



**CITY OF LATHROP
CITY COUNCIL SPECIAL MEETING
THURSDAY, NOVEMBER 21, 2019, 5:30 P.M.
COUNCIL CHAMBER, CITY HALL
390 Towne Centre Drive, Lathrop, CA 95330
AGENDA**

1. PRELIMINARY

- 1.1 CALL TO ORDER
- 1.2 ROLL CALL
- 1.3 PLEDGE OF ALLEGIANCE

2. CONSENT ITEM

- 2.1 AUTHORIZE APPLICATION FOR, AND RECEIPT OF, SB 2 PLANNING GRANTS PROGRAM FUNDS THROUGH THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Adopt a Resolution Authorizing Application for, and Receipt of, SB 2 Planning Grants Program Funds through the State Department of Housing and Community Development

3. ADJOURNMENT


Teresa Vargas, CMC
City Clerk

This meeting was called by a majority of the City Council per Government Code Section 54956.

**PAGE LEFT
INTENTIONALLY
BLANK**

**CITY MANAGER'S REPORT
NOVEMBER 21, 2019 CITY COUNCIL SPECIAL MEETING**

**ITEM: AUTHORIZED APPLICATION FOR, AND RECEIPT OF, SB
2 PLANNING GRANTS PROGRAM FUNDS THROUGH
THE STATE DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT**

RECOMMENDATION: Council to Consider the Following:

**Adopt a Resolution Authorizing Application for, and
Receipt of, SB 2 Planning Grants Program Funds
through the State Department of Housing and
Community Development**

SUMMARY:

On March 29, 2019, the State of California, Department of Housing and Community Development issued a Notice of Funding Availability for its Planning Grants Program. Senate Bill 2 (SB 2) established a permanent source of funding intended to increase the affordable housing stock in California. The Planning Grants Program is a one-time component of SB 2 that, among other provisions, provides financial assistance to local governments to update planning documents in order to: accelerate housing production, streamline the approval of housing development affordable to owner and renter households at all income levels, facilitate housing affordability for all income groups, promote development consistent with state planning priorities, and ensure geographical equity in the distribution and expenditure of allocation funds.

SB 2 Planning Grants Applications are due to be submitted to the Department of Housing and Community Development by November 30, 2019. Staff has identified three (3) programs that would qualify for Senate Bill 2 Grant Funding:

- Housing Element Update;
- Accessory Dwelling Units Pre-Approved Building Plans; and
- Code Text Amendment to the Lathrop Municipal Code as it relates to Accessory Dwelling Units.

The following provides an explanation of the above programs:

The Housing Element is a required Element of the City's General Plan and is required by State law to be periodically updated. The Housing Element is essential for establishing a policy framework appropriate for the City's long-term housing needs.

Although the Housing Element is currently being updated by the City's Consultant, De Novo Planning Group, the City is eligible to fund the update through the Senate Bill 2 Grant Funding.

**CITY MANAGERS REPORT
NOVEMBER 21, 2019 CITY COUNCIL SPECIAL MEETING
SENATE BILL 2 GRANT FUNDING**

New State Law has provided additional flexibility to the construction of new Accessory Dwelling Units (ADU) (also known as secondary dwelling units or mother-in-law units). An ADU is a living quarters (up to 1,200 square feet if detached) that is an accessory to the principal dwelling unit. They are typically constructed in the rear of the property but can also be attached to the dwelling unit. In addition, the new ADU law also allows for the conversion of the garage into an ADU and removed the requirement for replacement off-street parking. The ADU program would include the preparation of up to seven (7) pre-engineered ADU plans ranging in size from 250 sq. ft. to 1,000 sq. ft. that can be used by a resident to construct an ADU. Options will include asphalt shingle or tile roof, and lap siding or stucco and building permits could be issued over the counter after a brief planning review, thus streamlining the process significantly. The intent of the ADU program is to encourage quality development of ADUs to supplement existing home construction, provide a convenient alternative to avoid garage conversions and to ensure that ADU's are permitted and built to California Building Code standards.

The last program includes a Text Amendment (TA) to the City's Municipal Code to be consistent with new State laws. Specifically, Assembly Bill 68 and Assembly Bill 881, which become effective on January 1, 2020, provides additional direction as it relates to ADUs, including off-street parking, setback, and coverage development standards. This program also includes updating the City's website to promote ADUs.

RECOMMENDATION:

Staff recommends that the City Council consider all information provided and submitted, and if determined to be appropriate, adopt a resolution authorizing the City Manager to execute and submit applications for SB 2 Planning Grants Program Funds as outlined in this Staff Report and appoint the City Manager, or designee, to execute all application, SB 2 Planning Grant Program Grant documents and amendments which may be necessary for completion of the aforementioned project and expenditure of funds.

FISCAL IMPACT:

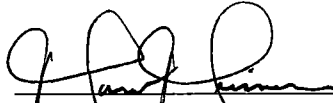
There are potential positive fiscal impacts associated with the SB 2 Planning Grants as the grants could fund up to \$160,000 in City of Lathrop Planning projects.

ATTACHMENTS:

1. City Council Resolution
2. Notice of Funding Availability – SB2 Planning Grants Program
3. SB2 Planning Grant Guidelines

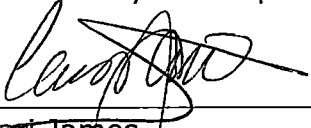
**CITY MANAGERS REPORT
NOVEMBER 21, 2019 CITY COUNCIL SPECIAL MEETING
SENATE BILL 2 GRANT FUNDING**

APPROVALS:



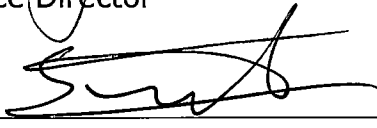
Mark Meissner
Community Development Director

11-20-19
Date



Carl James
Finance Director

11/20/19
Date



Salvador Navarrete
City Attorney

11-20-19
Date



Stephen J. Salvatore
City Manager

11-20-19
Date

RESOLUTION NO. 19 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP AUTHORIZING APPLICATION FOR, AND RECEIPT OF, SENATE BILL 2 PLANNING GRANTS PROGRAM FUNDS THROUGH THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

WHEREAS, The State of California, Department of Housing and Community Development has issued a Notice of Funding Availability, dated March 29, 2019, for its Planning Grants Program; and

WHEREAS, the City Council of the City of Lathrop, State of California desires to submit a project application for the Planning Grants Program to accelerate the production of housing and will submit a 2019 Planning grant Program Application as described in the Planning Grants Program NOFA and Senate Bill 2 Planning Grants Program Guidelines released by the Department of Housing and Community Development for the Planning Grants Program; and

WHEREAS, the Department of Housing and Community Development of the State of California is authorized to provide up to \$1.2 million under the Senate Bill 2 Planning Grants Program from the Building Homes and Jobs Trust Fund for assistance to cities and counties (as described in Health and Safety Code 50470 et. Seq. (Chapter 364, Statutes of 2017 (SB 2)) related to the Planning Grants Program.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the City Council of the City of Lathrop, as follows:

Section 1. The City of Lathrop City Manager, or designee, is hereby authorized and directed to apply for and submit to the Department of Housing and Community Development of the State of California, the 2019 Planning Grants Program Application released March 29, 2019.

Section 2. In connection with the Planning Grants Program Grant, if the application is approved by the Housing and Community Development Department of the State of California, the City of Lathrop City Manager, or designee, is authorized to enter into, execute, and deliver a State of California Standard Agreement (Standard Agreement) and any and all other documents required or deemed necessary or appropriate to evidence and secure the Planning Grant Program Grant, the City of Lathrop's obligations related thereto, and all amendments, thereto (collectively, the Planning Grant Program Grant Documents).

Section 3. The City of Lathrop shall be subject to the terms and conditions as specified in the Standard Agreement, the Senate Bill 2 Planning Grants Program Guidelines, and any applicable Planning Grants Program Guidelines published by the Housing and Community Development Department of the State of California. Funds are to be used for allowable expenditures that are specifically identified in the Standard Agreement. The Planning Grants Program Application in full is incorporated as part of the Standard Agreement. Any and all activities funded, and timelines represented in the Grant Application will be enforceable through the executed Standard Agreement. The City of Lathrop City Council hereby agrees to use the funds for eligible uses in the manner presented in the application as approved by the Department of Housing and Community Development of the State of California, and in accordance with the Planning Grants NOFA, the Planning Grants Program Guidelines, and 2019 Planning Grants Program Application.

Section 4. The City of Lathrop City Manager or designee is authorized and directed to execute the City of Lathrop Planning Grants Program Application, the Planning Grants Program Grant Documents, and any amendments thereto, on behalf of the City of Lathrop as required by the Housing and Community Development of the State of California for receipt of the Planning Grants Program Grant.

The foregoing resolution was passed and adopted this 21st day of November 2019, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

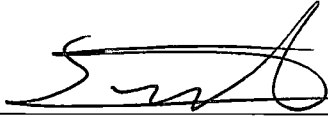
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF FINANCIAL ASSISTANCE**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2771 / FAX (916) 263-2763
www.hcd.ca.gov



March 28, 2019

MEMORANDUM FOR: All Potential Applicants

FROM: Zachary Olmstead, Deputy Director
Division of Housing Policy Development

SUBJECT: NOTICE OF FUNDING AVAILABILITY -
SB 2 PLANNING GRANTS PROGRAM

The Department of Housing and Community Development (Department) is pleased to announce the release of this Notice of Funding Availability (NOFA) for approximately \$123 million under the Senate Bill 2 (SB 2, 2017) Planning Grants Program (PGP). SB 2 established a permanent source of funding intended to increase the affordable housing stock in California. The legislation directs the Department to use 50 percent of the first year's revenue to establish a program that provides financial and technical assistance to local governments to update planning documents and land-use ordinances. The PGP is intended for the preparation, adoption, and implementation of plans that streamline housing approvals and accelerate housing production.

In order to be eligible for grant funding, an applicant must submit a complete, signed original application and an electronic copy on CD or USB flash drive. OTC applications will be accepted for an eight-month period ending on **November 30, 2019**. The Department will only accept applications through a postal carrier service that provides date stamp verification confirming delivery to the Department's office, such as the U.S. Postal Service, UPS, FedEx, or other carrier services. No facsimiles, late applications, incomplete applications, application revisions, electronic submittals, or walk-in application packages will be accepted. All applications must be submitted to the Department at the following address:

**Department of Housing and Community Development
Division of Housing Policy Development
2020 West El Camino Ave, Suite 500
Sacramento, CA 95833**

PGP applications and forms are available on the Department's [website](#). Please refer to the [Planning Grants Program Guidelines](#) for detailed information on eligible activities, applicants, and awards. If you have questions regarding this NOFA, please email the Department at sb2planninggrant@hcd.ca.gov.

Attachment

**PLANNING GRANTS PROGRAM (SB 2, 2017)
2019 NOTICE OF FUNDING AVAILABILITY**



**State of California
Governor Gavin Newsom**

**Alexis Podesta, Secretary
Business, Consumer Services and Housing Agency**

**Ben Metcalf, Director
Department of Housing and Community Development**

**Zachary Olmstead, Deputy Director
Department of Housing and Community Development
Division of Housing Policy Development**

2020 West El Camino Avenue, Suite 500
Sacramento, CA 95833
Telephone: (916) 263-2771

Website: <http://www.hcd.ca.gov/grants-funding/active-funding/planning-grants.shtml>
Email: sb2planninggrant@hcd.ca.gov

March 29, 2019

Table of Contents

I.	Introduction	1
II.	Program Summary	1
III.	Program Timeline	2
IV.	Funding Available	2
V.	Eligible Applicants	3
VI.	Eligible Activities	3
VII.	Eligible Uses	4
VIII.	Threshold Requirements	5
IX.	NOFA Application Workshops	7
X.	Application Submission Requirements	7
XI.	Application Review Process	7
XII.	Applicant Notification	8
XIII.	Award Letter and Standard Agreement	8
XIV.	Appeals	8
XV.	Right to Modify or Suspend	9

2019 NOTICE OF FUNDING AVAILABILITY SB 2 PLANNING GRANTS PROGRAM

I. Introduction

The Department is releasing this Notice of Funding Availability (NOFA) for approximately \$123 million to make funding available to all local governments in California under the Senate Bill 2 (SB 2) Planning Grants Program (PGP). The PGP program is intended for the preparation, adoption, and implementation of plans that streamline housing approvals and accelerate housing production.

The PGP is authorized by Health and Safety Code sections 50470 et seq. (Chapter 364, Statutes of 2017, (SB 2)). Funding is subject to the December 2018 Planning Grants Program Guidelines (hereinafter referred to as the “Guidelines”), which includes detailed information on eligibility requirements, conditions, and procedures for awarding funds.

II. Program Summary

SB 2 (2017) is part of a 15 bill housing package aimed at addressing the state’s housing shortage and high housing costs. Specifically, SB 2 established a permanent source of revenue intended to increase the affordable housing stock in California.

PGP grants are funded through 50 percent of the revenues collected during the first calendar year (January through December, 2018). The PGP program is a one-time component of SB 2 that, among other provisions, provides financial and technical assistance to local governments to update planning documents in order to:

- Accelerate housing production;
- Streamline the approval of housing development affordable to owner and renter households at all income levels;
- Facilitate housing affordability, particularly for all income groups;
- Promote development consistent with the State Planning Priorities; and
- Ensure geographic equity in the distribution and expenditure of allocated funds

The Department, in conjunction with the Governor’s Office of Planning and Research, will provide technical assistance to localities pursuant to the provisions set forth in Article VII, Section 700(a) through (e) of the Guidelines. For further information, contact the Department at sb2planninggrant@hcd.ca.gov for details regarding local technical assistance.

Please refer to the Guidelines for other administrative provisions not summarized in this NOFA.

III. Program Timeline

Pursuant to Section 500(a) of the Guidelines, funds will be initially available to eligible applicants on a noncompetitive, over-the-counter (OTC) basis. Applications will be accepted over an eight-month period, commencing from the date of the release of this NOFA (Section 500(b) of the Guidelines). See Table 1 below for the projected timeline for awards for the initial OTC period.

Table 1: *Projected Timeline for Awards for OTC Applications*

Event	Date(s)
NOFA release	March 28, 2019
NOFA-Application Workshops / Webinar Period	April 1 - May 1, 2019
Final due date for OTC applications	November 30, 2019
Supplemental round	TBD
Anticipated end of grant term	June 30, 2022

The Department anticipates awards in 2-3 month intervals, depending on the volume of applications, and reserves the right to make adjustments to the projected timeline at any time. If OTC funds are not fully awarded at the end of the eight-month period, the Department may extend the final OTC application due date or consider a supplemental funding round (Section 500(g) of the Guidelines). During any supplemental round, top priority will be given to localities that have not submitted a previous request for funding. All other applicants may be subject to competitive scoring criteria during any supplemental round (Section 500(g)(2) of the Guidelines).

IV. Funding Available

The Department determined maximum award amounts for large, medium, and small localities, based on population estimates from the Department of Finance (DOF). Table 2 below shows the minimum and maximum awards available pursuant to Article IV, Section 400 of the Guidelines. Applicants can view maximum award amounts for all jurisdictions [here](#).

Table 2: *Minimum and Maximum Award Amounts*

All Localities	Large Localities – Defined as ≥ 200,000 people	Medium Localities – Defined as 60,000 to 200,000 people	Small Localities – Defined as ≤ 60,000 people
Minimum award amount: \$25,000	Maximum award amount: \$625,000	Maximum award amount: \$310,000	Maximum award amount: \$160,000

For a link to the 2018 DOF Population Estimates, E-5, see:
<http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>

Applicants seeking partnerships with other local governments will be additive. For example, two large localities could submit a proposal for up to \$1.25 million; three small localities up to \$480,000, etc. Note: All applicants, including those who are forming partnerships, must submit separate, complete and signed application packages, pursuant to section X of this NOFA, to the Department in order to be awarded funds.

V. Eligible Applicants

Pursuant to Article II, Section 200 of the Guidelines, eligible applicants are limited to local governments, i.e., cities and counties. However, local governments may partner through legally binding agreements with other forms of governments or entities where the proposal will have a direct effect on land-use or development within the locality. This includes, but is not limited to, partnerships with other localities, regional governments, housing authorities, school districts, special districts, community based organizations, or any duly constituted governing body of an Indian Reservation or Rancheria.

Multi-jurisdictional partnerships between local governments are encouraged in order to coordinate with regional governments, leverage regional and state investment, promote consistency with the sustainable communities strategy, and affirmatively further fair housing.

Note: All localities must pass the Threshold Criteria as stated in section VIII of this NOFA. To ensure compliance with section VIII, all applicants, including those who are forming partnerships, must submit separate, complete and signed application packages, including resolutions, to the Department in order to be awarded funds.

VI. Eligible Activities

Applicants proposing Priority Policy Areas, as defined in section VIII of this NOFA, are automatically deemed to accelerate housing production without any documentation or demonstration to the Department.

Pursuant to Article III, Section 300 of the Guidelines, a variety of planning documents, planning activities and strategies, are considered eligible activities and must demonstrate a nexus to accelerating housing production, which may include:

- (1) Updates to general plans, community plans, specific plans, local planning related to implementation of sustainable communities strategies, or local coastal plans;
- (2) Updates to zoning ordinances;
- (3) Environmental analyses that eliminate the need for project-specific review;
- (4) Local process improvements that improve and expedite local planning;
- (5) A smaller geography with a significant impact on housing production including an overlay district, project level specific plan, or development standards modifications proposed for significant areas of a locality, such as corridors, downtown or priority growth areas;
- (6) The creation or enhancement of a housing sustainability district pursuant to AB 73 (Chapter 371, Statutes of 2017);
- (7) Workforce housing opportunity zone pursuant to SB 540 (Chapter 369, Statutes of 2017);

- (8) Zoning for by-right supportive housing, pursuant to Government Code section 65651 (Chapter 753, Statutes of 2018);
- (9) Zoning incentives for housing for persons with special needs, including persons with developmental disabilities;
- (10) Rezoning to meet requirements pursuant to Government Code Section 65583.2(c) and other rezoning efforts to facilitate supply and affordability;
- (11) Rezoning for multifamily housing in high resource areas (according to Tax Credit Allocation Committee/Housing Community Development Opportunity Area Maps);
- (12) Pre-approved architectural and site plans;
- (13) Regional housing trust fund plans;
- (14) SB 2 funding plans;
- (15) Infrastructure financing plans;
- (16) Environmental hazard assessments; data collection on permit tracking; feasibility studies, site analysis, or other background studies that are ancillary and part of a proposed activity with a nexus to accelerating housing production; and
- (17) Other planning activities demonstrating a nexus to accelerating housing production.

Eligible activities may be part of a larger planning effort (e.g., a comprehensive zoning code update) if proposed activities have not been completed prior to the NOFA date, are distinct, and demonstrate a nexus to accelerating housing production.

As part of the PGP program, HCD, in coordination with the Governor's Office of Planning and Research (OPR), will work with a team led by Placeworks to provide technical assistance (TA) to applicants throughout the application period. The TA team will work closely with regions, sub-regions, and counties to help jurisdictions identify activities and provide tools that will accelerate housing production. For further information, contact the Department at sb2planninggrant@hcd.ca.gov for details regarding local technical assistance.

VII. Eligible Uses

Pursuant to Article III, Section 302 of the Guidelines, grant funds shall be used for the costs of preparing and adopting the proposed activity. Subcontracting is allowable under conditions set forth in Section 302(c) of the Guidelines. Pursuant to Section 302(b) of the Guidelines, grant funds may not be used for administrative costs of persons employed by the grantee for activities not directly related to the proposed activity. No more than 5 percent of the grant amount may be used for administrative costs for any proposed use, to be approved by the Department upon disbursement.

Only approved and eligible costs incurred for work after the NOFA date, continued past the date of the Standard Agreement, and completed during the grant term, will be reimbursable. Approved and eligible costs incurred prior to the NOFA date are ineligible.

(Section 601(c) of the Guidelines).

Refer to Section 301 of the Guidelines for a list of all ineligible activities.

VIII. Threshold Requirements

In accordance with Article II, Section 201 of the Guidelines, all applicants must meet the following threshold requirements:

- (1) **Housing element compliance:** The applicant must have a housing element that has been adopted by the jurisdiction's governing body by the date the applicant submits the application package, and is subsequently determined to be in substantial compliance with state housing element law pursuant to Gov. Code Section 65585 by the time of award. A jurisdiction's current housing element compliance status can be obtained by referencing the Department's website at <http://www.hcd.ca.gov/community-development/housing-element/index.shtml> or emailing the Department at sb2planninggrant@hcd.ca.gov. For more information on housing element requirements, please contact Paul McDougall at paul.mcdougall@hcd.ca.gov.

Pursuant to Section 201(a)(2) of the Guidelines, applicants not meeting housing element requirements may be considered to meet this threshold requirement at the discretion of the Department on a case by case basis by applying factors such as significant progress in meeting housing element requirements (e.g., a draft found to meet statute, rezoning near completion), proposing activities to meet housing element requirements (e.g., rezoning to accommodate housing needs pursuant to Gov. Code Section 65583(c)(1)) and adoption of a compliant element prior to the award of funds.

- (2) **Annual Progress Report (APR) on the housing element:** The applicant must submit the APR to the Department, as required by Gov. Code section 65400, for the current or prior year by the date the applicant submits the application package.
- (3) **Nexus to accelerating housing production:** The applicant must propose and document plans or processes that accelerate housing production. The application must demonstrate a significant positive effect on accelerating housing production through timing, cost, approval certainty, entitlement streamlining, feasibility, infrastructure capacity, or impact on housing supply and affordability. An application not utilizing Priority Policy Areas must include an explanation and documentation of the nexus plans or processes impact on accelerating housing production based on a reasonable and verifiable methodology and must utilize the Department's form (see Attachment 2 in the Application). A verifiable methodology may include a statement of support from a non-profit or for-profit developer that is active in the locality.

Applicants proposing Priority Policy Areas do not require a nexus demonstration and are automatically deemed to accelerate housing production without any documentation. Pursuant to Section 102(q) of the Guidelines, Priority Policy Areas means any of the following:

- (a) Rezone to Permit By-right: Rezoning for significant additional housing capacity without, or lesser, discretionary review, or establishing zoning to permit residential development by-right, particularly multifamily, without discretionary action pursuant to Government Code Section 65583.2(h) and (i).
- (b) Objective Design and Development Standards: Developing objective design standards or pre-approved site and architectural plans that facilitate non-discretionary permitting.
- (c) Specific Plans or Form based Codes Coupled with CEQA Streamlining: Designating and rezoning for additional housing capacity or preparing specific plans or form codes that include zoning and development standards and plan-level environmental analysis that can be used to streamline future housing projects and facilitate affordability.
- (d) Accessory Dwelling Units (ADU) or Other Low-Cost Building Strategies: Encouraging ADUs and other low-cost building types through actions above state law such as, outreach, fee waivers, pre-approved plans, website zoning clearance assistance, and other homeowner tools or finance tools. Also, establishing other approaches to intensify existing lower density residential areas and “missing model” typologies to encourage significantly more residential development (e.g., duplexes, triplexes) in lower density residential areas.
- (e) Expedited Processing: Speeding up approvals and permit processing, including instituting programs that streamline or consolidate the review process or create a separate process for expedited review of housing projects.
- (f) Housing Related Infrastructure Financing and Fee Reduction Strategies: Develop and implement approaches to local, regional or sub-regional housing related infrastructure financing. Create plans and programs to finance and increase infrastructure with accompanying enhanced housing capacity, such as enhanced infrastructure financing districts. Fee reduction and rationalization approaches, such as reassessing fees to adhere to best practices in reducing costs, deferrals, sliding scales or proportionate impacts fees (e.g., ADUs, transit oriented, and infill development, special needs housing), or fee transparency measures including publically available fee calculators.

Note: HCD will be rolling out best practice toolkits and technical assistance in these topic areas over the course of 2019.

Note: If the applicant is proposing only Priority Policy Areas ((PPA), as defined in section VIII, subsection (3) of the NOFA), do not fill out Attachment 2. However, if the applicant is proposing to fund PPAs AND other activities that are not considered PPAs, the application must demonstrate how these other activities have a nexus to accelerating housing production by filling out Attachment 2 of the application.

- (4) **State Planning and Other Planning Priorities:** Applicants must demonstrate that the locality is consistent with State Planning or Other Planning Priorities.

Consistency may be demonstrated through activities (not necessarily proposed for SB 2 funding) that were completed within the last five years. Applicants must self-certify utilizing the Department's form (see Attachment 1 in the Application).

IX. NOFA Application Workshops

The Department will hold workshops and a webinar to review the PGP NOFA and application, and will be conducting technical assistance to aid applicants throughout the OTC period. For a list of dates, times, and locations for the workshops as well as information on technical assistance, please visit the Department's [SB 2 Planning Grants webpage](#), or [register here](#).

X. Application Submission Requirements

In order to be eligible for grant funding, an applicant must submit a complete, signed original application and an electronic copy on CD or USB flash drive. Applications will be accepted on an OTC basis for an eight-month period anticipated to end **November 30, 2019**. Note: All localities must pass the threshold criteria as stated in section VIII of this NOFA. To ensure compliance with section VIII, all applicants, including those who are forming or have formed partnerships, must submit separate, complete and signed application packages, including resolutions, to the Department in order to be awarded funds.

The Department will only accept applications through a postal carrier service that provides date stamp verification confirming delivery to the Department's office, such as the U.S. Postal Service, UPS, FedEx, or other carrier services. No facsimiles, late applications, incomplete applications, application revisions, electronically submitted, or walk-in application packages will be accepted. All applications must be submitted to the Department at the following address:

**Department of Housing and Community Development
Division of Housing Policy Development / Land Use Planning Unit
2020 West El Camino Ave, Suite 500
Sacramento, CA 95833**

Applications must be on Department forms and cannot be altered or modified by the applicant. Program applications and forms are available on the Department's website located at <http://www.hcd.ca.gov/grants-funding/active-funding/planning-grants.shtml#forms>.

XI. Application Review Process

Each application will first be reviewed for completeness, threshold eligibility requirements, and accuracy. In order to be considered complete, an application must contain all requested information and supporting documentation. All applications must also meet the eligibility and threshold requirements as specified in this NOFA and the

Guidelines. If the application is ineligible, it will not be considered for funding. Applicants may resubmit their applications prior to the November 30, 2019 deadline. All applicants not meeting the eligibility and threshold requirements will be informed within 60 days from the date the Department receives the application.

XII. Applicant Notification

Applicants will be notified within 60 days of the Department's receipt of their application regarding the status of their application and/or if any additional information is required (Section 500(e)) of the Guidelines). Applicants will receive an official letter of award after the Department approves funding recommendations (Section 500(f) of the Guidelines).

XIII. Award Letter and Standard Agreement

Successful applicants will receive an Award Letter from the Department and will be awarded funds through the Standard Agreement process that will specify, among other things, the amount of funds granted, timeline for expenditure of funds, and the approved use of funds. Expenditure report dates and other requirements will also be identified in the SB 2 Planning Grants Program Standard Agreement.

XIV. Appeals

(1) Basis of Appeals:

- (a) Upon receipt of the Department's notice deeming an application incomplete or ineligible, applicants under this NOFA may appeal such decision(s) to the Director pursuant to this Section.
- (b) No applicant shall have the right to appeal a decision of the Department relating to another applicant's eligibility, point score, award, denial of award, or any other related matter.

(2) Appeals Process and Deadlines:

- (a) Process. In order to lodge an appeal, applicants must submit to the Director by the deadline set forth in subsection (b) below, a written appeal which states all relevant facts, arguments, and evidence upon which the appeal is based. No new or additional information will be accepted. Once the written appeal is submitted to the Director, no further information or materials will be accepted or considered thereafter. Appeals are to be submitted to the Director at following address:

Department of Housing and Community Development
Division of Housing Policy Development
2020 W. El Camino Avenue, Suite 500
Sacramento, California 95833
sb2planninggrant@hcd.ca.gov

The Director will accept appeals delivered through a carrier service such as

the U.S. Postal Service, UPS, Fed Ex, or other carrier services that provide date stamp verification of delivery. Deliveries must be received during the Department's weekday (non-state holiday) business hours of 9:00 a.m. to 5:00 p.m. Pacific Standard Time. Additionally, emails to the email address listed above will be accepted if the email time stamp is prior to the appeal deadline.

(b) Filing Deadline. Appeals must be received by the Director no later than (5) five business days from the date of the Department's determination.

(3) Decision:

Any request to amend the Department's decision shall be reviewed for compliance with the December 2018 Guidelines and the March 29, 2019 NOFA. The Director shall render his/her decision in writing within fifteen (15) business days of receipt of the applicant's written appeal. The decision of the Director shall be the Department's final decision, and shall not be appealable to any court or tribunal.

(4) Effectiveness:

In the event that the statute and/or guidelines governing the PGP program contain an existing process for appealing decisions of the Department with respect to NOFA awards made under such programs, this Section shall be inapplicable and all appeals shall be governed by such existing authority.

XV. Right to Modify or Suspend

The Department reserves the right, at its sole discretion, to suspend, amend, or modify the provisions of this NOFA at any time, including, without limitation, the amount of funds available hereunder. If such an action occurs, the Department will notify all interested parties and will post the revisions to the Department's website. You may subscribe to the Department's email list here: http://www.hcd.ca.gov/HCD_SSI/subscribe-form.html.

**Senate Bill 2
Planning Grants Program
Year 1 Guidelines**



**State of California
Governor Edmund G. Brown Jr.**

**Alexis Podesta, Secretary
Business, Consumer Services and Housing Agency**

**Ben Metcalf, Director
Department of Housing and Community Development**

**Zachary Olmstead, Deputy Director
Department of Housing and Community Development
Division of Housing Policy Development**

**2020 West El Camino Avenue, Suite 500
Sacramento, CA 95833**

December 2018

The matters set forth herein are regulatory mandates, and are adopted in accordance with the authorities set forth below:

Quasi-legislative regulations ... have the dignity of statutes ... [and]... delegation of legislative authority includes the power to elaborate the meaning of key statutory terms...

Ramirez v. Yosemite Water Co., 20 Cal. 4th 785, 800 (1999)

In consultation with stakeholders, the California Department of Housing and Community Development (Department) may adopt Guidelines to implement this section, including determining allocation methodologies. Any guideline, rule, policy, or standard of general application employed by the Department in implementing this chapter shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Gov. Code).

NOTE: Authority Cited: Health and Safety Code section 50470, subdivision (d).

The Department reserves the right, at its sole discretion, to suspend or amend the provisions of these Guidelines, including, but not limited to, grant award amounts.

INTRODUCTION

Chapter 354, Statutes of 2017 (SB 2, Atkins) was part of a 15 bill housing package signed by Governor Brown that was aimed at addressing the state's housing shortage and high housing costs. Specifically, it establishes a permanent source of funding intended to increase the affordable housing stock in California. The revenue from SB 2 will vary from year to year, as revenue is dependent on real estate transactions with fluctuating activity. The legislation directs the California Department of Housing and Community Development (Department) to use 50 percent of the revenue in the first year to establish a program that provides financial and technical assistance to local governments to update planning documents and zoning ordinances in order to streamline housing production, including, but not limited to, general plans; community plans; specific plans; implementation of sustainable communities strategies; and local coastal programs. Eligible uses also include new environmental analyses that eliminate the need for project-specific review and local process updates that improve and expedite local permitting.

Guidelines for the SB 2 Planning Grants program are organized into seven Articles as follows:

Article I. General provisions: This Article includes information on the purpose of the Guidelines, program objectives, and definitions used throughout the document.

Article II. Eligibility and threshold criteria: This Article describes the eligibility requirements for applicants and proposals in order to apply for funds under the SB 2 Planning Grants program.

Article III. Eligible activities and uses: This Article describes eligible uses for the SB 2 Planning Grants funds, including priority policy areas and ineligible uses.

Article IV. Award amounts and distribution: This Article describes award amounts and geographic distribution.

Article V. Application review: This Article describes the application review process.

Article VI. Administration: This Article describes administrative functions such as terms, non-performance remedies and reporting requirements.

Article VII. Technical assistance: This Article describes technical assistance.

SB 2 Planning Grants Program: Year 1 Guidelines

Table of Contents

ARTICLE I. GENERAL PROVISIONS	1
Section 100. Purpose and Scope	1
Section 101. Program Objectives	1
Section 102. Definitions	1
ARTICLE II. ELIGIBILITY AND THRESHOLD CRITERIA	5
Section 200. Eligible Applicants	5
Section 201. Threshold Criteria	6
ARTICLE III. ELIGIBLE ACTIVITIES AND USES	7
Section 300. Eligible Activities	7
Section 301. Ineligible Activities	8
Section 302. Eligible Uses	9
ARTICLE IV. AWARD AMOUNTS AND DISTRIBUTION	9
Section 400. Award Amounts	9
Section 401. Geographic Distribution	10
ARTICLE V. APPLICATION REVIEW AND AWARD	10
Section 500. Application Review	10
ARTICLE VI. ADMINISTRATION	11
Section 600. Grant Execution and Term	11
Section 601. Payment and Accounting of Grant Funds	12
Section 602. Accounting Records and Audits	12
Section 603. Remedies of Non-performance	13
Section 604. Reporting	14
ARTICLE VII. TECHNICAL ASSISTANCE	14
Section 700. Method	14
Section 701. Geographic Distribution	15
ATTACHMENTS	
1 – Nexus to Accelerating Housing Production Form	
2 – State Planning and Other Planning Priorities Form	
3 – Reporting Forms	

ARTICLE I. GENERAL PROVISIONS

Section 100. Purpose and Scope

- (a) These Guidelines (hereinafter "Guidelines") implement, interpret, and make specific the Chapter 364, Statutes of 2017 (SB 2, Atkins) (hereinafter "SB 2") as authorized by Health and Safety Code section 50470.
- (b) These Guidelines establish terms, conditions, and procedures for a local government to submit an application for planning grants funds to the Department.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Section 101. Program Objectives

- (a) The principal goal of this program is to make funding available to all local governments in California for the preparation, adoption and implementation of plans that streamline housing approvals and accelerate housing production.
- (b) This grant program is meant to facilitate planning activities that will foster an adequate supply of homes affordable to Californians at all income levels. It is designed to help local governments meet the challenges of preparing and adopting land use plans and integrating strategies to promote housing development.
- (c) Funded activities are intended to achieve the following program objectives:
 - Accelerate housing production
 - Streamline the approval of housing development affordable to owner and renter households at all income levels
 - Facilitate housing affordability for all income groups
 - Promote development consistent with the State Planning Priorities (Government Code section 65041.1)
 - Ensure geographic equity in the distribution and expenditure of allocated funds

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d) and Government Code section 65041.1. Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Section 102. Definitions

All terms not defined below shall, unless their context suggests otherwise, be interpreted in accordance with the meanings of terms described in Health and Safety Code section 50470.

- (a) "Accelerating Housing Production" means improving the timing, cost, feasibility, approval and amount of development through various mechanisms such as zoning incentives (e.g., increased density and heights, reduced parking requirements), upzoning, zoning amendments to permit residential in non-residential zones, corridor planning, development standards modifications, non-discretionary review, financing strategies, sliding scale fee modifications, facilitating adequate infrastructure to support development, approval streamlining that addresses quickness and ease of entitlements, and other mechanisms that promote production or remove or mitigate regulatory barriers.
- (b) "Affordability" means a housing unit that satisfies at least one of the following criteria:
 1. It is available at an "affordable rent" as that term is used and defined in Section 50053 of the Health & Safety Code;
 2. It is offered at an "affordable housing cost", as that term is used and defined in Section 50052.5 of the Health & Safety Code; or
 3. It is available at an "affordable rent" or an "affordable housing cost" according to the alternative percentages of income for agency-assisted rental and cooperative housing developments pursuant to Department regulations adopted under Health and Safety Code section 50462(f).
- (c) "Annual Progress Report" (APR) means the housing element Annual Progress Report required by Government Code section 65400 on the prior year's activities and due to the Department April 1 of each year.
- (d) "Department" means the California Department of Housing and Community Development.
- (e) "Disaster Recovery Area" means a locality experiencing a state or federally declared disaster in the last five years, where proposed planning activities will significantly address the present and future housing needs of the disaster, including climate adaptation.
- (f) "Fund" means the Building Homes and Jobs Trust Fund pursuant to Health and Safety Code section 50470.
- (g) "High-quality transit corridor" means an existing corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. An existing stop along a high-quality transit corridor may include a stop currently in service or a planned and funded stop that is included in an adopted regional transportation improvement program.
- (h) "Housing" means any development that satisfies both of the following criteria:

1. At least two-thirds of the square footage of the development must be designated for residential use; and
2. Includes a house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied as separate living quarters, or, if vacant, is intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live separately from any other individuals in the building and which have a direct access from the outside of the building or through a common hall.

Note: accessory dwelling units (ADU) and junior accessory dwelling units (JADU) pursuant to Gov. Code sections 65852.2 and 65852.22 meet the definition above.

- (i) "Local government" or "Locality" means any city, including a charter city, county, including a charter county or city and county, including a charter city and county.
- (j) "Location Efficient" means either of the following definitions (1) within one half of a mile of a major transit stop or high-quality transit corridor, or (2) where the household per capita vehicle miles traveled is below the regional average per capita vehicle miles travelled, as determined by a regional travel demand model.
- (k) "Lower-Income" means households whose incomes are less than 80 percent of area median income pursuant to Health and Safety Code section 50079.5.
- (l) "Lower-income Community" means a locality with a median household income at or below 80 percent of the state median income.
- (m) "Major Transit Stop" means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with frequencies of service intervals of 15 minutes or less during the morning and afternoon peak-commute periods. An existing "Major Transit Stop" may include a planned and funded stop that is included in an adopted regional transportation improvement program.
- (n) "Moderate-Income" means households whose income is above 80 percent of area median income but does not exceed 120 percent of area median income pursuant to Health and Safety Code section 50093.
- (o) "Objective zoning standard", "objective subdivision standard", and "objective design review standard" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. "Objective design review standards" means only objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, which are broadly applicable to development within the jurisdiction.

- (p) “Other Planning Priorities” means planning, policies, programs or investments to promote housing choices and affordability to lower and moderate income households, the encouragement of conservation of the existing affordable housing stock and efforts to take into account current and future impacts of climate change, including hazard mitigation.
- (q) “Priority Policy Areas” means any of the following:
1. Rezone to Permit By-right: Rezoning for additional housing capacity without or lesser discretionary review or establishing zoning to permit residential development by-right, particularly multifamily, without discretionary action pursuant to Government Code Section 65583.2(h) and (i).
 2. Objective design and development standards: Developing objective design standards or pre-approved site and architectural plans that facilitate non-discretionary permitting.
 3. Specific plans or Form Codes coupled with CEQA streamlining: Designating and rezoning for additional housing capacity or preparing specific plans or form codes that include zoning and development standards and plan-level environmental analysis that can be used to streamline future housing projects and facilitate affordability.
 4. Accessory Dwelling Units and other innovative building strategies: Encouraging ADUs and other innovative building types through ordinances, outreach, fee waivers, pre-approved plans, website zoning clearance assistance, and other homeowner tools or finance tools.
 5. Expedited processing: Speeding up approvals and permit processing, including instituting programs that streamline or consolidate the review process or create a separate process for expedited review of housing projects.

NOTE: Priority policy areas are subject to change and will be defined in the Notice of Funding Availability (NOFA).

- (r) “Program” means the program developed to implement the first year of the Fund pursuant to Health and Safety Code section 50470(b)(1)(A).
- (s) “State Planning Priorities” means priorities which are intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety in the state, including in urban, suburban, and rural communities pursuant to Gov. Code Section 65041.1.
- (t) “Streamlined Housing Production” means improving the entitlement process through actions such as removing, mitigating or minimizing local regulatory requirements, reforming the local approval process to reduce processing times, the number of local discretionary approvals and permits needed for projects, improving

approval certainty, establishing non-discretionary processes, modifying development standards such as reducing parking requirement and increasing height limits or other efforts such as taking the fullest advantage of existing streamlining mechanisms provided in state law.

(u) "Under-resourced Localities" means

1. Lower-income community that meets either of the following criteria: (1) a population less than 25,000 (2018 Department of Finance (DOF) population estimate, report E-5) and two or less planners (as reported to the Office of Planning and Research (OPR) in 2018) or (2) a population less than 50,000 and three or less planners.

or

2. A locality demonstrating to the Department a significant lack of planning capacity based on population size, poverty levels, median household incomes relative to the state median incomes, unemployment rates, number of planners, and budget size.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470.5 and 50470, subdivision (b)(1)(A).

ARTICLE II. ELIGIBILITY AND THRESHOLD CRITERIA

The Program does not use a competitive process to award funds. All localities that meet the eligibility requirements outlined below will be funded as provided in these Guidelines.

Section 200. Eligible Applicants

- (a) Eligible applicants are limited to local governments.
- (b) Local governments may partner through legally binding agreements with other forms of governments or entities where the proposal will have a direct effect on land-use or development within the locality. This includes, but is not limited to, partnerships with other localities, regional governments, housing authorities, school districts, special districts, community based organizations, or any duly constituted governing body of an Indian Reservation or Rancheria. Multi-jurisdictional partnerships between local governments are encouraged to coordinate with regional governments, leverage regional and state investment, promote consistency with the sustainable communities strategy, and affirmatively further fair housing.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Section 201. Threshold Criteria

Applicants must meet all the following threshold requirements for participation in the Program:

- (a) **Housing element compliance:** The applicant must have a housing element that has been adopted by the jurisdiction's governing body by the deadline specified in the NOFA and subsequently determined to be in substantial compliance with state housing element law pursuant to Gov. Code Section 65585.
1. The jurisdiction's adopted housing element will be deemed to have met this requirement if the adopted element is received by the Department on or prior to the date specified in the NOFA and the Department subsequently determines the adopted housing element to be in substantial compliance pursuant to Gov. Code Section 65585 without further amendment.
 2. However, applicants not meeting housing element requirements may be considered to meet this threshold requirement at the discretion of the Department and based on factors such as significant progress in meeting housing element requirements (e.g., a draft found to meet statute, rezoning near completion), proposing activities to meet housing element requirements (e.g., rezoning to accommodate housing needs pursuant to Gov. Code Section 65583(c)(1)) and adoption of a compliant element prior to the award of funds.
 3. No documentation is necessary to meet this threshold requirement if an adopted housing element has been found in substantial compliance by the Department.

A jurisdiction's current housing element compliance status can be obtained by referencing the Department's website at <http://www.hcd.ca.gov/community-development/housing-element/index.shtml> or by contacting Paul McDougall at paul.mcdougall@hcd.ca.gov.

- (b) **Annual Progress Report (APR) on the housing element:** The applicant must submit the APR to the Department as required by Gov. Code section 65400 for the current or prior year by the date established in the NOFA.
1. Charter cities are not exempt from this specific Program requirement and must submit an APR to be eligible for the Program.
 2. Please be advised that the Department will not accept other reports in lieu of the APR. Housing Authority Financial Reports, Redevelopment Reports, and other similar reports will not be accepted as meeting this requirement. If uncertain of the status of the report submittal for a jurisdiction, please contact the Department for more information.
 3. The proposed use of the planning grant shall be included in the locality's funding plan and annual progress reports pursuant to Gov. Code section 50470(b)(2)(B)(ii)(II) and (III).

4. No documentation is necessary to meet this threshold requirement.

- (c) **Nexus to accelerating housing production:** The applicant must propose and document plans or processes that accelerate housing production. The application must demonstrate a significant positive effect on accelerating housing production through timing, cost, approval certainty, entitlement streamlining, feasibility, infrastructure capacity, or impact on housing supply and affordability. An application not utilizing priority policy areas must include an explanation and documentation of the nexus plans or processes impact on accelerating housing production based on a reasonable and verifiable methodology and must utilize the Department's form (see Attachment 1). A verifiable methodology may include a statement of support from a non-profit or for-profit developer that is active in the locality.

Applicants proposing priority policy areas do not require a nexus demonstration and are automatically deemed to accelerate housing production without any documentation.

- (d) **State Planning and Other Planning Priorities:** Applicants must demonstrate that the locality is consistent with State Planning or Other Planning Priorities. Consistency may be demonstrated through activities (not necessarily proposed for SB 2 funding) that were completed within the last five years. Applicants must self-certify utilizing the Department's form (see Attachment 2).

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

ARTICLE III. ELIGIBLE ACTIVITIES AND USES

Section 300. Eligible Activities

- (a) Eligible activities must demonstrate a nexus to accelerating housing production.
- (b) Eligible activities may include:
1. Updates to general plans, community plans, specific plans, local planning related to implementation of sustainable communities strategies, or local coastal plans;
 2. Updates to zoning ordinances;
 3. Environmental analyses that eliminate the need for project-specific review; and
 4. Local process improvements that improve and expedite local planning.

Applicants proposing priority policy areas are automatically deemed to accelerate housing production without any documentation or demonstration to the Department.

- (c) Eligible activities are not necessarily jurisdiction-wide and may include a smaller geography with a significant impact on housing production. For example, eligible activities may include a housing development-related project with a significant community level impact or planning or process improvement for a project with an ongoing community impact beyond the project. Eligible activities also include an overlay district, project level specific plan or development standards modifications proposed for significant areas of a locality, such as corridors, downtown or priority growth areas.
- (d) Eligible activities may include the creation or enhancement of a housing sustainability district pursuant to AB 73 (Chapter 371, Statutes of 2017), workforce housing opportunity zone pursuant to SB 540 (Chapter 369, Statutes of 2017), zoning for by-right supportive housing, pursuant to Government Code section 65651 (Chapter 753, Statutes of 2018), zoning incentives for housing for persons with special needs, including persons with developmental disabilities, rezoning to meet requirements pursuant to Government Code Section 65583.2(c) and other rezoning efforts to facilitate supply and affordability, rezoning for multifamily housing in high resource areas (according to Tax Credit Allocation Committee/Housing Community Development Opportunity Area Maps), pre-approved architectural and site plans, regional housing trust fund plans, SB 2 funding plans, and infrastructure financing plans.
- (e) Eligible activities may include environmental hazard assessments, data collection on permit tracking, feasibility studies, site analysis, or other background studies that are ancillary and part of the proposed activity.
- (f) Eligible activities may be part of a larger planning effort (e.g., a comprehensive zoning code update) if proposed activities have not been completed prior to the NOFA date, are distinct, and demonstrate a nexus to accelerating housing production.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Section 301. Ineligible Activities

- (a) Activities unrelated to housing production.
- (b) Activities that obstruct or hinder housing production, e.g. moratoriums, downzoning, planning documents with conditional use permits that significantly impact approval certainty and timing, planned development, or other similarly constraining processes.
- (c) The Department may consider proposals that include activities under subdivisions (a) and (b) if a significant housing component is also present and the net effect on accelerating housing production is positive. For example, an applicant may propose combining an open-space designation, downzoning, or anti-displacement measures with by-right upzoning that has a significant net gain in housing capacity.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Section 302. Eligible Uses

- (a) Grant funds shall be used for the costs of preparing and adopting the proposed activity.
- (b) Program grant funds may not be used for administrative costs of persons employed by the grantee for activities not directly related to the preparation and adoption of the proposed activity.
- (c) A jurisdiction that receives funds under this Program may use a subcontractor. The subcontract shall provide for compliance with all the requirements of the Program. The subcontract shall not relieve the jurisdiction of its responsibilities under the Program.
- (d) Applicants will enter into a State Standard Agreement (Standard Agreement) for distribution of funds. Program grant funds must be spent by the anticipated end of the grant term (June 30, 2022).
- (e) Unless otherwise noted, no costs incurred prior to the execution date of the Standard Agreement may be charged to Program funds. After the contract has been executed by the state, eligible expenditures may be incurred and expended for the project(s) subject to the terms and conditions of the Standard Agreement.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

ARTICLE IV. AWARD AMOUNTS AND DISTRIBUTION

Section 400. Award Amounts

- (a) The minimum award is \$25,000.
- (b) The maximum award amount is a sliding scale based on population estimates from the Department of Finance (DOF) (2018 DOF Population Estimates, E-5), as follows:
 - 1. \$500,000 for large localities (greater than 200,000 people)
 - 2. \$250,000 for medium localities (60,000 to 200,000 people)
 - 3. \$125,000 for small localities (less than 60,000 people)

For a link to the 2018 DOF Population Estimates, E-5, see <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>.

- (c) Applicants seeking partnerships with other local governments will be additive. For example, two large localities could submit a proposal for up to \$1,000,000.
- (d) The maximum or minimum award amounts may be adjusted based on the amount collected in the Fund.
- (e) The maximum or minimum awards may be adjusted in the event the Department considers a supplemental round of funding.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Section 401. Geographic Distribution

- (a) The Department will ensure geographic equity in the distribution and expenditure of funds through marketing, outreach and technical assistance to potential applicants.
- (b) In the event of a supplemental round of funding, the Department will ensure geographic equity through criteria such as minimum set-asides, under-resourced localities, disaster recovery, and location efficient communities (e.g., access to transportation).

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(C).

ARTICLE V. APPLICATION REVIEW AND AWARD

Section 500. Application Review

- (a) The Program will not initially utilize a competitive process to award funds. Funds will be available to eligible applicants upon request (“over the counter”).
- (b) Funds will be available for an eight-month over-the-counter period, commencing from the date of the NOFA.
- (c) The Department may extend the over-the-counter period.
- (d) Applicants must submit an application to be eligible for funding. An application form will be available upon release of the NOFA and will include forms to demonstrate meeting threshold requirements, a proposed budget and timeline, and a request for letters of support from key stakeholders and decision-makers in the adoption process.
- (e) The Department may request additional information to complete the initial application for funding.

- (f) Applications recommended for funding are subject to conditions specified by the Department. Applicants will receive an official letter of award after the Department approves funding recommendations.
- (g) If funds are not fully awarded at the conclusion of the over-the-counter period, the Department may consider a supplemental funding round.
 1. The supplemental funding round will be available to prior applicants and localities that have not submitted a request for funding. The supplemental funding round will either use the initial complete application for funding, a new application where localities have not submitted a request for funding, or a new application and NOFA.
 2. Localities that have not submitted a previous request for funding will receive top priority in the supplemental funding round, subject to the minimum and maximum award amounts described in Section 400. All other applicants for the supplemental funding round will be subject to scoring criteria. Scoring criteria will include priority policy areas, under-resourced localities, disaster recovery, and location efficient. A tiebreaker will use factors such as impact on housing supply and affordability, level of housing need, and affirmatively furthering fair housing.
 3. The Department may adjust scoring criteria to accommodate changes in conditions and circumstances, such as the results of the initial funding round and equitable geographic distribution.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

ARTICLE VI. ADMINISTRATION

Section 600. Grant Execution and Term

- (a) The Department will notify the grantee if they have been selected for a grant award.
- (b) After the Standard Agreement and attachments have been finalized, the grantee will be provided instructions for signing all required documents. The grantee must submit all supporting materials and a signed Standard Agreement within the timeline provided in the instructions or risk forfeiting the grant award.
- (c) The grant term begins on the day the Department and the grantee have both signed the completed Standard Agreement. The Department will notify the grantee and partners when work may proceed.
- (d) The end of the grant term will be determined by the state based on the availability of grant funds and the administrative requirements for liquidation. The anticipated grant term runs through June 30, 2022.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Section 601. Payment and Accounting of Grant Funds

- (a) Grant funds cannot be disbursed until the Standard Agreement has been fully executed.
- (b) The grantee will be responsible for compiling and submitting all invoices and reporting documents. Grantees will submit for reimbursements to the Department based on actual cost incurred.
- (c) The grantee must bill the state based on clear deliverables outlined in the Standard Agreement. Only approved and eligible costs incurred for work after the NOFA date, continued past the date of the Standard Agreement and completed during the grant term will be reimbursable. Approved and eligible costs incurred prior to the NOFA date are ineligible.
- (d) Work must be completed prior to requesting reimbursement.
- (e) Grant fund payment will be made on a reimbursement basis; advance payments are not allowed. The grantee and partners must have adequate cash flow to pay all grant-related expenses prior to requesting reimbursement from the Department. Project invoices will be submitted to the Department by the grantee on a quarterly basis.
- (f) In unusual circumstances, the Department may consider alternative arrangements to reimbursement and payment methods based on documentation demonstrating cost burdens, including the inability to pay for work.
- (g) Supporting documentation may include, but is not limited to: purchase orders, receipts, progress payments, subcontractor invoices, time cards, etc.
- (h) Invoices must be accompanied by reporting materials where appropriate. Invoices without the appropriate reporting materials will not be paid. The Department may withhold 10 percent of the grant until grant terms have been fulfilled.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Section 602. Accounting Records and Audits

- (a) The grantee must establish a separate ledger account for receipts and expenditures of grant funds and maintain expenditure details in accordance with the attached Work Plan and Budget. Separate bank accounts are not required.

- (b) The grantee shall maintain documentation of its normal procurement policy and competitive bid process (including the use of sole source purchasing), and financial records of expenditures incurred during the course of the project in accordance with generally accepted accounting principles.
- (c) The grantee agrees that the state or designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of the Standard Agreement.
- (d) The grantee agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated.
- (e) Subcontractors employed by the grantee and paid with moneys under the terms of this Standard Agreement shall be responsible for maintaining accounting records as specified above.
- (f) At any time during the term of the Standard Agreement, the Department may perform or cause to be performed a financial audit of any and all phases of the award. At the Department's request, the awardee shall provide, at its own expense, a financial audit prepared by a certified public accountant. The State of California has the right to review project documents and conduct audits during project implementation and over the project life.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Section 603. Remedies of Non-performance

- (a) In the event that it is determined, at the sole discretion of the state, that the grantee is not meeting the terms and conditions of the Standard Agreement, immediately upon receiving a written notice from the Department to stop work, the grantee shall cease all work under the Standard Agreement. The Department has the sole discretion to determine that the grantee meets the terms and conditions after a stop work order, and to deliver a written notice to the grantee to resume work under the Standard Agreement.
- (b) Both the grantee and the Department have the right to terminate the Standard Agreement at any time upon 30 days written notice. The notice shall specify the reason for early termination and may permit the grantee or the Department to rectify any deficiency(ies) prior to the early termination date. The grantee will submit any requested documents to the Department within 30 days of the early termination notice.
- (c) There must be a strong implementation component for the funded activity through this Program, including, where appropriate, agreement by the locality to formally adopt the completed planning document. Localities that do not formally adopt the funded activity could be subject to repayment of the grant.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Section 604. Reporting

- (a) During the term of the Standard Agreement, and according to the annual deadline identified in the Standard Agreement, the awardee shall submit, upon request of the Department, a performance report that demonstrates satisfaction of all requirements identified in the Standard Agreement.
- (b) Upon completion of all deliverables within the Standard Agreement, the awardee shall submit a close out report. See Attachment 3.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b).

ARTICLE VII. TECHNICAL ASSISTANCE

Section 700. Method

- (a) Five percent of the SB 2 planning funds will be available for the Department and the Governor's Office of Planning and Research (OPR) to provide technical assistance to localities requesting grant funds to update planning documents, zoning ordinances, environmental analyses, or local processes to meet the objectives of the Program.
- (b) Technical assistance provided by the Department and OPR to localities will include at least three phases, including assistance in meeting threshold requirements, providing tools, models and best practices to supplement proposed activities related to accelerating housing production, and direct assistance to applicants.
- (c) The Department will coordinate with OPR on technical assistance related to the SB 2 planning funds.
- (d) With minor exceptions and accounting for equitable geographic distribution, technical assistance will be used on priority policy areas.
- (e) Technical assistance will incorporate the Department's responsibility to affirmatively further fair housing.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Section 701. Geographic Distribution

- (a) The Department will prioritize geographic distribution in the provision of technical assistance to potential applicants.
- (b) Geographic distribution considerations include minimum set-asides, under-resourced localities, disaster recovery, or location efficiency (e.g., access to jobs and a variety of transportation modes).

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Attachment 1
Nexus to Accelerating Housing Production
Form
(Only for proposals not using the priority policy
areas)

Locality: _____

Planned Activity: _____

Applicants shall demonstrate how the application includes a nexus to accelerating housing production. Applicants selecting priority policy areas are automatically deemed to demonstrate a nexus to accelerating housing production and do not need to complete this form. Please complete the following chart by providing information about the current conditions and expected outcomes with respect to the planned activity and housing production.

Application Nexus to Accelerating Housing Production				
Type (Select At least One)	Baseline*	Projected**	Difference***	Additional notes
Timing (e.g., reduced number of days of processing)				
Development cost (e.g., land, fees, financing, construction costs per unit)				
Approval certainty and reduction in discretionary review (e.g., prior versus proposed standard and level of discretion)				
Entitlement streamlining (e.g., number of approvals)				
Feasibility of development				
Infrastructure Capacity (e.g, number of units)				
Impact on housing supply and affordability (e.g., number of units)				
Other				
* Baseline – Current conditions in the jurisdiction (e.g. 6-month development application review) **Projected – Expected conditions in the jurisdiction because of the planning grant actions (e.g. 2-month development application review) ***Difference – Potential change resulting from the planning grant actions (e.g., 4-month acceleration in permitting, creating a more expedient development process)				

Attachment 2

State Planning and Other Planning Priorities Form

Locality: _____

Applicants shall report on meeting state objectives by showing activities completed prior to application submittal in one or more of the State Planning Priorities (i.e., Infill and Equity, Resource Protection, Efficient Development Patterns) or Other Planning Priorities (i.e., Affordability, Conservation, Climate Change)

Please select one or more of the areas in the following chart by marking X in the completed box and describe the action and completion date.

STATE PLANNING PRIORITIES		
(Select one or more)		
Action	Completed	Describe Action and Completion Date
Promote Infill and Equity		
Rehabilitating, maintaining, and improving existing infrastructure that supports infill development and appropriate reuse and redevelopment of previously developed, underutilized land that is presently served by transit, streets, water, sewer, and other essential services, particularly in underserved areas.		
Seek or utilize funding or support strategies to facilitate opportunities for infill development.		
Other (describe how this meets subarea objective)		
Promote Resource Protection		
Protecting, preserving, and enhancing the state's most valuable natural resources, including working landscapes such as farm, range, and forest lands; natural lands such as wetlands, watersheds, wildlife habitats, and other wildlands; recreation lands such as parks, trails, greenbelts, and other open space; and landscapes with locally unique features and areas identified by the state as deserving special protection.		

Actively seek a variety of funding opportunities to promote resource protection in underserved communities.		
Other (describe how this meets subarea objective)		
Encourage Efficient Development Patterns		
<p>Ensuring that any infrastructure associated with development, other than infill development, supports new development that does the following:</p> <ul style="list-style-type: none"> (1) Uses land efficiently. (2) Is built adjacent to existing developed areas to the extent consistent with environmental protection. (3) Is located in an area appropriately planned for growth. (4) Is served by adequate transportation and other essential utilities and services. (5) Minimizes ongoing costs to taxpayers. 		
Other (describe how this meets subarea objective)		

OTHER PLANNING PRIORITIES
(Select one or more)

Action	Completed	Describe Action and Completion Date
Affordability and Housing Choices		
Incentives and other mechanisms beyond State Density Bonus Law to encourage housing with affordability terms.		
Efforts beyond state law to promote accessory dwelling units or other strategies to intensify single-family neighborhoods with more housing choices and affordability.		
Upzoning or other zoning modifications to promote a variety of housing choices and densities.		
Utilizing surplus lands to promote affordable housing choices.		
Efforts to address infrastructure deficiencies in disadvantaged communities pursuant to Government Code Section 65302.10.		
Other (describe how this meets subarea objective)		
Conservation of Existing Affordable Housing Stock		
Policies, programs or ordinances to conserve stock such as an at-risk preservation ordinance, mobilehome park overlay zone, condominium conversion ordinance and acquisition and rehabilitation of market rate housing programs.		
Policies, programs and ordinances to protect and support tenants such as rent stabilization, anti-displacement strategies, first right of refusal policies, resources to assist tenant organization and education and "just cause" eviction policies.		
Other (describe how this meets subarea objective)		

Climate Adaptation		
Building standards, zoning and site planning requirements that address flood and fire safety, climate adaptation and hazard mitigation.		
Long-term planning that addresses wildfire, land use for disadvantaged communities, and flood and local hazard mitigation.		
Community engagement that provides information and consultation through a variety of methods such as meetings, workshops, and surveys and that focuses on vulnerable populations (e.g., seniors, people with disabilities, homeless, etc.).		
Other (describe how this meets subarea objective)		

I certify under penalty of perjury that all of the information contained in this SB 2 Planning Grants State Planning and Other Planning Priorities Form is true and correct.

Certifying official's name: _____

Certifying official's title: _____

Certification date: _____

Certifying official's signature: _____

Attachment 3

Close Out Reporting Form

SB 2 Planning Close Out Reporting Template

Brief Summary

- Overview of the project
- Project start date and duration
- Project goals and relevance to SB 2 Planning Grants Program goals
- Outcomes

Lead Agency and Partnerships

- List lead agency and partnerships (including names, titles, organizations, and roles and responsibilities of each)
- What did those collaborative relationships and processes look like?

Drivers

- Did any local, state, or federal legislation or mandates drive the project? (SB 35, AB 1397, etc.)
- Was it a community driven effort?
- Were there additional funding opportunities present?

Engagement Process

- Who were your stakeholders?
- What did the engagement process look like?
- What role did stakeholders play in the process? (Keep in mind: training, education, council formation, technical assistance, etc.)
- What were the outcomes of the engagement process?

Challenges

- What challenges were encountered?
- What solutions were encountered or created?
- Are there areas for improvement of policy alignment at the state or federal level to help achieve this project more easily?

Outcomes

- What are the current or projected outcomes? Benefits?
- Were outcomes as anticipated?
- Have new opportunities arisen as a result of this project?
- What are the next steps?

SB 2 Planning Close Out Reporting Template

Replicability

- What aspects of the project could be replicated in other communities?
- Useful resources and tools? For a specific region or sector?

Additional Resources

- Links to the project itself
- Links to resources used throughout and any other relevant resources

Further Information

- Who can be reached to ask more questions about this project?
 - o Name
 - o Number and/or email

**PAGE LEFT
INTENTIONALLY
BLANK**