a written amendment.

SECTION 15. CONFIDENTIAL INFORMATION. All data, documents, discussions or other information developed or received by or for Consultant in performance of this Contract are confidential and not to be disclosed to any person except as authorized by the City Manager or his designee, or as required by law.

SECTION 16. OWNERSHIP OF MATERIALS. All reports, documents or other materials developed or received by Consultant or any other person engaged directly by Consultant to perform the services required hereunder shall be and remain the property of City without restriction or limitation upon their use.

SECTION 17. COVENANT AGAINST CONTINGENT FEES. The Consultant covenants that Consultant has not employed or retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure the Contract, and that Consultant has not paid or agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fees, commissions, percentage, brokerage fee, gift, or any other consideration contingent on or resulting from the award or making of this Contract, for breach or violation of this covenant, the City shall have the right to annul this Contract without liability, or in its discretion, to deduct from the Contract price or consideration or otherwise recover, the full amount of such fee, commission, percentage fee, gift, or contingency.

SECTION 18. WAIVER. Consultant agrees that waiver by City or any one or more of the conditions of performance under this Contract shall not be construed as waiver of any other condition of performance under this Contract.

SECTION 19. CONFLICT OF INTEREST.

A. A Consultant shall avoid all conflict of interest or appearance of conflict of interest in performance of this Contract. Consultant shall file a disclosure statement, if required by City Council Resolution, which shall be filed within thirty (30) days from the effective date of this Contract or such Resolution, as applicable.

B. No member, officer, or employee of the City, during their tenure, or for one (1) year thereafter, shall have any interest, direct or indirect, in this Contract or the proceeds thereof and Consultant agrees not to allow, permit, grant, transfer, or otherwise do anything which will result in such member, officer, or employee of the City from having such interest.

SECTION 20. AUDIT BOOKS AND RECORDS. Consultant shall make available to City, its authorized agents, officers and employees, for examination any and all ledgers and books of account, invoices, vouchers, canceled checks and other records or documents evidencing or related to the expenditures and disbursements charged to the City, and shall furnish to City, its authorized agents and employees, such other evidence or information as City may require with respect to any such expense or disbursement charged by Consultant.

SECTION 21. NOTICES. All notices shall be personally served or mailed, postage prepaid, to the following addresses, or to such other address as may be designated by written notice by the parties:

CITY

City Clerk's Office
275 Main Street, Suite 400
Watsonville, CA 95076
(831) 768-3040

CONSULTANT

Carollo Engineers, Inc.
Rick L. Chan
2700 Ygnacio Valley Road, Suite 300
Walnut Creek, CA 94598
(925) 932-1710

SECTION 22. EXHIBITS:

Exhibit A: Scope of Services
Exhibit B: Schedule of Performance
Exhibit C: Compensation

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WITNESS THE EXECUTION HEREOF, on the day and year first hereinabove written.

CITY

CITY OF WATSONVILLE

BY _____
Matthew D. Huffaker, City Manager

ATTEST:

BY _____
Beatriz Vázquez Flores, City Clerk

APPROVED AS TO FORM:

BY _____
Alan J. Smith, City Attorney

CONSULTANT

CAROLLO ENGINEERS, INC.

BY Rick L. Chan
Rick L. Chan, Senior Vice President

Scott C. Weddle
Associate Vice President

EXHIBIT "A"

SCOPE OF SERVICES

The scope of services is as follows:

See attached "Exhibit A"

EXHIBIT “B”

SCHEDULE OF PERFORMANCE

Services shall commence immediately upon execution of this Contract. All services performed under the provisions of this Contract shall be completed in accordance with the following schedule:

Complete all services in Scope of Work no later than December 31, 2022

EXHIBIT "C"

COMPENSATION

a. Total Compensation. The total obligation of City under this Contract shall not exceed \$411,300.

b. Basis for Payment. Payment(s) to Consultant for services performed under this Contract shall be made as follows and shall include payment for reimbursable expenses.

c. Payment Request. Consultant shall submit a request for payment for services on a monthly basis by letter to Director, or said Director's designated representative. Such request for payment shall cover the preceding monthly period during the term hereof, shall note the City's purchase order number for this Contract, shall contain a detailed listing of the total number of items or tasks or hours for which payment is requested, the individual dates on which such services were rendered, and invoices for reimbursable expenses, if any. Upon receipt in the Office of Director of said payment request, Director shall cause payment to be initiated to Consultant for appropriate compensation.



SCOPE OF WORK

WATER SYSTEM MASTER PLAN

City of Watsonville, California

April 1, 2019

Introduction

The City of Watsonville (City) owns and operates a water system which is comprised of supply sources (surface water diversions and groundwater wells), distribution systems, storage, and pumping facilities with about 14,800 service connections servicing a customer population of approximately 68,000 in an area that includes the City of Watsonville and unincorporated areas of Santa Cruz County. The service area consists of nine hydraulic pressure zones, fourteen wells, seven storage reservoirs, nine booster pump stations, over 177 miles of pipelines, and the Corralitos Filter Plant.

The City would like to conduct a Water System Master Plan with a planning horizon of 20-years to evaluate selected areas of the water system. The following scope of work is provided to prepare the Water System Master Plan.

Scope of Work

This section outlines the scope of work for the Water System Master Plan to 1) address the existing condition of various elements at select water system facilities as described below, and 2) to conduct a future system hydraulic modeling analysis. System deficiencies will be identified, and recommendations for improvements will be developed along with planning level cost estimates. These recommendations for improvements will be prioritized and grouped into recommended capital improvement projects. Prioritization criteria and ranking will be developed through discussion with the City, and will include considerations such as service criticality, likelihood of failure, and consequence of failure. Reports will be prepared for applicable tasks to document the evaluation approach and summarize key findings and recommendations. Each report will initially be submitted in draft form for the City's review and applicable comments will be incorporated into the final report.

Task 1 –Project Management and Meetings

As part of this task, Carollo's project manager will direct and coordinate the efforts of the project team members in order to deliver the project within the contracted scope, schedule, and budget.

Task 1.1 – Project Administration and Management

Carollo will provide general project administration and management for the duration of approximately six (6) months to complete the Water System Master Plan. Carollo will coordinate work effort, conduct project communication with the project team and City staff, and prepare monthly invoices with progress letter reports.

Task 1.1 Deliverables:

- Progress letter report for attachment to the monthly invoice.

Task 1.2 – Project Meetings

The project team will prepare for and attend up to five (5) project meetings. For each meeting, Carollo will prepare a meeting agenda and submit it to the City for review and input ahead of the meeting. Carollo will then prepare meeting minutes and submit to the City (in electronic format) for review and concurrence. The meetings are assumed to cover the following topics:

- Meeting No. 1 (via Webex) – Project kickoff meeting to introduce all team members, review project scope, and discuss project expectations, communication protocol, and data needs (including City Planning Department information).
- Meeting No. 2 (in Watsonville) – Discuss findings from mechanical, electrical, and instrumentation condition assessment.
- Meeting No. 3 (in Watsonville) – Discuss findings from structural condition assessment and seismic evaluation. Discuss findings from future system hydraulic analysis.
- Meeting No. 4 (in Watsonville) – Discuss recommended improvement projects and capital improvement plan.
- Meeting No. 5 - (via Webex) - Discuss City comments on the Draft Master Plan Report.

Task 1.2 Deliverables:

- Meeting agendas, meeting materials, and meeting minutes.

Task 1.3 – Quality Management

Carollo's quality management team will perform an independent review of major deliverables (report sections and TMs) before submittal to the City. This includes both a technical review (for soundness of logic and justification of conclusions reached) and a readability review (for clarity, organization, grammar, spelling, etc.).

Task 1.3 Deliverables:

- None.

Task 2 – Data Collection and Review

Task 2.1 – Data Collection and Review

Carollo will submit a list to the City requesting available relevant reports and other data/information to be provided by the City for use in this project, including but not limited to:

- As-built drawings, past condition assessment and inspection reports, Operations and Maintenance Manuals, Standard Operating Procedures, operational data reports, maintenance history logs, and other available facilities information for use during the condition assessment.
- Future development information from the City's planning department.

Carollo will develop a data collection table that will be discussed at the project kickoff meeting. Carollo will update the data collection table as items are received and will update the City on outstanding items remaining for the project.

Task 2.1 Deliverables:

- Data request list.

Task 3 – Condition Assessment

Task 3.1 – Condition Assessment and Seismic Evaluation of Two Booster Pump Stations

Condition Assessment

A multi-disciplinary engineering team ("Team") comprised of structural, mechanical, electrical and instrumentation, and civil/hydraulic engineers (by Carollo and/or subconsultants) will conduct a site visit (up to one day) to meet and conduct interviews with multi-disciplinary City staff and perform a visual condition assessment of the following booster two pump stations:

- Fowle Booster Pump Station
- Airport Booster Pump Station

The visual assessment will include the following aboveground assets:

- Buildings
- Pumps, compressors, HVAC, standby generators, and other mechanical equipment
- Piping and related appurtenances (valves, flow meters, etc.)
- Ventilation ducts
- Supports for mechanical equipment and piping
- Electrical power distribution system (motor control centers, switchgears, switchboards, panel boards, variable frequency drives, etc.)
- SCADA network system
- Programmable logic controller network system
- Lighting fixtures and lighting control system

Prior to the site visit, the Team will review available record drawings, O&M manuals, SOPs, and past condition assessment reports of these facilities to develop an asset inventory of these aboveground assets including their age. During the site visit, the Team will make observations of each asset's physical appearance and condition, as well as the asset's obsolescence and performance. During the site visits, the Team will make observations and note each asset's physical appearance and condition as related to corrosion, noise, leaks, as well as general experience of the O&M staff with the asset. Special attention will be focused on any visible deterioration, cracks or known deficiencies that are currently present. It is assumed that one or more City staff members who are knowledgeable of the facilities will be available to escort the Team around the facilities and answer questions during the assessment.

The visual condition assessments will be conducted from safely accessible locations and will not include diagnostic testing or entry into either confined spaces or energized electrical panels. It is assumed that City staff will conduct any necessary lockout-tagout procedures at each facility. The Team will evaluate the condition of each asset using a one-through-five ranking scale based on the International Infrastructure Management Manual (IIMM). The asset condition ranking will also consider O&M information provided by City staff during the assessment visits, such as anecdotal maintenance and performance history.

Condition scoring will focus on discrete modes of failure exhibited by similar assets. Using the condition assessment observations and information combined with typical life expectancies for assets commonly found at water system facilities, the remaining useful life for each asset will be estimated.

For facilities, elements, and systems that require rehabilitation or replacement to meet a designated performance goal, alternatives will be evaluated and developed along with planning-level project cost estimates for inclusion in the City's CIP.

A meeting will be conducted as part of Task 1.2 to review the key findings and recommendations of this task. The findings, recommendations, and planning-level cost estimates will then be prepared as part of the Draft and Final Water System Master Plan report to summarize the work completed in this task.

Structural Seismic Evaluation

Carollo will conduct a structural seismic evaluation of the facilities listed in this subtask (above), which includes review of available record drawings, visual verification of structural members, and computer software-based analysis. The visual seismic assessment is assumed to be conducted simultaneously with the visual condition assessment described in this task. The structures will be categorized as either buildings or water-retaining structures (as appropriate). The buildings will be analyzed for Life Safety in accordance with American Society of Civil Engineers (ASCE) 41-13 Tier 1 analysis procedures. The water-retaining concrete structures (i.e. wet wells, if any) will be evaluated in accordance with *American Concrete Institute: Seismic Design of Liquid-Containing Concrete Structures and Commentary* (ACI 350.3-06) and methods presented in ASCE 7-10 and the 2016 California Building Code. The steel tanks will be evaluated in accordance with American Water Works Association standards D100 or D103. Carollo will also perform a visual seismic evaluation for pipe connections attached to structures.

For facilities, elements, and systems that require rehabilitation or replacement to meet a designated seismic performance goal, alternatives will be evaluated and developed along with planning-level project costs for inclusion in the City's CIP.

Findings from the seismic evaluation will be considered in conjunction with the facility's structural condition assessment to develop one overall seismic and structural condition ranking for each facility. This is done because recommendations for R/R projects will be site-specific and will depend on findings from both the visual condition assessment and the seismic evaluation.

Overall Task

A meeting will be conducted as part of Task 1.2 to review the key findings and recommendations of this task. The findings, recommendations, and planning-level cost estimates will then be prepared as part of the Draft and Final Water System Master Plan report to summarize the work completed in this task.

Task 3.1 Deliverables:

- Included with Draft and Final Water System Master Plan report documents.

Task 3.2 – Condition Assessment and Seismic Evaluation of Four Steel Tanks

A multi-disciplinary engineering team ("Team") comprised of structural, mechanical, electrical and instrumentation, and civil/hydraulic engineers (by Carollo and/or subconsultants) will conduct a condition assessment and seismic evaluation with scope as described in Task 3.1 (as applicable) for the following steel storage tanks:

- Airport Reservoir 3.0 MG
- Amesti Reservoir 1.0 MG
- Hames Reservoir 0.5 MG
- Rider Reservoir 0.5 MG

The Team will conduct a site visit (up to one day) to meet and conduct interviews with multi-disciplinary City staff to perform a visual condition assessment and gather information for the seismic evaluation. Available background information will be requested from the City including tank as-built drawings and geotechnical reports. Team will also review available past inspection reports (including tank diving, cathodic protection assessments, and any in-house inspections) for inclusion into the facility condition assessments. This may include consideration of findings, developing comprehensive recommendations, and reviewing/developing planning-level cost estimates. A meeting will be conducted as part of Task 1.2 to review the key findings and recommendations of this task. The findings, recommendations, and planning-level cost estimates will then

be prepared as part of the Draft and Final Water System Master Plan report to summarize the work completed in this task.

Task 3.2 Deliverables:

- Included with Draft and Final Water System Master Plan report documents.

Task 3.3 – Condition Assessment of Eleven Wells

A multi-disciplinary engineering team ("Team") comprised of structural, mechanical, electrical and instrumentation, and civil/hydraulic engineers (by Carollo and/or subconsultants) will conduct a condition assessment and visual (non-structural) seismic assessment with scope as described in Task 3.1 (as applicable, and without seismic evaluation) for the following eleven wells:

- Wells 1, 2, 3, 7, 8, 10, 14, 15, 17, 18, and 19

The Team will conduct a site visit (up to two days) to meet and conduct interviews with multi-disciplinary City staff to perform a visual condition assessment and visual (non-structural) seismic assessment. The following available historical data will be requested and reviewed prior to the site visit:

- Initial well development and production (drilling method, total depth, static water depth, size of well, type of material used in well construction, cement records, type and location of screening)
- Well design considerations (submersible vs. vertical turbine well design criteria, manufacturer O&M manuals, whether wells have VFDs)
- Geotechnical and subsurface information from production and/or monitoring wells
- Past inspection reports (e.g. pump tests), video inspections, chemical cleaning, screen inspections or replacements
- Past maintenance records including replacement or refurbishing of parts
- Aquifer history, operating parameters, and response/recovery data (e.g. historical water levels, any trends in drawdown, interactions with multiple wells running)
- Pump information (horsepower, pump test data, pump curves, historical pumping data)
- Any regulatory changes that have or will impact well production (e.g. water quality)
- Any permitting changes that have or will impact planning or operating criteria

The visual condition assessment scope will be as outlined in Task 3.1 for the well assets including the pump motors, visible pipes, well structures and well appurtenances (such as chemical feed or wellhead treatment systems). The visual (non-structural) seismic assessment will focus on supports, lateral bracing, and anchorage for piping and mechanical equipment. The well structures are assumed to be prefabricated structures that will not require a seismic evaluation as described in Task 3.1. Particular attention will be given to the mechanical design considerations and maintenance history in order to provide mechanical recommendations for future well improvements and/or development of new wells. Hydrogeological information provided by the City will be reviewed for background information, but hydrogeological data and reports are assumed to not require further peer review or analysis.

A meeting will be conducted as part of Task 1.2 to review the key findings and recommendations of this task. The findings, recommendations, and planning-level cost estimates will then be prepared as part of the Draft and Final Water System Master Plan report to summarize the work completed in this task.

Task 3.3 Deliverables:

- Included with Draft and Final Water System Master Plan report documents.

Task 3.4 – Condition Assessment of Two Freedom and Pajaro Dunes Reservoirs

A multi-disciplinary engineering team ("Team") comprised of structural, mechanical, electrical and instrumentation, and civil/hydraulic engineers (by Carollo and/or subconsultants) will conduct a condition assessment as outlined in Task 3.1 (without seismic evaluation) of the following earthen storage reservoirs:

- Freedom Reservoir 5.3 MG
- Freedom Reservoir 0.7 MG
- Pajaro Dunes Reservoir 0.24 MG

The Team will conduct a site visit (up to one day) to meet and conduct interviews with multi-disciplinary City staff to perform a visual condition assessment. Due to the age and type of reservoirs, a seismic evaluation is not recommended with this task. Available background information will be requested from the City including tank as-built drawings and geotechnical reports. Team will also review available past inspection reports (including tank diving, cathodic protection assessments, and any in-house inspections) for inclusion into the facility condition assessments. This may include consideration of findings, developing comprehensive recommendations, and reviewing/developing planning-level cost estimates.

A meeting will be conducted as part of Task 1.2 to review the key findings and recommendations of this task. The findings, recommendations, and planning-level cost estimates will then be prepared as part of the Draft and Final Water System Master Plan report to summarize the work completed in this task.

Task 3.4 Deliverables:

- Included with Draft and Final Water System Master Plan report documents.

Task 3.5 – Preliminary Condition Assessment of Three Bridge Pipes

This task includes a structural and mechanical visual condition assessment of three water mains currently located and supported on three bridges during a half-day site visit. During the site visit, Carollo will make observations and note each asset's physical appearance and condition as related to corrosion, leaks, connection to underground pipes on either side of the bridges, and general experience of the O&M staff with the asset. Special attention will be focused on any visible deterioration, cracks or known deficiencies that are currently present. The pipes will also be evaluated in the hydraulic model to confirm location, capacity, alternative routing consideration, and recommendation for redundancy.

It is assumed that the bridges are under the jurisdiction of non-City public agencies, and that further planning and implementation of any recommendations and improvements to water mains and supports would need to be coordinated with those agencies. Coordination is assumed to be conducted by City staff and is not included in this scope and budget.

The findings, recommendations, and planning-level cost estimates will be prepared as part of the Draft and Final Water System Master Plan report to summarize the work completed in this task.

Task 3.5 Deliverables:

- Included with Draft and Final Water System Master Plan report documents.

Task 3.6 – Water Facilities Hazard Vulnerability Identification

Carollo will review publically available hazard maps and City-provided infrastructure information (fault maps, levee maps and as-built drawings, facility as-built drawings, FEMA flood maps, flood history information, fire risk maps, etc.) and identify the proximity of the major City-wide water facilities (steel tanks and earthen reservoirs, booster pump stations, wells, and the Corralitos Filter Plant) to known flooding, earthquake, and fire hazards.

Recommendations will be made for improving resiliency including considerations for future facility siting, elevations of critical equipment, site access, and operational strategies to minimize service disruptions (e.g., chemicals, power) and for coordination with related City, regional, state and/or federal projects.

Key findings and recommendations of this task will then be prepared as part of the Draft and Final Water System Master Plan report to summarize the work completed in this task.

Task 3.6 Deliverables:

- Included with Draft and Final Water System Master Plan report documents.
- Any GIS shapefiles developed will be submitted electronically.

Task 4 – Future System Hydraulic Analysis

Task 4.1 – Develop Future Water Demand Projections

Carollo will work with City staff to document growth projections, known developments, and other information available from the City's planning department. This information will be used to develop Average Day Demand (ADD), Maximum Day Demand (MDD), and Peak Hour Demand (PHD) projections, by pressure zone, for the City's water service area. As part of this task, Carollo will work with the City to determine the basis for calculating these demand projections, including whether a 20 year planning horizon (though year 2040) will be used.

Task 4.1 Deliverables:

- Included with Draft and Final Water System Master Plan report documents.

Task 4.2 – Future System Hydraulic Analysis

This task includes a hydraulic analysis of the water distribution system based on the future demand projections provided in Task 4.1. Work to be performed includes the following:

- Future Supply Analysis. Carollo will evaluate the capacity of the City's supply sources to meeting the projected MDD and PHD conditions in the system. Carollo will identify the extent of any supply deficiencies with City staff and discuss potential supply options to consider mitigating any current or future capacity shortfalls. Carollo will identify potential quantity/capacities and locations for new supply wells, if needed, based on several factors, including hydraulic impacts, system demands, potential groundwater yield (based on feedback and information provided by the City), condition assessment results from Task 3, and other factors as appropriate
- Future Storage and Pump Station Analysis. Separate desktop analyses of pump stations and storage capacity will be performed for future demand conditions. These analyses will be conducted using a spreadsheet model. The analysis will include a zone-by-zone assessment of the pumping and storage needs for each criterion and will identify potential deficiencies and solutions. The criteria used for the future system analysis will be based on the agreed-upon criteria developed as part of the ongoing Water Distribution System Hydraulic Model Development Project (by Carollo).
- Future Distribution System Analysis. The hydraulic model developed and calibrated as part of the Water Distribution System Hydraulic Model Development Project will be set up to represent various future system operating scenarios under normal conditions. Three scenarios will be set up in the model:
 - Future Average Day Demand (ADD)
 - Future Maximum Day Demand (MDD) to simulate peak hour demands (PHD)
 - Future MDD + Fireflow Conditions

The model will be used to evaluate maximum delivery pressures and pipe velocities under future ADD and PHD conditions. The model will also be used to evaluate available fire flows (under MDD condition) under future conditions

A meeting will be conducted as part of Task 1.2 to review the key findings and recommendations of this task. The findings, recommendations, and planning-level cost estimates will then be prepared as part of the Draft and Final Water System Master Plan report to summarize the work completed in this task.

Task 4.2 Deliverables:

- Included with Draft and Final Water System Master Plan report documents.

Task 4.3 – Review and Update Water Main Rehabilitation/Repair Plan

The City has developed a prioritized water main rehabilitation and replacement (R/R) program, which prioritizes main replacement based on leak history, age, fire protection, pipe material, and other factors. As part of this task, Carollo will review the City's existing water main rehabilitation and replacement plan prioritization criteria, and will recommend modifications (as needed) to the criteria based on hydraulic modeling results, known O&M issues, engineering judgement, industry standards, and our experience with other municipalities in California.

Carollo will review the recommended modifications to the prioritization criteria with City staff, and will develop a set of final main replacement prioritization criteria. We will then develop a prioritized plan for main replacement projects through the planning horizon of the master plan (assumed to be year 2040). Maps and summary tables will be prepared to summarize the proposed R/R plan.

Task 4.3 Deliverables:

- Updated main replacement prioritization criteria table.
- Maps and summary tables of prioritized plan for main replacement projects, to be included in the Draft and Final Water System Master Plan Report document.

Task 4.4 – On-Call Water System Hydraulic Modeling Support

Under this task, Carollo will perform specific evaluations and hydraulic analyses of the City's water system as directed by the City. The updated hydraulic model, created under this project, will be used to model these potential scenarios provided by the City. Carollo and the City will develop scope and budget for each modeling request, and direction and approval will be authorized in writing by the City prior to starting this task. This task currently assumes a not-to-exceed cost of \$9,800.

Task 4.4 Deliverables:

- To be determined with specific modeling request.

Task 4.5 – Unidirectional Flushing Pilot Program Development

The City is interested in exploring the possibility of implementing a unidirectional flushing (UDF) program. As part of this task, Carollo will utilize the UDF add-on tool that is part of InfoWater to develop a pilot UDF plan. UDF modeling consists of developing a series of flush sequences in a given flushing zone, starting from a clean water source. Each flushing sequence indicates the pipeline to be flushed, which valves should be closed, and the duration of flushing required. In general, each flushing sequence consists of roughly 1,000 - 1,500 LF of pipe. This task assumes that the pilot program would be implemented in the Pajaro Dunes/Sunset pressure zones, which consists of 42,700 linear feet (LF) of pipe. Therefore, it is estimated that approximately 35 flushing sequences will be created as part of this task.

UDF analysis requires that the City's valve shapefile lines up reasonably well with the City's InfoWater model pipeline network. This task assumes that a minimal amount of cleanup work will be required to "line up" the City's valve shapefile with the hydraulic model linework.

This task includes two Webex meetings. The purpose of the first meeting will be to provide the City with an overview of the UDF process and to establish constraints that will be used in the development of the UDF plan (such as maximum pipeline flush length, flush volume, and minimum flushing velocity). The purpose of the second meeting will be to review and discuss City staff comments on the draft UDF plan. A technical memorandum will also be prepared, which summarizes the UDF process and the UDF sequences, and provides procedures for performing flushing activities.

Task 4.5 Deliverables:

- Draft and Final UDF Plan TM (to be delivered electronically via PDF file).

Task 5 – Develop Improvement Recommendations

Task 5.1 – Develop Improvement Recommendations

Carollo will identify recommended capital improvement plan (CIP) projects associated with the condition assessment and future system hydraulic analysis tasks. The development of capital improvements will include grouping of recommendations from Tasks 3 and 4 into project categories based on project type, location and/or priority, while considering the following factors:

- Results of the condition assessment (Task 3).
- The recommended existing system improvements developed as part of the Water Distribution System Hydraulic Model Development Project.
- Results of the future system hydraulic analysis (Task 4).
- Planning-level cost estimates.
- Review of planned City O&M and CIP projects (and comparing with recommended CIP projects by Carollo.)

When appropriate, supply, transmission, storage, and PRV improvement alternatives (e.g., alternative alignments or other project alternatives) will be developed and evaluated.

Task 5.1 Deliverables:

- Maps, tables, and exhibits summarizing the proposed capital improvement projects will be included with Draft and Final Water System Master Plan report documents.

Task 6 – Develop Capital Improvement Plan

Task 6.1 – Unit Cost Analysis

This task consists of reviewing construction costs from similar projects in Carollo's cost database (adjusted based on local factors) and comparing with any known projects in the Watsonville area that have been constructed recently. It is assumed that the City will provide construction costs in the Watsonville area. The cost data will be used to develop unit construction costs that are tailored to the City.

Task 6.1 Deliverables:

- Recommended unit costs will be prepared and submitted for the City's review and approval prior to preparation of CIP cost estimates.

Task 6.2 – Prepare CIP Cost Estimates and Phasing

This task consists of the development of planning-level cost estimates for the recommended facility improvements developed in Task 5. Cost estimates will be presented in 2019 dollars and be prepared in accordance with the American Association of Cost Engineers (AACE) Class 4 or 5 planning level estimates. Where appropriate, cost estimates will be broken out into engineering cost (e.g. for further testing or analysis), construction cost estimate, and total project cost (which includes engineering, legal, administration, permitting, and construction management costs).

The recommended capital improvement projects will be prioritized and phased based on groupings of near-term (0 to 5 years), mid-term (5 to 10 years) and long-term (10-20 years) projects. Phasing of projects will be based on the severity of existing deficiencies for existing system improvements, and the anticipated time-frame in which future growth will occur. Phasing and grouping criteria will be discussed with the City (as part of Task 1.2) prior to development.

A master CIP table of recommended capital improvement projects will be developed, which summarizes each CIP project and summarizes the total CIP cost by facility type and phase. Individual descriptions for each CIP project will also be developed. The project descriptions will include recommended scope, map showing location and alignment, justification for the project, recommended timing for implementation, and itemized estimated planning-level capital costs.

The master CIP table will also incorporate the City's latest internal list of CIP projects (and any City-developed cost estimates) into a comprehensive list of CIP water projects for the City.

Task 6.2 Deliverables:

- Capital improvement plan tables (in Excel and PDF format) and CIP project descriptions will be included with Draft and Final Water System Master Plan report documents.

Task 7 – Water System Master Plan Report

Task 7.1 – Draft Report

This task consists of development of the Draft Water System Master Plan report. A project meeting will be conducted to discuss City (and other utility or regulatory agency) comments on the Draft Master Plan as outlined in Task 1.2.

Task 7.1 Deliverables:

- Draft Water System Master Plan Report - Five (5) hard copies and one (1) electronic copy will be submitted to the City.

Task 7.2 – Final Report

Carollo (and subconsultants, as appropriate) will respond to and incorporate the appropriate comments from the Draft Master Plan report into the Final Master Plan report.

Task 7.2 Deliverables:

- Final Water System Master Plan Report - Ten (10) hard copies and one (1) electronic copy in Microsoft Word, Microsoft Excel, and PDF format will be submitted to the City. All other appropriate project files will also be provided to the City upon completion of the Final Master Plan Report.

Assumptions and Clarifications:

- **DELIVERABLE USE AND REUSE.** Any reuse of completed documents or use of partially completed documents without written verification or concurrence by Carollo for the specific purposes intended will be at the City's sole risk and without liability or legal exposure to Carollo. Carollo's instruments of service hereunder are the printed hard copy of technical memorandums and reports issued for the Project, whereas electronic media, including CADD or modeling files, are tools for their preparation. As a convenience to the City, Carollo shall furnish to the City both printed hard copies and electronic media. In the event of a conflict in their content, the printed hard copies shall take precedence over the electronic media. Because data stored in electronic media form can be altered, inadvertently, it is agreed that the City shall hold Carollo harmless from liability arising out of changes or modifications to Carollo's data in electronic media form in the City's possession or released to others by the City.
- **STANDARD OF CARE.** Carollo shall perform the services required hereunder in accordance with the prevailing engineering standard of care by exercising the skill and ability ordinarily required of engineers performing the same or similar services, under the same or similar circumstances, in the State of California. Additionally, Carollo shall not be responsible for acts and decisions of third

parties, including governmental agencies, other than Carollo's subconsultants, that impact project completion and/or success.

- **CITY-PROVIDED INFORMATION AND SERVICES.** The City shall furnish Carollo available studies, reports and other data pertinent to Carollo's services; obtain or authorize Carollo to obtain or provide additional reports and data as required; furnish to Carollo services of others required for the performance of Carollo's services hereunder, and Carollo shall be entitled to use and rely upon all such information and services provided by the City or others in performing Carollo's services under this Agreement.
- **ACCESS.** The City shall arrange for access to and make all provisions for Carollo to enter upon public and private property as required for Carollo to perform services hereunder.
- **ESTIMATES AND PROJECTIONS.** In providing opinions of cost, financial analyses, economic feasibility projections, and schedules for potential projects, Carollo has no control over cost or price of labor and material; unknown or latent conditions of existing equipment or structures that may affect operation and maintenance costs; competitive bidding procedures and market conditions; time or quality of performance of third parties; quality, type, management, or direction of operating personnel; and other economic and operational factors that may materially affect the ultimate project cost or schedule. Therefore, Carollo makes no warranty that the City's actual project costs, financial aspects, economic feasibility, or schedules will not vary from Carollo's opinions, analyses, projections, or estimates.
- **THIRD PARTIES.** The services to be performed by Carollo are intended solely for the benefit of the City. No person or entity not a signatory to this Agreement shall be entitled to rely on Carollo's performance of its services hereunder, and no right to assert a claim against Carollo by assignment of indemnity rights or otherwise shall accrue to a third party as a result of this Agreement of the performance of Carollo's services hereunder.



**CITY COUNCIL
CITY OF WATSONVILLE
CLOSED SESSION AGENDA
AND STATEMENT FOR MAYOR PRIOR TO CLOSED SESSION**
(Government Code §§ 54954.2 and 54957.7)

5:30 P.M.

City Council Chambers
275 Main Street, 4th Floor

 X Regular Adjourned Special Meeting of April 23, 2019
[Date]

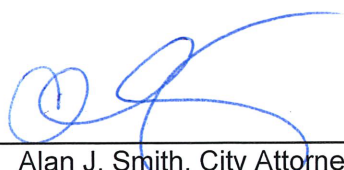
The City Council of the City of Watsonville will recess to Closed Session to discuss the matters that follow:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

(Government Code § 54956.8)

1. Property: 3 Second Street (APN: 017-781-02)
Negotiating parties: Tamara Vides (City)
Greg Bobeda and Lacey Dent dba Corralitos Coffeehouse
Under Negotiation: Lease terms and conditions

Dated: Wednesday, April 17, 2019

Prepared by: 
Alan J. Smith, City Attorney

WATSONVILLE IVY LEAGUE PROJECT – Description of Program

A project initiated in 2008 targeting underrepresented, low-income, first generation highly motivated high school sophomores and juniors from the two public high schools in Watsonville, for the purpose of exposing them to the most elite universities in the country. **It is the hope that given that experience, they can enhance social mobility for themselves, their families and our community.** Most of these prestigious universities are situated on the east coast. Therefore, we sought to learn about similar projects, and patterned our Ivy League Tour after the Parlier Ivy League Project Tours led by Martin Mares for the last 20 + years. Many of these colleges have large endowments and are able to offer low-income, underrepresented students a good financial aid package, enabling them to graduate with a world-class education free of debt.

Each year, at the end of the fall semester (December), Sophomores and Juniors with GPAs above 3.75 taking honors or advanced placement classes and who are active in school and community activities, with the above mentioned demographics attending either Watsonville or Pajaro Valley High School are invited with their parents to attend an information session explaining the Ivy League Project. They are invited to apply to participate on a Fall Ivy League Tour of elite colleges on the east coast.

The application process involves completing the extensive application, submitting an essay, a letter of recommendation from a teacher and parents tax forms. We paper screen the applications and select at least 15-20 applicants to interview. We usually have a panel of 5-6 people on the panel. From the interviews we select 10 participants for the upcoming fall Ivy League tour. We notify the students and invite and their parents to an orientation session.

The Ivy League participants are required to attend at least 9-10 Ivy League meetings where we work with them to develop networking skills, leadership skills, learn about the Ivy league schools and interact with speakers from our community who have attended these colleges. The participants are required to make their own business cards with their contact information and some inspirational words, quotes, citations, etc. These are to hand to the admission and financial aid officers they will meet at each of the colleges they visit on this tour. The participants take their sleeping bags and pillows with them because they may be spending a couple of nights in the dorms with students from these colleges.

We arrange ahead of the actual tour, to have an information session and campus tour at each college we visit and ask if possible to have our students housed with some of their students at the colleges. This usually works if the college has an active Hispanic/Latino organization on campus such as at Yale, U of Penn and Boston University. The overnight stays with students from the colleges make the most impact on our participants. They also save money. Each participant is expected to raise \$2,000.00 (the total cost for airfare, charter bus, metro tickets, taxis, trains and any other transportation that is available. We also like to have them experience a Broadway Play while in NYC.

Usual departure is from San Francisco to Boston. In Boston, we visit Harvard, MIT, Tufts and Boston University. From there, it is ground transportation to Providence, RI to visit Brown, then to Amherst and Williams Colleges, from there to Ithaca for Cornell University, then to Yale, from there it is NYC for Columbia University and finally to Philadelphia, NJ to visit U of Penn. From there we fly back home.

The student participants have invariably described this as a “life changing experience!” whenever queried about their experience on this tour.

WATSONVILLE IVY LEAGUE 2019 TOUR PARTICIPANTS – PROFILES

Name	School	Grade	GPA	Advanced Courses
Melanie Ambriz-Hernandez	PVHS	10	4.0	AP Spanish Language
Kayla Cabrera	WHS	11	4.0	Chemistry H, Pre Calculus H, AP Human Geography, AP US History, AP Biology, AP English Language
Omar Casillas	WHS	11	4.134	Chemistry H, AP Human Geography, AP Biology, AP Spanish Lang., AP US History, Pre Calculus H, AP English Language
Andrea Castro	WHS	11	4.043	Chemistry H, AP Human Geography, AP US History, AP English Lang., AP Biology, Pre Calculus H,
Anna Chau	PVHS	11	3.9	Chemistry H, AP English Lang., AP US History, Coastal Ecology H
Angel Garcia-Lopez	WHS	10	4.0	Chemistry H, AP Human Geography, AP Spanish Language
Olivia Gurnee	WHS	10	4.0	Chemistry H, AP Human Geography
Christian Montoya	WHS	11	3.961	Chemistry H, Pre Calculus H, AP Human Geography, AP Biology, AP English Lang., AP US History
Caitlan Paat	PVHS	11	3.85	AP English Language
Alexia Perez	WHS	11	4.128	Chemistry H, Pre Calculus H, AP Human Geography, AP US History, AP Biology, AP English Language
Alexis Ramirez	PVHS	11	3.739	Chemistry H, AP Spanish Language
Damian Rivas	WHS	11	4.3	Chemistry H, AP Biology, Coastal Ecology Honors, AP Human Geography, AP Macro Economics, AP US History, Pre Calculus H, AP Calculus AB, English 1A (Cabrillo College), AP English Language, AP English Literature, AP Spanish Language
Angela Rockey	WHS	10	4.0	Chemistry H, AP Human Geography
Adam Tangonan	PVHS	11	4.09	Chemistry H, Physics H, AP English Lang., AP US History

Watsonville Ivy League Tour Participants 2007 - 2019

Last	First	School/year	College		
Guerrero	Emilio	PVHS '09	UC Davis		
Vega	Gamaliel	PVHS '09	UC Berkeley		
Castillo	Ana	PVHS '09	Columbia U		
Skeel	Lily	PVHS '09	UC San Diego		
Cervantes	Victor	PVHS '09	Boston U		
Martinete	Anne	PVHS '09	UCSC		
Rodriguez	Jenna	PVHS '09	UC SB		
Bustos Torres	Christian	PVHS '09	UC Berkeley		
Roma	Julia	PVHS '10	UC Berkeley		
Sanchez	Lupita	PVHS '10	UCSC		
Collazo	Beatriz	PVHS '10	Stanford		
Kim	Gloria	PVHS '10	U Washington		
Johns Robledo	Gabriel	PVHS '10	UCSC		
Soriano	Chris Daniel	PVHS '10	UC SB		
Armintrout	Katie	PVHS '10	UC SB		
Gonzalez	Myra	PVHS '12	UCSB		
Hernandez	Marlene	PVHS '12	UC Davis		
Calanno	Laurick	PVHS '12	UCSC		
Green	Amara	PVHS'12	UCLA		
Villicana	Gilbert	WHS '07	UC Berkeley		
Serrano	Lilia	WHS '08	UCDavis		
Lomeli	Ester	WHS '09	MIT		
Lacasandile	Honeygirl	WHS '09	UCLA		
Serrano	Priscilla	WHS '09	Stanford		
DelFranco	Brianna	WHS '10	UCLA		
Medina	Gabriel	WHS '10	UCLA		
Knight	Brian	WHS '10	UCLA		
Melgoza	Omar	WHS '10	UCLA		
Cerecedes	Gabriel	WHS '10	UCLA		
Kim	Eric	WHS '11	UCLA		
Alvarez-Bautista	Joaquin	WHS '11	Brown U		
Choi	Lawrance	WHS '11	Brown U		
Siqueiros	Rene	WHS '11	UC Berkeley		
Renteria-Garcia	Sandro	WHS '11	Tufts U		
Becerra	Vicenta	WHS '11	CSUMB		
Espitia	Montserrate	WHS '11	UC Berkeley		
Olalde	Crystal	WHS '11	Rice U		
Ortega	Andrea	WHS '11	Cabrillo Honors		
Cerecedes	Andrea	WHS '13	UC Berkeley		
Garcia	Edgar	WHS '12	Brown U		
Corrales	Abraham	WHS '12	UC Davis		
Wong	Lily	WHS '12	UCSD		
Hernandez	Marlene	PVHS '12	UC Davis		
Green	Amara	WHS ' 12	UCLA		
Guerrero	Esteban	PVHS '13	UCSC		
Melgoza	Yesenia	PVHS '13	UCLA		
Huang	Jiayao	PVHS '13	UC Berkeley		
Lopez	Bryan	WHS '13	UC Berkeley		
Huezo	Ana Isabel	WHS '13	UC Davis		
Covington	Cassandra	WHS '13	UCSB		
Corona	Martin	WHS '13	Syracuse U		
Nieves	Yonatan	PVHS' 13	UCSC		
Jacobo	Dyani	PVHS' 13	UC Davis		
Medina	Alan	WHS '13	MIT		

Watsonville Ivy League Tour Participants 2007 - 2019

Last	First	School/year	College		
Benitez	Kevin	WHS '13	MIT		
Banuelos	Rachel	WHS '13	Cornell		
Zamora *	Alvaro	PVHS '13	Brown U		
Ornelas	Enrique	WHS '14	UC Davis		
Ahern	Emma	WHS ' 14	Williamette		
Angulo	Michael	WHS '14	UCSB		
Rocha	Andre	WHS '14	Williamette		
Campos	Salvador	PVHS '14	UCSC		
Benevidez	Sara	WHS '14	Pomona		
Magana	Marisa	WHS '14	UCLA		
Avila	Emmelie	WHS '14	Berkley		
Garcia	Cesar	WHS '14	Yale		
Castro-Maqueda	Daisy	PVHS '14	UC Davis		
Sanchez-Nolasco	Rocio	PVHS '14	UCLA		
Collazo	Rigoberto	PVHS '15	UC Irvine		
Munoz	Mayra	WHS'15	Holy Names		
Eaton	Chloe	WHS '15	UC Davis		
Rocha	Mariana	WHS'15	Yale		
Valdez	Cyndi	WHS '15	Cabrillo		
Martinez	Karina	WHS '15	UC Davis		
Fernandez	Gabriela	PVHS '15	Cabrillo (?)		
Mucino	Jessica	PVHS '15	UCSC		
Fragoso	Miguel	PVHS '15	Berkley		
Fernandez	Nancy	PVHS '15	Berkley		
Vargas	Julia	WHS '15	Williams		
Hernandez-Abrego	Antonio	PVHS '15	Cabrillo Honors		
Medina-alfaro	Rosario	PVHS '15	CSU Pomona		
McGuire	Aliyah	WHS '16	UCSD		
Arguello-Gonzalez	Marcos	WHS '16	UC Davis		
Morales	Jocelynn	WHS "16	UC Davis		
Lopez	Brianna	WHS "16	Boston U		
Perez Catano	Fabiola	WHS "16	UCSC		
Ramrez	Anthony	WHS "16	UC Irvine		
Amezcu	Deisy	PVHS '16	UC Berkeley		
Soriano-Palma	Jennifer	PVHS '16	UC Berkeley		
Arellano	Krista	WHS '17	Yale		
Moreno	Alma	WHS "17	UCLA		
Roby	Brenna	WHS '17	Military		
Castro-Alvarez	Daniela	WHS '17	UCLA		
Lopez	Leyih I	WHS '17	Santa Clara U		
Ramirez-Trejo	Michelle	WHY '17	UCLA		
Reyes Morales	Azael	WHS'17	UCSB		
Amezcu	Alberto	PVHS'17	Cabrillo Honor		
Soto	Lucia	WHS"17	UCLA		
Anaya	Veronica	WHS "18	UC Berkeley		
Gonzalez	Liszette	WHS '18	CSU San Jose		
Ponce Rojas	Alexandria	WHS "18	UCLA		
Tangonan	Melvin	PVHS '17	UC Berkeley		
Guzman	Yesica	PVHS '18	UCLA		
Ramos	Anthony	PVHS '18	UC Berkeley		
Arteaga	Donovan	PVHS '18	UCLA		
Aguayo	Geniva	PVHS '18	CSU East Bay		
Gonzalez	Liszette	PVHS '18	CSU San Jose		
Vega	Karen	PVHS '18	UC Irvine		

Watsonville Ivy League Tour Participants 2007 - 2019

Last	First	School/year	College		
Knight	Daniel	WHS '19	12th grade		
Medrano	Mauricio	WHS '18	CSU Long Beach		
Collazo	Yannely	WHS '18	UC Davis		
Pena	Alexis	WHS '18	U San Francisco		
Ruiz	Angelica	WHS '18	UCLA		
Melgoza-Ortiz	Brianna	PVHS '20	11th grade		
Bravo	Linda	PVHS '20	11th grade		
Pulido	Evelyn	PVHS '20	11th grade		
Pulido	Eveny	PVHS '20	11th grade		
Espindola	Julissa	PVHS '19	12th grade		
Perez	Camila	PVHS '20	11th grade		
Solorzano-Diaz	Jayleen	PVHS '19	12th grade		
Elizalde	Sophia	WHS '19	12th grade		
Guzman	Thaily	WHS '20	11th grade		
Ortiz	Jorge	WHS '19	12th grade		
McGuire	Jordan	WHS ' 20	11th grade		
Fernandez-Arias	Antonio	WHS '19	12th grade		
Lopez	Alexandra	WHS '19	12th Grade		
Ambriz-Hernandez	Melanie	PVHS ' 21	10th grade	current participant	
Cabrera	Kayla	WHS '20	11th grade	current participant	
Casillas	Omar	WHS '20	11th grade	current participant	
Castro	Andrea	WHS '20	11th grade	current participant	
Chau	Anna	PVHS '21	10th grade	current participant	
Garcia-Lopez	Angel	WHS ' 21	10th grade	current participant	
Gurnee	Olivia	WHS '21	10th grade	current participant	
Montoya	Christian	WHS ' 20	11th grade	current participant	
Paat	Caitlan	PVHS '20	11th grade	current participant	
Perez	Alexia	WHS ' 20	11th grade	current participant	
Ramirez	Alexis	PVHS '20	11th grade	current participant	
Rivas	Damian	WHS '20	11th grade	current participant	
Rockey	Angela	WHS '21	10th grade	current participant	
Tangonan	Adam	PVHS '20	11th grade	current participant	

City of Watsonville
Public Works and Utilities

M E M O R A N D U M



DATE: April 18, 2019

TO: Matthew D. Huffaker, City Manager

FROM: Steve Palmisano, Director of Public Works & Utilities
Jackie McCloud, Sr. Utilities Engineer

SUBJECT: Pajaro River Levee Programs and Projects Update

AGENDA ITEM: April 23, 2019 City Council

RECOMMENDATION:

Staff will provide an update about the Pajaro River Levee Programs and Projects, which include: the Army Corps of Engineers Levee Project, the City's Local Hazard Mitigation Plan, the Community Rating System program, and other local opportunities and partnerships. No action is required.

DISCUSSION:

The City of Watsonville is located in the 1,300 square mile Pajaro River Watershed. The Pajaro River Watershed spans four of the major counties within the Central Coast: San Benito, Santa Clara, Monterey and Santa Cruz. The City lies within the boundaries of the Santa Cruz County Flood Control and Water Conservation District Zone 7 (Zone 7). Additionally, the City is represented regionally through the four county Pajaro River Flood Prevention Authority. The Authority is focused on implementing projects within the Pajaro River watershed that reduce flooding for communities in the lower watershed.

Currently, the Pajaro River and Creek Levees offer the lowest levels of flood protection in the State which are approximately 5 to 8-year level of protection. The goal for the final project is to achieve 100 year level of protection for the City of Watsonville and the town of Pajaro.

Federal Levee Project Background. In 1949, the Army Corps of Engineers constructed earthen levees to protect the City from flooding. However, in 1955, the Pajaro River flooded the City of Watsonville. Due to catastrophic levee failures, the two local responsible agencies, Zone 7 and Monterey County Water Resources Agency (MWRCA), received a Congressional authorization in 1966 to construct new levees along the lower Pajaro River, Salsipuedes and Corralitos Creeks which would provide 100-year level of protection within the urban areas.

Throughout the past 50 years, there have been an additional two major levee failures in 1995 and 1998. In 1995 there was one tragic loss of life. As of March 2019, the Army Corps of Engineers local San Francisco District has completed the draft Study for the “Pajaro River Levee Restoration Project.” The Study is under review by Army Corps of Engineers Headquarters and the local Agencies should be receiving a Director's Report within the next few months.

In 2016-17, California received record amounts of precipitation after suffering from a drought. This caused river and creek levels to rise significantly, creating additional pressures on the earthen levees. After the storm and through County inspections, 17 damaged sites were identified along the Pajaro River and Salsipuedes Creek that needed repair.

Through a special Army Corps Program for Emergency Management Authority (PL84-99), Zone 7 applied for storm damage related emergency funds to repair the sites. In 2018, the Army Corps repaired the 17 sites for approximately \$6 Million. These costs were 100% covered through the Army Corps.

There are challenges ahead with the Pajaro River levee study proceeding into the next phase of Army Corps of Engineers planning. The main challenge is securing Federal funding for the current project, which has a relatively low benefit-cost ratio, one of the criteria used by the Federal government for prioritizing projects.

State Funding. The Pajaro River levee project is eligible for State Subventions funding. This funding was authorized through State legislation. It could cover up to 70% of the local cost share of the Federal project.

In the meantime, Zone 7 has diligently been working to secure additional funding through Pajaro and Santa Cruz Integrated Regional Water Management (IRWM) grant opportunities, California Office of Emergency Services Emergency (CalOES) Grant Declarations, and State Coastal Conservancy grants.

The City has also pursued a separate grant opportunity through CalOES, to stabilize the levee behind the Wastewater Treatment Plant utilizing vinyl sheet piling. The City's grant application is currently under administrative review.

Other Flood Program Elements. Recognizing the lapse in a project being constructed, the City has implemented other Flood Program elements that benefit the community while awaiting the Army Corps final project plan. The Program elements include:

- Development of a Local Hazard Mitigation Plan (LHMP) utilizing CalOES grant funds;
- Improvement of the City's Community Rating System (CRS) score which will help reduce flood insurance premiums for residents that are required to have flood insurance through FEMA;
- Pursuing additional grant funding through Pajaro River IRWM;
- Continued maintenance of levee and river channels through City Field Services clean ups;

- Continued Regional partnerships that will leverage funding for the project

Legislative Actions. Supervisor Zach Friend, who is also the Zone 7 Chair of the Board, recently worked with the National Association of County Agencies (NaCO) to pass a new Environment, Energy, and Land Use resolution. The NaCO resolution wants to revise the process to assess benefits for federally funded Water Infrastructure Projects. The Pajaro River Levee Project suffers from a low benefit assessment based on certain criteria within the Office of Management and Budget and the Army Corps. The adopted resolution “urges” the Corps to reevaluate the process which projects are measured by and include pertinent socio-economic factors.

At the request of the City Council and Vice-Chair Nancy Bilicich, City staff is pursuing a similar resolution through the National League of Cities.

Next Steps. As part of a larger engagement effort the two lead agencies will convene and reengage with stakeholders throughout the next year to provide updates through the Finance and Governance Committee. Staff encourages all interested residents to attend the quarterly Zone 7 Board meetings where the Flood Control Manager provides progress updates on the Federal project.

STRATEGIC PLAN:

These programs fall within Strategic Plan Goal 3.D.6, Infrastructure and Environment, Flood Hazard Mitigation.

FINANCIAL IMPACT:

There is no fiscal impact associated with this report.

ALTERNATIVES:

There are no alternatives.

ATTACHMENTS:

- 1) National Association of County Agencies Resolution.

cc: City Attorney

ENVIRONMENT, ENERGY AND LAND USE

Resolution to Revise the Process to Assess Benefits of Federally Funded Water Infrastructure Projects

Issue: The process for conducting cost-benefit analyses for flood control projects does not properly acknowledge the value of agricultural land or socio-economic factors.

Adopted Policy: The National Association of Counties (NACo) urges the U.S. Army Corps of Engineers (Army Corps) and the White House's Office of Management and Budget (OMB) to add a quantitative indexed value to life-safety, agricultural land value and the impacts of crop flooding, protection of low income communities and environmental benefits to determine the benefit of federal investments in flood control projects.

Additionally, NACo urges Congress to authorize the Army Corps to implement the *2013 Principles, Requirements and Guidelines* to allow rural communities to fairly compete for federal funding by considering non-population-based criteria for water projects.

Adopted | March 4, 2019

Resolution on Compensatory Mitigation In-Lieu Fee Programs

Issue: Ensuring that mitigation programs occur in the watershed or region where the impact occurred.

Adopted Policy: The National Association of Counties (NACo) urges the U.S. Army Corps of Engineers to give preference to mitigation projects funded by in-lieu fees for compensatory mitigation in the local watershed where the fee was collected in consultation with local officials.

Adopted | March 4, 2019

Resolution Supporting the Development of New Coal Export Facilities

Issue: Natural resources are an economic driver in many communities and new export facilities would deliver an economic boost.

Adopted Policy: The National Association of Counties (NACo) supports the development of new coal export facilities in the United States, as long as it does not preempt state or local authority.

Adopted | March 4, 2019

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Adopted | March 4, 2019

**City of Watsonville
Community Development Department**



M E M O R A N D U M

DATE: April 9, 2019

TO: Matthew D. Huffaker, City Manager

FROM: Suzi Merriam, Community Development Director
Ivan Carmona, Associate Planner

SUBJECT: **PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A GENERAL PLAN MAP AMENDMENT, ZONING MAP AMENDMENT, LOT CONSOLIDATION, AND BOUNDARY LINE ADJUSTMENT WITH ENVIRONMENTAL REVIEW (PP2019-10) FOR THREE SUBJECT PROPERTIES LOCATED AT 376 SOUTH GREEN VALLEY ROAD (APN:016-231-01), 376 A SOUTH GREEN VALLEY ROAD (APN:016-221-06), AND 0 SOUTH GREEN VALLEY ROAD (APN: 014-052-01).**

AGENDA ITEM: April 23, 2019

City Council

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution recommending approval to:

- Adopt a Resolution approving the General Plan Map Amendment;
- Adopt an Ordinance approving the Zoning Map Amendment;
- Adopt a Resolution approving the Lot Consolidation and Boundary Line Adjustment with Environmental Review to allow adjusting the property boundaries and amending the City's General Land Use Map and Zoning Map Designations to reflect existing land uses for three subject properties located at 376 South Green Valley Road, 376 A South Green Valley Road, and 0 South Green Valley Road, based on the attached findings and conditions of approval.

BASIC PROJECT DATA

APPLICATION NO.: PP2019-10

APNS: 016-231-01, 016-221-06, & 014-052-01

LOCATION: 376 South Green Valley Road, 376 A South Green Valley Road, & 0 South Green Valley Road

LOT SIZE:	±8.96 acres, ±0.33 acres, & ±0.30 acres
PROJECT DESCRIPTION:	General Plan Amendment, Rezoning, Lot Consolidation, and Boundary Line Adjustment with Environmental Review to allow adjusting the property boundaries to reflect existing land uses for three subject properties located at 376 South Green Valley Road (APN: 016-231-01), 376 A South Green Valley Road (APN: 016-221-06), and 0 South Green Valley Road (APN: 014-052-01).
GENERAL PLAN/ZONING:	
Existing General Plan:	Residential – Low Density (RLD), Residential Medium Density (RMD), and Public/Quasi-Public
Existing Zoning: and	Single Family Residential (R-1), Multiple Residential (RM-2), Institutional (N)
Proposed General Plan:	Environmental Management (EM), Public/Quasi Public (P)
Proposed Zoning:	Environmental Management – Open Space (EM-OS), Institutional (N)
Surrounding General Plan:	North - Residential Low Density (RLD), South - Residential Medium Density (RMD), West - Environmental Management (EM), and East - General Commercial (GC).
Surrounding Zoning:	North – Single Family Residential (R-1), South – Multi-family residential (RM-2), West – Office District (CO), and East – Multi-family residential (RM-2/RM-3)
EXISTING USE:	Vacant land and Church with school (Green Valley Christian Center)
PROPOSED USE:	Vacant land and Church with school (Green Valley Christian Center)
SURROUNDING USES:	Residential, offices, and retail.
FLOOD ZONE:	AE and X
AIRPORT:	NA
CEQA REVIEW:	A Categorical Exemption has been prepared for the General Plan Amendment with Rezoning, Lot Consolidation, and Boundary Line Adjustment, pursuant to Section 15061 of the CEQA regulations in that the action is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and it can be seen with certainty that there is no possibility that the General Plan and Zoning map amendment would have a significant effect on the environment.

APPLICANT:

Murray A. Fontes, Principal Engineer, City of Watsonville
Public Works and Utilities Department

PROPERTY OWNER:

Green Valley Christian Center of Watsonville, 376 South
Green Valley Road, Watsonville, CA 95076

OVERVIEW

The proposed project involves adjusting the property boundaries, consolidating a lot, and amending the City's General Plan Land Use Map and Zoning Map designations to reflect existing land uses for the three subject properties. The 8.96± acre parcel located at 376 South Green Valley Road (APN 016-231-01) is developed as a church/school and contains a portion of the Upper Struve Slough. The southern adjoining parcel located at 376 A South Green Valley Road (APN 016-221-06) is used as open space for the church/school, yet is designated Residential Medium Density (Orange) in the General Plan and is zoned Multiple Residential – Medium Density (RM-2). As shown on Figure 1, this parcel is designated Public/Quasi Public (light green) and Environmental Management (dark green) and is within the corresponding Institutional (N) and Environmental Management Open Space (EM-OS) Zoning District. The adjoining 0.33± acre parcel between the road and church is largely unimproved except for a small portion of the church's parking lot, approximately 560 square-feet in size. It, too, contains slough area at the rear of the parcel, yet is designated Residential Low Density in the General Plan and is zoned Single-Family Residential – Low Density (R-1).

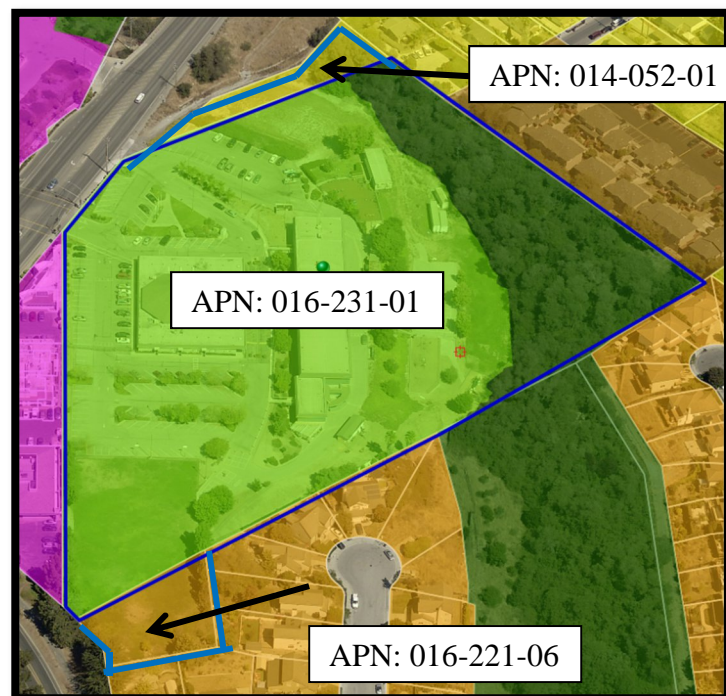


FIGURE 1. Land Use Designations (Source: Pictometry and Watsonville 2005 General Plan, Land Use Map)

BACKGROUND

On January 10, 2019, the applicant, Murray A. Fontes, on behalf of the Green Valley Christian Center of Watsonville, property owner, submitted an application for a General Plan Map Amendment, Zoning Map Amendment, Lot Consolidation and Boundary Line Adjustment with Environmental Review (PP2019-10) to allow the City of Watsonville to develop a pedestrian and bicycle trail system in an open space along upper Struve Slough area.

On April 2, 2019, the Planning Commission conducted a hearing recommending approval of the General Plan Map Amendment, Zoning Map Amendment, Lot Consolidation and Boundary Line Adjustment with Environmental Review (PP2019-10) to allow the City of Watsonville to develop a pedestrian and bicycle trail system in an open space along Upper Struve Slough.

PROCESS

The applications to amend the General Plan Land Use Diagram and Zoning Map require review and recommendation by the Planning Commission to the City Council, pursuant to Part 7 (Amendment to General Plan) and Part 8 (Amendment to the Zoning Code and Map) of Chapter 14-12 (Zoning Permits) of the Watsonville Municipal Code (WMC).

WMC Section 13-8.01 establishes the review process for the boundary line adjustment of two contiguous parcels of land under the same ownership.

WMC Section 13-8.04 established the review process for the lot consolidation of two contiguous parcels of land under the same ownership.

These applications are combined for recommendation of approval to the City Council.

DISCUSSION

Existing Setting and Proposed Project:

Existing Site: Three adjoining properties under single ownership comprise the subject site. The 8.96± acre site with APN 016-231-01 is designated Public/Quasi-Public on the General Plan Land Use Diagram and is within the N Zoning District. The northern adjoining site is 0.33± acres with APN 014-052-01 is designated Residential Low Density on the General Plan Land Use Diagram and is within the R-1 Zoning District. The southern adjoining site is 0.30± acres with APN 016-221-06 is designated Residential Medium Density on the General Plan Land Use Diagram and is within the RM-2 Zoning District. Located on the eastern corner of South Green Valley Road and Pennsylvania Drive, the 8.96± acre site is developed as a church/school and contains a portion of the Upper Struve Slough. The adjoining 0.33± acre parcel in-between the road and church is largely unimproved except for a small portion of the church's parking lot, approximately 560 square-feet in size. It, too, contains slough area at the rear of the parcel. As shown in Figure 2, the parcels are adjacent to the Struve Slough.

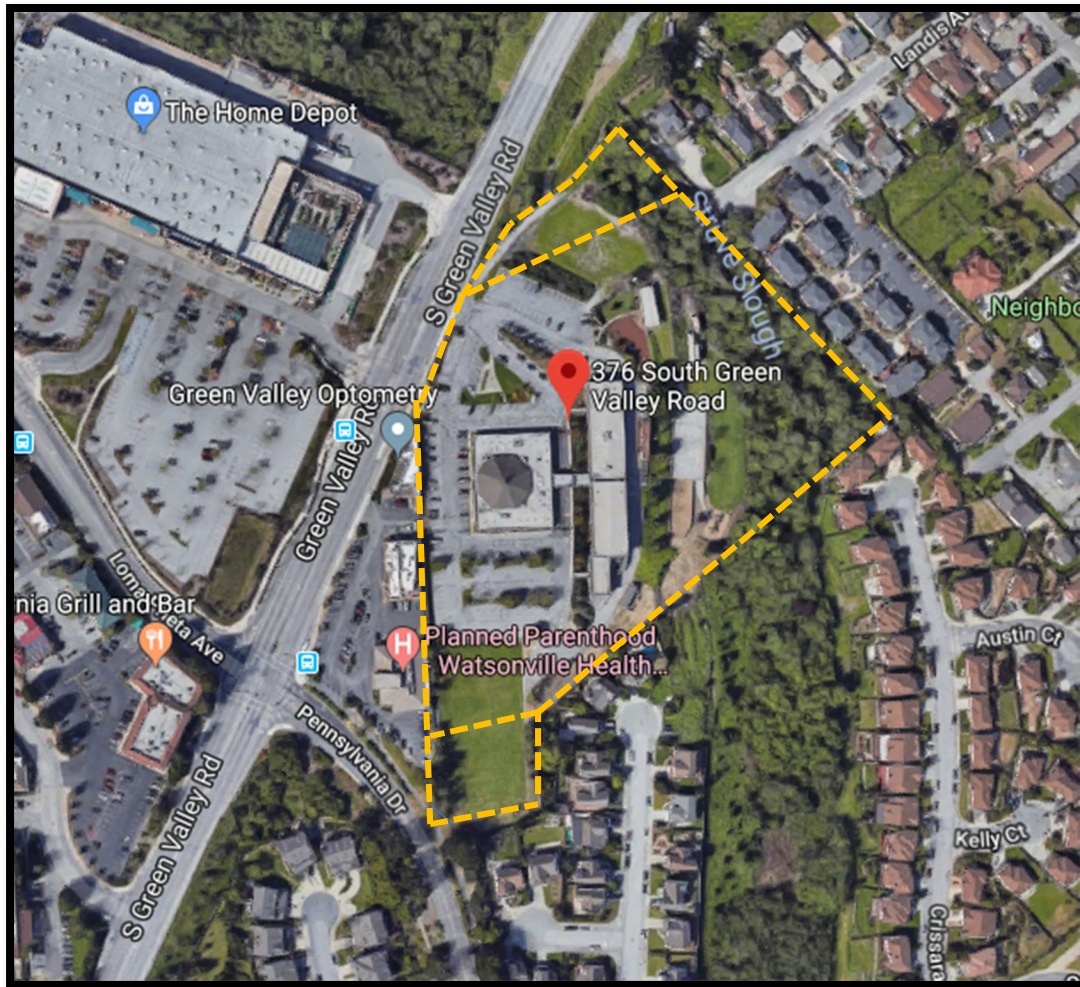


FIGURE 2. Aerial view of subject site and surroundings (Source: Google Earth)

Proposed Project: The applicant proposes to adjust the parcel lot lines so that the church and slough are on separate parcels and change the land use and zoning designations to correspond with these land uses. The Green Valley Christian Church would be located on a single property and have a single land use designation of Public/Quasi Public and corresponding zoning of Institutional (N). The remaining parcel would contain the Upper Struve Slough area. The portion of the slough area currently designated Residential Low Density would be changed to Environmental Management and rezoned Environmental Management Open Space (EM-OS). The southern adjoining parcel currently designated Residential Medium Density on the General Plan Land Use Diagram with RM-2 Zoning District would be consolidated into the larger parcel and rezoned to match the Green Valley Christian Church General Plan Land Use Designation of Public/Quasi Public with corresponding zoning of Institutional (N). Staff understands that Green Valley Christian Church plans on granting the parcel undertaking the boundary line adjustment to the City of Watsonville to develop a pedestrian and bicycle trail system adjacent to the Struve Slough.

The City of Watsonville Public Works and Utilities Department has developed a Trails and Bicycle Master Plan for the Watsonville Scenic Trails Network. This future network will provide residents of Watsonville and the greater region with close-to-home and close-to-work access to pedestrian and bicycle trails that connect to the city's most popular destinations and surrounding natural areas, including the vast network of sloughs that are unique to the City of Watsonville.

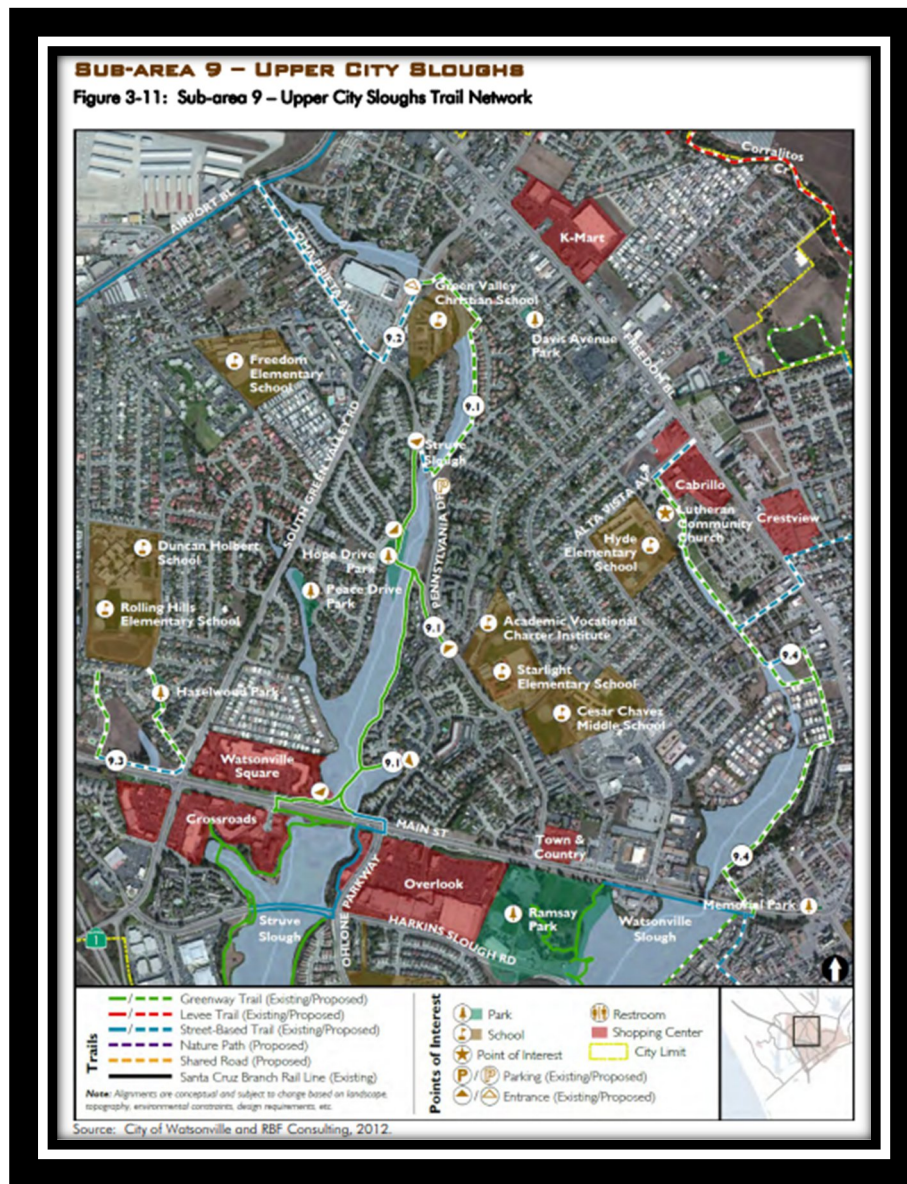
This project undertaking the General Plan map amendment with rezoning is instrumental in accomplishing the city's Urban Greening Plan. This project will provide vital linkages by extending the existing Upper Struve Slough Trail north along the easterly upper reach of the Struve Slough.

Adjacent to Pennsylvania Avenue, there is an existing triangular parcel of privately-owned land, part of which could be for a future parking area and potential associated trail/recreation facilities. This is where the boundary line adjustment is proposed to allow the City of Watsonville to extend its existing pedestrian and bicycle trail network.

Going north, an informal trail already exists on city-owned property along the backyards of several residential units. North from the intersection of Allston Way and Crescent Drive, the land is owned by the City of Watsonville and there is an existing sewer line and paved maintenance road that extends behind a row of houses along Crissara Drive.

The proposed trail would then extend north behind a number of apartment buildings and adjacent to the Green Valley Christian School, and terminate at South Green Valley Road. This property is owned by the Green Valley Christian Center of Watsonville which is working with the city's Public Works and Utilities Department to amend the General Plan and zoning map along with a boundary line adjustment with a lot consolidation to allow the City of Watsonville to extend its existing pedestrian and bicycle trail system adjacent to the Upper Struve Slough. (See figure 3).

FIGURE 3. Existing and proposed trail network for Upper City Sloughs
(Source: City of Watsonville and RBF Consulting 2012)



General Plan Amendment and Rezoning:

General Plan/Zoning: A General Plan land use designation and zone change are required to allow the City of Watsonville to develop a pedestrian and bicycle trail system adjacent to the Struve Slough.

The existing designation on the General Plan Land Use Diagram for the three adjoining parcels are Residential Low Density for the northern 0.33± acres site, Public/Quasi-Public for the center 8.96± acre site, and Residential Medium Density for the southern adjoining 0.30± acre site (see figure 3). These designations require a change to the General Plan land use designation and rezone to allow the City of Watsonville to develop a pedestrian and bicycle trail system adjacent to the Struve Slough. The boundary line adjustment proposes to adjust the parcel lot lines such that the church and slough are on separate parcels and change the land use and zoning designations to correspond with the existing land uses. The southern adjoining parcel would be consolidated to create one parcel for the Green Valley Christian Church and change the corresponding General Plan Land Use Diagram to Public/Quasi Public (P) and zoning designation to Institutional (N). (See Figure 5 for proposed changes)

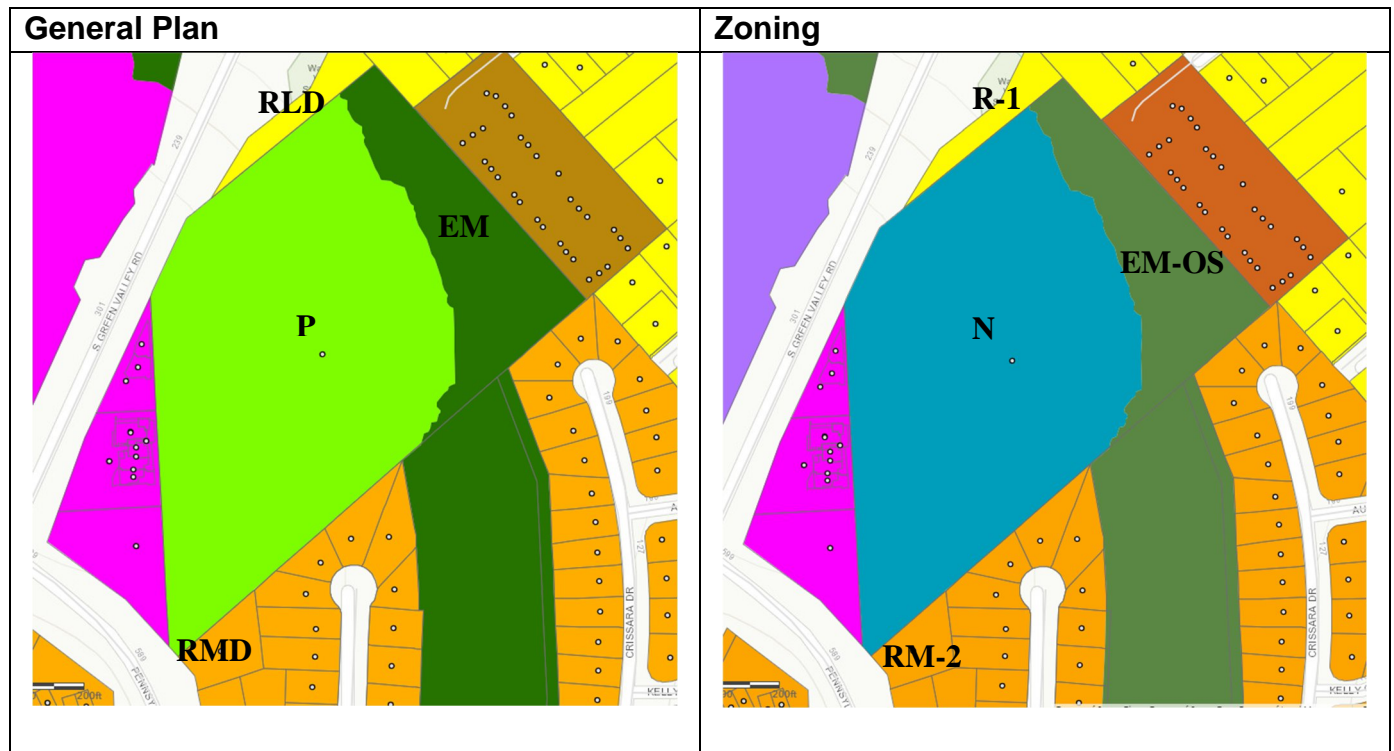


FIGURE 4. Existing General Plan and Zoning (Source: City GIS Database)

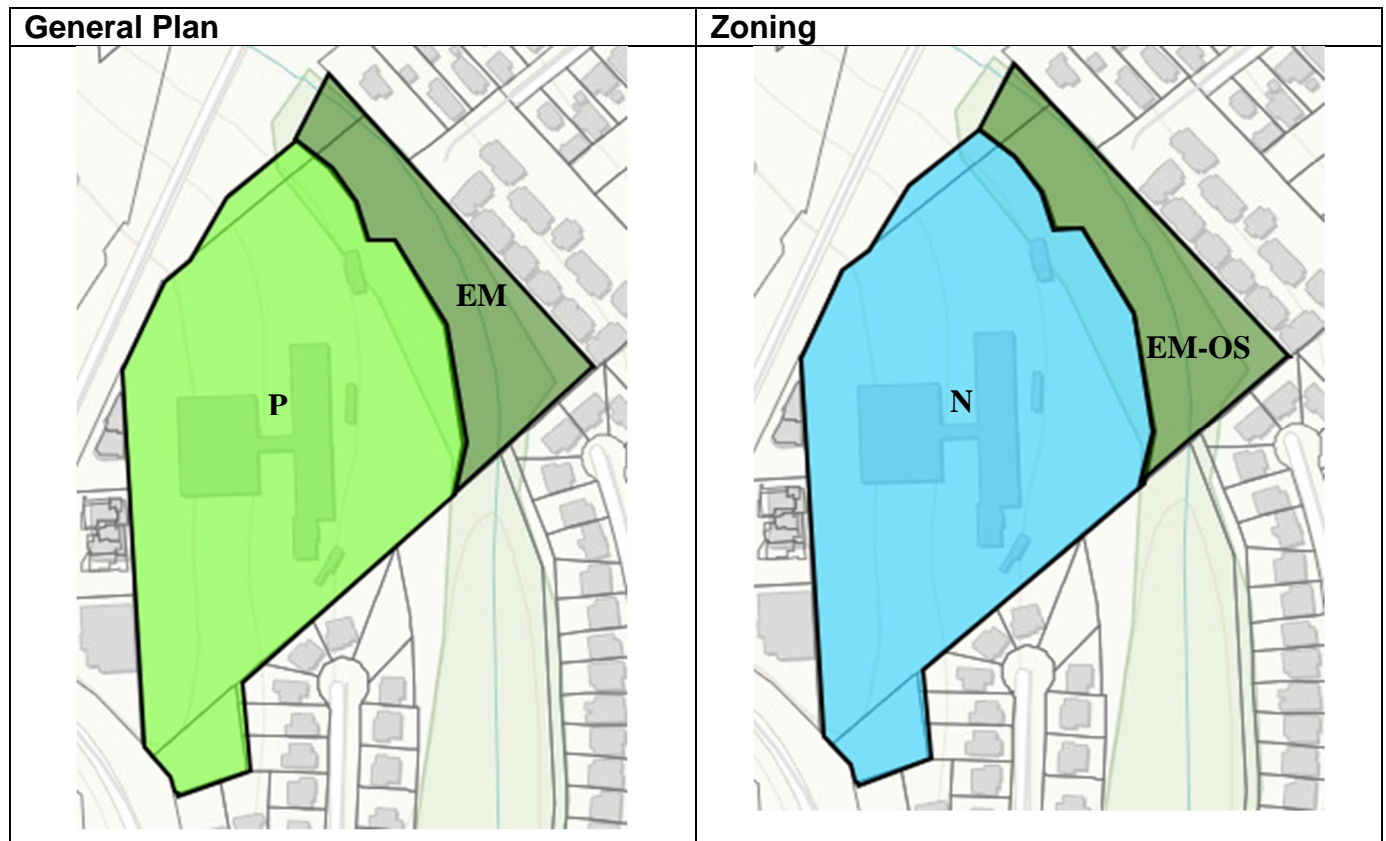


FIGURE 5. Proposed changes to General Plan, Rezoning with Boundary Line adjustment and lot consolidation.
(Source: City GIS Database)

The General Plan Land Use Diagram and Zoning Map may be amended according to procedures established in WMC Chapter 14-12 whenever the public necessity, general community welfare, and good zoning practices permit such amendment. The Planning Commission and City Council must, in Planning Commission recommending and the City Council in approving an amendment to the General Plan Land Use Diagram and Zoning Map, make the following findings:

- That the proposed amendment is consistent with the policies embodied in the General Plan; and
- That the proposed amendment is compatible to the extent possible with the actual and general planned use of the adjacent properties.

Boundary Line Adjustment:

The plot plan shows the existing and proposed property boundaries (Attachment 1). As shown on this plan, the boundary line adjustment would adjust the parcel lot lines such that the church and slough are on separate parcels. The boundary line adjustment is needed because the City of Watsonville intends to create a pedestrian and bicycle trail system adjacent to the Struve Slough. The pedestrian and bicycle trail system along Struve Slough meets the General Plan Policy of conserving and enhancing natural resources that contribute to the visual, recreational, and educational aesthetics of Watsonville. Policy 5.J.1 of the Watsonville General

Plan 2005 requires the City to conserve and enhance the natural resource areas of the community that give residents passive recreational and educational opportunities connected with the natural heritage of Watsonville. The Struve Slough pedestrian and bicycle trail system will implement measures of the Watsonville General Plan 2005 to provide residents of the community recreational and educational scenic natural resources.

Lot Consolidation:

The Plot Plan shows the existing and proposed property boundaries (Attachment 1). As shown on this plan, the southern adjoining parcel with APN 016-221-06 is used as open space for the Green Valley Christian Church yet has a General Plan Land Use Designation of Residential Medium Density with corresponding zoning designation of RM-2. At the time of the application, the southern adjoining parcel is a separate legal lot and the Green Valley Christian Church would benefit from a lot consolidation by the merging of the two lots into one. A title report prepared by First American Title Insurance Company confirms that the two lots are owned by Green Valley Christian Center of Watsonville (Attachment 3).

ENVIRONMENTAL REVIEW

Categorical Exemption: A Categorical Exemption has been prepared for the General Plan Amendment with Rezoning, Lot Consolidation, and Boundary Line Adjustment, pursuant to Section 15061 of the CEQA regulations in that the action is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and it can be seen with certainty that there is no possibility that the General Plan and Zoning map amendments would have a significant effect on the environment.

ATTACHMENTS

1. Plot Plan with legal descriptions for Parcel A and Parcel B
2. Site plan with existing and proposed General Plan and Zoning Designations
3. Title Report
4. Record of Survey (Volume 94 maps, page 1)
5. Planning Commission staff report and resolution

PARCEL A**EXHIBIT A**

SITUATE in the City of Watsonville, County of Santa Cruz, State of California and

BEING a portion of the lands conveyed to Green Valley Christian Center of Watsonville, California, a California Corporation, by grant deed recorded February 9, 1978 in Volume 2872, Page 83, Official Records of Santa Cruz County and also a portion of the lands conveyed to Green Valley Christian Center Inc., a California Corporation, by grant deed recorded June 3, 1981 in Volume 3334, Page 133, Official Records of Santa Cruz County and also the lands conveyed to Green Valley Christian Center Inc., a California Corporation, by grant deed recorded April 21, 1997 in Document No. 1997-0017308, Official Records of Santa Cruz County, as said lands are shown on that certain map entitled "Record of Survey—Lands of Green Valley Christian Center Inc." filed for record April 13, 1998 in Volume 94 of Maps, Page 1, Santa Cruz County Records, more particularly described as follows:

BEGINNING at a 1/2" pipe, L.S. 3233, set on the southeastern boundary of the above said lands from which a 1/2" pipe, L.S. 3293, at the most eastern corner thereof bears North 49°03'58" East 315.41 feet distant; thence from said point of beginning and leaving said southeastern boundary the following courses and distances:

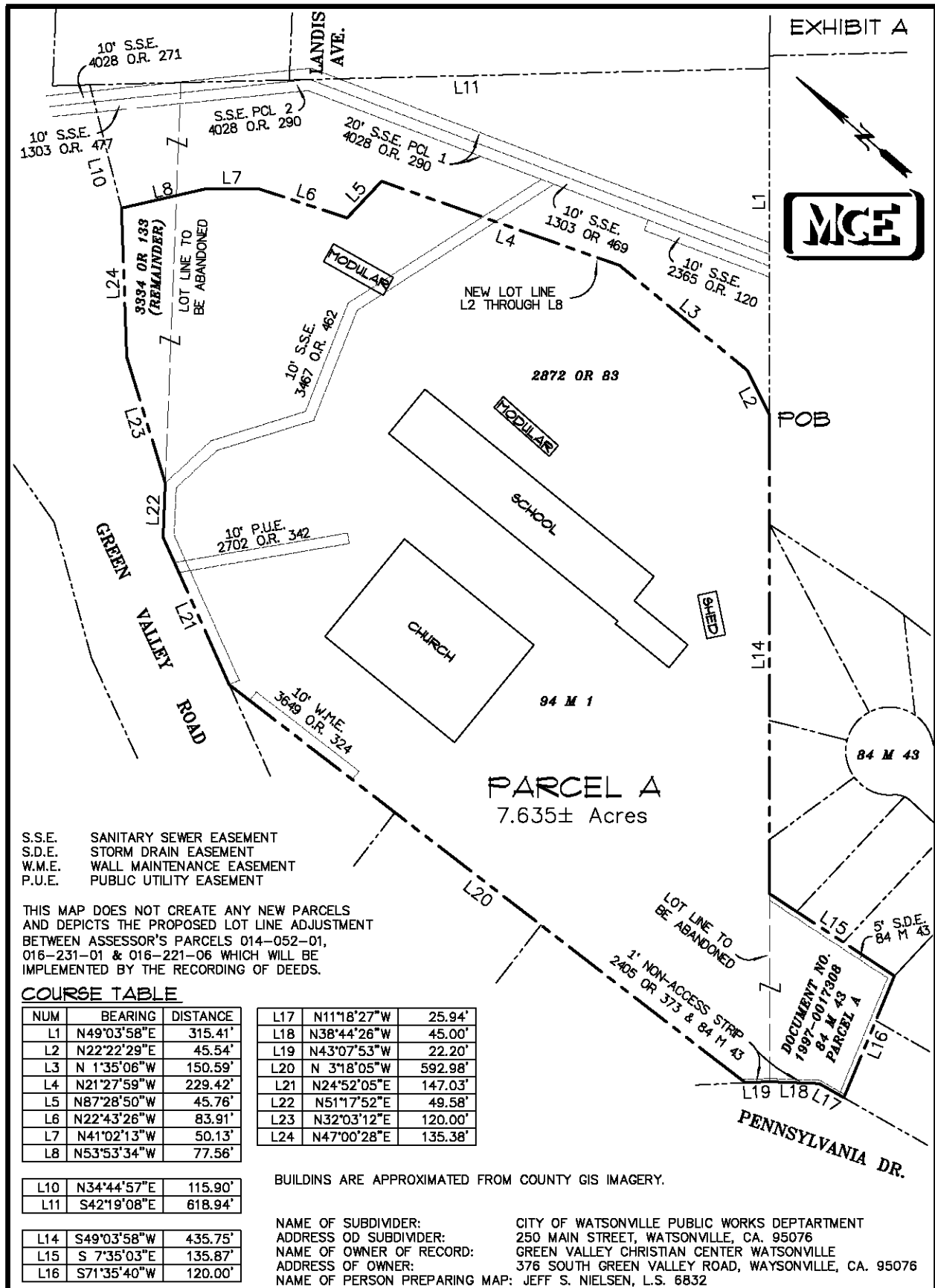
1. North 22°22'29" East 45.54 feet to a 1/2" pipe, L.S. 3233; thence
2. North 1°35'06" West 150.59 feet to a 1/2" pipe, L.S. 3233; thence
3. North 21°27'59" West 229.42 feet to a 1/2" pipe, L.S. 3233; thence
4. North 87°28'50" West 45.76 feet to a 1/2" pipe, L.S. 3233; thence
5. North 22°43'26" West 83.91 feet to a 1/2" pipe, L.S. 3233; thence
6. North 41°02'13" West 50.13 feet to a 1/2" pipe, L.S. 3233; thence
7. North 53°53'34" West 77.56 feet to a 1/2" pipe, L.S. 3233, on the eastern boundary of Green Valley Road as shown on said map; thence along said eastern boundary thereof
8. South 47°00'28" West 135.38 feet to a 1/2" pipe, L.S. 3233; thence
9. South 32°03'12" West 120.00 feet to a 1/2" pipe, L.S. 3233; thence
10. South 51°17'52" West 49.58 feet to a 1/2" pipe, L.S. 3233; thence
11. South 24°52'05" West 147.03 feet to a point from which a 1/2" pipe, L.S. 3293, bears South 32° West 0.28 feet distant; thence leaving Green Valley Road and along the southwestern boundary of Green Valley Christian Center Inc.
12. South 3°18'05" East 592.98 feet (map shows 593.04 feet) to a 1/2" pipe, Santa Cruz County Surveyor, at the intersection with the general eastern boundary of Pennsylvania Drive as shown on the above said record of survey map; thence along said eastern boundary thereof
13. South 43°07'53" East 22.20 feet to a 1/2" pipe, Santa Cruz County Surveyor; thence
14. South 38°44'26" East 45.00 feet to a 1/2" pipe, L.S. 3233; thence
15. South 11°18'27" East 25.94 feet to a lead plug and tag, L.S. 5418, at the most southern corner of Green Valley Christian Center Inc.; thence leaving the eastern boundary of Pennsylvania Drive and along the general southeast boundary of Green Valley Christian Center Inc.
16. North 71°35'40" East 120.00 feet to a lead plug and tag, L.S. 5418; thence
17. North 7°35'03" West 135.87 feet to a point from which a 3/4" pipe, L.S. 5418, bears North 17° East 0.14 feet distant; thence
18. North 49°03'58" East 435.75 feet to the point of beginning.

CONTAINING 7.635 acres of land, a little more or less.

COMPILED FEBRUARY 20, 2019 BY MID COAST ENGINEERS UNDER JOB NO. 18108.



02-20-2019



PARCEL B**EXHIBIT A**

SITUATE in the City of Watsonville, County of Santa Cruz, State of California and

BEING a portion of the lands conveyed to Green Valley Christian Center of Watsonville, California, a California Corporation, by grant deed recorded February 9, 1978 in Volume 2872, Page 83, Official Records of Santa Cruz County and also a portion of the lands conveyed to Green Valley Christian Center Inc., a California Corporation, by grant deed recorded June 3, 1981 in Volume 3334, Page 133, Official Records of Santa Cruz County, as shown on that certain map entitled "Record of Survey—Lands of Green Valley Christian Center Inc." filed for record April 13, 1998 in Volume 94 of Maps, Page 1, Santa Cruz County Records, more particularly described as follows:

BEGINNING at a 1/2" pipe, L.S. 3233, set on the southeastern boundary of the above said lands from which a 1/2" pipe, L.S. 3293, at the most eastern corner thereof bears North 49°03'58" East 315.41 feet distant; thence from said point of beginning and leaving said southeastern boundary the following courses and distances:

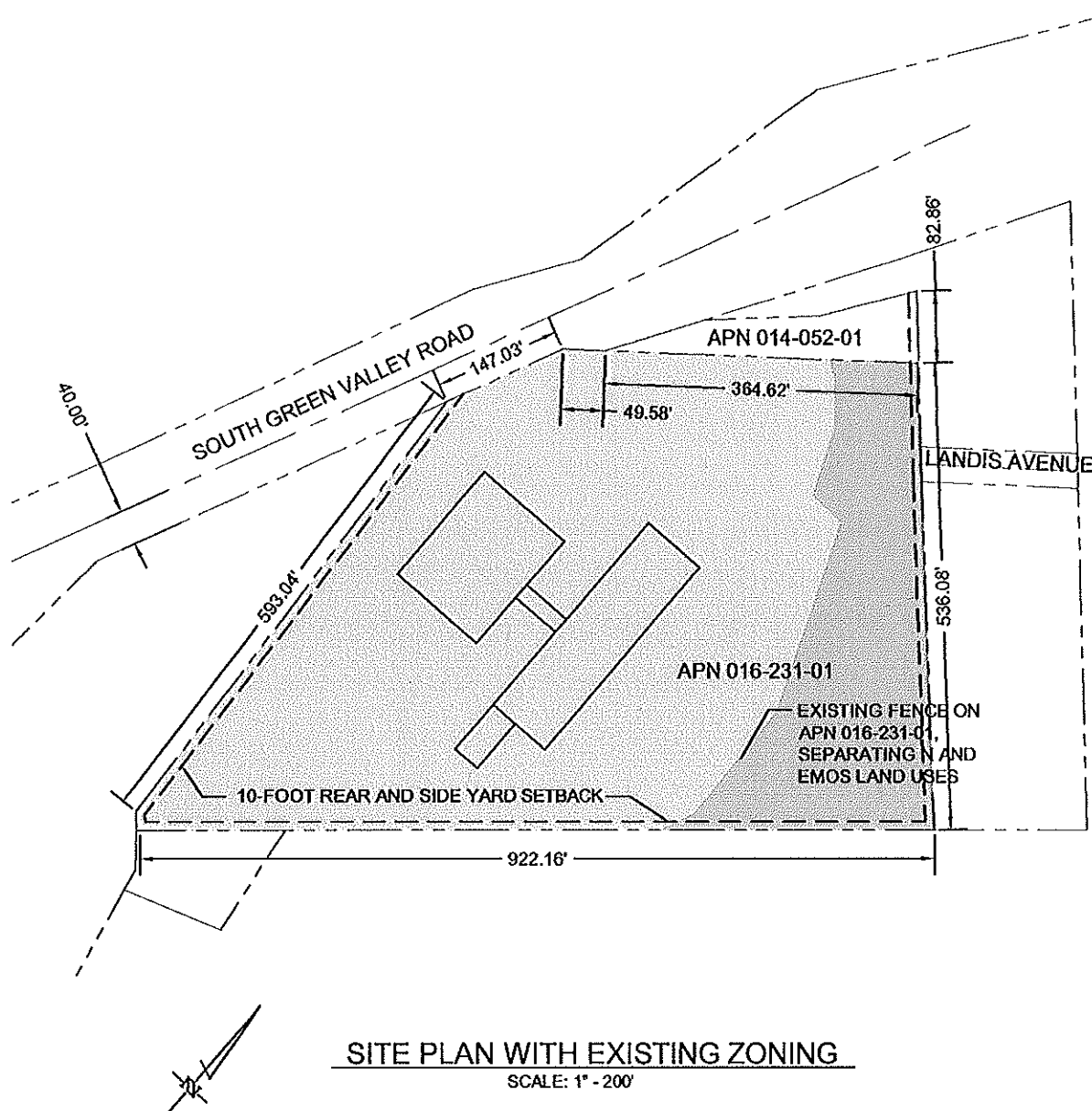
1. North 22°22'29" East 45.54 feet to a 1/2" pipe, L.S. 3233; thence
2. North 1°35'06" West 150.59 feet to a 1/2" pipe, L.S. 3233; thence
3. North 21°27'59" West 229.42 feet to a 1/2" pipe, L.S. 3233; thence
4. North 87°28'50" West 45.76 feet to a 1/2" pipe, L.S. 3233; thence
5. North 22°43'26" West 83.91 feet to a 1/2" pipe, L.S. 3233; thence
6. North 41°02'13" West 50.13 feet to a 1/2" pipe, L.S. 3233; thence
7. North 53°53'34" West 77.56 feet to a 1/2" pipe, L.S. 3233, to the eastern boundary of Green Valley Road as shown on the above said record of survey map; thence along said eastern boundary thereof
8. North 34°44'57" East 115.90 feet to the most northern corner of Green Valley Christian Center Inc. from which a 1/2" pipe, Santa Cruz County Surveyor, bears South 1° East 0.39 feet distant; thence leaving the eastern boundary of Green Valley Road and along the northeastern boundary of Green Valley Christian Center Inc.
9. South 42°19'08" East 618.94 feet to the hereinabove mentioned 1/2" pipe, L.S. 3293, at the most eastern corner of Green Valley Christian Center Inc.; thence leaving said northeastern boundary and along the southeastern boundary thereof
10. South 49°03'58" West 315.41 feet to the point of beginning.

CONTAINING 2.029 acres of land, a little more or less.





COMPILED FEBRUARY 20, 2019 BY MID COAST ENGINEERS UNDER JOB NO. 18108.



02-20-2019

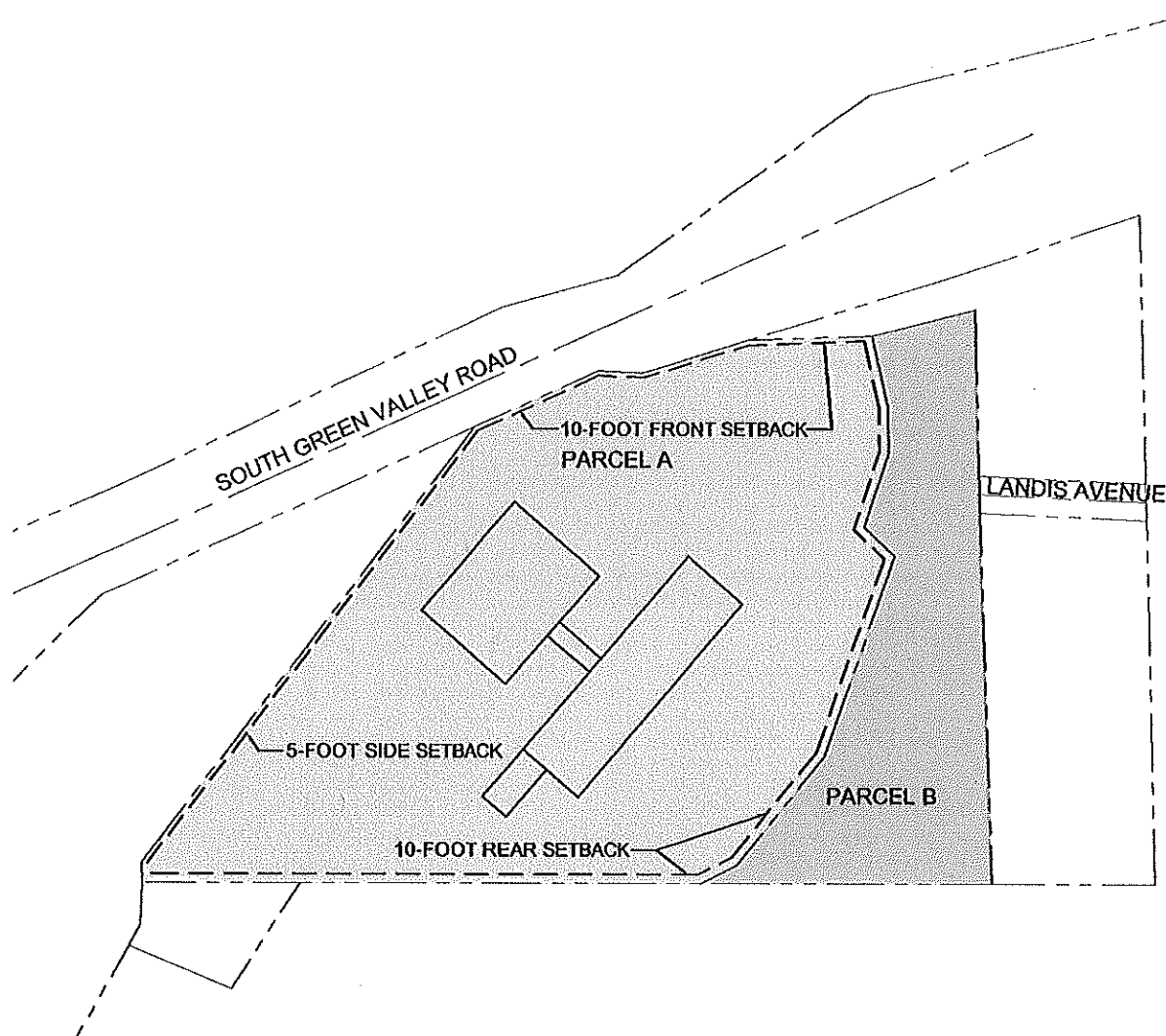


LEGEND

-  PUBLIC/QUASI PUBLIC INSTITUTIONAL (N) LAND USE
 OPEN SPACE ENVIRONMENTAL MANAGEMENT (EMOS) LAND USE
 RESIDENTIAL LOW DENSITY (R-1) LAND USE
 EXISTING STRUCTURE/BUILDING FOOTPRINT TO REMAIN
 --- SETBACK

NOTES:




1. SETBACKS SHOWN PER CITY OF WATSONVILLE MUNICIPAL CODE
2. EXISTING STRUCTURES, PARCELS, AND ROADWAYS ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED UPON RECORD INFORMATION AVAILABLE TO THE ENGINEER AT THE TIME OF PREPARATION OF THESE PLANS.



SITE PLAN WITH PROPOSED ZONING

SCALE: 1" = 200'

LEGEND

-  PUBLIC/QUASI PUBLIC INSTITUTIONAL (N) LAND USE
 OPEN SPACE ENVIRONMENTAL MANAGEMENT (EMOS) LAND USE
 EXISTING STRUCTURE/BUILDING FOOTPRINT TO REMAIN
 --- SETBACK

NOTES:

1. SETBACKS SHOWN PER CITY OF WATSONVILLE MUNICIPAL CODE
2. EXISTING STRUCTURES, PARCELS, AND ROADWAYS ARE SHOWN IN THEIR APPROXIMATE LOCATIONS BASED UPON RECORD INFORMATION AVAILABLE TO THE ENGINEER AT THE TIME OF PREPARATION OF THESE PLANS.

SHEET REVISIONS

[illegible]

RECEIVED

JAN 10 2019

City of Watsonville
Community Development Dept



First American Title

First American Title Company

239 W. Riverside Drive, Suite 2
Watsonville, CA 95076

E-Mail Loan Documents to:

WatsonvilleEDocs.ca@firstam.com

Buyer:

Green Valley

Property:

376 S. Green Valley
Watsonville, CA 95076

PRELIMINARY REPORT

In response to the above referenced application for a policy of title insurance, this company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Exhibit A attached. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Exhibit A. Copies of the policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of June 30, 2017 at 7:30 A.M.

The form of Policy of title insurance contemplated by this report is:

To Be Determined

A specific request should be made if another form or additional coverage is desired.

Title to said estate or interest at the date hereof is vested in:

GREEN VALLEY CHRISTIAN CENTER, INC., A CALIFORNIA CORPORATION

The estate or interest in the land hereinafter described or referred to covered by this Report is:

FEE

The Land referred to herein is described as follows:

(See attached Legal Description)

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy form would be as follows:

1. General and special taxes and assessments for the fiscal year 2017-2018, a lien not yet due or payable.
2. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
3. An easement for THE INSTALLATION, OPERATION AND MAINTENANCE OF SANITARY SEWER, TOGETHER WITH ANY RIGHTS and incidental purposes, recorded March 03, 1960 as BOOK 1303, PAGE 477 of Official Records.
In Favor of: FREEDOM SANITATION DISTRICT
Affects: AS DESCRIBED THEREIN
4. An easement for THE INSTALLATION, OPERATION AND MAINTENANCE OF SEWER PIPES, TOGETHER WITH ANY RIGHTS and incidental purposes, recorded December 08, 1974 as BOOK 427, PAGE 222 of Official Records.
In Favor of: COUNTY OF SANTA CRUZ
Affects: THE NORTHEASTERLY PORTION OF HEREIN DESCRIBED PROPERTY

5. An easement for A PERPETUAL NON-EXCLUSIVE EASEMENT AND RIGHT OF WAY FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, REMOVING, REPLACING, REPAIRING, MAINTAINING, OPERATING, AND USING, SEE FIT, A SANITARY SEWER PIPE OR PIPE LINES AND ALL NECESSARY BRACES, CONNECTIONS, FASTENINGS AND OTHER APPLIANCES AND FIXTURES FOR USE IN CONNECTION THEREWITH OR APPURTENANT THERETO IN, UNDER, ALONG, AND ACROSS and incidental purposes, recorded August 28, 1986 as INSTRUMENT NO. 1986-48975 IN BOOK 4028, PAGE 271 of Official Records.
In Favor of: FREEDOM COUNTY SANITATION DISTRICT A POLITICAL
SUBDIVISION OF THE STATE OF CALIFORNIA
Affects: AS DESCRIBED THEREIN
6. An easement for RIPARIAN and incidental purposes, recorded June 14, 1993 as INSTRUMENT NO. 1993-42537 IN BOOK 5280, PAGE 528 of Official Records.
In Favor of: COUNTY OF SANTA CRUZ, A POLITICAL SUBDIVISION OF THE
STATE OF CALIFORNIA
Affects: AS DESCRIBED THEREIN
7. The fact that the land lies within the boundaries of the WATSONVILLE 2000 Redevelopment Project Area, as disclosed by the document recorded December 19, 2007 as INSTRUMENT NO. 2007-63478 OF OFFICIAL RECORDS.
8. Rights of the public in and to that portion of the land lying within any Road, Street, Alley or Highway.
9. Water rights, claims or title to water, whether or not shown by the public records.
10. Rights of parties in possession.

Prior to the issuance of any policy of title insurance, the Company will require:

11. With respect to GREEN VALLEY CHRISTIAN CENTER, INC., a corporation:
 - a. A certificate of good standing of recent date issued by the Secretary of State of the corporation's state of domicile.
 - b. A certified copy of a resolution of the Board of Directors authorizing the contemplated transaction and designating which corporate officers shall have the power to execute on behalf of the corporation.
 - c. Other requirements which the Company may impose following its review of the material required herein and other information which the Company may require.

INFORMATIONAL NOTES

Note: The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than the certain dollar amount set forth in any applicable arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. If you desire to review the terms of the policy, including any arbitration clause that may be included, contact the office that issued this Commitment or Report to obtain a sample of the policy jacket for the policy that is to be issued in connection with your transaction.

1. General and special taxes and assessments for the fiscal year 2016-2017.

First Installment:	\$98.76, PAID
Penalty:	\$0.00
Second Installment:	\$98.76, PAID
Penalty:	\$0.00
Tax Rate Area:	02078
A. P. No.:	014-052-01

2. The property covered by this report is vacant land.
3. According to the public records, there has been no conveyance of the land within a period of twenty-four months prior to the date of this report, except as follows:

None

4. We find no open deeds of trust. Escrow please confirm before closing.

The map attached, if any, may or may not be a survey of the land depicted hereon. First American expressly disclaims any liability for loss or damage which may result from reliance on this map except to the extent coverage for such loss or damage is expressly provided by the terms and provisions of the title insurance policy, if any, to which this map is attached.

LEGAL DESCRIPTION

Real property in the City of Watsonville, County of Santa Cruz, State of California, described as follows:

BEING A PART OF THE RANCHO CORRALITOS, AND SITUATE IN THE VILLAGE OF FREEDOM; AND

BEGINNING ON THE NORTHWESTERN SIDE OF FREEDOM AVENUE, SO CALLED, AND AT A POINT FROM WHICH THE SOUTHWESTERN SIDE OF CAREY AVENUE, SO CALLED, BEARS NORTH 51° 0' EAST 463.50 FEET DISTANT; THENCE RUNNING NORTH 42° 49' WEST 422.27 FEET TO THE LANDS OF ONE VICKROY; THENCE ALONG THE BOUNDARY OF SAID LAST NAMED LANDS SOUTH 51° 15' WEST 323.50 FEET TO LANDS NOW OR FORMERLY OWNED BY ONE SULLIVAN; THENCE ALONG THE BOUNDARY OF SAID LAST NAMED LANDS SOUTH 3° 45' EAST 396.00 FEET; THENCE NORTH 51° 4' EAST 494.34 FEET; THENCE SOUTH 42° 49' EAST 98.60 FEET TO FREEDOM AVENUE AND THENCE ALONG THE SAID NORTHWESTERN SIDE OF FREEDOM AVENUE NORTH 51° 0' EAST 78.45 FEET TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM THE LAND DESCRIBED IN THE DEED FROM J. W. KING AND ANNA V. KING, TO JAMES P. KEENAN AND JESSIE H. KEENAN, RECORDED MAY 14, 1946 IN VOLUME 656, PAGE 204, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

ALSO EXCEPTING THEREFROM THE LANDS CONVEYED BY C. N. OWEN AND PAULINE OWEN, HIS WIFE TO COUNTY OF SANTA CRUZ, A BODY POLITIC (GREEN VALLEY ROAD) BY DEED RECORDED JULY 29, 1959 IN VOLUME 1261, PAGE 421, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

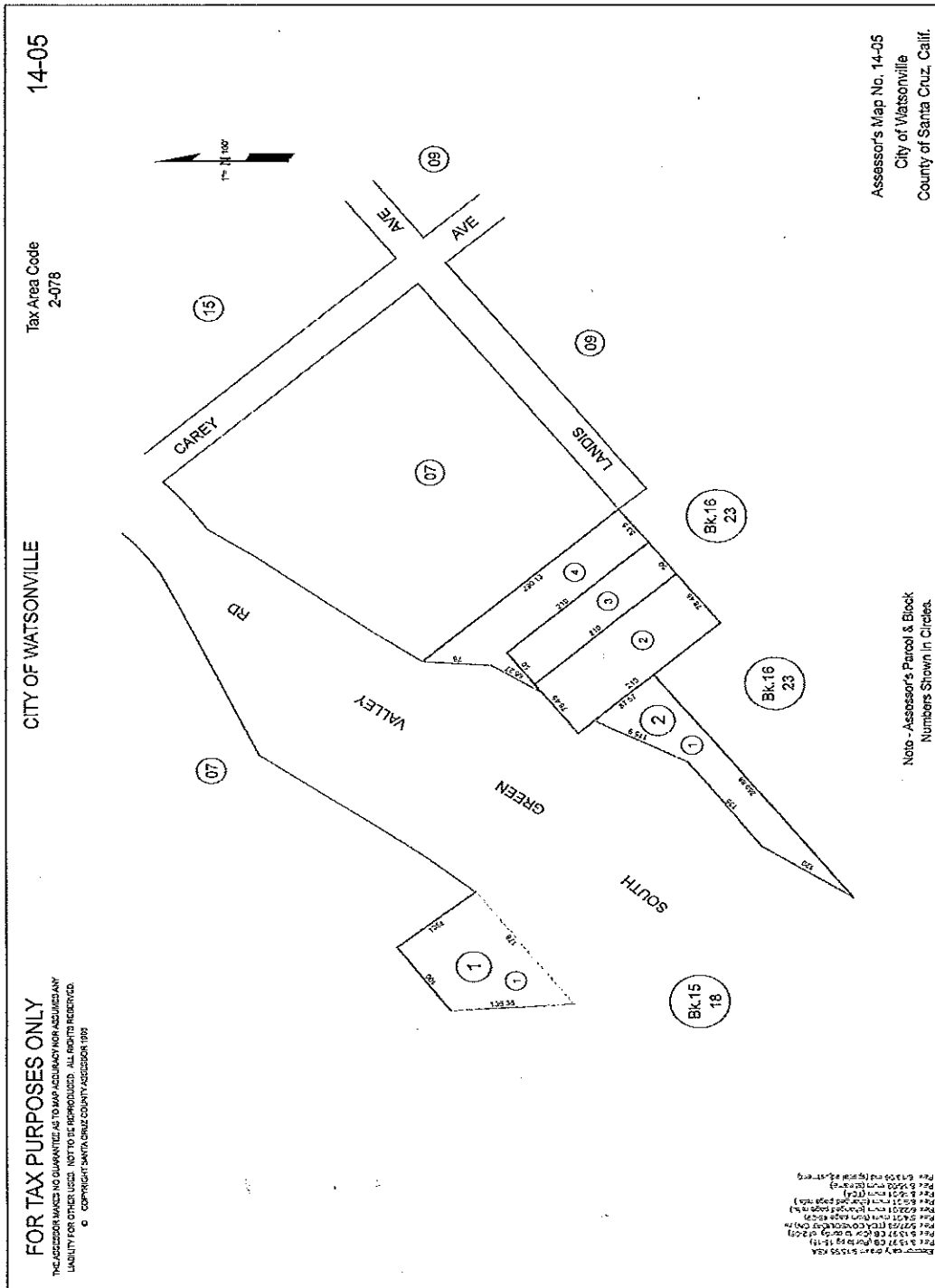
ALSO EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL OF LAND:

BEING A PORTION OF THE LANDS DESCRIBED AS PARCEL TWO IN THE DEED DATED DECEMBER 4, 1969, EXECUTED BY CLARENCE N. DAVIS, ET UX, TO GILBERT ONTIVEROS, ET UX, AND RECORDED DECEMBER 19, 1969, IN BOOK 1993, PAGE 568, OFFICIAL RECORDS, SANTA CRUZ COUNTY, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF THE LANDS CONVEYED TO JAMES P. KEENAN, ET UX, BY DEED RECORDED MAY 14, 1946 IN BOOK 656, PAGE 204, OFFICIAL RECORDS, SANTA CRUZ COUNTY, THENCE FROM SAID POINT OF BEGINNING AND RUNNING ALONG THE NORTHWESTERLY PROLONGATION OF THE SOUTHWESTERLY BOUNDARY LINE OF SAID LANDS OF KEENAN TO A POINT WHICH INTERSECTS THE SOUTHEASTERLY LINE OF GREEN VALLEY ROAD; THENCE RUNNING NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID GREEN VALLEY ROAD TO A POINT WHICH INTERSECTS THE NORTHWESTERLY PROLONGATION OF THE NORTHEASTERLY BOUNDARY LINE OF SAID LANDS OF KEENAN; THENCE LEAVING THE SOUTHEASTERLY LINE OF SAID GREEN VALLEY ROAD AND RUNNING SOUTHEASTERLY ALONG THE NORTHWESTERLY PROLONGATION OF THE NORTHEASTERLY BOUNDARY LINE OF SAID LANDS OF KEENAN, TO THE MOST NORTHERLY CORNER OF SAID LANDS OF KEENAN, SAID POINT ALSO BEING THE MOST WESTERLY CORNER OF THE LANDS CONVEYED TO PETER R. AMAYA, ET UX BY DEED RECORDED AUGUST 5, 1954, IN BOOK 977, PAGE 532, OFFICIAL RECORDS, SANTA CRUZ COUNTY, THENCE RUNNING ALONG THE NORTHWESTERLY BOUNDARY LINE OF SAID LANDS OF KEENAN SOUTH 51° 15' WEST 78.45 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THE PORTION LAND CONVEYED TO COUNTY OF SANTA CRUZ, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA DESCRIBED IN THE GRANT DEED RECORDED JUNE 14, 1993 AS INSTRUMENT NO. 1993-42537 IN BOOK 5280, PAGE 528, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

APN: 014-052-01



NOTICE

Section 12413.1 of the California Insurance Code, effective January 1, 1990, requires that any title insurance company, underwritten title company, or controlled escrow company handling funds in an escrow or sub-escrow capacity, wait a specified number of days after depositing funds, before recording any documents in connection with the transaction or disbursing funds. This statute allows for funds deposited by wire transfer to be disbursed the same day as deposit. In the case of cashier's checks or certified checks, funds may be disbursed the next day after deposit. In order to avoid unnecessary delays of three to seven days, or more, please use wire transfer, cashier's checks, or certified checks whenever possible.

EXHIBIT A
LIST OF PRINTED EXCEPTIONS AND EXCLUSIONS (BY POLICY TYPE)

CLTA STANDARD COVERAGE POLICY – 1990
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the Insured claimant had paid value for the Insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
 Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

CLTA/ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (12-02-13)
EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
 - a. building;
 - b. zoning;
 - c. land use;

- d. improvements on the Land;
 - e. land division; and
 - f. environmental protection.
- This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.
- 2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
 - 3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
 - 4. Risks:
 - a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
 - b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
 - c. that result in no loss to You; or
 - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
 - 5. Failure to pay value for Your Title.
 - 6. Lack of a right:
 - a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 21.
 - 7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.
 - 8. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
 - 9. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

For Covered Risk 16, 18, 19, and 21 Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	<u>Your Deductible Amount</u>	<u>Our Maximum Dollar Limit of Liability</u>
Covered Risk 16:	1% of Policy Amount Shown in Schedule A or \$2,500 (whichever is less)	\$10,000
Covered Risk 18:	1% of Policy Amount Shown in Schedule A or \$5,000 (whichever is less)	\$25,000
Covered Risk 19:	1% of Policy Amount Shown in Schedule A or \$5,000 (whichever is less)	\$25,000
Covered Risk 21:	1% of Policy Amount Shown in Schedule A or \$2,500 (whichever is less)	\$5,000

2006 ALTA LOAN POLICY (06-17-06)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

- 1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;

or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- 2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- 3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

- (c) resulting in no loss or damage to the Insured Claimant;
- (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
- (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
- 4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
- 5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
- 6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
- 7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be Issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

[Except as provided in Schedule B - Part II, [t[or T]his policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses, that arise by reason of:

[PART I

[The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

PART II

In addition to the matters set forth in Part I of this Schedule, the Title is subject to the following matters, and the Company insures against loss or damage sustained in the event that they are not subordinate to the lien of the Insured Mortgage:]

2006 ALTA OWNER'S POLICY (06-17-06)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any Improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;

or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.

(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.

2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.

3. Defects, liens, encumbrances, adverse claims, or other matters

(a) created, suffered, assumed, or agreed to by the Insured Claimant;

(b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;

- (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 or 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
- (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses, that arise by reason of: [The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.
7. [Variable exceptions such as taxes, easements, CC&R's, etc. shown here.]

ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (07-26-10)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;

or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.

(b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.

2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 or 28); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law. This Exclusion does not modify or limit the coverage provided in Covered Risk 26.
6. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to Advances or modifications made after the

Attachment 3
Page 12 of 14

Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11.

7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching subsequent to Date of Policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11(b) or 25.
8. The failure of the residential structure, or any portion of it, to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This Exclusion does not modify or limit the coverage provided in Covered Risk 5 or 6.
9. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 27(b) of this policy.
10. Contamination, explosion, fire, flooding, vibration, fracturing, earthquake, or subsidence.
11. Negligence by a person or an Entity exercising a right to extract or develop minerals, water, or any other substances.



First American Title

Privacy Information

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our subsidiaries we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information Values. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Information Obtained Through Our Web Site

First American Financial Corporation is sensitive to privacy issues on the Internet. We believe it is important you know how we treat the information about you we receive on the Internet.

In general, you can visit First American or its affiliates' Web sites on the World Wide Web without telling us who you are or revealing any information about yourself. Our Web servers collect the domain names, not the e-mail addresses, of visitors. This information is aggregated to measure the number of visits, average time spent on the site, pages viewed and similar information. First American uses this information to measure the use of our site and to develop ideas to improve the content of our site.

There are times, however, when we may need information from you, such as your name and email address. When information is needed, we will use our best efforts to let you know at the time of collection how we will use the personal information. Usually, the personal information we collect is used only by us to respond to your inquiry, process an order or allow you to access specific account/profile information. If you choose to share any personal information with us, we will only use it in accordance with the policies outlined above.

Business Relationships

First American Financial Corporation's site and its affiliates' sites may contain links to other Web sites. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices employed by other sites.

Cookies

Some of First American's Web sites may make use of "cookie" technology to measure site activity and to customize information to your personal tastes. A cookie is an element of data that a Web site can send to your browser, which may then store the cookie on your hard drive.

FirstAm.com uses stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

Fair Information Values

Fairness We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer privacy.

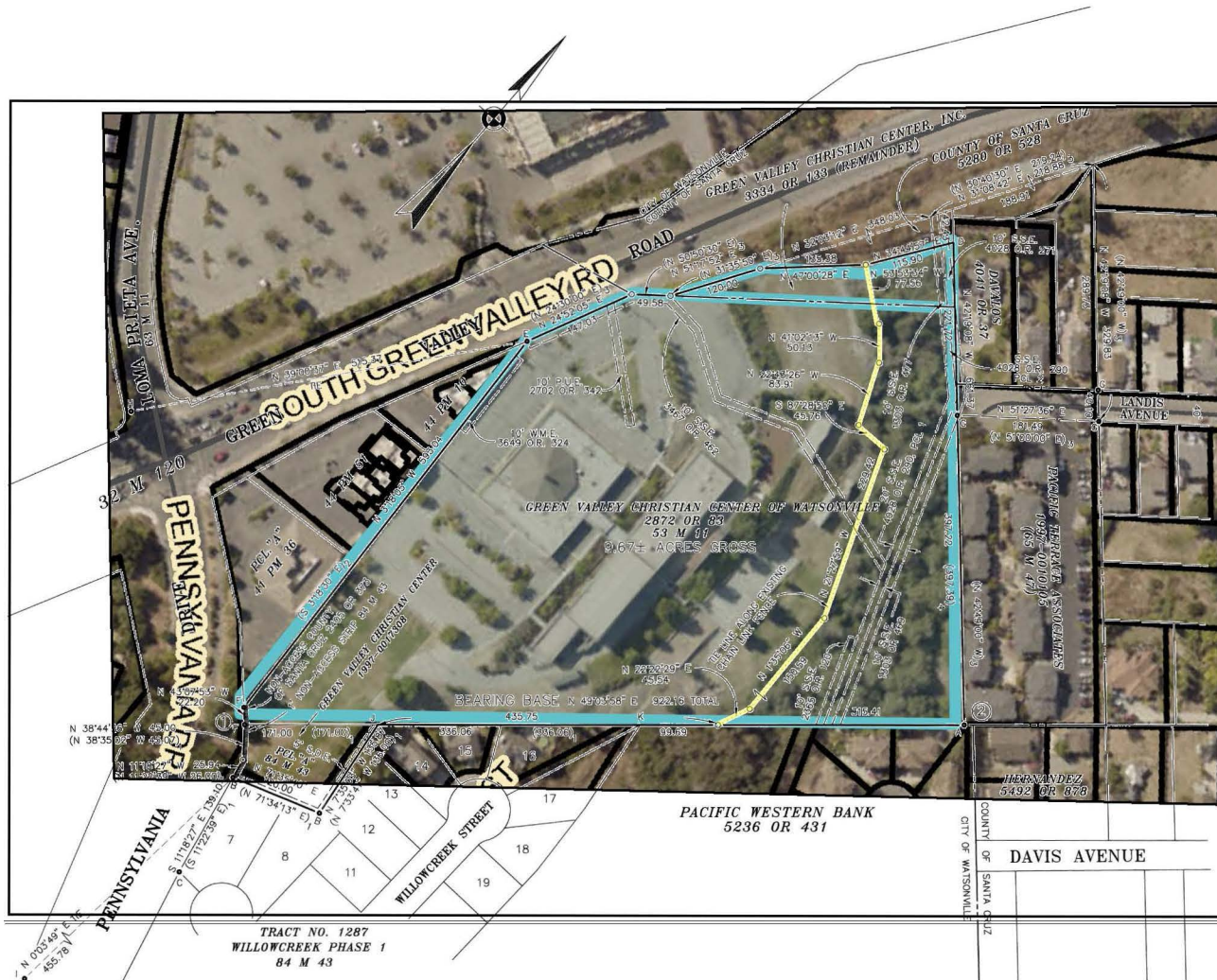
Public Record We believe that an open public record creates significant value for society, enhances consumer choice and creates consumer opportunity. We actively support an open public record and emphasize its importance and contribution to our economy.

Use We believe we should behave responsibly when we use information about a consumer in our business. We will obey the laws governing the collection, use and dissemination of data.

Accuracy We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.

Education We endeavor to educate the users of our products and services, our employees and others in our industry about the importance of consumer privacy. We will instruct our employees on our fair information values and on the responsible collection and use of data. We will encourage others in our industry to collect and use information in a responsible manner.

Security We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.



LEGEND

- SET 1/2" PIPE TAGGED LS 3233
- FOUND MONUMENT INDICATED AS FOLLOWS:
 - A. FOUND 1/2" PIPE, LS 3293
 - B. FOUND LEAD PLUG & TAG, LS 5418
 - C. FOUND 3/4" PIPE, LS 5418
 - D. FOUND 1/2" PIPE, COUNTY SURVEYOR BEARS S 1° E 0.39
 - E. FOUND 1/2" PIPE, LS 3293, BENT BEARS S 32° W 0.28
 - F. FOUND 1/2" PIPE, COUNTY SURVEYOR
 - G. FOUND 1/2" PIPE, LS 4134
 - H. FOUND CITY BENCHMARK W-3 BRONZE CAP IN TOP OF CONCRETE CURB.
 - I. FOUND CITY BENCHMARK W-157 BRONZE CAP IN CONCRETE SIDEWALK.
 - J. FOUND 3/4" PIPE, LS 5418 BEARS N 17° E 0.14
 - K. FOUND 1 1/2" PIPE, LS 5418 BEARS N 82° E 0.67
- CITY LIMITS LINE
- S.S.E. SANITARY SEWER EASEMENT
- S.D.E. STORM DRAIN EASEMENT
- W.M.E. WALL MAINTENANCE EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- () REC. DATA PER 84 M 43
- () REC. DATA PER 41 PM 36
- () REC. DATA PER 53 M 11
- () REC. DATA PER 65 M 47
- DISTANCES IN FEET AND DECIMALS THEREOF.

BASIS OF BEARINGS FOR THIS SURVEY IS THE NORTHWESTERN BOUNDARY OF TRACT 1287 OF WILLOWCREEK SUBDIVISION PHASE 1, A MAP OF WHICH IS RECORDED IN VOLUME 84 OF MAPS, PAGE 43, SANTA CRUZ COUNTY RECORDS AND ESTABLISHED BETWEEN FOUND MONUMENTS ① AND ② AS SHOWN = N 49°03'58" E.

APN 016-231-01

RECORD OF SURVEY OF THE LANDS OF GREEN VALLEY CHRISTIAN CENTER INC. CITY OF WATSONVILLE SANTA CRUZ COUNTY CALIFORNIA	
MID COAST ENGINEERS CIVIL ENGINEERS & LAND SURVEYORS 70 PENNY LANE - SUITE A WATSONVILLE, CALIFORNIA 95076 BY <i>Stanley O. Nielsen</i> STANLEY O. NIELSEN LS 3233	
SCALE: 1" = 100' Sheet 1 of 1	MAY 1997 Job No. 97066

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYORS' ACT AT THE REQUEST OF THE GREEN VALLEY CHRISTIAN CENTER IN MAY, 1997.



Stanley O. Nielsen
 STANLEY O. NIELSEN P.L.S. 3233
 LICENSE RENEWAL DATE: 6-30-00

COUNTY SURVEYOR'S STATEMENT

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE LAND SURVEYORS' ACT THIS 8th DAY OF April, 1998.

John Fantham
 JOHN FANTHAM, COUNTY SURVEYOR
 R.C.E. NO. 17572
 LICENSE RENEWAL 6-30-01

RECORDER'S STATEMENT

FILED THIS 13th DAY OF April, 1998
 AT 10:54 A.M. IN BOOK 94 OF MAPS AT PAGE 1
 AT THE REQUEST OF County Recorder
1998-0018800 \$6.00

Richard W. Bado
 COUNTY RECORDER
 BY DEPUTY *Michael Glass*

City of Watsonville
MEMORANDUM

5.B.1.



DATE: March 15, 2019

TO: Planning Commission

FROM: Suzi Merriam, Community Development Director
Ivan Carmona, Associate Planner

SUBJECT: PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL FOR A GENERAL PLAN MAP AMENDMENT OF THE SITE FROM RESIDENTIAL LOW DENSITY (RLD) TO ENVIRONMENTAL MANAGEMENT (EM), A ZONING MAP AMENDMENT OF THE SITE FROM SINGLE FAMILY RESIDENTIAL (R-1) TO ENVIRONMENTAL MANAGEMENT OPEN SPACE DISTRICT (EM-OS), LOT CONSOLIDATION, AND BOUNDARY LINE ADJUSTMENT WITH ENVIRONMENTAL REVIEW (PP2019-10) TO ALLOW ADJUSTING THE PROPERTY BOUNDARIES AND AMENDING THE CITY'S GENERAL LAND USE MAP AND ZONING MAP DESIGNATIONS TO REFLECT EXISTING LAND USES FOR THREE SUBJECT PROPERTIES LOCATED AT 376 SOUTH GREEN VALLEY ROAD (APN:016-231-01), 376 A SOUTH GREEN VALLEY ROAD (APN:016-221-06), AND 0 SOUTH GREEN VALLEY ROAD (APN: 014-052-01).

AGENDA ITEM: April 2, 2019

Planning Commission

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution recommending that the City Council:

- Adopt a Resolution approving the General Plan Map Amendment;
- Adopt an Ordinance approving the Zoning Map Amendment;
- Adopt a Resolution approving the Lot Consolidation and Boundary Line Adjustment with Environmental Review to allow adjusting the property boundaries and amending the City's General Land Use Map and Zoning Map Designations to reflect existing land uses for three subject properties located at 376 South Green Valley Road, 376 A South Green Valley Road, and 0 South Green Valley Road, based on the attached findings and conditions of approval.

BASIC PROJECT DATA

APPLICATION NO.: PP2019-10 **APN:** 016-231-01, 016-221-06, & 014-052-01
LOCATION: 376 South Green Valley Road, 376 A South Green Valley Road, & 0
South Green Valley Road
LOT SIZE: ±8.96 acres, ±0.33 acres, & ±0.30 acres

PROJECT DESCRIPTION: General Plan Amendment, Rezoning, Lot Consolidation, and Boundary Line Adjustment with Environmental Review to allow adjusting the property boundaries to reflect existing land uses for three subject properties located at 376 South Green Valley Road (APN: 016-231-01), 376 A South Green Valley Road (APN: 016-221-06), and 0 South Green Valley Road (APN: 014-052-01).

GENERAL PLAN/ZONING:

Existing General Plan: Residential – Low Density (RLD), Residential Medium Density (RMD), and Public/Quasi-Public
Existing Zoning: Single Family Residential (R-1), Multiple Residential (RM-2), and Institutional (N)
Proposed General Plan: Environmental Management (EM), Public/Quasi Public (P)
Proposed Zoning: Environmental Management – Open Space (EM-OS), Institutional (N)
Surrounding General Plan: North - Residential Low Density (RLD), South - Residential Medium Density (RMD), West - Environmental Management (EM), and East - General Commercial (GC).
Surrounding Zoning: North – Single Family Residential (R-1), South – Multi-family residential (RM-2), West – Office District (CO), and East – Multi-family residential (RM-2/RM-3)

EXISTING USE: Vacant land and Church with school (Green Valley Christian Center)
PROPOSED USE: Vacant land and Church with school (Green Valley Christian Center)
SURROUNDING USES: Residential, offices, and retail.

FLOOD ZONE: AE and X

AIRPORT: NA

CEQA REVIEW: A Categorical Exemption has been prepared for the General Plan Amendment with Rezoning, Lot Consolidation, and Boundary Line Adjustment, pursuant to Section 15061 of the CEQA regulations which allows changes to the Zoning Map where no significant effects occur on

the environment. This project is eligible for a Categorical Exemption as the project would not result in a change in land use and the proposed changes to the Zoning Map would result in the establishment of more restrictive zoning district (EM-OS instead of R-1 and N).

APPLICANT: Murray A, Fontes, Principal Engineer Watsonville Public Work and Utilities Department

PROPERTY OWNER: Green Valley Christian Center of Watsonville, 376 South Green Valley Road, Watsonville, CA 95076

OVERVIEW

The proposed project involves adjusting the property boundaries, consolidating a lot, and amending the City's General Plan Land Use Map and Zoning Map designations to reflect existing land uses for the three subject properties. The 8.96± acre parcel located at 376 South Green Valley Road (APN 016-231-01) is developed as a church/school and contains a portion of the Upper Struve Slough. The southern adjoining parcel located at 376 A South Green Valley Road (APN 016-221-06) is used as open space for the church/school, yet is designated Residential Medium Density (Orange) in the General Plan and is zoned Multiple Residential – Medium Density (RM-2). As shown on Figure 1, this parcel is designated Public/Quasi Public (light green) and Environmental Management (dark green) and is within the corresponding Institutional (N) and Environmental Management Open Space (EM-OS) Zoning District. The adjoining 0.33± acre parcel between the road and church is largely unimproved except for a small portion of the church's parking lot, approximately 560 square-feet in size. It, too, contains slough area at the rear of the parcel, yet is designated Residential Low Density in the General Plan and is zoned Single-Family Residential – Low Density (R-1).

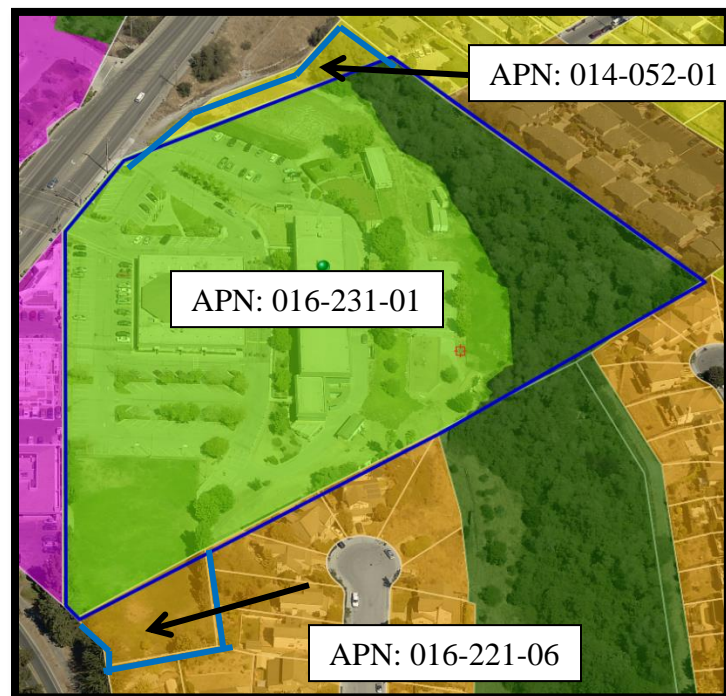


FIGURE 1. Land Use Designations (Source: Pictometry and Watsonville 2005 General Plan, Land Use Map)

BACKGROUND

On January 10, 2019, the applicant, Murray A. Fontes, on behalf of the City of Watsonville, property owner, submitted an application for a General Plan Map Amendment, Zoning Map Amendment, Lot Consolidation and Boundary Line Adjustment with Environmental Review (PP2019-10) to allow the City of Watsonville to develop a pedestrian and bicycle trail system in an open space along upper Struve Slough area.

PROCESS

The applications to amend the General Plan Land Use Diagram and Zoning Map require review and recommendation by the Planning Commission to the City Council, pursuant to Part 7 (Amendment to General Plan) and Part 8 (Amendment to the Zoning Code and Map) of Chapter 14-12 (Zoning Permits) of the Watsonville Municipal Code (WMC).

WMC Section 13-8.01 establishes the review process for the boundary line adjustment of two contiguous parcels of land under the same ownership.

WMC Section 13-8.04 established the review process for the lot consolidation of two contiguous parcels of land under the same ownership.

These applications are combined for recommendation by the Planning Commission to the City Council.

DISCUSSION

Existing Setting and Proposed Project:

Existing Site: Three adjoining properties under single ownership comprise the subject site. The 8.96± acre site with APN 016-231-01 is designated Public/Quasi-Public on the General Plan Land Use Diagram and is within the N Zoning District. The northern adjoining site is 0.33± acres with APN 014-052-01 is designated Residential Low Density on the General Plan Land Use Diagram and is within the R-1 Zoning District. The southern adjoining site is 0.30± acres with APN 016-221-06 is designated Residential Medium Density on the General Plan Land Use Diagram and is within the RM-2 Zoning District. Located on the eastern corner of South Green Valley Road and Pennsylvania Drive, the 8.96± acre site is developed as a church/school and contains a portion of the Upper Struve Slough. The adjoining 0.33± acre parcel in-between the road and church is largely unimproved except for a small portion of the church's parking lot, approximately 560 square-feet in size. It, too, contains slough area at the rear of the parcel. As shown in Figure 2, the parcels are adjacent to the Struve Slough.



FIGURE 2. Aerial view of subject site and surroundings (Source: Google Earth)

Proposed Project: The applicant proposes to adjust the parcel lines so that the church and slough are on separate parcels and change the land use and zoning designations to correspond with these land uses. The Green Valley Christian Church would be located on a single property and have a single land use designation of Public/Quasi Public and corresponding zoning of Institutional (N). The remaining parcel would contain the Upper Struve Slough area. The portion of the slough area currently designated Residential Low Density would be changed to Environmental Management and rezoned Environmental Management Open Space (EM-OS). The southern adjoining parcel currently designated Residential Medium Density on the General Plan Land Use Diagram with RM-2 Zoning District would be consolidated into the larger parcel and rezoned to match the Green Valley Christian Church General Plan Land Use Designation of Public/Quasi Public with corresponding zoning of Institutional (N). Staff understands that Green Valley Christian Church plans on granting the parcel undertaking the boundary line adjustment to the City of Watsonville to develop a pedestrian and bicycle trail system adjacent to the Struve slough.

General Plan Amendment and Rezoning:

General Plan/Zoning: A General Plan land use designation and zone change are required to allow the City of Watsonville to develop a pedestrian and bicycle trail system adjacent to the Struve Slough.

The existing designation on the General Plan Land Use Diagram for the three adjoining parcels are Residential Low Density for the northern 0.33± acres site, Public/Quasi-Public for the center 8.96± acre site, and Residential Medium Density for the southern adjoining 0.30± acre site (see figure 3). These designations require a change to the General Plan land use designation and rezone to allow the City of Watsonville to develop a pedestrian and bicycle trail system adjacent to the Struve Slough. The boundary line adjustment proposes to adjust the parcel lot lines such that the church and slough are on separate parcels and change the land use and zoning designations to correspond with the existing land uses. The southern adjoining parcel would be consolidated to create one parcel for the Green Valley Christian Church and change the corresponding General Plan Land Use Diagram to Public/Quasi Public (P) and zoning designation to Institutional (N). (See Figure 4 for proposed changes)

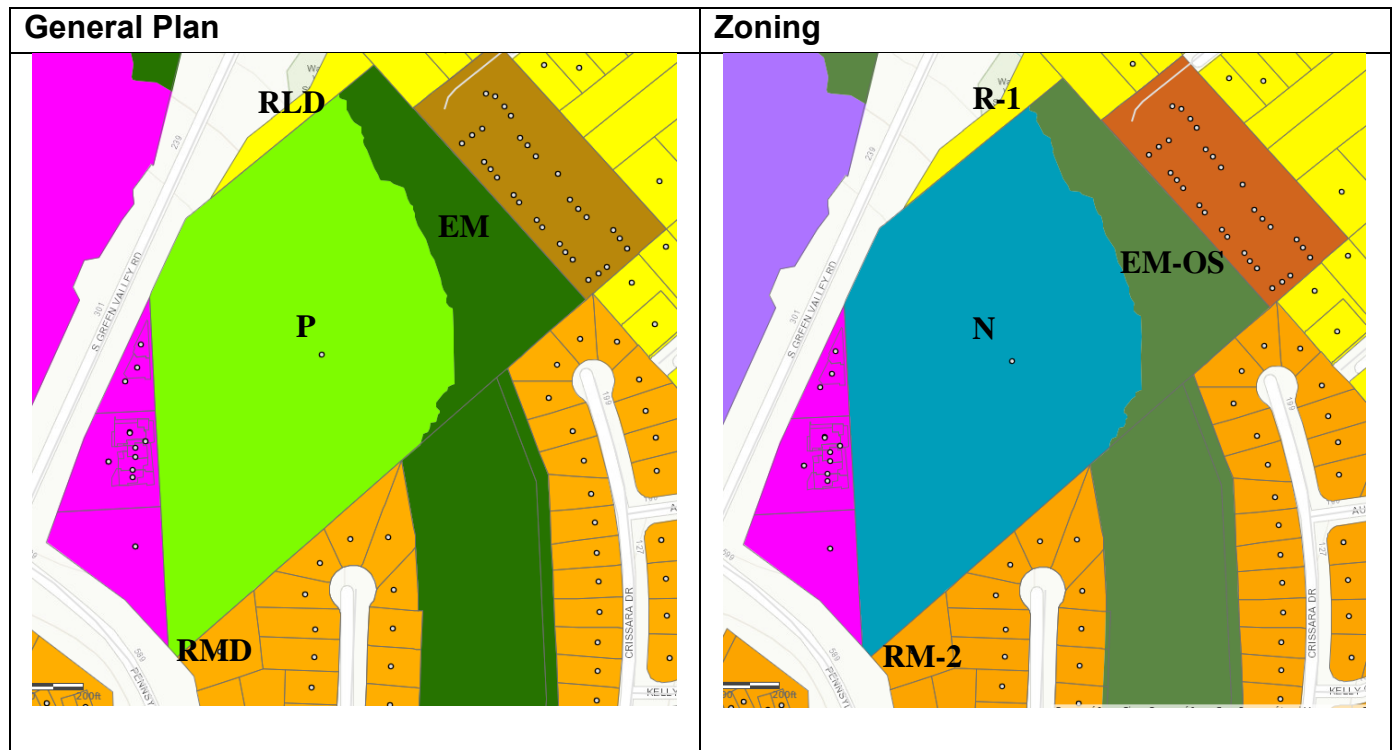


FIGURE 3. Existing General Plan and Zoning (Source: City GIS Database)

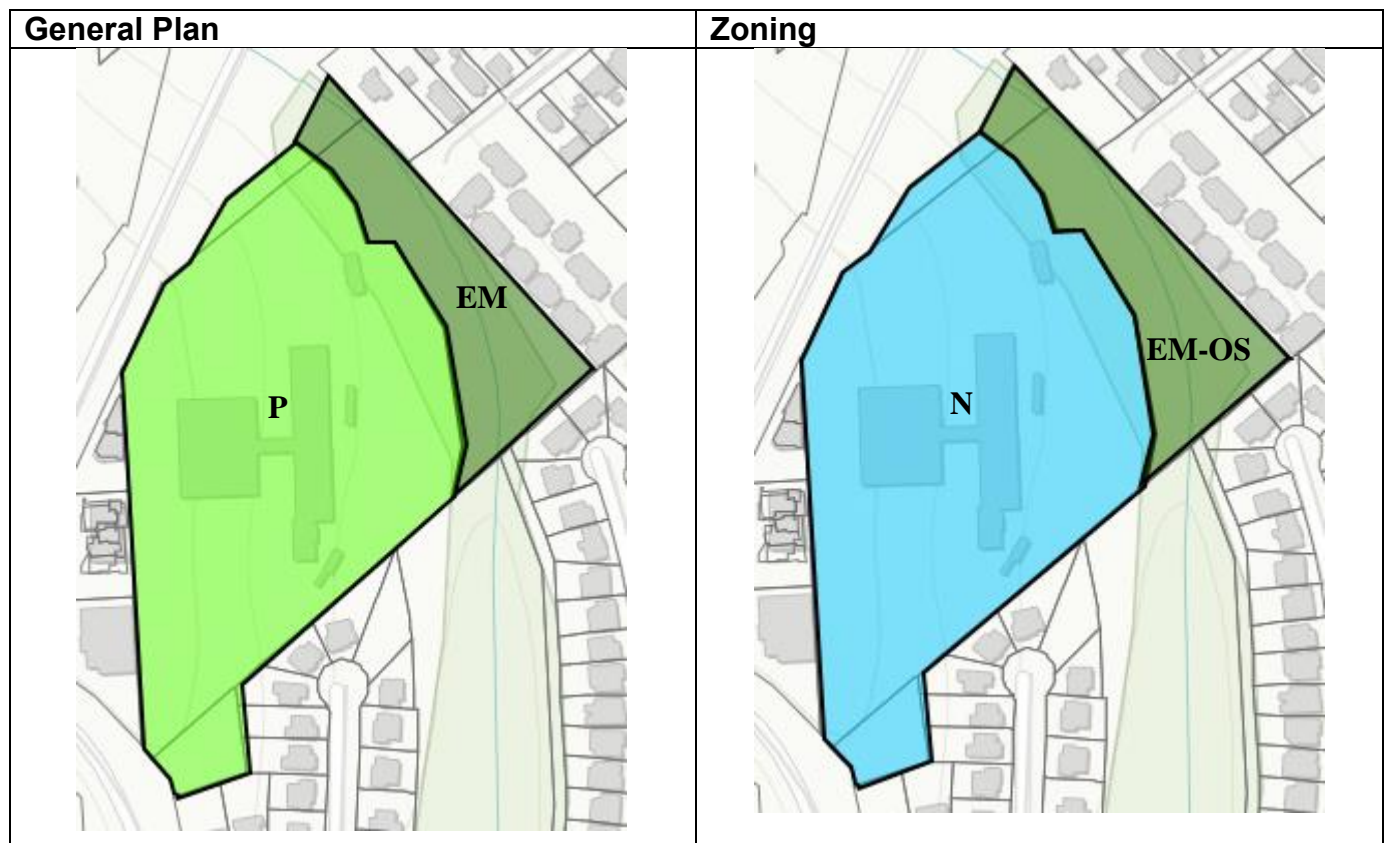


FIGURE 4. Proposed changes to General Plan, Rezoning with Boundary Line adjustment and lot consolidation.
(Source: City GIS Database)

The General Plan Land Use Diagram and Zoning Map may be amended according to procedures established in WMC Chapter 14-12 whenever the public necessity, general community welfare, and good zoning practices permit such amendment. The Planning Commission and City Council must, in Planning Commission recommending and the City Council in approving an amendment to the General Plan Land Use Diagram and Zoning Map, make the following findings:

- That the proposed amendment is consistent with the policies embodied in the General Plan; and
- That the proposed amendment is compatible to the extent possible with the actual and general planned use of the adjacent properties.

Boundary Line Adjustment:

The plot plan shows the existing and proposed property boundaries (Attachment 1). As shown on this plan, the boundary line adjustment would adjust the parcel lot lines such that the church and slough are on separate parcels. The boundary line adjustment is needed because the City of Watsonville intends to create a pedestrian and bicycle trail system adjacent to the Struve Slough. The pedestrian and bicycle trail system along Struve Slough meets the General Plan Policy of conserving and enhancing natural resources that contribute to the visual, recreational, and educational aesthetics of Watsonville. Policy 5.J.1 of the Watsonville General

Plan 2005 requires the City to conserve and enhance the natural resource areas of the community that give residents passive recreational and educational opportunities connected with the natural heritage of Watsonville. The Struve Slough pedestrian and bicycle trail system will implement measures of the Watsonville General Plan 2005 to provide residents of the community recreational and educational scenic natural resources.

Lot Consolidation:

The Plot Plan shows the existing and proposed property boundaries (Attachment 1). As shown on this plan, the southern adjoining parcel with APN 016-221-06 is used as open space for the Green Valley Christian Church yet has a General Plan Land Use Designation of Residential Medium Density with corresponding zoning designation of RM-2. At the time of the application, the southern adjoining parcel is a separate legal lot and the Green Valley Christian Church would benefit from a lot consolidation by the merging of the two lots into one. A title report prepared by First American Title Insurance Company confirms that the two lots are owned by Green Valley Christian Center of Watsonville (Attachment 3).

ENVIRONMENTAL REVIEW

Categorical Exemption: A Categorical Exemption has been prepared for the General Plan Amendment with Rezoning, Lot Consolidation, and Boundary Line Adjustment, pursuant to Section 15061 of the CEQA regulations which allows changes to the Zoning Map where no significant effects occur on the environment. This project is eligible for a Categorical Exemption as the project would not result in a change in land use and the proposed changes to the Zoning Map would result in the establishment of more restrictive zoning district (EM-OS instead of R-1 and N).

CONCLUSION

The proposed project site located at 376 South Green Valley Road is developed as a church/school and contains a portion of the Upper Struve Slough. It is staffs understanding that Green Valley Christian Church plans on granting the parcel undertaking the boundary line adjustment to the City of Watsonville, and that the Public Works and Utilities Department intends to develop a pedestrian and bicycle trail adjacent to the Struve Slough. The Boundary Line adjustment will adjust the parcel lot lines such that the church and slough are on separate parcels. The Green Valley Christian Church would be located on a single parcel and have a single land use designation of Public/Quasi Public and corresponding zoning of Institutional (N). The remaining parcel undertaking the boundary line adjustment will contain the Upper Struve Slough area and the current General Plan Land Use Designation of Residential Low Density would be changed to Environmental Management (EM) with corresponding zoning of Environmental Management – Open Space (EM-OS).

ATTACHMENTS

1. Plot Plan with legal descriptions for Parcel A and Parcel B (2 pages)
2. Site plan with existing and proposed General Plan and Zoning Designations (2 pages)
3. Title Report
4. Record of Survey (Volume 94 maps, page 1)

PLANNING COMMISSION 5.B.5.

RESOLUTION NO. ____-19 (PC)

**RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF WATSONVILLE, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL
OF A GENERAL PLAN MAP AMENDMENT OF THE SITE FROM RESIDENTIAL LOW DENSITY
(RLD) TO ENVIRONMENTAL MANAGEMENT (EM), A ZONING MAP AMENDMENT OF THE SITE
FROM SINGLE FAMILY RESIDENTIAL (R-1) TO ENVIRONMENTAL MANAGEMENT OPEN
SPACE DISTRICT (EM-OS), A LOT CONSOLIDATION, BOUNDARY LINE ADJUSTMENT WITH
ENVIRONMENTAL REVIEW (PP2019-10) TO ALLOW ADJUSTING THE PROPERTY
BOUNDARIES AND AMENDING THE CITY'S GENERAL LAND USE MAP AND ZONING
DESIGNATIONS TO REFLECT EXISTING LAND USES FOR THREE SUBJECT PROPERTIES
LOCATED AT 376 SOUTH GREEN VALLEY ROAD, 376-A SOUTH GREEN VALLEY ROAD AND
0 GREEN VALLEY ROAD
(APN: 016-231-01, 016-221-06, and 014-052-01)**

WHEREAS, an application for a General Plan Map Amendment, a Zoning Map Amendment, a Lot Consolidation along with a Boundary Line Adjustment and Environmental Review (PP2019-10) to allow the City of Watsonville to develop a pedestrian and bicycle trail system adjacent to the Struve Slough located at 376 South Green Valley Road, 376 A South Green Valley Road, and 0 South Green Valley Road (APN: 016-231-01, 016-221-06, & 014-052-01) was filed by Murray A. Fontes with the City of Watsonville Public Works and Utilities Department, applicant, on behalf of the City of Watsonville, property owner, on January 10, 2019; and

WHEREAS, a Categorical Exemption has been prepared for the project, pursuant to Section 15061 of California Environmental Quality Act (CEQA) requirements; and

WHEREAS, it was determined that amendments to the General Plan and the Zoning Map were required to accommodate the proposed project and those changes were initiated; and

WHEREAS, the site is proposed for rezone to Environmental Management – Open Space (EM-OS) with a General Plan designation of Environmental Management (EM); and

WHEREAS, the appropriate public noticing procedures have been followed to consider recommendation of the General Plan Map Amendment and Rezoning described herein in addition to recommendation of the approval of the Lot Consolidation and the Boundary Line Adjustment with

Environmental Review and a public hearing was held at the time and in the manner prescribed by the City of Watsonville Zoning Ordinance requirements. The matter called for hearing evidence both oral and documentary introduced and received, and the matter submitted for decision; and

WHEREAS, the Planning Commission has considered all written and verbal evidence regarding this application; and

WHEREAS, the Planning Commission finds that the lot consolidation and boundary line adjustment will be consistent with the standards and General Development Plan and finds that the project provides additional public benefits than would otherwise be provided by a standard development on the parcel.

NOW THEREFORE BE IT RESOLVED, by the Planning Commission of the City of Watsonville, California, as follows:

That the application for a General Plan Map Amendment, Zoning Map Amendment, Lot Consolidation, Boundary Line Adjustment with Environmental Review (PP2019-10) is recommended to the City Council for approval in accordance with the Findings attached and marked as Exhibits “A”, “B”, “C,” and Conditions of Approval attached and marked as Exhibit “D.”

I HEREBY CERTIFY that the foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Watsonville, California held on the 2h day of April, 2019, by Commissioner _____, who moved its adoption, which motion being duly seconded by Commissioner _____, was upon roll call, carried and the resolution adopted by the following vote:

Ayes: Commissioners:

Noes: Commissioners:

Absent: Commissioners:

Suzi Merriam, Secretary
Planning Commission

Jenny Veitch-Olson, Chairperson
Planning Commission

Application No.: PP2019-10

APN: 016-231-01, 016-221-06, & 014-052-01

Applicant: Murray A. Fontes

Hearing Date: April 2, 2019

GENERAL PLAN / REZONING APPROVAL FINDINGS (WMC § 14-12.708)

1. That the proposed amendment is consistent with the policies embodied in the General Plan.

Supportive Evidence

The proposed amendment to the General Plan and Zoning Map would allow the City of Watsonville to implement Policy 5.J.1 of the Watsonville General Plan 2005 by conserving and enhancing natural resources that contribute to the visual, recreational, and educational aesthetics of the Struve Slough Area. The City of Watsonville intends to develop a pedestrian and bicycle trail system for city residents to provide community recreation and educational opportunities along scenic natural resources such as the Watsonville Struve Slough.

2. That the proposed amendment is compatible to the extent possible with the actual and general planned use of the adjacent properties.

Supportive Evidence

The subject site is adjacent to the Struve Slough and has a corresponding General Plan Land Use Designation of Environmental Management. Granting the General Plan and Zoning Map Amendments will allow for the establishment of a pedestrian and bicycle trail system which aligns with Policy 5.J Scenic Natural Resources. This policy states that the City shall conserve and enhance natural resources that contribute to the visual, recreational, and educational aesthetics of Watsonville. Such resources include: wetlands, sloughs, rivers, lakes, hillsides, and stands of vegetation.

Application No. PP2019-10

APN: 016-231-01, 016-221-06, & 014-052-01

Applicant: Murray A. Fontes

Hearing Date: April 2, 2019

BOUNDARY LINE ADJUSTMENT FINDINGS (WMC § 13-8.03)

1. The parcels resulting from the lot line adjustment are consistent with the general plan, any applicable specific plan and the regulations of the zoning ordinance and building codes.

Supportive Evidence

The proposed lot line adjustment is consistent with the Zoning Code, in that the resultant property boundary lines will follow the development standards for the EM-OS zoning district. The proposed lot line adjustment is also consistent with the requirements of Chapter 5 and 7 of the Building Code regarding separation and/or fire resistance at property lines.

2. A greater number of parcels than originally existed are not created by the lot line adjustment.

Supportive Evidence

The proposed lot line adjustment will not result in creating any new parcels.

3. The lot line adjustment shall not impair existing easements or it shall include the relocation of existing easements, utilities, or infrastructure serving adjacent lots, parcels, or public lands and streets prior to completing the lot line adjustment.

Supportive Evidence

The proposed lot line adjustment will not impair existing easements and shall not include relocation of existing utilities, or infrastructure serving adjoining lots, parcels, or public lands and streets prior to completing the lot line adjustment.

4. The lot line adjustment shall not impair existing access or create a need for access to adjacent lots or parcels.

Supportive Evidence

The proposed lot line adjustment will not affect or impair access to adjoining lots.

5. The lot line adjustment shall not require alteration of existing improvements or buildings, create a need for any building improvements, or otherwise create noncompliance with the Uniform Building Codes.

Supportive Evidence

The proposed lot line adjustment will not require alterations or improvements to existing structures and will not create noncompliance with the Uniform Building Code

Application No.: PP2019-10

APN: 016-231-01, 016-221-06, & 014-052-01

Applicant: Murray A. Fontes

Hearing Date: April 2, 2019

REQUIRED FINDINGS FOR LOT CONSOLIDATION (WMC § 13-8.06)

1. The lot consolidation is consistent with the General Plan and any applicable specific plan, and the regulations of the zoning and building codes.

Supportive Evidence

The proposed lot consolidation is consistent with the General Plan and Zoning Ordinance with the approval of a General Plan Amendment (from Residential Medium Density to Public/Quasi-Public) and Zoning Map Amendment (from Multiple Residential to Institutional). The proposed lot consolidation is consistent with the Subdivision Map Act and is required prior to any future development of the subject site.

2. The lots to be consolidated are under common ownership.

Supportive Evidence

According to a title report prepared by First American Title Insurance Company, the two lots are owned by the Green Valley Christian Center.

3. The lot consolidation shall not impair existing easements or it shall include the relocation of existing easements, utilities, or infrastructure serving adjacent lots, parcels, or public lands and streets.

Supportive Evidence

The lot consolidation will not conflict with any existing easements and will not require the relocation of utilities or infrastructure serving adjacent lots, parcels or public lands and streets.

4. The lot consolidation shall not impair existing access or create a need for access to adjacent lots or parcels.

Supportive Evidence

The lot consolidation will not impair existing access or create a need for access to adjacent lots or parcels.

5. The lot consolidation shall not adjust or remove the boundary between parcels for which an improvement agreement is in effect and all required improvements have not been completed, unless the Community Development Director determines that the proposed lot consolidation will not significantly affect the improvements.

Supportive Evidence

The project site is not subject to an existing improvement agreement and will not be subject to any improvements.

Application No.: PP2019-10

APN: 016-231-01, 016-221-06, & 014-052-01

Applicant: Murray A. Fontes

Hearing Date: April 2, 2019

**LOT CONSOLIDATION WITH BOUNDARY LINE ADJUSTMENT
CONDITIONS OF APPROVAL**

General Conditions:

1. The Lot Consolidation and Boundary Line adjustment shall be null and void if not acted upon within 24 months from the effective date of the approval thereof. Time extensions may be granted pursuant to the Subdivision Map Act provided the applicant requests it prior to expiration of the approval. (CDD-P)
2. This Lot Consolidation and Boundary Line Adjustment approval shall not be final until after the ten-day appeal period. In the event of an appeal, issuance of this approval shall be withheld until after the final determination. (CDD-P)
3. This approval applies to the Lot Consolidation and Boundary Line Adjustment defined by the Planning Map entitled "Lot Merger and Lot Line Adjustment Map, Lands of Green Valley Christian Center of Watsonville 376 South Green Valley Road, APNs 016-231-01, 016-221-06 & 014-052-01" (prepared by Mid Coast Engineers, dated February 20, 2019 received by the Community Development Department on February 22, 2019. (CDD-P)
4. The applicant shall prepare and submit legal descriptions for the consolidated parcel boundaries approved by this action. (CDD-E)
5. The applicant shall prepare and submit legal descriptions for the revised parcel boundaries approved by this action. The allowable error of closure on any portion of the legal description for the lot line adjustment shall not exceed one in ten thousand (1/10,000) for field closures and one in twenty thousand (1/20,000) for calculated closure. The lot line adjustment shall be reflected by recorded deed. (CDD-E)
6. The applicant shall apply for an address assignment to retire the former address of 376 A South Green Valley Road. (CDD-B, -E)
7. The applicant shall submit evidence from the Santa Cruz County Assessor's Office to retire the former APN 016-221-06.
8. The applicant shall submit evidence from the Santa Cruz County Assessor's Office for the creation of a new Assessor Parcel Number for the new merged parcel. (CDD-P, -E).
9. The applicant shall submit evidence from the Santa Cruz County Assessor's Office for the creation of a new Assessor Parcel Number for the lot line adjustment. (CDD-P, -E).

Key to Department Responsibility

CDD-B - Community Development Department (Building)

CDD-P - Community Development Department (Planning)

CDD-E - Community Development Department (Engineering)

PW - Public Works and Utilities Department

WFD – Watsonville Fire Department

RESOLUTION NO. _____(CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE APPROVING THE TWENTY-THIRD (23RD) AMENDMENT TO THE WATSONVILLE 2005 GENERAL PLAN TO RE-DESIGNATE ASSESSOR'S PARCEL NUMBER 016-221-06 LOCATED AT 376 A SOUTH GREEN VALLEY ROAD, WATSONVILLE, CALIFORNIA FROM (R-MD) MEDIUM-DENSITY RESIDENTIAL TO PUBLIC/QUASI-PUBLIC AND A PORTION OF ASSESSOR'S PARCEL NUMBER 014-052-01 LOCATED AT 0 SOUTH GREEN VALLEY ROAD, WATSONVILLE, CALIFORNIA FROM (R-LD) LOW-DENSITY RESIDENTIAL TO PUBLIC/QUASI-PUBLIC AND ENVIRONMENTAL MANAGEMENT (EM) TO ALLOW THE CITY OF WATSONVILLE TO DEVELOP A PEDESTRIAN AND BICYCLE TRAIL SYSTEM ADJACENT TO THE STRUVE SLOUGH, AND DIRECTING CHANGES TO BE MADE ON THE GENERAL PLAN LAND USE DIAGRAM OF THE CITY OF WATSONVILLE

WHEREAS, on or about January 10, 2019, an application (PP2019-10) for a General Plan Land Use Diagram Amendment from (R-MD) Medium Density Residential to Public/Quasi Public for a parcel located at 376 A South Green Valley Road (APN: 016-221-06) and a portion of a parcel located at 0 South Green Valley Road (APN: 014-052-01) from (R-LD) Low Density Residential to Public/Quasi Public (P) and Environmental Management (EM), was filed by Murray A. Fontes on behalf of the City of Watsonville (Applicant) for Green Valley Christian Center of Watsonville, (property owner); and

WHEREAS, the subject property located at 376 A South Green Valley Road is designated Medium Density Residential and the property located at 0 South Green Valley Road is designated Low Density Residential on the General Plan Land Use Diagram and both are within the R-1 Single Family Residential and RM-2 Multiple Residential Zoning Districts; and

WHEREAS, a twenty-third (23rd) amendment to the *Watsonville 2005 General Plan* is proposed which will change the 2005 General Plan Land Use Diagram designation from (R-MD) Medium Density Residential to Public/Quasi Public for a parcel located at 376 A

South Green Valley Road (APN: 016-221-06) and (R-LD) Low Density Residential to Public/Quasi Public and Environmental Management, for a portion of parcel located at 0 South Green Valley Road (APN:014-052-01) Watsonville, California; and

WHEREAS, subject to the Applicant's application for rezoning for 376 A South Green Valley Road (APN: 016-221-06) from designated RM-2 Multiple Residential to (N) Institutional and from R-1 Single Family Residential to N (Institutional) and EM-OS (Environmental Management Open Space) for 0 South Green Valley Road (APN: 014-052-01), the requested General Plan Amendments would satisfy the requirement of State law applicable to General Law cities for zoning and General Plan consistency; and

WHEREAS, pursuant to Section 65358(b) of the Government Code, the General Plan may only be amended four (4) times during any calendar year; and

WHEREAS, on May 24, 1994, the *Watsonville 2005 General Plan* was adopted by Resolution No. 137-94 (CM); and

WHEREAS, on November 7, 1995, the *Watsonville 2005 General Plan* was amended by Resolution No. 299-95 (CM) adopting GPA-1-95 thereby affecting 451 East Beach Street. GPA-1-95 was the first (1st) amendment to the *Watsonville 2005 General Plan* and the first (1st) amendment of the 1995 calendar year; and

WHEREAS, on March 25, 1997, the *Watsonville 2005 General Plan* was amended by Resolution No. 89-97 (CM) adopting GPA-2-94 thereby affecting certain lands west of Lee Road owned by Vincent Tai. GPA-2-94 was the second (2nd) amendment to the *Watsonville 2005 General Plan* and the first (1st) amendment of the 1997 calendar year; and

WHEREAS, on July 22, 1997, the *Watsonville 2005 General Plan* was amended by Resolution No. 235-97 (CM) adopting GPA-2-97 thereby affecting certain property at 527

Center Street Watsonville, owned by John Fiorovich. GPA-2-97 was the third (3rd) amendment to the *Watsonville 2005 General Plan* and the second (2nd) amendment of the 1997 calendar year; and

WHEREAS, on November 4, 1997, the *Watsonville 2005 General Plan* was amended by Resolution No. 335-97 (CM) adopting GPA-3-97 thereby affecting certain property at 567 Auto Center Drive owned by Robert Erickson. GPA-3-97 was the fourth (4th) amendment to the *Watsonville 2005 General Plan* and the third (3rd) amendment of the 1997 calendar year; and

WHEREAS, on April 28, 1998, the *Watsonville 2005 General Plan* was amended by Resolution No. 132-98 (CM) adopting GPA-1-98 to re-designate 98 parcels in the vicinity of Airport Boulevard and Loma Prieta Avenue. GPA-1-98 was the fifth (5th) amendment to the *Watsonville 2005 General Plan* and the first (1st) amendment of the 1998 calendar year; and

WHEREAS, on April 28, 1998, the *Watsonville 2005 General Plan* was amended by Resolution No. 134-98 (CM) adopting GPA-2-98 to re-designate 141.2 acres outside the City Limits of the City of Watsonville (Freedom/Carey Annexation). GPA-2-98 was the sixth (6th) amendment to the *Watsonville 2005 General Plan* and the second (2nd) amendment of the 1998 calendar year; and

WHEREAS, on December 8, 1998, the *Watsonville 2005 General Plan* was amended by Resolution No. 311-98 (CM) adopting GPA-3-98 to amend the Land Use Diagram of the Land Use and Community Development Element of the *Watsonville 2005 General Plan* requesting re-designation of Assessor's Parcel Numbers 019-861-20 & 21 as part of a mixed use hospital re-use development project (298 Green Valley Road, Watsonville). GPA

3-98 was the seventh (7th) amendment to the *Watsonville 2005 General Plan* and the third (3rd) amendment of the 1998 calendar year; and

WHEREAS, on July 27, 1999, the City Council adopted Resolution No. 224-99 (CM) approving the eighth (8th) amendment to the *Housing Element, 1991 - 1996* of the *Watsonville 2005 General Plan* (GPA-2-99) and the first (1st) amendment of 1999 calendar year; and

WHEREAS, on March 10, 2000, the City Council adopted Resolution No. 71-00 (CM) approving the ninth (9th) amendment to the *Watsonville 2005 General Plan* (GPA-1-00) and the first (1st) amendment of 2000 to eliminate the Lands West of Lee Road as a “Special Study Area”; and

WHEREAS, on August 22, 2000, the Council adopted Resolution No. 245-00 (CM) approving the tenth (10th) and the second (2nd) amendment to the *Watsonville 2005 General Plan* (GPA-2-00) to amend the *Watsonville 2005 Local Coastal Program* to allow development of the New Millennium High School; and

WHEREAS, on June 12, 2001, the Council adopted Resolution No. 142-01 (CM) approving the eleventh (11th) amendment to the *Watsonville 2005 General Plan* and the first (1st) amendment of the 2001 calendar year by amending the Housing Element of such General Plan; and

WHEREAS, on June 26, 2001, the Council adopted Resolution No. 170-01 (CM) approving the twelfth (12th) amendment to the *Watsonville 2005 General Plan* and the second (2nd) amendment of the 2001 calendar year by amending the *Watsonville 2005 Local Coastal Program Land Use plan* to make minor modifications to Figure 2A, Sections III C.3 (p) and C.4; and

WHEREAS, on January 8, 2002, the Council adopted Resolution No. 10-02 (CM) amending the twelfth (12th) amendment and (1st) amendment of the 2002 calendar year to the *Watsonville 2005 General Plan*; and

WHEREAS, on February 26, 2002, the Council adopted Resolution No. 52-02 (CM) approving the thirteenth (13th) amendment to the *Watsonville 2005 General Plan* and the second (2nd) amendment of the 2002 calendar year to re-designate Assessor's Parcel Numbers 018-151-14, 28, 29, and 30 (640, 646, and 652 Main Street) from Central Commercial to Public/Quasi-Public; and

WHEREAS, on March 12, 2002, the Council adopted Resolution No. 63-02 (CM) approving the fourteenth (14th) Amendment to the *Watsonville 2005 General Plan* and the third (3rd) amendment of the 2002 calendar year, to re-designate Assessor's Parcel Number 015-321-04 (20 Holm Road) from Industrial to Residential Medium Density on the *Land Use Diagram* of the *Land Use and Community Development Element* to allow the construction of a twenty-five (25) unit townhouse development; and

WHEREAS, on September 24, 2002, the Council adopted Resolution No. 245-02 (CM) approving the fifteenth (15th) Amendment to the *Watsonville 2005 General Plan*, and the fourth (4th) amendment of the 2002 calendar year to re-designate a portion of Assessor's Parcel Number 015-201-04 from Public/Quasi Public to Residential - Low Density (comprising 12,000 square feet) and Environmental Management - Open Space (EM-OS) on the *Land Use Diagram* of the *Land Use and Community Development Element*); and

WHEREAS, on November 5, 2002, the voters of the City of Watsonville approved the Orderly Growth and Agricultural Protection measure to amend the *Watsonville 2005 General*

Plan which became the sixteenth (16th) amendment to the General Plan and the fifth (5th) amendment of the 2002 calendar year; and

WHEREAS, on February 23, 2010, the City Council adopted Resolution No. 27-10 (CM) approving the seventeenth (17th) amendment to the *Watsonville 2005 General Plan* (GPA-1-10) and the first (1st) amendment of the 2010 calendar year from (R-LD) Residential Low Density to (CG) General Commercial for a parcel located at 813 Freedom Boulevard (APN: 016-143-09), Watsonville, California; and

WHEREAS, on November 8, 2011, the City Council adopted Resolution No. 196-11 (CM) approving the eighteenth (18th) amendment to the *Watsonville 2005 General Plan* (GPA-1-11) and the first (1st) amendment of the 2011 calendar year from (R-LD) Residential Low Density to (P/QP) Public/Quasi-Public, for parcels located at 320 and 332 East Beach Street (APN: 017-141-05 and 017-141-15), Watsonville, California; and

WHEREAS, on March 22, 2016, the City Council adopted Resolution No. 32-16 (CM) approving the nineteenth (19th) amendment to the *Watsonville 2005 General Plan* and the first (1st) amendment of the 2016 calendar year from (GC) General Commercial to (CC) Central Commercial and a text amendment to page 52 (Central Commercial) of Chapter 4 (Land Use and Community Development) to allow additional intensification in the downtown if adequate on-site parking can be provided for Assessor's Parcel Number 016-153-03 located at 1 Western Drive, Watsonville, California; and

WHEREAS, on April 26, 2016, the City Council adopted Resolution No. 58-16 (CM) approving the twentieth (20th) amendment to the *Watsonville 2005 General Plan* and the second (2nd) amendment of the 2016 calendar year from (I) Industrial to (GC) General Commercial to allow the development of two four-story hotels and associated retail uses on

a 7.3 acre parcel located at 1715 West Beach Street, Assessor's Parcel Number 018-302-03 located at 1715 West Beach Street, Watsonville, California; and

WHEREAS, on July 5, 2016, the City Council adopted Resolution No. 129-16 (CM) approving the twenty-first (21st) amendment to the *Watsonville 2005 General Plan* and the third (3rd) amendment of the 2016 calendar year from (N) Institutional to (R-HD) High-Density Residential to allow the construction of 48 townhome units and the relocation and rehabilitation of an existing school house to a residential unit on a 2.65 acre parcel Assessor's Parcel Number 015-371-01 located at 221 Airport Boulevard, Watsonville, California; and

WHEREAS, on August 28, 2018, the City Council adopted Resolution No. 140-18 (CM) approving the twenty-second (22nd) amendment to the *Watsonville 2005 General Plan* and the first (1st) amendment of the 2018 calendar year from (I) Industrial to (RH-D) High-Density Residential for 551 Ohlone Parkway, Watsonville California (APN: 018-372-14); and

WHEREAS, the proposed General Plan Amendment, if adopted, will be the twenty-third (23rd) amendment to the *Watsonville 2005 General Plan* and the first (1st) amendment of the 2019 calendar year; and

WHEREAS, the appropriate public noticing procedures have been followed for the General Plan Map Amendment from (R-MD) Medium Density Residential to Public/Quasi Public for Assessor's Parcel Number 016-221-06 located at 376 A South Green Valley Road, and a portion of Assessor's Parcel Number 014-052-01 located at 0 South Green Valley Road, Watsonville, California from (R-LD) Low Density Residential to Public/Quasi Public (P) and Environmental Management (EM); and

WHEREAS, the City Council has considered all evidence received, both oral and documentary, and the matter was submitted for decision.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
WATSONVILLE, CALIFORNIA, AS FOLLOWS:**

Good cause appearing and upon the Findings, attached hereto and incorporated herein as Exhibit "A," the City Council of the City of Watsonville does hereby approve this amendment to the 2005 General Plan Land Use Diagram, a portion of which is attached hereto and marked as Exhibit "B," to change the designation from (R-MD) Medium Density Residential to Public/Quasi Public for a parcel located at 376 A South Green Valley Road (APN: 016-221-06) and a portion of (APN: 014-052-01) located at 0 South Green Valley Road, Watsonville, California from (R-LD) Low Density Residential to Public/Quasi Public (P) and Environmental Management (EM) to allow the City of Watsonville to develop a pedestrian and bicycle trail system adjacent to the Upper Struve Slough.

Application No.: PP2019-10
APN: 016-231-01, 016-221-06, & 014-052-01
Applicant: Murray A. Fontes
Hearing Date: April 23, 2019

GENERAL PLAN / REZONING APPROVAL FINDINGS (WMC § 14-12.708)

1. That the proposed amendment is consistent with the policies embodied in the General Plan.

Supportive Evidence

The proposed amendment to the General Plan and Zoning Map would allow the City of Watsonville to implement Policy 5.J.1 of the Watsonville General Plan 2005 by conserving and enhancing natural resources that contribute to the visual, recreational, and educational aesthetics of the Struve Slough Area. The City of Watsonville intends to develop a pedestrian and bicycle trail system for city residents to provide community recreation and educational opportunities along scenic natural resources such as the Watsonville Struve Slough.

2. That the proposed amendment is compatible to the extent possible with the actual and general planned use of the adjacent properties.

Supportive Evidence

The subject site is adjacent to the Struve Slough and has a corresponding General Plan Land Use Designation of Environmental Management. Granting the General Plan and Zoning Map Amendments will allow for the establishment of a pedestrian and bicycle trail system which aligns with Policy 5.J Scenic Natural Resources. This policy states that the City shall conserve and enhance natural resources that contribute to the visual, recreational, and educational aesthetics of Watsonville. Such resources include: wetlands, sloughs, rivers, lakes, hillsides, and stands of vegetation.

ORDINANCE NO. _____(CM)

AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE APPROVING REZONING ON ASSESSOR'S PARCEL NUMBER 016-221-06 LOCATED AT 376 A SOUTH GREEN VALLEY ROAD, WATSONVILLE, CALIFORNIA, FROM RM-2 (MULTIPLE RESIDENTIAL DISTRICT) TO INSTITUTIONAL (N) AND A PORTION OF ASSESSOR'S PARCEL NUMBER 014-052-01 LOCATED AT 0 SOUTH GREEN VALLEY ROAD, WATSONVILLE, CALIFORNIA FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO INSTITUTIONAL (N) AND ENVIRONMENTAL MANAGEMENT – OPEN SPACE (EM-OS) FOR APPLICATION NO. PP2019-10 TO ALLOW THE CITY OF WATSONVILLE TO DEVELOP A PEDESTRIAN AND BICYCLE TRAIL SYSTEM ADJACENT TO THE UPPER STRUVE SLOUGH, AND DIRECTING CHANGES TO BE MADE ON THE ZONING MAP OF THE CITY OF WATSONVILLE

WHEREAS, on or about January 10, 2019, an application (PP2019-10) for a Zoning Map Amendment to allow the City of Watsonville to develop a pedestrian and bicycle trail system adjacent to the Upper Struve Slough located at 376 South Green Valley Road, 376 A South Green Valley Road, and 0 South Green Valley Road (APN: 016-231-01, 016-221-06, & 014-052-01) was filed by Murray A. Fontes on behalf of the City of Watsonville (applicant) for Green Valley Christian Center of Watsonville, (property owner); and

WHEREAS, the subject property located at 376 A South Green Valley Road is designated (RMD) Medium Density Residential and the property located at 0 South Green Valley Road is designated (RLD) Low Density Residential on the General Plan Land Use Diagram and both are within R-1 Single Family Residential and RM-2 Multiple Residential Zoning Districts; and

WHEREAS, the applicant, has applied to rezone Assessor's Parcel Number 016-221-06, presently zoned RM-2 (Multiple Residential) to N (Institutional) and a portion of Assessor's Parcel Number 014-052-01, presently zoned R-1 (Single Family Residential)

to N (Institutional) and EM-OS (Environmental Management – Open Space) allowing the City to develop a pedestrian and bicycle trail adjacent to the Struve Slough located at three subject properties located at 376 South Green Valley Road (APN: 016-231-01), 376 A South Green Valley Road (APN: 016-221-06, and 0 South Green Valley Road (APN: 014-052-01); and

WHEREAS, on or about April 2, 2019, the Planning Commission conducted a public hearing and adopted Resolution No. 4-19 (PC), recommending that the City Council adopt a resolution approving the Rezoning Map Amendment of subject properties, to allow the City of Watsonville to develop a pedestrian and bicycle trail system along Upper Struve Slough; and

WHEREAS, notice of time and place of hearing for approval of the Zoning Map Amendment was given at the time and in the manner prescribed by the Zoning Ordinance of the City of Watsonville (Watsonville Municipal Code 14-10.900.); and

WHEREAS, the City Council has considered all evidence received, both oral and documentary, and the matter was submitted for decision.

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: REZONING.

1. That the City Council of the City of Watsonville does hereby approve rezoning on Assessor's Parcel Number 016-221-06, presently zoned RM-2 (Multiple Residential) to N (Institutional) and a portion of Assessor's Parcel Number 014-052-01, presently zoned R-1 (Single Family Residential) to N (Institutional) and EM-OS (Environmental Management – Open Space) which is consistent with Findings, attached hereto and marked as Exhibits "A," allowing the City to develop a pedestrian and bicycle

trail adjacent to the Struve Slough located at three subject properties located at 376 South Green Valley Road (APN: 016-231-01), 376 A South Green Valley Road (APN: 016-221-06, and 0 South Green Valley Road (APN: 014-052-01).

2. That the City Clerk of the City of Watsonville is hereby authorized and directed to make the changes shown upon that portion of the official "Zoning Map of the City of Watsonville" a portion of which is marked as Exhibit "B," a copy of which is attached hereto, and designate the ordinance number and effective date of the ordinance authorizing the change and to depict said lot lines on the Zoning Map once the Map is recorded.

SECTION 2. PUBLICATION.

This ordinance shall be published in the Watsonville Register-Pajaronian and/or Santa Cruz Sentinel in compliance with the provisions of the Charter of the City of Watsonville.

SECTION 3. EFFECTIVE DATE.

This ordinance shall take effect thirty (30) days after its final adoption.

**CITY COUNCIL
CITY OF WATSONVILLE**

Exhibit "A"

Application No.: PP2019-10

APN: 016-231-01, 016-221-06, & 014-052-01

Applicant: Murray A. Fontes

Hearing Date: April 23, 2019

GENERAL PLAN / REZONING APPROVAL FINDINGS (WMC § 14-12.708)

1. That the proposed amendment is consistent with the policies embodied in the General Plan.

Supportive Evidence


The proposed amendment to the General Plan and Zoning Map would allow the City of Watsonville to implement Policy 5.J.1 of the Watsonville General Plan 2005 by conserving and enhancing natural resources that contribute to the visual, recreational, and educational aesthetics of the Struve Slough Area. The City of Watsonville intends to develop a pedestrian and bicycle trail system for city residents to provide community recreation and educational opportunities along scenic natural resources such as the Watsonville Struve Slough.

2. That the proposed amendment is compatible to the extent possible with the actual and general planned use of the adjacent properties.

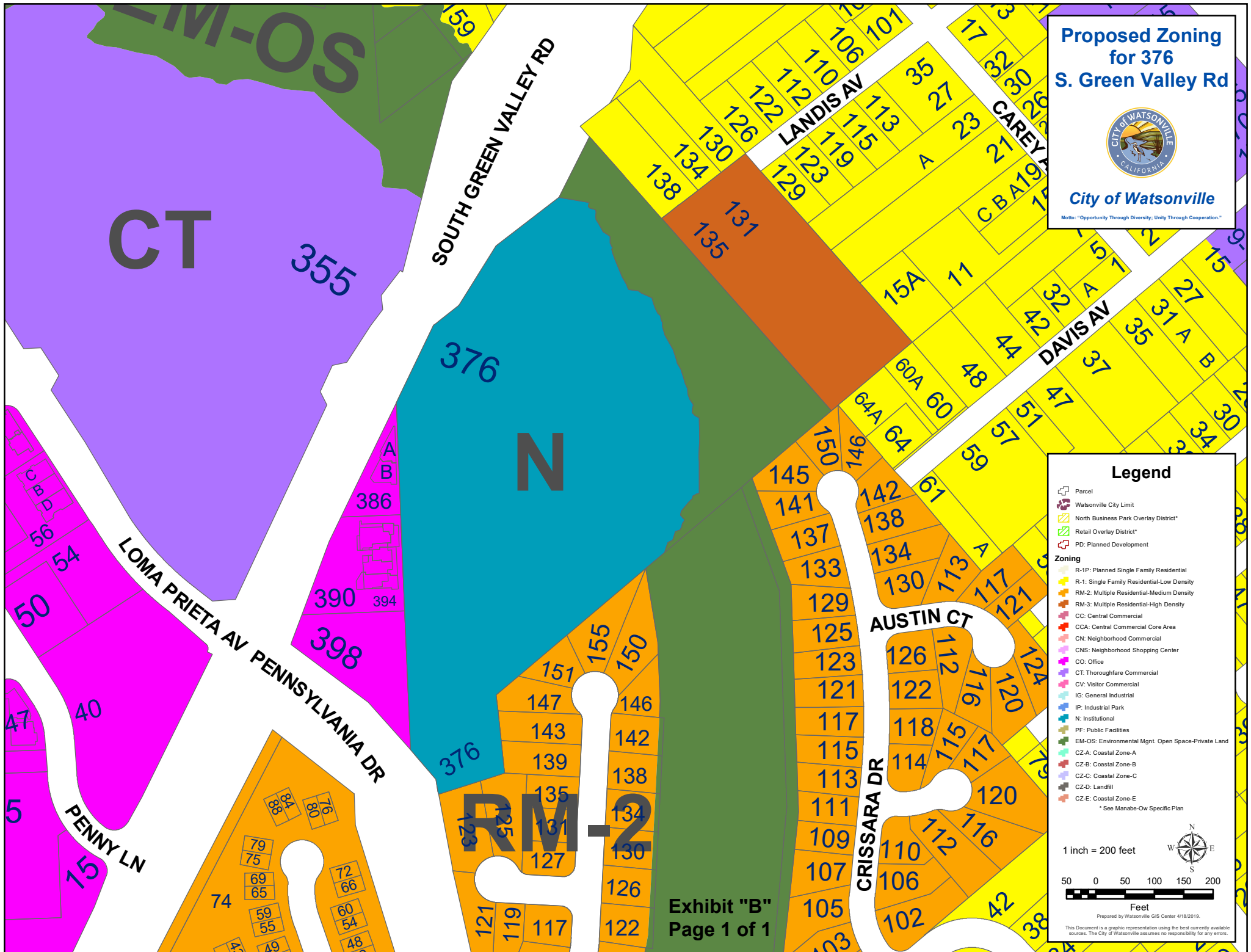
Supportive Evidence

The subject site is adjacent to the Struve Slough and has a corresponding General Plan Land Use Designation of Environmental Management. Granting the General Plan and Zoning Map Amendments will allow for the establishment of a pedestrian and bicycle trail system which aligns with Policy 5.J Scenic Natural Resources. This policy states that the City shall conserve and enhance natural resources that contribute to the visual, recreational, and educational aesthetics of Watsonville. Such resources include: wetlands, sloughs, rivers, lakes, hillsides, and stands of vegetation.

**Proposed Zoning
for 376
S. Green Valley Rd**



City of Watsonville
Motto: "Opportunity Through Diversity; Unity Through Cooperation."



Legend

- Parcel
- Watsonville City Limit
- North Business Park Overlay District*
- Retail Overlay District*
- PD: Planned Development

Zoning

- R-1P: Planned Single Family Residential
- R-1: Single Family Residential-Low Density
- RM-2: Multiple Residential-Medium Density
- RM-3: Multiple Residential-High Density
- CC: Central Commercial
- CCA: Central Commercial Core Area
- CN: Neighborhood Commercial
- CNS: Neighborhood Shopping Center
- CO: Office
- CT: Thoroughfare Commercial
- CV: Visitor Commercial
- IG: General Industrial
- IP: Industrial Park
- N: Institutional
- PF: Public Facilities
- EM-OS: Environmental Mgmt. Open Space-Private Land
- CZ-A: Coastal Zone-A
- CZ-B: Coastal Zone-B
- CZ-C: Coastal Zone-C
- CZ-D: Landfill
- CZ-E: Coastal Zone-E

* See Manabe-Ow Specific Plan

1 inch = 200 feet



Feet

Prepared by Watsonville GIS Center 4/18/2019.
This document is a graphic representation using the best currently available sources. The City of Watsonville assumes no responsibility for any errors.

RESOLUTION NO. _____(CM)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE APPROVING LOT CONSOLIDATION AND BOUNDARY LINE ADJUSTMENT WITH ENVIRONMENTAL REVIEW TO ALLOW ADJUSTING THE PROPERTY BOUNDARIES AND AMENDING THE CITY'S GENERAL LAND USE MAP AND ZONING MAP DESIGNATIONS TO REFLECT EXISTING LAND USES FOR THREE SUBJECT PROPERTIES LOCATED AT 376 SOUTH GREEN VALLEY ROAD, 376 A SOUTH GREEN VALLEY ROAD, AND 1 SOUTH GREEN VALLEY ROAD

WHEREAS, on or about April 2, 2019, the Planning Commission adopted Resolution No. 4-19 (PC) recommending to the City Council the approval of the Lot Consolidation and Boundary Line Adjustment with Environmental Review for three (3) subject properties located at 376 South Green Valley Road, 376 A South Green Valley Road, and 0 South Green Valley Road, (APNs 016-231-01, 016-221-06, and 014-052-01) to allow the City of Watsonville to develop a pedestrian and bicycle trail system in an open space along Upper Struve Slough; and

WHEREAS, Section 13-08.04 of the Watsonville Municipal Code establishes the review process for the lot consolidation of two contiguous parcels of land under the same ownership; and

WHEREAS, Section 13-08.01 of the Watsonville Municipal Code establishes the review process for the boundary line adjustment of two contiguous parcels of land under the same ownership; and

WHEREAS, the City Council has found that the proposed lot consolidation and boundary line adjustment is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 13-3.03 of the Watsonville Municipal Code; and

WHEREAS, the appropriate public noticing procedures have been followed to consider approval of the lot consolidation and boundary line adjustment with environmental review pursuant to Section 13-3.04 of the Watsonville Municipal Code for three (3) subject properties located at 376 South Green Valley Road, 376 A South Green Valley Road, and 0 South Green Valley Road, (APNs 016-231-01, 016-221-06, and 014-052-01); and

WHEREAS, the City Council has considered all written and verbal evidence and the matter submitted for decision.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

1. That the Findings for the lot consolidation for three (3) subject properties located at 376 South Green Valley Road, 376 A South Green Valley Road, and 0 South Green Valley Road, (APNs 016-231-01, 016-221-06, and 014-052-01) to allow the City of Watsonville to develop a pedestrian and bicycle trail system in an open space along Upper Struve Slough, attached hereto and incorporated herein by this reference as Exhibit "A," are hereby approved.

2. That the Findings for the boundary line adjustment for three (3) subject properties located at 376 South Green Valley Road, 376 A South Green Valley Road, and 0 South Green Valley Road, (APNs 016-231-01, 016-221-06, and 014-052-01) to allow the City of Watsonville to develop a pedestrian and bicycle trail system in an open space along Upper Struve Slough, attached hereto and incorporated herein by this reference as Exhibit "B," are hereby approved.

3. That the Conditions of Approval for the lot consolidation and boundary line adjustment for three (3) subject properties located at 376 South Green Valley Road, 376 A South Green Valley Road, and 0 South Green Valley Road, (APNs 016-231-01, 016-221-06, and 014-052-01) to allow the City of Watsonville to develop a pedestrian and bicycle trail system in an open space along Upper Struve Slough, attached hereto and incorporated herein by this reference as Exhibit "C," are hereby approved.

4. That the City Manager is hereby authorized and directed to execute all necessary documents on behalf of the City of Watsonville.

**CITY COUNCIL
CITY OF WATSONVILLE**

EXHIBIT "A"

Application No.: PP2019-10

APN: 016-231-01, 016-221-06, & 014-052-01

Applicant: Murray A. Fontes

Hearing Date: April 23, 2019

REQUIRED FINDINGS FOR LOT CONSOLIDATION (WMC § 13-8.06)

1. The lot consolidation is consistent with the General Plan and any applicable specific plan, and the regulations of the zoning and building codes.

Supportive Evidence

The proposed lot consolidation is consistent with the General Plan and Zoning Ordinance with the approval of a General Plan Amendment (from Residential Medium Density to Public/Quasi-Public) and Zoning Map Amendment (from Multiple Residential to Institutional). The proposed lot consolidation is consistent with the Subdivision Map Act and is required prior to any future development of the subject site.

2. The lots to be consolidated are under common ownership.

Supportive Evidence

According to a title report prepared by First American Title Insurance Company, the two lots are owned by the Green Valley Christian Center.

3. The lot consolidation shall not impair existing easements or it shall include the relocation of existing easements, utilities, or infrastructure serving adjacent lots, parcels, or public lands and streets.

Supportive Evidence

The lot consolidation will not conflict with any existing easements and will not require the relocation of utilities or infrastructure serving adjacent lots, parcels or public lands and streets.

4. The lot consolidation shall not impair existing access or create a need for access to adjacent lots or parcels.

Supportive Evidence

The lot consolidation will not impair existing access or create a need for access to adjacent lots or parcels.

5. The lot consolidation shall not adjust or remove the boundary between parcels for which an improvement agreement is in effect and all required improvements have not been completed, unless the Community Development Director determines that the proposed lot consolidation will not significantly affect the improvements.

Supportive Evidence

The project site is not subject to an existing improvement agreement and will not be subject to any improvements.

BOUNDARY LINE ADJUSTMENT FINDINGS (WMC § 13-8.03)

1. The parcels resulting from the lot line adjustment are consistent with the general plan, any applicable specific plan and the regulations of the zoning ordinance and building codes.

Supportive Evidence

The proposed lot line adjustment is consistent with the Zoning Code, in that the resultant property boundary lines will follow the development standards for the EM-OS zoning district. The proposed lot line adjustment is also consistent with the requirements of Chapter 5 and 7 of the Building Code regarding separation and/or fire resistance at property lines.

2. A greater number of parcels than originally existed are not created by the lot line adjustment.

Supportive Evidence

The proposed lot line adjustment will not result in creating any new parcels.

3. The lot line adjustment shall not impair existing easements or it shall include the relocation of existing easements, utilities, or infrastructure serving adjacent lots, parcels, or public lands and streets prior to completing the lot line adjustment.

Supportive Evidence

The proposed lot line adjustment will not impair existing easements and shall not include relocation of existing utilities, or infrastructure serving adjoining lots, parcels, or public lands and streets prior to completing the lot line adjustment.

4. The lot line adjustment shall not impair existing access or create a need for access to adjacent lots or parcels.

Supportive Evidence

The proposed lot line adjustment will not affect or impair access to adjoining lots.

5. The lot line adjustment shall not require alteration of existing improvements or buildings, create a need for any building improvements, or otherwise create noncompliance with the Uniform Building Codes.

Supportive Evidence

The proposed lot line adjustment will not require alterations or improvements to existing structures and will not create noncompliance with the Uniform Building Code

**CITY COUNCIL
CITY OF WATSONVILLE**

EXHIBIT "C"

Application No.: PP2019-10

APN: 016-231-01, 016-221-06, & 014-052-01

Applicant: Murray A. Fontes

Hearing Date: April 2, 2019

**LOT CONSOLIDATION WITH BOUNDARY LINE ADJUSTMENT
CONDITIONS OF APPROVAL**

General Conditions:

1. The Lot Consolidation and Boundary Line adjustment shall be null and void if not acted upon within 24 months from the effective date of the approval thereof. Time extensions may be granted pursuant to the Subdivision Map Act provided the applicant requests it prior to expiration of the approval. (CDD-P)
2. This Lot Consolidation and Boundary Line Adjustment approval shall not be final until after the ten-day appeal period. In the event of an appeal, issuance of this approval shall be withheld until after the final determination. (CDD-P)
3. This approval applies to the Lot Consolidation and Boundary Line Adjustment defined by the Planning Map entitled "Lot Merger and Lot Line Adjustment Map, Lands of Green Valley Christian Center of Watsonville 376 South Green Valley Road, APNs 016-231-01, 016-221-06 & 014-052-01" (prepared by Mid Coast Engineers, dated February 20, 2019 received by the Community Development Department on February 22, 2019. (CDD-P)
4. The applicant shall prepare and submit legal descriptions for the consolidated parcel boundaries approved by this action. (CDD-E)
5. The applicant shall prepare and submit legal descriptions for the revised parcel boundaries approved by this action. The allowable error of closure on any portion of the legal description for the lot line adjustment shall not exceed one in ten thousand (1/10,000) for field closures and one in twenty thousand (1/20,000) for calculated closure. The lot line adjustment shall be reflected by recorded deed. (CDD-E)
6. The applicant shall apply for an address assignment to retire the former address of 376 A South Green Valley Road. (CDD-B, -E)
7. The applicant shall submit evidence from the Santa Cruz County Assessor's Office to retire the former APN 016-221-06.
8. The applicant shall submit evidence from the Santa Cruz County Assessor's Office for the creation of a new Assessor Parcel Number for the new merged parcel. (CDD-P, -E).
9. The applicant shall submit evidence from the Santa Cruz County Assessor's Office for the creation of a new Assessor Parcel Number for the lot line adjustment. (CDD-P, -E).

Key to Department Responsibility

CDD-B - Community Development Department (Building)

CDD-P - Community Development Department (Planning)

CDD-E - Community Development Department (Engineering)

PW - Public Works and Utilities Department

WFD – Watsonville Fire Department

City of Watsonville
Public Works & Utilities Department

M E M O R A N D U M



DATE: April 8, 2019

TO: Matthew D. Huffaker, City Manager

FROM: Steve Palmisano, Director of Public Works & Utilities
Maria Esther Rodriguez, Assistant Director of Public Works & Utilities

SUBJECT: Council approval of project list for transportation projects funded by Measure D

AGENDA ITEM: April 23, 2019 **City Council**

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution approving a list of transportation projects to be funded by Measure D.

DISCUSSION:

In 2016, Santa Cruz County voters approved Measure D, a one-half cent sales tax that funds transportation projects for 30 years. The Measure allocates a portion of the funding to individual agencies and the City's projected share for FY 2019/20 is \$880,000. Requirements of the funding include development of a five year expenditure plan with Council approval, on an annual basis.

Measure D funding received in FY18/19 is being used on Bicycle Safety, Downtown Revitalization, Green Valley Road Improvement design, Lee Road Trail design, Road Maintenance design, Trail Maintenance design and Pedestrian and Traffic Safety improvements.

The proposed project list calls for FY19/20 funds to be used on:

- Bicycle safety improvements
- Freedom Blvd pedestrian and bicycle improvements,
- Green Valley Road reconstruction,
- Lee Road Trail design,
- Road maintenance,
- Trail maintenance and
- Pedestrian and traffic safety improvements.

STRATEGIC PLAN:

Measure D funding and improvements will address the Strategic Plan Goal 3.E., improving road infrastructure.

FINANCIAL IMPACT:

Measure D will provide additional funding for transportation projects, and will also provide funding for the local match required for many State grant programs, thus extending the funding even further. Appropriating requests for these projects will be included in the upcoming Fiscal Year 2019-2020 budget.

ALTERNATIVES:

None

ATTACHMENTS:

None

cc: City Attorney

RESOLUTION NO. _____ (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE APPROVING THE MEASURE D: 5-YEAR PROGRAM OF PROJECTS (FY 2019/2020 - FY 2023/2024) FOR THE CITY OF WATSONVILLE TO BE FUNDED BY MEASURE D WHICH WAS APPROVED BY VOTERS ON NOVEMBER 8, 2016

WHEREAS, Santa Cruz County voters approved a one-half cent sales tax (Measure D) on November 8, 2016, which will fund transportation projects for the next 30 years; and

WHEREAS, the City of Watsonville's projected share for FY19/20 is \$880,000, which will provide additional funding for City transportation projects; and

WHEREAS, Measure D funding requirements include the development of a five year expenditure plan with public input and City Council approval; and

WHEREAS, the City's five-year expenditure plan will be reviewed and approved each year.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

That the City Council hereby approves the Measure D: 5-Year Program of Projects (FY19/20 – FY23/24) for the City of Watsonville which is attached hereto and incorporated herein as Exhibit "A."

Measure D: 5-Year Program of Projects (FY19/20-FY 23/24)
Agency: City of Watsonville
Expenditure Plan Category: Neighborhood Projects Program

FY19/20	FY20/21	FY21/22	FY22/23	FY23/24
\$879,820	\$888,074	\$900,609	\$913,307	\$926,169

Name/Road/Limits		Total Cost	FY19/20	FY20/21	FY21/22	FY22/23	FY23/24	Other funds	Other Fund Sources	Construction Start Date	Major Project*
Bicycle Safety Improvements (Various Locations)	Provide signage and traffic markings along bicycle corridors and provide educational programs.	\$200,000	\$50,000		\$100,000		\$50,000			Spring 2020 Spring 2022 Spring 2024	No
Freedom Blvd (Alta Vista Ave to Green Valley Rd)	Reconstruct roadway, remove & replace non-ADA compliant driveways & curb ramps, install high visibility crosswalks, upgrade existing bus shelter, install new traffic signal at Sydney Ave. Includes design, environmental documentation and construction.	\$3,125,000		\$125,000	\$445,000			\$2,555,000	SB1 - \$500,000 Gas Tax - \$505,000 STIP - \$1,550,000	Spring 2022	Yes
Freedom Blvd Improvements (Green Valley Rd to Airport Blvd)	Repair and resurface damaged roadway and bike lanes, replace damaged sidewalks, add pedestrian facilities where none exist. Includes design, environmental documentation and construction. Restriping 2021, reconstruction 2023.	\$2,650,000	\$200,000		\$150,000	\$595,000		\$1,705,000	SB1 - \$500,000 Gas Tax - \$500,000 TBD - \$705,000	Spring 2021 Spring 2023	Yes
Green Valley Rd (Freedom Blvd to City Limits)	Reconstruct roadway, install median island, remove and replace non-compliant driveways & curb ramps, restripe roadway & provide bike lanes where none exist.	\$2,100,000	\$650,000					\$1,450,000	SB1 - \$650,000 Gas Tax - \$800,000	Spring 2020	Yes
Lee Rd Trail (Lee Rd from RR xing to Harkins Slough Rd and Harkins Slough Rd from Lee Rd to Pajaro Valley High School driveway)	Prepare design, environmental documents and constructioin of pedestrian and bicycle trail	\$1,415,000	\$74,000	\$46,000			\$650,000	\$645,000	Coastal Conservancy \$330,000 TBD - \$350,000	Spring 2024	Yes
Maintain Roads (City-wide, All Districts)	Place three-layer coating system on road surface.	\$1,900,000	\$400,000	\$400,000				\$1,100,000	SB1 - \$500,000 Gas Tax - \$600,000	Spring 2020 Spring 2022	Yes
Maintain & Improve Trails (Various locations)	Develop, maintain and enhance existing pedestrian and bicycle trails including Upper Struve Slough Trail	\$550,000	\$100,000	\$350,000		\$100,000				Spring 2020 Spring 2021 Spring 2023	No
Pajaro Valley High School Connector Trail (Airport Blvd to Harkins Slough Rd)	Construct 8' wide pedestrian and bike trail. Includes design, environmental documentation and construction.	\$750,000				\$100,000	\$100,000	\$550,000	SB1 - \$75,000 Gas Tax - \$75,000 TBD - \$405,000	Spring 2024	Yes
Pedestrian & Traffic Safety (Various Locations)	Install or upgrade safety and traffic calming measures such as striping, markers, signage, flashing beacons, curb extensions and speed humps and provide educational programs.	\$800,000	\$350,000	\$50,000	\$140,000	\$160,000	\$100,000			Spring each year	No
Adminstrative Costs	Cost of annaul audit.	\$25,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000			None	No

Estimated Annual Measure D Expenditures	\$1,829,000	\$976,000	\$840,000	\$960,000	\$905,000
Carry over from previous fiscal year	\$1,040,237	\$91,469	\$3,559	\$64,458	\$17,845
Balance at end of current fiscal year	\$91,057	\$3,543	\$64,168	\$17,765	\$39,014
Annual Interest Earnings on Measure D Revenue = 0.45219%	\$412	\$16	\$290	\$80	\$176
Carry over to next fiscal year	\$91,469	\$3,559	\$64,458	\$17,845	\$39,191

* For major projects (e.g. require CEQA, over \$1M and/or lots of public interest), provide separate one-page summary with longer description, describe consistency with the Complete Streets Act; Cost/Funding/Schedule of Phase

**City of Watsonville
Parks and Community Services**

M E M O R A N D U M



DATE: April 18, 2019

TO: Matthew D. Huffaker, City Manager

FROM: Nick Calubaquib, Director of Parks & Community Services
Steve Palmisano, Director of Public Works & Utilities
Michelle Templeton, Assistant Director of Public Works & Utilities
Ben Heistein, Assistant Director of Parks & Community Services

SUBJECT: Integrated Pest Management (IPM) Action Plan

AGENDA ITEM: April 23, 2019 City Council

RECOMMENDATION:

Staff recommends that the City Council approve the proposed Integrated Pest Management (IPM) Action Plan.

DISCUSSION:

Background

Glyphosate, the synthetic weed-killer patented by Monsanto (now Bayer) and sold by many companies around the world under different brand names including *Roundup*, is the subject of international controversy over health concerns. In 2015, the World Health Organization (WHO) classified glyphosate as “probably carcinogenic to humans” after a team of international scientists found an association between glyphosate and Non-Hodgkin’s Lymphoma. However, the Environmental Protection Agency (EPA) and the European Chemicals Agency have issued reports as recently as December 2017 maintaining that glyphosate is not likely carcinogenic. Nevertheless, the California Environmental Protection Agency added glyphosate to California’s Proposition 65 list of chemicals known to cause cancer. Several new studies in 2019 have subsequently reported cancer links and concerns about the validity of the EPA classification.

More than 800 lawsuits against Monsanto are pending in the U.S District Court in San Francisco and an estimated 11,000 similar actions are pending in state courts. In 2018, the first trial concluded (Johnson v. Monsanto Co.) with a jury verdict ruling that *Roundup* was a substantial contributing factor in causing DeWayne “Lee” Johnson’s cancer and ordered Monsanto to pay millions in punitive damages. A second trial in 2019 (Hardeman v.

Monsanto Co.) also resulted in a judgement against Monsanto, and a third trial is now underway with other cases pending.

In response to public input over use of glyphosate-based herbicides, many school districts, municipalities, and other agencies have banned the use of glyphosate on their properties, with 13 states having state or local restrictions on use. In California, over 30 cities and counties have banned or are considering bans on glyphosate. The City of Santa Cruz and, most recently, the City of Greenfield, have banned or suspended glyphosate use until an Integrated Pest Management Plan is developed. Other cities such as Berkeley, Carlsbad, Davis, Palo Alto, and Petaluma have implemented Integrated Pest Management (IPM) programs designed to reduce the use of pesticides in favor of alternative methods.

The County of Santa Cruz does not use Prop 65 listed chemicals, but issues exemptions for prohibited chemicals like glyphosate to departments through an IPM coordinator for specific applications when no feasible alternative is available, such as to maintain the Pajaro River Levee.

The Pajaro Valley Unified School District (PVUSD) banned *Roundup* in 2016. Pesticide use near schools is regulated under the Healthy Schools Act that requires reduced-risk pesticides and additional CA Title 3 (CCR sec. 6690-6692) notification and use regulations last updated in 2018.

Recent Reduction of Roundup and Pesticides on City of Watsonville Property

The City of Watsonville does not currently have a formally adopted Integrated Pest Management Plan, however in practice, the City has implemented glyphosate reduction measures and other alternative methods for weed control. In 2016, the Parks and Community Services Department increased the use of pre-emergent herbicides, natural weed suppression measures such as mulching, and other techniques such as flaming and hand pulling. Glyphosate use has dropped by 49% in City parks since this time. The Public Works and Utilities Department and Municipal Airport are employing similar measures that aim to reduce glyphosate use largely due to public and environmental concerns. Public Works and Utilities management of the City trail system has integrated methods of Integrated Pest Management since 2008 due to high public use and proximity to sensitive wetland habitat.

The City has continued to consider ways to further reduce glyphosate use, however alternative methods are costly and City Departments lack the resources to eliminate glyphosate while maintaining current service levels. Approximately, 57.5 gallons of Roundup was used in 2018 by City Departments. Approximate costs for Roundup in 2018 totaled \$5,600 (not including labor). The decline in glyphosate use has correlated with an increase in pre-emergent herbicide use (3.5gal of isoxaben and dithiopyr were applied in 2018 at an approximate material cost of \$3,350) along with increased expenditures on mulch and other materials. The city maintains approximately 875 acres of land and Roundup is used for spot-treatment only when necessary on about 9% (approximately 89 acres) of the land the city maintains.

To prevent property damage and public safety hazards, the City occasionally uses insecticides on trees where aphid infestation may cause sap-like drippings onto sidewalks and cars. Less than 225 milliliters of imadichloriprid was applied to trees in 2018.

City staff who oversee and apply pesticides are licensed and trained per California Department of Pesticide Regulation (DPR) laws and report pesticide use on a monthly basis to the County Agricultural Commissioner's office. Staff maintain licensing through continuing education and routinely receive training on laws, regulations, and industry best practices. Licensed Pest Control Advisors (PCA) issue recommendations for pesticides used by the City that are renewed annually.

Pesticides are used in these circumstances only when the impacts of pest activity exceeds tolerance levels and other non-chemical control techniques have failed. Tolerance levels are determined by several factors (outlined below) and are also often driven by public complaints.

Considerations for Pesticide Use

City departments have already committed to continue to work towards reducing the use of *Roundup* and other pesticides. Pesticides are used only as a last resort, when tolerance levels are reached and other methods are deemed ineffective or impractical. However, the size, terrain and adjacent activities associated with the properties that the City maintains varies widely. Therefore, a one size fits all approach to weed and pest abatement is not possible as methods used in a park must differ from methods used in a street median or the levee or a large open space or the airport runway. The types of methods employed are dictated by several considerations, including:

- **Public Safety** – Controlling vegetation is important in reducing risk of fires (e.g. near homes and businesses), maintaining line of sight and traffic safety (e.g. street medians and right of ways), and minimizing the aggravation of allergies and hay fever. Efforts are also made to limit pesticide use in areas more highly used by the public.
- **Employee Safety** – Weed abatement in certain areas, such as street medians, poses a potential safety risk to workers and potentially to cars and drivers passing by. Staff are trained in the use of protective gear and are licensed in order to minimize exposure of pesticides to both staff and public. Weed abatement methods utilized in these areas must minimize these safety risks.
- **Infrastructure and Environment** – Weed abatement is used to protect infrastructure, such as the structural integrity of the river levee, sidewalks and other public and private property and to control invasive and noxious weeds.
- **Costs and Resources** – *Roundup* alternatives, including organics, are much more costly. In addition, alternatives have been shown to be less effective, requiring additional staff time due to increased application frequency needed. The long-term effects of these pesticides on human health are also largely unknown. While other techniques such as mowing, hand pulling, and mulching are used, these methods are significantly more laborious and costly. Maintenance crews have limitations on resources and must balance the time spent on vegetation control in order to attend to other operational duties such as park and trail maintenance, facility repairs, and

various development projects and initiatives. While City glyphosate use represents only 4% of industrial and commercial use county-wide, it is relied upon in limited areas as an efficient control tactic that allows maintenance crews to balance workloads.

- **Maintenance Service Levels** - City maintenance crews are responsible for keeping Watsonville's open spaces, trails, parks, streets, infrastructure in optimal condition in a manner that is consistent with community values. Protecting public health and the environment, supporting economic revitalization efforts, and enhancing the City's image and recreational opportunities are key goals of operations and maintenance practices.

Integrated Pest Management (IPM)

The City of Watsonville is committed to furthering reductions on glyphosate use through the development of an Integrated Pest Management Plan. Integrated Pest Management (IPM) is a strategy that focuses on the long-term prevention of pests while minimizing risks to human health and the environment. By using a combination of techniques such as biological controls, preventative maintenance practices, and mechanical removal, the need for pesticides is reduced. Pesticides are used only when needed, when pest activity exceeds established thresholds and applied in a way that minimizes impacts to non-target organisms and the environment. Rather than simply treating pests as they are noticed, an IPM approach considers environmental factors helping the pest thrive and aims to create conditions that are unfavorable for the pest. The development of an Integrated Pest Management Plan would enable the City to study costs and impacts of alternative pest management techniques in order to ultimately reduce or phase out *Roundup* and possibly other pesticides as well.

Process

Further reducing or eliminating use of *Roundup* will pose many fiscal and operational challenges that need to be evaluated. Increasing mechanical removal methods such as mowing, weed whacking, and hand pulling will require increased staffing, equipment maintenance and fuel resources. Improving cultural / biological techniques such as mulching or renovating landscape areas require more funds for labor and materials. Alternative herbicides are more costly than *Roundup*, not as effective, require frequent applications and accordingly, require increased funds for labor and materials. Developing an Integrated Pest Management Plan will require staff time and funds to engage a consultant in the process.

Further reducing or eliminating *Roundup* use without fiscal and operational changes will result in a visible increase in weeds in many areas and safety hazards that may be inconsistent with community values and Council's Strategic priorities.

Accurate data on estimated costs is not available due to many unknown variables and impacts and will require a period of time to pilot alternative practices, monitor impacts and efficacy, and analyze results to determine the most practical and cost effective methods for each area that is maintained. Eliminating *Roundup* and switching to other methods will drastically increase labor hours needed for control. Many cities are experimenting with IPM approaches and there is currently no industry standard for replacing glyphosate-based

herbicides due to decades of reliance on these products and the unique needs of each community's maintenance areas and resources.

Integrated Pest Management (IPM) Action Plan

In order to address public health concerns while maintaining service levels, staff is recommending the adoption of an IPM Action Plan. Beginning July 1, 2019, staff would implement this Action Plan with the goals of:

- Developing cost-effective strategies for long-term weed control that further reduce or eliminate the use of pesticides
- Ensure the safety of our employees and the community through a more comprehensive and integrated pest management program
- With the assistance of a consultant, create an Integrated Pest Management Program that will serve as a working document that guides pest-control decisions

Over the next year (Fiscal Year 2019-2020), IPM Action Plan Strategies would include:

1. Suspend *Roundup* in certain high-visitation areas while examining alternative practices to identify fiscal and operational impacts of glyphosate-reduction measures through a pilot study at the following locations:
 - a. Ramsay Park
 - b. Marinovich Park
 - c. Pennsylvania Ave. Class I bicycle and pedestrian trail
 - d. Bridge Street Medians
 - e. Pajaro River Levee (areas under city jurisdiction and in partnership with the Santa Cruz County Flood Control and Water Conservation District)
2. In Pilot study areas, IPM techniques and practices will be utilized, and are not limited to the following:
 - a. Mulching
 - b. Landscape renovation
 - c. Pre-emergent herbicides
 - d. Mowing and hand-pulling
 - e. Non-glyphosate post-emergent herbicides
 - f. Flaming
 - g. Public posting pre- and post- herbicide treatment
3. With the assistance of a consultant, develop an Integrated Pest Management Policy (IPM) through collaboration with consultants, City and County staff, UC Extension, and community members. The consultant will also assist the City with determining costs associated with pesticide reduction and/or elimination.
4. Bring the IPM Policy with recommendations for City-wide glyphosate reduction or elimination strategies and associated cost estimates to Council for consideration prior to June 2020.

Allowing one year to cycle through annual seasonal changes and thoroughly investigate how best to reduce glyphosate use through piloting alternative practices in certain areas will allow City staff to acquire an accurate understanding of costs and impacts of more aggressive glyphosate reduction strategies and/or a ban on use within City-maintained areas. The sites selected for the pilot study each have unique challenges and will represent sample data that

can be extrapolated onto similar landscape types City-wide (i.e. community parks, neighborhood parks, trails, open space, and street medians.) Since the Pajaro River levee is multi-jurisdictional, the City will conduct studies on the areas under its jurisdiction and collaborate with Santa Cruz County Flood Control District to experiment with alternative techniques. District staff have indicated a willingness to collaborate with the City on this effort. Public input and technical advice from industry experts will be incorporated into the development of an Integrated Pest Management Plan that will include data gleaned from the pilot study.

STRATEGIC PLAN:

The proposed IPM Action Plan is consistent with the following City Council Strategic Priorities: Priority 03: Infrastructure & Environment, Priority 05: Community Engagement & Well-Being.

FINANCIAL IMPACT:

The costs associated with the adoption of the proposed IPM Action Plan include increased labor, materials, training and equipment to implement pilot study techniques, along with procurement of consultant services to develop an Integrated Pest Management Plan. These costs are estimated at \$120,000. If this Action Plan is approved, staff will include recommended reallocations of funding to support these costs through the Fiscal Year 2019-2020/2020-2021 budget approval process.

When staff returns to the Council in one year with a proposed IPM Policy for adoption, additional funds required for implementation and associated impacts on service levels will also be presented to the Council for consideration.

ALTERNATIVES:

1. City Council can choose to ban glyphosate-herbicides from use on all City properties and hire a consultant to develop an IPM Policy at the cost of \$50,000. If this alternative is selected, staff will include recommended reallocations of funding to support these costs through the Fiscal Year 2019-2020/2020-2021 budget approval process. In this scenario, service levels will drop significantly in City parks, public grounds, streets, and trails due to increased time needed for mechanical vegetation control to maintain public safety, fire risks, along with prevention of noxious weeds. Upon implementation of an IPM plan, additional costs will be incurred to remediate and restore weed-infested areas. This alternative is not recommended due to the adverse effect on current service levels and an intense public perception of our City facilities not being properly maintained.
2. City Council can choose to not adopt the Integrated Pest Management Action Plan and maintain status quo. In this scenario, City departments would continue their current practices.

ATTACHMENTS:

None

cc: City Attorney

RESOLUTION NO. _____ (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE APPROVING AN INTEGRATED PEST MANAGEMENT (IPM) ACTION PLAN TO REDUCE OR PHASE OUT THE AMOUNT OF PESTICIDES AND CHEMICALS USED ON LAND THE CITY OWNS OR MAINTAINS

EFFECTIVE DATE: JULY 1, 2019

WHEREAS, an Integrated Pest Management Plan (IPM) would enable the City to study costs and impacts of alternative pest management techniques in order to ultimately reduce or phase out pesticides and chemicals used on land owned or maintained by the City; and

WHEREAS, beginning July 1, 2019, City staff would implement this action plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

That the City Council hereby approves the Integrated Pest Management (IPM) action plan attached hereto and incorporated herein as Exhibit "A."

Integrated Pest Management (IPM) Action Plan

Goals:

- Developing cost-effective strategies for long-term weed control that further reduce or eliminate the use of pesticides
- Ensure the safety of our employees and the community through a more comprehensive and integrated pest management program
- With the assistance of a consultant, create an Integrated Pest Management Program that will serve as a working document that guides pest-control decisions

Over the next year (Fiscal Year 2019-2020), IPM Action Plan Strategies would include:

1. Suspend *Roundup* in certain high-visitation areas while examining alternative practices to identify fiscal and operational impacts of glyphosate-reduction measures through a pilot study at the following locations:
 - a. Ramsay Park
 - b. Marinovich Park
 - c. Pennsylvania Ave. Class I bicycle and pedestrian trail
 - d. Bridge Street Medians
 - e. Pajaro River Levee (areas under city jurisdiction and in partnership with the Santa Cruz County Flood Control and Water Conservation District)
2. In Pilot study areas, IPM techniques and practices will be utilized, and are not limited to the following:
 - a. Mulching
 - b. Landscape renovation
 - c. Pre-emergent herbicides
 - d. Mowing and hand-pulling
 - e. Non-glyphosate post-emergent herbicides
 - f. Flaming
 - g. Public posting pre- and post- herbicide treatment
3. With the assistance of a consultant, develop an Integrated Pest Management Policy (IPM) through collaboration with consultants, City and County staff, UC Extension, and community members. The consultant will also assist the City with determining costs associated with pesticide reduction and/or elimination.
4. Bring the IPM Policy with recommendations for City-wide glyphosate reduction or elimination strategies and associated cost estimates to Council for consideration prior to June 2020.