



CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers

14050 Olympic Dr, Clearlake, CA

Thursday, May 04, 2023

Regular Meeting 6:00 PM

The City Council meetings are viewable in person in the Council Chambers, via livestreaming on the City's YouTube Channel (https://www.youtube.com/channel/UCTyifT_nKS-3woxEu1ilBXA) or "Lake County PEG TV Live Stream" at <https://www.youtube.com/user/LakeCountyPegTV/featured> and the public may participate through Zoom at the link listed below. The public can submit comments and questions in writing for City Council consideration by sending them to the Administrative Services Director/City Clerk at mswanson@clearlake.ca.us. To give the City Council adequate time to review your questions and comments, please submit your written comments prior to 4:00 p.m. on the day of the meeting.

AGENDA

MEETING PROCEDURES: *All items on agenda will be open for public comments before final action is taken. Citizens wishing to introduce written material into the record at the public meeting on any item are requested to provide a copy of the written material to the Administrative Services Director/City Clerk prior to the meeting date so that the material may be distributed to the City Council prior to the meeting. Speakers must restrict comments to the item as it appears on the agenda and stay within a three minutes time limit. The Mayor has the discretion of limiting the total discussion time for an item.*

AMERICANS WITH DISABILITY ACT (ADA) REQUESTS

If you need disability related modification, including auxiliary aids or services, to participate in this meeting, please contact Melissa Swanson, Administrative Services Director/City Clerk at the Clearlake City Hall, 14050 Olympic Drive, Clearlake, California 95422, phone (707) 994-8201, ext 106, or via email at mswanson@clearlake.ca.us at least 72 hours prior to the meeting, to allow time to provide for special accommodations.

AGENDA REPORTS

Staff reports for each agenda item are available for review at www.clearlake.ca.us. Any writings or documents pertaining to an open session item provided to a majority of the City Council less than 72 hours prior to the meeting, shall be made available for public inspection on the City's website at www.clearlake.ca.us.

Zoom Link: <https://clearlakeca.zoom.us/j/81520531246>

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. INVOCATION/MOMENT OF SILENCE: *The City Council invites members of the clergy, as well as interested members of the public in the City of Clearlake, to voluntarily offer an invocation before the beginning of its meetings for the benefit and blessing of the City Council. This opportunity is*

voluntary and invocations are to be less than three minutes, offered in a solemn and respectful tone, and directed at the City Council. Invocational speakers who do not abide by these simple rules of respect and brevity shall be given a warning and/or not invited back to provide a subsequent invocation for a reasonable period of time, as determined appropriate by the City. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the City Council with, nor express the City Council's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the City Council's respect for the diversity of religious denominations and faith represented and practiced among the citizens of Clearlake. If a scheduled invocational speaker does not appear at the scheduled meeting, the Mayor will ask that the City Council observe a moment of silence in lieu of the invocation. More information about the City's invocation policy is available upon request by contacting the Administrative Services Director/City Clerk at (707) 994-8201x106 or via email at [mwanon@clearlake.ca.us](mailto:mwanson@clearlake.ca.us).

D. ADOPTION OF THE AGENDA *(This is the time for agenda modifications.)*

E. PRESENTATIONS

- [1.](#) Presentation on Shakespeare at the Lake 2023
- [2.](#) Proclamation Declaring May 2023 as Military Appreciation Month
3. Presentation by Chief Hobbs on the Clearlake Police Department Safety Education Loan Forgiveness Program
- [4.](#) Proclamation Declaring May 14 - 20, 2023 as Police Week
- [5.](#) Proclamation Declaring May 7 - May 13, 2023 as Public Service Appreciation Week

F. PUBLIC COMMENT: *This is the time for any member of the public to address the City Council on any matter not on the agenda that is within the subject matter jurisdiction of the City. **The Brown Act, with limited exceptions, does not allow the Council or staff to discuss issues brought forth under Public Comment.** The Council cannot take action on non-agenda items. Concerns may be referred to staff or placed on the next available agenda. Please note that comments from the public will also be taken on each agenda item. Comments shall be limited to three (3) minutes per person.*

G. CONSENT AGENDA: *All items listed under the Consent Agenda are considered to be routine in nature and will be approved by one motion. There will be no separate discussion of these items unless a member of the Council requests otherwise, or if staff has requested a change under Adoption of the Agenda, in which case the item will be removed for separate consideration. Any item so removed will be taken up following the motion to approve the Consent Agenda.*

- [6.](#) Authorization for Purchase of a Wood Chipper
Recommended Action: Move to approve the purchase with Cal-Line Equipment in the amount of \$65,353.53
- [7.](#) Warrants
Recommended Action: Receive and file

- 8. Review of the 2022 Annual Housing Element Progress Report
Recommend Action: Accept Report and File

H. BUSINESS

- 9. Discussion and Consideration of Amendment to MOU with Adventist Health Clear Lake for Operation of the Hope Center
Recommended Action: Approve the Amendment and Authorize the City Manager to Sign
- 10. Discussion and Consideration of Interim Policies and Procedures Manual for Tribal Consultation
Recommended Action: Adopt Volume 1: Interim Tribal Consultation Standard Operating Procedures Manual & Tribal Consultation and Monitoring Rate Policy

I. CITY MANAGER AND COUNCILMEMBER REPORTS

J. FUTURE AGENDA ITEMS

K. CLOSED SESSION

- (11)** Conference with Labor Negotiators: Pursuant to Government Code Section 54957.6: Agency designated representatives: City Manager Flora, Finance Director Wells, Administrative Services Director Swanson; Employee Organization: Clearlake Middle Management Association
- (12)** Liability Claims: Claimant: Jeffrey Dryden; Agency Claimed Against: City of Clearlake
- (13)** Conference with Legal Counsel: Existing Litigation: Pursuant to Government Code Section 54956.9(d)(1): Case No. CV-423786; Koi Nation of Northern California v. City of Clearlake, et al., Lake County Superior Court
- (14)** Conference with Legal Counsel: Anticipated Litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9(b): One (1) potential case

L. ANNOUNCEMENT OF ACTION FROM CLOSED SESSION

M. ADJOURNMENT

POSTED: April 28, 2023

BY:



Melissa Swanson, Administrative Services Director/City Clerk

Section E, Item 1.

SHAKESPEARE AT THE LAKE 2023

Save the Dates ! July 29-30 in Lakeport
August 4-6 in Clearlake

Our 8th annual Shakespeare at the Lake will be the classic *Measure for Measure*. A co-production of Mendocino College and Lake County Theatre Company.

Come see us on the shores of beautiful Clear Lake.

4



SHAKESPEARE AT THE LAKE 2023

Section E, Item 1.

Save the Dates!

Our 8th annual production
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A co-production of
Mendocino College and Lake
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Come see us on the shores of
beautiful Clear Lake.

July 29-30 in Lakeport

August 4-6 in Clearlake



5



Military Appreciation Month May 2023

WHEREAS, the rights of life, liberty and the pursuit of happiness, enumerated in our Declaration of Independence, secured by the Constitution and the Bill of Rights, and enjoyed by every citizen of the United States, are a direct result of the members of the United States Armed Forces; and

WHEREAS, the sacrifices made by the members of the United States Armed Forces and the family members who support them preserve the liberties that enrich our nation, our state, and our city; and

WHEREAS, our citizens have a proud history of service in the United States Armed Forces in both times of peace and times of war; and

WHEREAS, many citizens of the City of Clearlake continue to serve on active duty and in the National Guard, and in the reserve components of the United States Armed Forces; and

NOW, THEREFORE, BE IT PROCLAIMED that the Clearlake City Council does hereby wish to recognize and honor all members of the United States Armed Forces, past and present, as well as their families, for their service and sacrifice and hereby designates May 2023 as Military Appreciation Month in the City of Clearlake. Further, we encourage all citizens to show our gratitude by the appropriate display of flags and ribbons during the designated period.

Dated this 4th day of May, 2023

Russell Perdock, Mayor



Police Week 2023

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Clearlake Police Department;

WHEREAS, since the first recorded death in 1786, more than 22,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty;

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.;

WHEREAS, May 14 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags will be flown at half staff;

THEREFORE, BE IT RESOLVED that the Clearlake City Council formally designates May 14 - 20, 2023, as Police Week in the City of Clearlake and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

Dated this 4th day of May, 2023

Russell Perdock, Mayor



Public Service Appreciation Week May 7 – 13, 2023

WHEREAS, our Nation's progress has long been fueled by the efforts of selfless citizens who come together in service to their fellow Americans to change our country for the better; and

WHEREAS, during Public Service Recognition Week, we honor those who dedicate themselves to ensuring America's promise rings true in every corner of our country, and we recommit to upholding the values they fight for every day; and

WHEREAS, Americans are served every single day by public servants at the federal, state, county and city levels, including Public Works, Planning and Building, Administrative Services and Finance Department employees. These unsung heroes do the work that keeps our city working; and

WHEREAS, without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials. Day in and day out they provide the diverse services demanded by the American people of their government with efficiency and integrity; and

NOW, THEREFORE, BE IT PROCLAIMED that the Clearlake City Council does hereby designate May 7 – 13, 2023 as Public Service Appreciation Week in the City of Clearlake. All citizens are encouraged to recognize the accomplishments and contributions of government employees at all levels — federal, state, county and city.

Dated this 4th day of May, 2023

Russell Perdock, Mayor

CITY OF CLEARLAKE

City Council



| STAFF REPORT | |
|---|----------------------------------|
| SUBJECT: Authorization for Purchase of a Wood Chipper | MEETING DATE: May 4, 2023 |
| SUBMITTED BY: Adeline Leyba, Public Works Director | |
| PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item | |

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to approve the purchase of a Bandit Wood chipper from Cal-Line Equipment in the amount of \$65,353.53

BACKGROUND/DISCUSSION:

The City is need of a new wood chipper to perform various tasks. The existing equipment is very old and has continuous problems. The cost of repairs and rentals has nearly outweighed the cost of a new one. The chipper will allow for staff to be more efficient in brush clearing and reduce the need to hire a professional tree removal contractor. Staff has solicited quotes from various companies and found a supplier who has an approved state contract. This would be a direct purchase from Cal-Line Equipment

The cost for the chipper is \$65,353.53. Council has approved the allocation of up to \$80,000 for equipment.

OPTIONS:

1. Move to approve the purchase of the equipment in the amount of \$65,353.53.
2. Other direction

FISCAL IMPACT:

None \$65,353.53 Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other: 200-3040-800-681

Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City

Goal #6: Update Policies and Procedures to Current Government Standards

Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to approve the purchase with Cal-Line Equipment in the amount of \$65,353.53

Attachments:



Clearlake, CA

Section G, Item 7.

Check Register

Packet: APPKT02095 - 4/18/23 AP CHECK RUN AA

By Check Number

| Vendor Number | Vendor Name | Payment Date | Payment Type | Discount Amount | Payment Amount | Number |
|---------------------------------------|------------------------------------|--------------|--------------|-----------------|----------------|--------|
| Bank Code: AP-Accounts Payable | | | | | | |
| VEN01057 | BASIC PACIFIC | 04/18/2023 | Regular | 0.00 | 828.00 | 14592 |
| VEN01351 | BKF ENGINEERS | 04/18/2023 | Regular | 0.00 | 33,652.74 | 14593 |
| 002162 | CALIFORNIA ENGINEERING | 04/18/2023 | Regular | 0.00 | 3,397.52 | 14594 |
| VEN01178 | CALIFORNIA INTERGOVERNMENTAL R | 04/18/2023 | Regular | 0.00 | 42,431.64 | 14595 |
| 000024 | CLEARLAKE POLICE ASSOCIATION | 04/18/2023 | Regular | 0.00 | 1,752.00 | 14596 |
| 000625 | FIRST AMERICAN TITLE COMPANY | 04/18/2023 | Regular | 0.00 | 40,307.40 | 14597 |
| 2436 | IWORQ | 04/18/2023 | Regular | 0.00 | 10,500.00 | 14598 |
| VEN01397 | KEITH A. WESTLAKE - WESTLAKE ENVII | 04/18/2023 | Regular | 0.00 | 9,000.00 | 14599 |
| VEN01079 | LAM PRINTING | 04/18/2023 | Regular | 0.00 | 1,124.48 | 14600 |
| 000026 | NATIONWIDE RETIREMENT SOLUTION | 04/18/2023 | Regular | 0.00 | 1,163.04 | 14601 |
| 000009 | OPERATING ENGINEERS LOCAL 3 | 04/18/2023 | Regular | 0.00 | 624.00 | 14602 |
| VEN01371 | R.E.Y. ENGINEERS, INC. | 04/18/2023 | Regular | 0.00 | 10,907.25 | 14603 |
| VEN01372 | TALL TREE ENGINEERING, INC | 04/18/2023 | Regular | 0.00 | 26,777.98 | 14604 |
| 001934 | TINA VIRAMONTES | 04/18/2023 | Regular | 0.00 | 245.68 | 14605 |
| 000708 | VALIC LOCKBOX | 04/18/2023 | Regular | 0.00 | 445.00 | 14606 |

Bank Code AP Summary

| Payment Type | Payable Count | Payment Count | Discount | Payment |
|----------------|---------------|---------------|-------------|-------------------|
| Regular Checks | 19 | 15 | 0.00 | 183,156.73 |
| Manual Checks | 0 | 0 | 0.00 | 0.00 |
| Voided Checks | 0 | 0 | 0.00 | 0.00 |
| Bank Drafts | 0 | 0 | 0.00 | 0.00 |
| EFT's | 0 | 0 | 0.00 | 0.00 |
| | 19 | 15 | 0.00 | 183,156.73 |

Fund Summary

| Fund | Name | Period | Amount |
|------|-------------|--------|-------------------|
| 999 | Pooled Cash | 4/2023 | 183,156.73 |
| | | | <u>183,156.73</u> |



| STAFF REPORT | |
|---|---|
| SUBJECT: 2022 Annual Housing Element Progress Report | MEETING DATE: May 4 th , 2023 |
| SUBMITTED BY: Mark Roberts – Senior Planner | |
| PURPOSE OF REPORT: <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Discussion <input type="checkbox"/> Action Item | |

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

California Government Code Section 65400 requires the City Council to conduct public review of the Annual Progress Report (APR), including accepting public comment. The Annual Progress Report is required to be submitted to the Department of Housing/Community Development (HCD) by April 1 of each year. The City’s 2022 Annual Report (Attachment 1) has been submitted on March 29, 2022, to the required agency.

HCD considers the Annual Progress Report when considering potential grants. The 2022 Annual Progress Report provides an update on the City’s progress in implementing the current General Plan/Housing Elements, including meeting our local housing needs and compliance with State Housing Elements. In summary, the City issued ten (10) building permits in 2022 for the development of Single-Family Dwellings. Below is a breakdown of the permits issued:

- *Single Family Dwelling (SFD): Seven (7) Building Permits Issued.*
- *Manufactured Homes (MH): Three (3) Building Permits Issued.*

SUGGESTED MOTIONS:

- **Accept and File the 2022 Annual Progress Report**

Attachments: 1) 2022 Annual Housing Progress Report

| | |
|-----------------|-----------------------------------|
| Jurisdiction | Clearlake |
| Reporting Year | 2022 (Jan. 1 - Dec. 31) |
| Planning Period | 6th Cycle 08/15/2019 - 08/15/2027 |

**ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation**

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
Please contact HCD if your data is different than the material supplied here

| Table B | | | | | | | | | | | | | | |
|---|---------------------|---------------------------------|---|------|------|------|------|------|------|------|------|------|---------------------------------|--------------------------------------|
| Regional Housing Needs Allocation Progress | | | | | | | | | | | | | | |
| Permitted Units Issued by Affordability | | | | | | | | | | | | | | |
| | | 1 | 2 | | | | | | | | | | 3 | 4 |
| Income Level | | RHNA Allocation by Income Level | Projection Period - 01/01/2019-08/14/2019 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | Total Units to Date (all years) | Total Remaining RHNA by Income Level |
| Very Low | Deed Restricted | 97 | - | - | - | - | - | - | - | - | - | - | 5 | 92 |
| | Non-Deed Restricted | | 4 | 1 | - | - | - | - | - | - | - | - | | |
| Low | Deed Restricted | 65 | - | - | - | - | - | - | - | - | - | - | 116 | - |
| | Non-Deed Restricted | | - | - | 3 | 113 | - | - | - | - | - | - | | |
| Moderate | Deed Restricted | 72 | - | - | - | - | - | - | - | - | - | - | 12 | 60 |
| | Non-Deed Restricted | | 4 | 1 | 2 | 5 | - | - | - | - | - | - | | |
| Above Moderate | | 200 | 4 | 1 | 1 | - | - | - | - | - | - | - | 6 | 194 |
| Total RHNA | | 434 | | | | | | | | | | | | |
| Total Units | | | 12 | 3 | 6 | 118 | - | - | - | - | - | - | 139 | 346 |
| Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1). | | | | | | | | | | | | | | |
| | | 5 | | | | | | | | | | | 6 | 7 |
| | | Extremely low-income Need | | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | Total Units to Date | Total Units Remaining |
| Extremely Low-Income Units* | | 49 | | - | - | - | - | - | - | - | - | - | - | 49 |

*Extremely low-income housing need determined pursuant to Government Code 65583(a)(1). Value in Section 5 is default value, assumed to be half of the very low-income RHNA. May be overwritten.
 Note: units serving extremely low-income households are included in the very low-income RHNA progress and must be reported as very low-income units in section 7 of Table A2. They must also be reported in the extremely low-income category (section 13) in Table A2 to be counted as progress toward meeting the extremely low-income housing need determined pursuant to Government Code 65583(a)(1).
 Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will only include units that were permitted since the start of the planning period. Projection Period units are in a separate column.
 Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

| | | |
|-----------------|-----------|-------------------------|
| Jurisdiction | Clearlake | |
| Reporting Year | 2022 | (Jan. 1 - Dec. 31) |
| Planning Period | 6th Cycle | 08/15/2019 - 08/15/2027 |

**ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation**

Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

| Table C | | | | | | | | | | | | | | | | | |
|---|----------------|---------------|---------------------------------|----------------|---|------------|-----------------|-----------------------|-------------|---------------------|--------------------------|--------|-------------------------|-------------------------|--------------------|------------------|------------------------------|
| Sites Identified or Rezoned to Accommodate Shortfall Housing Need and No Net-Loss Law | | | | | | | | | | | | | | | | | |
| Project Identifier | | | | Date of Rezone | RHNA Shortfall by Household Income Category | | | | Rezone Type | Sites Description | | | | | | | |
| 1 | | | | 2 | 3 | | | | 4 | 5 | 6 | 7 | 8 | | 9 | 10 | 11 |
| APN | Street Address | Project Name* | Local Jurisdiction Tracking ID* | Date of Rezone | Very Low-Income | Low-Income | Moderate-Income | Above Moderate-Income | Rezone Type | Parcel Size (Acres) | General Plan Designation | Zoning | Minimum Density Allowed | Maximum Density Allowed | Realistic Capacity | Vacant/Nonvacant | Description of Existing Uses |
| Summary Row: Start Data Entry Below | | | | | | | | | | | | | | | | | |
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ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

| | | | |
|--|--|--|--|
| Jurisdiction | Clearlake | | |
| Reporting Year | 2022 | (Jan. 1 - Dec. 31) | |
| Table D | | | |
| Program Implementation Status pursuant to GC Section 65583 | | | |
| Housing Programs Progress Report | | | |
| Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element. | | | |
| 1 | 2 | 3 | 4 |
| Name of Program | Objective | Timeframe in H.E | Status of Program Implementation |
| <p>Program H1.1 Vacant Land Inventory 5th and 6th Cycle</p> | <p>The City will maintain an updated inventory of vacant residential parcels in the City. Information on these parcels will be available at City Hall for the public. The inventory will specify sites suitable for special needs housing, including emergency shelter and transitional housing. The Housing Resources section contains an inventory of vacant land sufficient to meet the City's RHNP allocation. In order to provide accurate information to prospective developers, particularly developers of low- and moderate-income housing, the City will maintain an updated inventory of vacant residential parcels within the City.</p> | <p>Timeframe: Updated in 2019 and annually updated thereafter with the Annual Housing Report in accordance with California Government Code Section 65400 and consistent with Housing Element Program H2.2.</p> | <p>Responsibility: Community Development Department. Funding: General Fund. Status: Completed and ongoing.</p> |

| | | | |
|--|---|--|--|
| <p>Program H1.2 Publicly Owned Surplus Land Review 6th Cycle</p> | <p>The City shall identify publicly owned surplus land to determine its suitability for low-and very low-income households and to develop procedures for land swaps if sites more suitable for affordable workforce housing are identified. Surplus public lands that are found to be feasible for lower-income housing shall be considered for re-designation to an appropriate residential zoning designation.</p> | <p>Timeframe: Annual review concurrently with the Annual Housing Report in March and April consistent with Housing Element Programs H1.1, H2.1, H2.2 and H3.3.</p> | <p>Responsibility: Community Development Department Funding: General Fund Objective: Creation of 20 lower income housing units by 2027. Status: Ongoing</p> |
| <p>Program H2.1 Incentives for Infill Housing 5th and 6th Cycle</p> | <p>Incentives for encouraging infill development will include density bonuses for projects that include affordable housing in accordance with State law, use of PD overlay zone to allow exceptions or alternative approaches to meeting zoning standards that are consistent with standards met by surrounding properties, distribution of the infill site inventory to local homebuilder groups and nonprofit organizations; Apply for state and/or federal economic planning and development funding for infrastructure in support of infill development</p> | <p>Timeframe: Ongoing; at least one outreach program annually to be included with the Annual Housing Report per Housing Element Programs H1.1, H2.2, H 3.2 and H 3.3.</p> | <p>Responsibility: City Manager, City Council, Planning Commission and Community Development, Engineering, Building and Finance Departments. Results: The City did obtain a CDBG grant for road improvements to the Avenues area which should improve infill development opportunities. Status: Retain Program, but include specific outreach objectives. Objective: Creation of 10 lower income housing units by 2023 and 15 lower income housing units by 2027 (for a cumulative of 25 lower income housing units).</p> |

| | | | |
|--|--|--|---|
| <p>Program H2.2 Periodic Housing Element Review 5th and 6th Cycle</p> | <p>The City will ensure that residential development projects are consistent with the goals and policies of the General Plan. To the extent that the City has financial resources, an annual evaluation of the General Plan will comprise the City’s monitoring program for the Housing Element. This will include a review of progress toward achieving Housing Element objectives by the City and other responsible agencies and departments-meeting timing and funding commitments for implementing actions, as well as the number of housing units provided or other measurable indicators achieved for each established measure. This will include statutory reporting to the Department of Housing and Community Development regarding annual housing element reporting.</p> | <p>Timeframe: Annual reporting, ongoing to include update of the vacant land inventory and outreach to the housing development community by the end of 2020. Annual reporting beginning March, 2015 and periodic review beginning 2017.</p> | <p>Responsibility: Community Development Department, City Manager, Public Works, Engineering and Finance Departments, Planning Commission and City Council. Funding: General Fund and Development and Development Review Fund Objective: Creation of 10 lower income housing units by 2023 and 15 lower income housing units by 2027 (for a cumulative of 25 lower income housing units). Status: Ongoing</p> |
|--|--|--|---|

| | | | |
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| <p>Program H3.1 Reasonable Accommodation 5th and 6th Cycle</p> | <p>The City will continue to permit accessory structures, building modifications and site plans that provide accessibility for persons with disabilities and will continue to implement the state and federal building standards for handicapped accessibility. The Community Development Department will continue to provide brochures and assistance to residents about accessibility for persons with disabilities. The City will also ensure that necessary safety and mobility modifications can be made in a timely and cost-efficient manner and will make all reasonable attempts to disseminate information about reasonable accommodations to City residents.</p> | <p>Timeframe: Ongoing.</p> | <p>Accomplishments: Zoning Code Amended in 2014 to include new Reasonable Accommodation provisions. Objective: Maintain enforcement of the City’s Reasonable Accommodation Code and update this code to comply with related fair housing code provisions in 2020. The City will reach out to Legal Services of Northern California upon receiving reasonable accommodation requests for applicant assistance. Results: No requests for reasonable accommodation made during the 5th Housing Cycle. Status: Retain program to administer regulations and keep Reasonable Accommodation regulations in the 2020 Zoning Code Update. Responsibility: All City Departments led by the Community Development Department. Funding: General Fund</p> |
| <p>Program H3.2 Congregate Care and Group Housing for Elderly and Disabled Persons 5th and 6th Cycle</p> | <p>The City will obtain comments from the public, developers and other agencies about the need for, and development of, congregate care and group-assisted housing. The City will review potential funding sources and, if need and feasibility are established, will pursue grants and financing to aid in the development of congregate care and group assisted housing. The Zoning Ordinance will be modified to allow community care facilities with six or less persons with a certificate of occupancy</p> | <p>Timeframe: The city will provide opportunities to meet with developers on an ongoing basis. The city will support funding. Annual outreach concurrently with the Annual Housing Report in March and April consistent with Housing Element Programs H1.1, H2.1, H2.2 and H3.3.</p> | <p>Responsibility: Community Development Department Funding: CDBG, HOME, Section 202, and Section 811 programs. Accomplishments: The City amended the Zoning Code in 2014 to allow community care facilities in all residential zones in accordance with State Law. The City has reviewed funding opportunities for this type of housing, but did not find this feasible. Results: Development of community care facilities is less restrictive. The City continues to obtain input about the need for development of congregate care and group-assisted housing. On October 16, 2018, the city approved conversion of a 6,100 square foot office building to a transitional care support facility for 20 occupants of special needs. This project has started construction but due to a delayed timeline plans on being operational by the end of 2020. Status: Retain program (as modified) to seek funding for congregate care and group-assisted housing.</p> |

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| <p>PROGRAM H3.3 Assistance for Transitional and Supportive Housing: 5th and 6th Cycle</p> | <p>Meet periodically with local non-profit service providers upon request to assess the transitional and supportive housing needs of the community and work with nonprofit organizations to identify suitable sites for the placement of facilities. Pending available resources, the City will assist developers in finding sites for the creation of transitional and supportive housing facilities, provide support in accessing state or federal funds, such as supporting requests on behalf of a nonprofit provider, expedited permit approvals in support of a non-profit application, and/or contributing information to an application to support the need for the proposed project or activity.</p> | <p>Timeframe: The city will provide opportunities to meet with non-profits and developers on an ongoing basis. The City will support funding requests as needed based on project/program proposals each year. Annual outreach to local non-profit service providers will be conducted concurrently with the Annual Housing Report in March and April consistent with Housing Element Programs H1.1, H2.1, H2.2, and 3.2.</p> | <p>Responsibility: Community Development Department Funding: HOME and CDBG programs. Objective: Creation of 8 transitional and/or supportive housing facilities by 2027. Accomplishments: City met with several non-profit agencies to assess the City's needs. The City coordinated approval for a 10-room transitional shelter that is being developed in the City by Adventist Health Care. Results: Creation of a 10-room transitional housing facility to provide services to 20 very low- and extremely low-income people by the end of 2020. Status: Retain program.</p> |
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| <p>PROGRAM H 3.4 Assistance for Emergency Shelters 5th and 6th Cycle</p> | <p>Meet periodically with local non-profit service providers upon request to assess the shelter needs of the community and work with nonprofit organizations to identify suitable sites for the placement of facilities. Provide support in accessing state or federal funds, such as supporting requests on behalf of a nonprofit provider, expedited permit approvals in support of a non-profit application, and/or contributing information to an application to support the need for the proposed project or activity. The City will consider exempting on a case by case basis planning entitlement fees, such as general plan/zoning amendment, variances, design review (if applicable) and environmental applications for emergency shelter projects proposed by non-profit service providers.</p> | <p>Timeframe: To the extent resources are available, the City will support-funding requests as needed based on project/program proposals each year. Annual outreach to local non-profit service providers will be conducted concurrently with the Annual Housing Report in March and April consistent with Housing Element Programs H1.1, H2.1, H2.2, 3.2 and H 3.3.</p> | <p>Responsibility: Community Development Department Funding: HOME, CDBG programs and California Proposition 41 Bond Act Funding for homeless veterans Objective: To the extent resources are available, provide support for the establishment of a regional emergency shelter within the Lake County region by 2022. Accomplishments: City met with several non-profit agencies to assess the City's needs and identify funding for emergency shelters. Results: On October 16, 2018, the city approved conversion of a 6,100 square foot office building to a transitional care support facility for 20 occupants of special needs, to be operational in 2019. Status: Retain program.</p> |
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| <p>PROGRAM H 3.5 Support Services for Elderly and Disabled Persons 5th and 6th Cycle</p> | <p>To the extent the City has financial capability, continue to support Lake County Transit, Dial-A-Ride, the Senior Center and other programs providing supportive services for seniors or persons with disabilities. Support shall include promotion of these services through the placement of informational materials at City offices and/or assistance in accessing state or federal funding for such services.</p> | <p>Ongoing</p> | <p>Responsibility: All City Departments. Funding: Transit funding sources, state supportive service programs (HCD, Department of Aging, and Department of Rehabilitation), federal supportive service programs (HUD, Health and Human Services). Accomplishments: The City continues to support these services and maintains a senior center. Information has been posted. Results: Many seniors have been serviced with the senior center and will continue to be served. On October 16, 2018, the city approved conversion of a 6,100 square foot office building to a transitional care support facility for 20 occupants of special needs. This project has started construction but due to a delayed timeline plans on being operational by the end of 2020. Status: Retain program</p> |
| <p>PROGRAM H 3.6 Americans with Disabilities Act 5th and 6th Cycle</p> | <p>The City will continue to ensure that all construction projects requiring building permits comply with the Americans with Disabilities Act (ADA) as provided by the Uniform Building Code. The City will assist property owners and contractors in complying with ADA requirements when retrofit or rehabilitation projects for public, residential or commercial structures.</p> | <p>Timeframe: Ongoing</p> | <p>Responsibility: Community Development and Building Departments. Funding: Development Permit Fees and the General Fund. Accomplishments: Completed and ongoing Results: All development complies. Status: Retain program</p> |

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| <p>PROGRAM H 3.7 Residential Infill Study 5th and 6th Cycle</p> | <p>To address concentrated higher density and mixed use housing strategies in the 2040 General Plan there is a need to identify potential opportunities within existing buildings for conversion to housing units, particularly in the upper floors</p> <p>in three of the identified growth areas: Cluster 1 (Austin Park), Cluster 2 (The Avenues) and Cluster 4 (Lower Lakeshore). This would lead to more building renovations, create live work studios and improve affordable housing opportunities in the focused growth areas. The presence of additional residents in these areas will also improve the City's economic vitality. The City will prepare (contingent upon grant funding) a residential infill study that identifies these opportunities, working with property owners to evaluate the economic potential for creating more housing within existing buildings and identify funding sources to develop this housing.</p> | <p>Timeframe: 2022 pending grant funding. In the next few years the city will target homeowners and survey parcels in each of these clusters in order to complete a detailed assessment that will allow us to identify specific areas where infill development would be appropriate.</p> | <p>Responsibility: Community Development and Finance Departments. Funding: CDBG Accomplishments: The City did not apply for grant funding to conduct this study. Objective: To the extent resources are available, complete infill study, market infill opportunities to developers, and convert several buildings to create 40 units of infill housing units by 2027. Results: Conversion of upper floor housing units will be limited, as the majority of buildings are one-story, but opportunities are available. A comprehensive study is still needed. Status: The City will consider applying for grant funding, such as SB-2 funding to accomplish this study. Retain program.</p> |
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| <p>PROGRAM H 3.8 Supportive and Transitional Housing Regulations 6th Cycle</p> | <p>The City shall amend the Zoning Code to redefine supportive and transitional housing in compliance with State Housing Law (Government Code sections 65582(g) and 65582(j)). In addition, pursuant to AB 2162, the City will allow supportive housing projects that satisfy certain requirements by right in all zones where multi-family and mixed uses are permitted, including nonresidential zones permitting multi-family uses. The Code shall also be amended to provide shortened application processing for low income housing projects in accordance with State Housing law.</p> | <p>Timeframe: To be adopted with the 2020 Zoning Code Update, but not to exceed three years from adoption of the 2019-2027 Housing Element.</p> | <p>Responsibility: Community Development Department Funding: General Fund Objective: Provide the opportunity for development of at least 40 supportive and/or transitional housing units by 2027.</p> |
| <p>PROGRAM H 4.1 Monitor Policies and Programs 5th and 6th Cycle</p> | <p>Continue to monitor and review housing related policies and programs to minimize constraints to housing production and maintenance. This will include developing new design review programs from the 2040 General Plan that results in ministerial reviews of multiple family housing and facilitated processing of affordable housing projects.</p> | <p>Timeframe: Update the Zoning Code and create a new Design Review Manual in 2020 and begin administering new regulations. These documents are in the approval process and are expected to go to city council by July.</p> | <p>Responsibility: Community Development Department Accomplishments: The City is in the process of completing a comprehensive update to the Zoning Code and preparation of a Design Review Manual to address this program. Funding: General Fund and funding from disbanded Redevelopment Agency originally allocated to Housing Set-Aside. Results: Due to resource limitations, the City was unable to fully accomplish this in the 5th Housing Cycle, but is currently about 60% completed. Status: Retain program and complete this program by end of 2020.</p> |

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| <p>PROGRAM H 4.2 Zoning Ordinance Review and Implementation 5th and 6th Cycle</p> | <p>To implement the 2040 General Plan and to achieve housing and other City objectives, the City will conduct a complete update of the Zoning Code. Revisions will be made to the Zoning Code to promote flexibility in densities and uses, to improve incentives for affordable housing production and to bring applicable regulations into compliance with State Law. The PD Combining District, for example, shall be amended to omit the requirement for a Homeowners Association or Property Management Association. The Zoning Code will then be reviewed periodically for consistency and compliance and amended as needed.</p> | <p>Timeframe: Update the Zoning Code and create a new Design Review Manual in 2020 and begin administering new regulations. These documents are in the approval process and are expected to go to city council by July. Periodically at least once every 5 years thereafter.</p> | <p>Responsibility: Community Development Department, Planning Commission and City Council Funding: General Fund, Developer Fees and other funds as appropriate. Accomplishments: The City is in the process of completing a comprehensive update to the Zoning Code and preparation of a Design Review Manual to address this program. Results: Due to resource limitations, the City was unable to fully accomplish this in the 5th Housing Cycle, but is currently about 60% completed. Status: Retain program and complete this program by end of 2020.</p> |
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| <p>PROGRAM H 4.3 Design Review 5th and 6th Cycle</p> | <p>As part of the 2015 Zoning Code update, per implementation of the 2040 General Plan, new regulations will be created for Design Review. This new program will include Design Guidelines for the development of multiple family housing. Particular attention should be paid to avoiding architectural barriers that could adversely affect disabled persons and persons with developmental disabilities. In addition, the Design Review provisions of the Zoning Code will address the need to minimize constraints to the development of multiple family housing and provide for ministerial (staff review) and facilitated development review for these types of development applications</p> | <p>Timeframe: Update the Zoning Code and create a new Design Review Manual in 2020 and begin administering new regulations. These documents are in the approval process and are expected to go to city council by July.</p> | <p>Responsibility: Community Development Department, Planning Commission and City Council. Funding: General Fund, and other funds as appropriate. Accomplishments: The City is in the process of completing a comprehensive update to the Zoning Code and preparation of a Design Review Manual to address this program. Results: Due to resource limitations, the City was unable to fully accomplish this in the 5th Housing Cycle, but is currently about 60% completed. Status: Retain program and complete this program by end of 2020.</p> |
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| <p>PROGRAM H 4.4 Affordable Housing Water/ Sewer Priority 5th and 6th Cycle</p> | <p>In accordance with Government Code Section 6558.7, the City will monitor Lake County Sanitation District Resolution No. 2014-45), Highlands Water Company (Resolution No. 014-30 and Konocti County Water District (Resolution No. 14-01 to assure sufficient priority sewer/water capacities are reserved for future low-income housing development per the City's Regional Housing Needs Allocation for the 2014-19 period; 175 equivalent dwelling unit services for lower-income households.</p> | <p>Monitor every 3 years or as needed starting 2020</p> | <p>Responsibility: Community Development Department Funding: General Fund Accomplishments: The City conducted monitoring for this housing cycle. Results: This 6th Cycle RHNA was reduced, but the current reservations still apply so no further changes need to be made. Status: Retain program.</p> |
| <p>PROGRAM H 4.5 Accessory Dwelling Units 6th Cycle</p> | <p>The City shall add a new section to the Zoning Code to provide for accessory housing units in accordance with SB 1226.</p> | <p>Timeframe: To be adopted with the 2020 Zoning Code Update in 2020.</p> | <p>Responsibility: Community Development Department Funding: General Fund Objective: Provide the opportunity for development of accessory units, mostly for lower income families.</p> |
| <p>PROGRAM H 4.6 Off Street Parking Regulations 6th Cycle</p> | <p>The City shall incorporate reduced parking standards to limit off-street parking requirements to not exceed one space per dwelling units (regardless of number of bedrooms or size) for lower income housing projects.</p> | <p>Timeframe: To be adopted with the 2020 Zoning Code Update in 2020.</p> | <p>Responsibility: Community Development Department Funding: General Fund Objective: Provide reduce development constraints for lower income housing units</p> |
| <p>PROGRAM H 4.7 Climate Adaption Program 6th Cycle</p> | <p>In accordance with SB 379 the City will amend the Safety Element of the of the General Plan to include analysis and policies regarding climate adaption.</p> | <p>Timeframe: To be adopted in 2020.</p> | <p>Responsibility: Planning Department Funding: General Fund Objective: Reduce development constraints for residential development.</p> |

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| <p>PROGRAM H 4.8 Flood Hazards Program 6th Cycle</p> | <p>In accordance with AB 162 the City will amend the Safety Element of the General Plan to include analysis and policies regarding flood hazards and flood management to address flood-related constraints to housing development in the City.</p> | <p>Timeframe: To be adopted in 2020.</p> | <p>Responsibility: Planning Department Funding: General Fund Objective: Reduce development constraints for residential development.</p> |
| <p>PROGRAM H 4.9 Fire Safety Program 6th Cycle</p> | <p>In accordance with SB 1241 the City will amend the Safety Element of the General Plan to include analysis and policies regarding fire hazards and impacts and mitigation for housing in the City.</p> | <p>Timeframe: To be adopted in 2020.</p> | <p>Responsibility: Planning Department Funding: General Fund Objective: Reduce development constraints for residential development.</p> |
| <p>PROGRAM H 4.10 Affordable Housing Regulations 6th Cycle</p> | <p>The City shall amend the Zoning Code to comply with California Government Code Section 65583.2(c) to allow residential uses by right for housing developments which at least 20 percent of the units are affordable to lower income households on vacant sites that were identified in the two previous housing elements as referenced in Table 8.39 of this Housing Element.</p> | <p>Timeframe: To be adopted with the 2020 Zoning Code Update, but not to exceed three years from adoption of the 2019-2027 Housing Element.</p> | <p>Responsibility: Community Development Department Funding: General Fund Objective: In order to improve the opportunity to create more affordable housing units from new development.</p> |
| <p>PROGRAM H 4.11 Affordable Housing Replacement Regulations: 6th Cycle</p> | <p>In accordance with California Government Code Section 65915 (c) (3) the City shall require replacement housing units on sites identified in the site inventory when any new development (residential, mixed-use or non-residential) occurs on a site that has been occupied by or restricted for the use of lower-income households any time during the previous five years (generally as a condition of project approval). This requirement shall apply to non-vacant sites and vacant sites with previous residential uses that have been vacated or demolished.</p> | <p>Timeframe: The requirement will be implemented immediately and applied as applications on identified sites are received and processed.</p> | <p>Responsibility: Community Development Department Funding: General Fund Objective: In order to mitigate the loss of affordable housing units, require new housing developments to replace all affordable housing units lost due to new development.</p> |

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| <p>PROGRAM H 5.1 Tax Exempt Bonds 5th and 6th Cycle</p> | <p>The City does not have the capacity to issue bonds. The City is, however, a member of the California Statewide Communities Development Authority JPA who issues federal tax credits for low-income housing projects. The City will continue to be a member of the Committee for pooling resources to issue tax exempt bonds for financing the construction of affordable housing or providing financial assistance to low- and moderate-income homebuyer assistance.</p> | <p>Timeframe: Ongoing</p> | <p>Responsibility: City Manager's Office Funding: General Fund-no cost for membership in JPA Accomplishments: City continues to be a member of the Committee. Results: Not applicable Status: Ongoing</p> |
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| <p>PROGRAM H 5.2 Preservation of At-Risk Housing 5th and 6th Cycle</p> | <p>The City has identified 99 affordable rental units being at risk of converting to market rate housing over the next twenty years. These units are listed in Table 8.34 and consist of the Autumn Village Apartments (32 affordable rental units), Highlands Village (40 affordable rental units) and Olympic Villa (27 affordable units). The City will work with property owners, other public agencies, and non-profit housing organizations to preserve existing subsidized rental housing in which the owner could potentially increase rents to market rates within the next twenty years. The City will encourage existing owners to maintain the affordability of such rental housing. Furthermore, pending available resources, the City will help owners of at-risk units to obtain funding for improvements to these units to extend affordable housing contracts. Also, to the extent the City has available resources, the City will provide ongoing preservation technical assistance and education to</p> | <p>Monitor yearly</p> | <p>Responsibility: Community Development Department Funding: General Fund Accomplishments: Autumn Village and Highlands Village are no longer at risk, so there are only 27 units left, Olympic Villa that are now at risk. Results: There are now 527 preserved assisted housing units in the City with only 27 that are now at risk. Status: The tax credit agreement expired for Olympic Villa; however, the USDA loan does not mature until 2038. The owner can apply to prepay the USDA loan, ending the affordability restriction at any time, and convert those units to market rate. According to the owners, Clearlake Associated Ltd. (phone conversation with Tina Williams on April 19, 2019), there is no intention or interest to prepay the loan for the Olympic Villa Apartments. It was noted that the actual market rate for his housing is similar to the restricted affordability rate so there would be not economic incentive to convert these units to market rate. This program should be retained to provide the City further opportunity to reach out to Olympic Villa to maintain these units as affordable.</p> |
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| <p>PROGRAM H 5.3 Rental Assistance 5th and 6th Cycle</p> | <p>The City shall continue to cooperate with the Lake County Housing Commission in its administration of the federal Section 8, Housing Choice Voucher rental assistance program to maintain the availability of housing vouchers in Clearlake. The City's role will be to: Provide necessary documentation to the Housing Commission to apply for annual commitments from the U.S. Department of Housing and Urban Development and provide information on the rental assistance program at the Community Development Department's public counter. The City shall continue to cooperate with the Lake County Housing Commission in its administration of the federal Section 8, Housing Choice Voucher rental assistance program to maintain the availability of housing vouchers in Clearlake</p> | <p>Timeframe: Housing Rehabilitation Program - Ongoing</p> | <p>Responsibility: Community Development Department Funding: General Fund Results: No substantive changes have occurred to the program during the 5th Housing Cycle. Status: Retain program.</p> |
| <p>PROGRAM H 5.4 Community Reinvestment Act 5th and 6th Cycle</p> | <p>The City will work with financial institutions, serving Clearlake as requested to identify low- and moderate-income housing projects as part of their responsibility under the federal Community Reinvestment Act.</p> | <p>Timeframe: Meet with specific lenders as requested</p> | <p>Responsibility: City Finance Department Funding: General Fund Accomplishments: No requests received during the 5th Housing Cycle. Results: No changes. Status: Retain program.</p> |

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| <p>PROGRAM H 5.5 Encourage Development of Market Rate Ownership and Rental Housing 5th and 6th Cycle</p> | <p>The City will encourage the production of market-rate rental and ownership housing for moderate- and above moderate-income households through its land development policies. All of the multi-family rental housing developed in Clearlake over the past twenty years has been subsidized housing for lower-income households. To provide a wider variety of housing for all income levels, the City should encourage the development of market-rate rental housing.</p> | <p>Timeframe: Ongoing</p> | <p>Responsibility: Community Development Department, Planning Commission and City Council. Funding: General Fund and Development Review Fund Accomplishments: The City continues to reach out to market rate developers to develop this type of housing. Results: No significant residential development in the 5th Housing Cycle. Only six new market rate single-family homes were produced during that time. Status: Retain program</p> |
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| <p>PROGRAM H 6.1 Housing Rehabilitation 5th and 6th Cycle</p> | <p>The City will review options for re-opening the Housing Rehabilitation Loan Program to promote housing rehabilitation for low-, very low- and extremely low-income households. To improve the quality of rental housing, the City, to the extent financially feasible, will expand the program to include rental housing. The City will update their CDBG and HOME Housing Rehabilitation Guidelines to include rental housing (if operating this program become economically feasible). The City has maintained a Housing Rehabilitation Loan Program to provide financing for the rehabilitation of dwelling units owned or occupied by lower income households (including rental housing). The City will look at the feasibility of providing financial assistance in the form of low-interest loans, deferred when necessary to maintain the affordability of rehabilitated housing when additional grant funding is obtained. This program is a valuable resource for community residents and should be continued into the future. The City and the County offer housing rehabilitation and homeowner assistance programs to Clearlake residents. The City shall review the</p> | <p>Timeline: Ongoing. Expanding the Housing Rehabilitation Program to include rental units to include update of the Guidelines in 2020.</p> | <p>Responsibility: Community Development Department and the City Council Funding: CBDG and HOME grants, Coordinated Funding Between the City and Lake County and General Fund Objective: To the extent resources are available, rehabilitate 30 units by 2027. Accomplishments: The City continued to operate the Housing Rehabilitation Program if determined financially feasible. Results: Nine (9) houses were rehabilitated during the 5th Housing Cycle providing improved housing for at least 9 low income families. The City reached out to the County regarding combining forces, but there has been staffing changes at the County so this was not feasible during the 5th Housing Cycle. Status: Funding for this program has completed. Additional funding for this program is needed for the 6th Cycle. Also, the City should seek discussion with the County and possibly other housing entities to see if this program can be administered more efficiently.</p> |
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| <p>PROGRAM H 6.2 Housing Conditions Survey 5th and 6th Cycle</p> | <p>The City has a large number of housing units in need of rehabilitation, and particularly vacant units that need to be re-occupied. However, there are some data discrepancies between the 2012 survey conducted for the 2040 General Plan Update and the 2009 housing conditions survey conducted for the Redevelopment Agency. A more detailed housing conditions survey needs to be conducted to determine actual housing conditions in Clearlake. An accurate survey will provide the needed data tools to obtain grant funding to further expand the Housing Rehabilitation Program.</p> | <p>Timeframe: To the extent resources are available, complete survey by 2021 pending grant funding availability.</p> | <p>Responsibility: Community Development Department Funding: CDBG, other Federal Funding as available and General Fund. Accomplishments: Grant funding for this program was not available for the 5th Housing Cycle. Results: No Changes Status: The City will continue to seek grant funding for this program. Retain program.</p> |
| <p>PROGRAM H 6.3 Public Awareness Program 5th and 6th Cycle</p> | <p>The City will disseminate informational brochures to the public on its Housing Rehabilitation and Housing Assistance programs and provide copies at the public counter of the Senior Resource Directory maintained by the Community Care and the Area on Aging in Lake and Mendocino Counties. The Directory provides important information on housing needs that include, not only housing rehabilitation, but also, homeless and transitional housing, housing support agencies, subsidized housing complexes, senior housing, and residential care facilities.</p> | <p>Timeframe: Immediately (2015/2016) and ongoing</p> | <p>Responsibility: Community Development Department Funding: General Fund and CDBG funding for the Housing Rehabilitation and Housing Assistance brochures. Accomplishments: Brochures and directory made available. Results: Greater public awareness established. Status: Retain Program</p> |

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| <p>PROGRAM H 6.4 Utilize Code Enforcement to Minimize Nuisances and Protect Neighborhood Nuisances and Protect Neighborhood Integrity 5th and 6th Cycle</p> | <p>The City will continue to operate its code enforcement program with the goals of abating dangerous structures and addressing nuisance concerns related to housing and neighborhood quality. The City Council placed “Measure R” on the ballot for November 4, 2014, for a specific transaction and use sales tax to support citywide clean-up and improvement. Since the measure did not pass, the City has allocated over \$500,000 of Community Development Block Grant (CDBG) funding towards an enhanced code enforcement program. This program will improve efforts by the City to address abating dangerous structures. In addition, the City will seek other grant funding to further improve this program. The Rental Housing Inspection Program began in 2001 to address ongoing safety and sanitary concerns with rental units in Clearlake. The program was discontinued in 2005 due to financial limitations but should continue by the end of 2020. The City will also look at the feasibility of resurrecting this program based on current funding. Also, the City will seek additional grant funding to further enhance this program once it has been re-established.</p> | <p>Timeframe: Commences in 2020 and continue through 2027. May be extended upon funding availability</p> | <p>Responsibility: Building and Police Departments and the City Council Funding: CDBG, General Fund and potentially other grant funding Accomplishments: The City continued developing an expanded Code Enforcement Program during the 5th Cycle, but continued to lack funding to allocate towards a Rental Housing Inspection Program. Objective: To the extent resources are available, rehabilitate 50 housing units. The information document for financial assistance residential property improvements and rehabilitation will be prepared by the end of 2020. The Code Enforcement Program process will be amended by the end of 2020, to include a staff procedure for providing this information to those involved in residential code compliance matters and to the public. Results: Significant improvements have been made in addressing residential housing nuisances. Over 2,500 cases were closed during the 5th Housing Cycle, many of which included mitigating health and safety risks to residents. Status: Program needs to continue as long as the City has funding to support this. CDBG funding extended through 2019 and may be extended upon funding availability. The city intends to establish a rental inspection program in 2019.</p> |
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| <p>PROGRAM H 6.5 Preservation and Replacement of Mobile home and Mobile home Parks 5th and 6th Cycle</p> | <p>Many of the mobile home parks in Clearlake are substandard and do not provide safe affordable housing. The City will meet with mobile home park owners (as requested and to the extent that the City has financial capacity) to discuss long-term goals for their properties and the condition of park infrastructure and buildings, the condition of mobile homes located in the park, parcel size, accessibility to services, and surrounding land uses. For those parks that are feasible to preserve, the City will consider (1) providing information to park owners on state and federal programs, and/or (2) providing referrals to nonprofit organizations who can assist in preparing funding requests. The City will also encourage the mobile home parks with serious problems to convert to another use. The City shall require the owners to provide relocation or other assistance to mitigate the displacement of park residents in accordance with Government Code Section 65863.7.</p> | <p>2015 and Ongoing.</p> | <p>Responsibility: Community Development Department Funding: CDBG, HOME, California Housing Finance Agency HELP program, California Mobile home Park Resident Ownership Program. Accomplishments: This is a current and ongoing process. The city has already contacted several property owners in order to discuss preservation and replacement of substandard mobile homes in order to provide more affordable housing. Objective: Prevent conversion of residential units. Results: No changes Status: Pending funding availability to expand the City's code enforcement program and other funding needs. Retain program to the extent funding resources are available.</p> |
| <p>PROGRAM H 6.7 Moderate- and Above-Income Housing 6th Cycle</p> | <p>The City will encourage the production of market-rate rental and ownership housing for moderate- and above moderate-income households through its land development policies.</p> | <p>Timeframe: 2019 and ongoing.</p> | <p>Responsibility: Community Development Department Funding: General Fund. Objective: Increase the supply of at least 40 units of market rate housing units by 2028.</p> |

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| <p>PROGRAM H 7.1 Assistance to the Public Regarding Discrimination in Housing 5th and 6th Cycle</p> | <p>The City will continue to serve as liaison between the public and appropriate agencies in matters concerning housing discrimination. The City will promote equal housing opportunities through the posting of information and distribution of literature at City buildings. The City will continue to refer discrimination complaints to Redwood Legal Assistance and the State Fair Employment and Housing Commission. The City will also train staff on how to receive and refer fair housing complaints.</p> | <p>Timeframe: Ongoing.</p> | <p>Responsibility: Community Development, Building and other Departments Funding: General Fund Accomplishments: Potentially reduced housing discrimination. Results: The City continues to serve as liaison between the public and agencies on housing discrimination per this program. Status: Retain this program.</p> |
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| <p>PROGRAM H 7.2 Reasonable Accommodation Regulations 6th Cycle</p> | <p>Article 18-7 of the Zoning Code addresses regulations to address Federal Fair Housing Amendments Act of 1988 and California Fair Employment and Housing Act, Government Code Section 12901 et. seq., to provide people with disabilities reasonable accommodation rules, policies, practices and procedures that are necessary to ensure equal access to housing. The City did not receive any requests for a reasonable accommodation during the 2014-2019 5th Housing Cycle. There are some limits to what the City can do to restrict reasonable accommodations. The current regulations need to be relaxed to make this process easier for applicants. This program consists of amending the Zoning Code to create an easier process for processing a reasonable accommodation so as to make this process easier and more available to the public. This process shall be posted on the City's Website, and made available to the public at the City's Community Development Department to improve public outreach. Combined with referring reasonable accommodations to Legal Services of Northern California, as per Program H7.1, this should help</p> | <p>Timeframe: Amend regulations by the end of 2020.</p> | <p>Responsibility: Community Development, Building and other Departments Funding: General Fund</p> |
|--|--|--|---|

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| <p>PROGRAM H 8.1 Support of Existing Energy Conservation Programs 5th and 6th Cycle</p> | <p>The City will continue to support residential energy conservation programs offered by Pacific Gas and Electric Company, North Coast Energy Services, and others. This support will include referrals to these programs for homeowners expressing interest in energy conservation, as well as placement of brochures (if available) for such programs at City offices.</p> | <p>Timeframe: To the extent resources are available, rehabilitate 30 lower income housing units within the City by 2027.</p> | <p>Responsibility: Community Development and Building Departments, City Council and Lake County. Funding: CDBG, Home and General Fund Accomplishments: Improved house energy efficiencies. Results: The City continues to support residential energy conservation programs. The City's and Lake County's Housing Rehabilitation Programs include energy conservation programs. Status: Retain this program and assess the feasibility of teaming with the County to provide greater leverage for obtaining grant funding to expand housing rehabilitation and energy conservation programs that serve Clearlake.</p> |
| <p>PROGRAM H 8.2 Implementation of Energy Conservation Standards 5th and 6th Cycle</p> | <p>The City will continue to implement the energy conservation standards under Title 24 of the California Code of Regulations, as required by State law. The City will provide information at the permit counter from the California Energy Commission on compliance with Title 24 and other energy conservation techniques. Program CO 6.1.1.2 of the 2014 General Plan, Conservation Element includes creating incentives for development proposals and exceed Title 24 by 15 percent. These incentives could include reduced building permit fees and streamlined plan check review.</p> | <p>Timeframe: Establish and implement the Energy Conservation Incentives Program, per the 2040 General Plan in 2020.</p> | <p>Responsibility: City Council and Community Development, Finance and Building Departments. Funding: Development Permit Fees and the General Fund. Accomplishments: Improved house energy efficiencies. Results: All new housing and rehabilitations require energy conservation measures based on improved State regulations. Status: Retain this program. Programs being drafted for implementation in the Draft General Plan Update will be included in the Building Code updates as adopted.</p> |

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| <p>PROGRAM H 9.1 Energy Conservation for New Residential Development 5th and 6th Cycle</p> | <p>Through the City’s plan review process, City staff shall encourage additional energy conservation measures with respect to the siting of buildings, landscaping, and solar access. The Zoning Code shall be updated to include additional energy conservation measures with respect to the siting of buildings, landscaping, and solar access for new residential development. In order to promote the use of energy efficient construction, the City will continue to provide information on energy conservation measures with the development application packets.</p> | <p>Timeframe: Complete energy conservation measures in the Zoning Code in 2020.</p> | <p>Responsibility: Community Development and Building Funding: General Fund and other funding as needed. Accomplishments: The City increased the energy efficiency in new residential developments. Results: The City issued building permits for 13 new housing units. In addition, the City issued a number of residential remodels. These new and rehabilitated housing units incorporated additional energy conservation measures per more recently adopted State regulations. Status: Retain this program (as modified with some recommended zoning code changes to address energy conservation building siting and solar access provisions).</p> |
| <p>PROGRAM H 9.2 Stricter Energy Efficiency Standards for New Development 5th and 6th Cycle</p> | <p>Through the City’s General Plan Update and Zoning Ordinance amendment process, City staff shall incorporate additional energy conservation measures with respect to the siting of buildings, landscaping, and solar access for new residential and commercial development. In order to promote the use of energy efficient construction, the City will provide information on energy conservation measures with the development application packets.</p> | <p>Timeframe: Ongoing.</p> | <p>Responsibility: Community Development and Building Departments. Funding: Development Permit Fees and the General Fund. Accomplishments: See H 9.1 above. The City is in the process of completing a comprehensive update to the Zoning Code to be completed in 2020. Results: The Zoning Code will be updated soon. Status: Retain program to assure the Zoning Code is updated to meet this energy efficiency standard.</p> |
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General Comments:

ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

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|------------------|-----------|-------------------------|
| Jurisdiction | Clearlake | |
| Reporting Period | 2022 | (Jan. 1 - Dec. 31) |
| Planning Period | 6th Cycle | 08/15/2019 - 08/15/2027 |

Table F

Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)

Please note this table is optional: The jurisdiction can use this table to report units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition, and preserved, including mobilehome park preservation, consistent with the standards set forth in Government Code section 65583.1, subdivision (c). Please note, motel, hotel, hostel rooms or other structures that are converted from non-residential to residential units pursuant to Government Code section 65583.1(c)(1)(D) are considered net-new housing units and must be reported in Table A2 and not reported in Table F.

| Activity Type | Units that Do Not Count Towards RHNA ⁺ Listed for Informational Purposes Only | | | | Units that Count Towards RHNA ⁺ Note - Because the statutory requirements severely limit what can be counted, please contact HCD at apr@hcd.ca.gov and we will unlock the form which enable you to populate these fields. | | | | The description should adequately document how each unit complies with subsection (c) of Government Code Section 65583.1 ⁺ . For detailed reporting requirements, see the checklist here: https://www.hcd.ca.gov/community-development/docs/adequate-sites-checklist.pdf |
|-------------------------------|---|------------------------------|-------------------------|--------------------------|---|------------------------------|-------------------------|--------------------------|--|
| | Extremely Low-Income ⁺ | Very Low-Income ⁺ | Low-Income ⁺ | TOTAL UNITS ⁺ | Extremely Low-Income ⁺ | Very Low-Income ⁺ | Low-Income ⁺ | TOTAL UNITS ⁺ | |
| Rehabilitation Activity | | | | | | | | | |
| Preservation of Units At-Risk | | | | | | | | | |
| Acquisition of Units | | | | | | | | | |
| Mobilehome Park Preservation | | | | | | | | | |
| Total Units by Income | | | | | | | | | |

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|-------------------------|-----------|-------------------------|
| Jurisdiction | Clearlake | |
| Reporting Period | 2022 | (Jan. 1 - Dec. 31) |
| Planning Period | 6th Cycle | 08/15/2019 - 08/15/2027 |

For up to 25 percent of a jurisdiction’s moderate-income regional housing need allocation, the plan

Project Identifier

1

| Prior APN ⁺ | Current APN | Street Address | Project Name ⁺ |
|-------------------------------------|-------------|----------------|---------------------------|
| Summary Row: Start Data Entry Below | | | |
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ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain :

Table F2

Above Moderate Income Units Converted to Moderate Income Pursua

ning agency may include the number of units in an existing multifamily building that were converted to d
this table, please ensure housing developments meet the requirements descr

| | Unit Types | | Affordability by Hou | | |
|---|---------------------------|-----------------|---------------------------------|-------------------------------------|-----------------------------|
| | 2 | 3 | | | |
| Local Jurisdiction Tracking ID ⁺ | Unit Category (2 to 4,5+) | Tenure R=Renter | Very Low-Income Deed Restricted | Very Low-Income Non Deed Restricted | Low- Income Deed Restricted |
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auto-calculation formulas

nt to Government Code section 65400.2

eed-restricted rental housing for moderate-income households by the imposition of affordability covenants a
 ibed in Government Code 65400.2(b).

| Household Incomes After Conversion | | | | Units credited toward Ab |
|---|-------------------------------------|--|------------------------------|---|
| | | | | RHNA |
| 4 | | | | 5 |
| Low- Income Non Deed Restricted | Moderate- Income Deed Restricted | Moderate- Income Non Deed Restricted | Above Moderate- Income | Total Moderate Income Units Converted from Above Moderate |
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and restrictions for the unit. Before adding information to

| ove Moderate | Notes |
|-----------------------|--------------|
| | 6 |
| <u>Date Converted</u> | <u>Notes</u> |
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|-------------------------|-------------------------|
| Jurisdiction | Clearlake |
| Reporting Period | 2022 (Jan. 1 - Dec. 31) |

NOTE: This table shows ALL surplus/excess units.

**ANNUAL ELEMENT PROGRESS
Housing Element Implementation**

For Lake County jurisdictions, please format the APN's as follows:

| Table H | | | |
|--|------------------------------------|---------------------|------------------------|
| Locally Owned Surplus Sites | | | |
| Parcel Identifier | | | |
| 1 | 2 | 3 | 4 |
| APN | Street Address/Intersection | Existing Use | Number of Units |
| Summary Row: Start Data Entry Below | | | |
| 039-623-19 | 3496 Peony Street | Vacant | 1 |
| 039-625-06 | 3141 Mint Street | Vacant | 1 |
| 039-625-01 | 13940 Sonoma Avenue | Vacant | 1 |
| 039-626-16 | 3444 Boxwood Street | Vacant | 1 |
| 039-626-07 | 3423 Acacia Street | Vacant | 1 |
| 039-626-11 | 3453 Acacia Street | Vacant | 1 |
| 039-626-12 | 3463 Acacia Street | Vacant | 1 |
| 039-626-01 | 13980 Sonoma Avenue | Vacant | 1 |
| 039-530-50 | 14061 Lakeshore Drive | Other | 1 |
| 041-102-12 | 15662 40th Avenue | Vacant | 1 |
| 041-395-01 | 15677 36th Avenue | Vacant | 1 |
| 041-363-09 | 4999 Cass Avenue | Vacant | 1 |
| 041-363-10 | 5019 Cass Avenue | Vacant | 1 |
| 041-144-01 | 15903 36th Avenue | Vacant | 1 |
| 041-144-02 | 15913 36th Avenue | Vacant | 1 |
| 041-144-03 | 15919 36th Avenue | Vacant | 1 |
| 039-434-19 | 15817 Olympic Drive | Vacant | 1 |
| 040-031-11 | 14180 Division Avenue | Vacant | 1 |
| 039-530-49 | 14071 Lakeshore Drive | Other | 1 |
| 010-026-29 | 14795 Burns Valley Road | Other | 1 |
| 040-253-03 | 14800 Ballpark Avenue | Other | 1 |
| 039-175-21 | 3578 Redwood Street | Vacant | 1 |
| 041-103-26 | 4438 Fir Avenue | Vacant | 1 |
| 041-211-28 | 16178 35th Avenue | Vacant | 1 |
| 040-364-25 | 6145 Old Highway 53 | Vacant | 1 |
| 039-112-06 | 13981 Morgan Avenue | Vacant | 1 |
| 039-626-17 | 3494 Boxwood | Vacant | 1 |

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ole is meant to contain an inventory of
ccess lands the reporting jurisdiction
owns

Note: "+" indicates an optional field
Cells in grey contain auto-calculation
formulas

S REPORT
ntation

as follows:999-999-999-999

es

| Designation | Size | Notes |
|---------------------|------------------------|-------------------|
| 5 | 6 | 7 |
| Surplus Designation | Parcel Size (in acres) | Notes |
| Surplus Land | 0.54 | Homestead Program |
| Surplus Land | 0.54 | Homestead Program |
| Surplus Land | 0.27 | Homestead Program |
| Surplus Land | 0.92 | Homestead Program |
| Surplus Land | 0.12 | Homestead Program |
| Surplus Land | 0.13 | Homestead Program |
| Surplus Land | 0.12 | Homestead Program |
| Surplus Land | 0.27 | Homestead Program |
| Surplus Land | 4.74 | Homestead Program |
| Surplus Land | 0.11 | Homestead Program |
| Surplus Land | 0.11 | Homestead Program |
| Surplus Land | 0.2 | Homestead Program |
| Surplus Land | 0.2 | Homestead Program |
| Surplus Land | 0.12 | Homestead Program |
| Surplus Land | 0.12 | Homestead Program |
| Surplus Land | 0.12 | Homestead Program |
| Surplus Land | 0.13 | Homestead Program |
| Surplus Land | 0.12 | Homestead Program |
| Surplus Land | 2.94 | Homestead Program |
| Surplus Land | 4.3 | Homestead Program |
| Surplus Land | 8.45 | Homestead Program |
| Surplus Land | 0.12 | Homestead Program |
| Surplus Land | 0.45 | Homestead Program |
| Surplus Land | 0.23 | Homestead Program |
| Surplus Land | 0.42 | Homestead Program |
| Surplus Land | 0.26 | Homestead Program |
| Surplus Land | 0.13 | Homestead Program |

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| Jurisdiction | Clearlake | |
| Reporting Period | 2022 | (Jan. 1 - Dec. 31) |
| Planning Period | 6th Cycle | 08/15/2019 - 08/15/2027 |

NOTE: STUDENT HOUSING WITH DENSITY BONUS ONLY. This table only needs to be completed if there were student housing projects WITH a density bonus approved pursuant to Government Code 65915(b)(1)(F)

ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

Not
Cells in g

Table J

Student housing development for lower income students for which was granted a density bonus pursuant to subparagraph (F) of paragraph (1) of subdivision (b) of Section 65915

| Project Identifier | | | | Project Type | Date | Units (Beds/Student Capacity) Approved | | | | | | |
|-------------------------------------|----------------|---------------|---------------------------------|--------------------------------------|------|--|--------------------------------------|-----------------------------|---------------------------------|----------------------------------|--------------------------------------|------------------------|
| 1 | | | | 2 | 3 | 4 | | | | | | |
| APN | Street Address | Project Name* | Local Jurisdiction Tracking ID* | Unit Category (SH - Student Housing) | Date | Very Low- Income Deed Restricted | Very Low- Income Non Deed Restricted | Low- Income Deed Restricted | Low- Income Non Deed Restricted | Moderate- Income Deed Restricted | Moderate- Income Non Deed Restricted | Above Moderate- Income |
| Summary Row: Start Data Entry Below | | | | | | | | | | | | |
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|------------------------|-----------|-------------------------|
| Jurisdiction | Clearlake | |
| Reporting Year | 2022 | (Jan. 1 - Dec. 31) |
| Planning Period | 6th Cycle | 08/15/2019 - 08/15/2027 |

| Building Permits Issued by Affordability Summary | | |
|---|---------------------|---------------------|
| Income Level | | Current Year |
| Very Low | Deed Restricted | 0 |
| | Non-Deed Restricted | 0 |
| Low | Deed Restricted | 0 |
| | Non-Deed Restricted | 0 |
| Moderate | Deed Restricted | 0 |
| | Non-Deed Restricted | 0 |
| Above Moderate | | 0 |
| Total Units | | 0 |

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

| Units by Structure Type | Entitled | Permitted | Completed |
|--------------------------------|-----------------|------------------|------------------|
| SFA | 0 | 0 | 0 |
| SFD | 7 | 0 | 0 |
| 2 to 4 | 0 | 0 | 0 |
| 5+ | 0 | 0 | 0 |
| ADU | 0 | 0 | 0 |
| MH | 3 | 0 | 0 |
| Total | 10 | 0 | 0 |

| Housing Applications Summary | |
|--|----|
| Total Housing Applications Submitted: | 10 |
| Number of Proposed Units in All Applications Received: | 10 |
| Total Housing Units Approved: | 10 |
| Total Housing Units Disapproved: | 0 |

| Use of SB 35 Streamlining Provisions | |
|---|---|
| Number of Applications for Streamlining | 0 |
| Number of Streamlining Applications Approved | 0 |
| Total Developments Approved with Streamlining | 0 |
| Total Units Constructed with Streamlining | 0 |

| Units Constructed - SB 35 Streamlining Permits | | | |
|---|---------------|------------------|--------------|
| Income | Rental | Ownership | Total |
| Very Low | 0 | 0 | 0 |
| Low | 0 | 0 | 0 |
| Moderate | 0 | 0 | 0 |
| Above Moderate | 0 | 0 | 0 |
| Total | 0 | 0 | 0 |

Cells in grey contain auto-calculation formulas

| Building Permits Issued by Affordability Summary | |
|---|---------------------|
| Income Level | |
| Very Low | Deed Restricted |
| | Non-Deed Restricted |
| Low | Deed Restricted |
| | Non-Deed Restricted |
| Moderate | Deed Restricted |
| | Non-Deed Restricted |
| Above Moderate | |
| Total Units | |

| Certificate of Occupancy Issued by Affordability Summary | |
|---|---------------------|
| Income Level | |
| Very Low | Deed Restricted |
| | Non-Deed Restricted |
| Low | Deed Restricted |
| | Non-Deed Restricted |
| Moderate | Deed Restricted |
| | Non-Deed Restricted |
| Above Moderate | |
| Total Units | |

| Current Year |
|--------------|
| 0 |
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| Current Year |
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| 0 |
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eligible uses specified in Section

| Other Funding | Notes |
|---------------|--|
| REAP | Used LEAP and REAP to help purchase and implement OpenGov. |
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CITY OF CLEARLAKE

City Council



| STAFF REPORT | |
|--|----------------------------------|
| SUBJECT: Discussion and Consideration of Amendment to Memorandum of Understanding with Adventist Health Clear Lake for the Hope Center | MEETING DATE: May 4, 2023 |
| SUBMITTED BY: Alan D. Flora, City Manager | |
| PURPOSE OF REPORT: <input type="checkbox"/> Information only <input checked="" type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item | |

WHAT IS BEING ASKED OF THE CITY COUNCIL:

The City Council is being asked to consider amending the City’s MOU with Adventist Health for operation of the Hope Center due to changes in the operational framework.

BACKGROUND/DISCUSSION:

In 2020 the City entered into an MOU with Adventist Health and Hope Rising for establishment of the Hope Center, a facility to provide housing and support of the homeless and at risk population in the Clearlake area. The City provided \$500,000 towards the establishment of the facility.

Funding and operational challenges have resulted in the need for Adventist Health to take a more active role in the oversight of the program. Some minor adjustments to the existing MOU have been requested related to this change.

OPTIONS:

1. Approve Amendment to the MOU with Adventist Health and Authorize the City Manager to Sign.
2. Provide alternative direction to staff.

FISCAL IMPACT:

None \$ Budgeted Item? Yes No
 Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$
 Affected fund(s): General Fund Measure P Fund Measure V Fund Other:
 Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities

- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

- Attachments:**
 - 1) Proposed Amendment to MOU
 - 2) Original MOU

AMENDMENT ONE TO MEMORANDUM OF UNDERSTANDING

This FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING (the “**Amendment**”) is made and entered into effective as of the last date signed (the “**Amendment Effective Date**”), by and between Adventist Health Clearlake Hospital Inc, a California nonprofit corporation dba Adventist Health Clear Lake and Hope is Rising Lake County and City of Clear Lake.

RECITALS

A. Adventist Health Clear Lake, City of Clear Lake and Hope is Rising Lake County are parties to that certain Memorandum of Understanding dated April 16, 2020 (the “**Agreement**”) for the funding of Hope Center Facility Improvements.

B. The parties desire to amend the Agreement to modify the terms as set forth below.

AGREEMENT

IN CONSIDERATION of the foregoing recitals and the mutual promises and covenants contained herein, parties agree as follows:

1. **Defined Terms.** Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Agreement.

2. **Section 1 (b).** Subsection (b) of Section 1 of the Agreement is hereby amended and restated in its entirety to read as follows:

“b. Adventist Health Clear Lake commits to successful operation of the facility for 15 years consistent with the Local Innovation Grant on Housing MOU between Partnership Health Plan and Grantee dated July 25, 2018 (Exhibit A). If the MOU is terminated prior to 15 years from the date of occupancy, Adventist Health Clear Lake will ensure the Hope Center facility continues to be used for housing and support of the homeless and at-risk population in the Clearlake area.”

3. **Counterparts.** This Amendment may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

4. **Continuing Effect of Agreement.** Except as herein provided, all of the terms and conditions of the Agreement remain in full force and effect.

5. **Reference.** After the date of this Amendment, any reference to the Agreement shall mean the Agreement as amended by this Amendment.

[Signature Page to Follow]

The parties have executed this Amendment as of the Amendment Effective Date and signify their agreement with duly authorized signatures.

Adventist Health Clear Lake

City of Clearlake

Sign: _____

Sign: _____

By: _____

By: _____

Its: _____

Its: _____

Date: _____

Date: _____

Hope is Rising Lake County

Sign: _____

By: _____

Its: _____

Date: _____

**MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF
CLEARLAKE, ADVENTIST HEALTH CLEAR LAKE AND
HOPE IS RISING LAKE COUNTY FOR THE FUNDING OF
HOPE CENTER FACILITY IMPROVEMENTS**

This **MEMORANDUM OF UNDERSTANDING** (“Agreement”) is dated as of April 16, 2020 (“Effective Date”), and entered into by and among the City of Clearlake, Adventist Health Clear Lake, and Hope Is Rising Lake County doing business as Hope Rising Lake County, with reference to and in consideration of the following:

WHEREAS, like many other regions in California, the Lake County and the City of Clearlake has seen a significant and troubling growth in the homeless population over the past several years, a condition that has been difficult to address given the high cost of housing and property in the area, and the shortage of emergency, transitional, and affordable housing available in the County to serve this population;

WHEREAS, as a result of such efforts, various parties have been awarded some funds including a Partnership Health Plan grant, and certain additional funds have been made available towards the acquisition, construction, and operation of a new homeless shelter facility, the “Hope Center” to be located within the boundaries of the City of Clearlake, and intended to exclusively serve the unsheltered homeless population currently residing within the jurisdiction of Lake County;

WHEREAS, the City has \$500,000 of available funds, which have been allocated for support of low- and moderate-income housing projects, and for which the Hope Center qualifies. Further the parties desire to formalize the terms and conditions under which the City’s funds may be utilized to finance the construction of the Hope Center;

WHEREAS, the City Council of the city of Clearlake has determined that homelessness is an issue impacting all members of the community, and that allocating funds to support the Hope Center Project serves a public benefit; and

WHEREAS, each Party has caused this Agreement to be duly approved by its respective governing body, and by so doing, has found and determined that this Agreement furthers the health, safety, and general welfare of the Lake County and Clearlake communities.

NOW THEREFORE, the Parties do hereby agree as follows:

1. The City of Clearlake will provide \$500,000 to Adventist Health Clear Lake on behalf of Hope is Rising Lake County, for facility improvements at the Hope Center, (3400 Emerson Street, Clearlake, CA) with the following conditions:

- a. The parties acknowledge the commitment to operate the Hope Center as a location to serve the unsheltered homeless population in Lake County for a minimum of 15 years from the date of occupancy. Occupancy will be defined as the date where renovation is complete and the City of Clearlake issues a Certificate of Occupancy to Adventist Health Clear Lake and Hope Is Rising Lake County.
- b. Adventist Health Clear Lake commits to successful operation of the facility for 15 years consistent with the Local Innovation Grant on Housing MOU between Partnership Health Plan and Grantee dated July 25, 2018 (Exhibit A). If the MOU is terminated prior to 15 years from the date of occupancy, Adventist Health Clear Lake will ensure the Hope Center facility continues to be used for housing and support of the homeless and at risk population in the Clearlake area and will not turn the property into an Adventist Health clinic or facility that solely benefits Adventist Health Clear Lake.
- c. Hope Is Rising Lake County and Adventist Health Clear Lake agree to show preference to homeless residents of Clearlake who are ready and willing to accept Hope Center housing agreements.
- d. The City of Clearlake will not be an owner or have any role in the operation of the Hope Center. Accordingly, Adventist Health Clear Lake and Hope Is Rising Lake County shall take all responsibility for the work and shall, at its own cost, defend, indemnify, release and hold harmless the City, its officers, officials, directors, employees, agents and volunteers ("Indemnitees"), from and against any and all third party liability, damages, losses, claims, demands, actions, and costs including attorney's fees and expenses ("Liabilities") of every kind, nature, and description, directly or indirectly arising from or connected with the performance of the work specified in this MOU.

Adventist Health Clear Lake

By: _____

Name: _____

Title: _____

Date: _____

City of Clearlake

By: Russell Cremer

Name: Russell Cremer

Title: Mayor

Date: 4.23.20

Hope Is Rising Lake County

By: _____

Name: _____

Title: _____

Date: _____

CITY OF CLEARLAKE

City Council



| STAFF REPORT | |
|--|----------------------------------|
| SUBJECT: Discussion and Consideration of Interim Policies and Procedures Manual for Tribal Consultation | MEETING DATE: May 4, 2023 |
| SUBMITTED BY: Alan D. Flora, City Manager | |
| PURPOSE OF REPORT: <input type="checkbox"/> Information only <input checked="" type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item | |

WHAT IS BEING ASKED OF THE CITY COUNCIL:

The City Council is being asked to consider amending the City’s current environmental guidelines to include more detail on management of tribal cultural resources and consultation.

BACKGROUND/DISCUSSION:

In 2016 the City adopted a set of environmental guidelines, including Appendix O “Native American Tribal Consultation Program”. While this is only one small part of the guidelines, it was in part, to implement the requirements of AB 52 from 2015. In October of 2022 staff brought proposed updates to the policy to the Council for consideration. At that time the Council asked the policy to be brought back after additional time for the tribes to respond.

Historically, there have been three tribes with connections to ancestral lands within the City of Clearlake boundaries; the Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, the Koi Nation of Northern California, and the Middletown Rancheria of Pomo Indians of California. While in large part consultation and coordination between the City as lead agency and the tribes has worked quite well, more recently new staff within the tribal environmental community have resulted in a inconsistent, confrontational, and difficult approach to complete projects. Staff believe that by adopting a more comprehensive policy framework related to tribal cultural resources would result in more predictability, less room for disagreement, and a more streamlined and economic project completion.

The interim policy before you is not the more complete version that is desired, but would help in providing some framework while a more detailed policy is established with tribal involvement.

OPTIONS:

1. Adopt Volume 1: Interim Tribal Consultation Standard Operating Procedures Manual & Tribal Consultation and Monitoring Rate Policy
2. Provide alternative direction to staff.

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

- Attachments:**
 - 1) Volume 1: Tribal Policy
 - 2) Tribal Pay Policy

Tribal Consultation Standard Operating Procedures Manual: Volume I: AB 52

Prepared for:



December 2022



TABLE OF CONTENTS

VOLUME I: AB 52

I. Overall Processes

- a. Overall AB 52 Flow Chart
- b. Screening Checklist to Determine Applicability of AB 52
- c. Flow Chart for Incoming General Tribal Consultation Requests
- d. Log of Received General Consultation Requests
- e. Digital File Structure

II. Consultation Templates

- a. Initial Notices
- b. Initiation of Consultation Letter
- c. Meeting Roster
- d. Record of Conversation
- e. Phone Log
- f. Concluding Consultation with Agreement Letter
- g. Concluding Consultation without Agreement Letter

III. CEQA-Related Documents

- a. TCR Decision Tree
- b. CEQA Checklist for Cultural Resources
- c. CEQA Checklist for Tribal Cultural Resources

IV. Quality Control and Compliance Verification

- a. Compliance Tracking Form

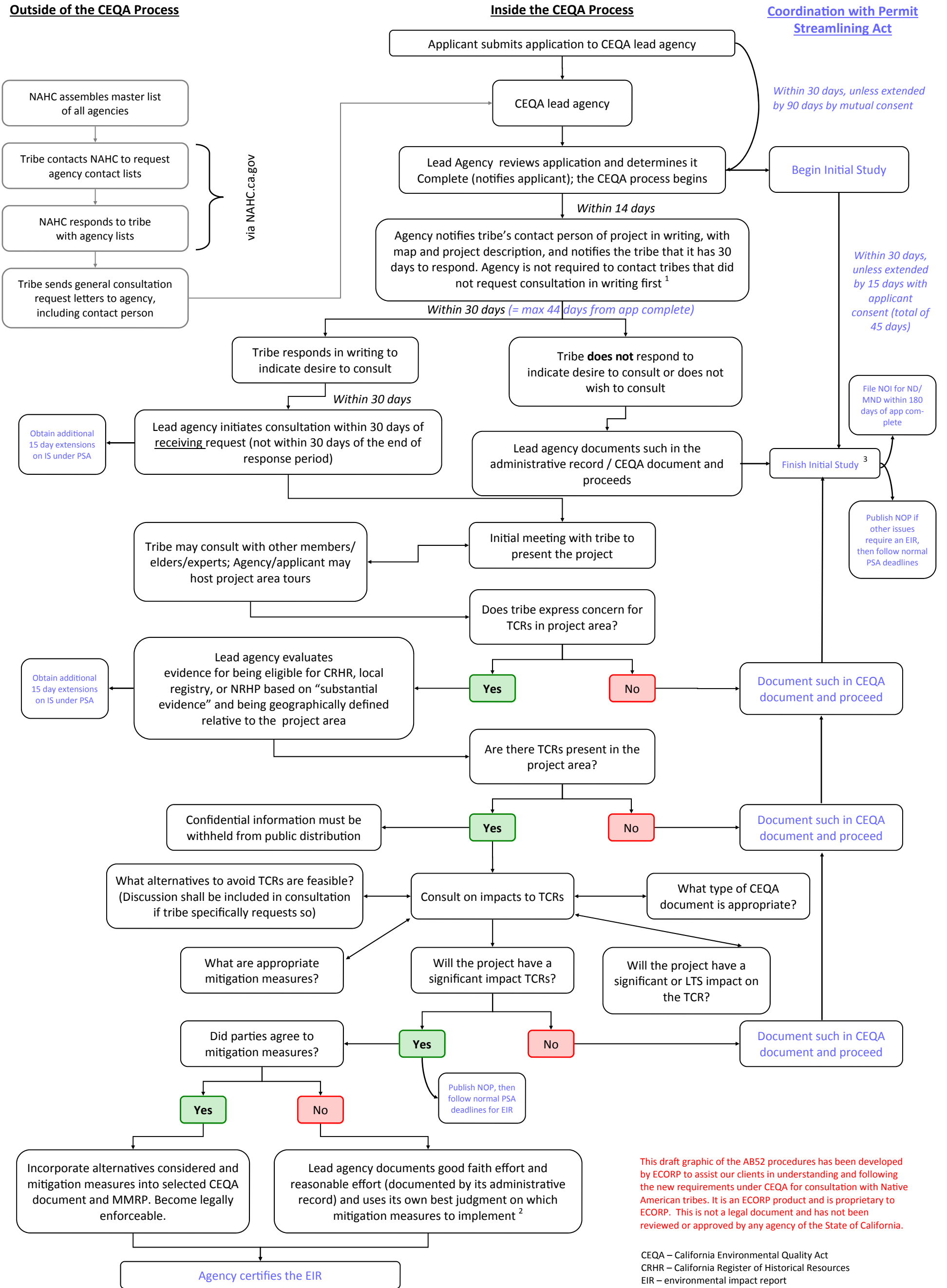
TABLE OF CONTENTS

VOLUME I: AB 52

I. Overall Processes

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- b. Screening Checklist to Determine Applicability of AB 52
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- e. Digital File Structure

An Interpretation of AB 52 Native American Consultation Procedures Under CEQA



This draft graphic of the AB52 procedures has been developed by ECORP to assist our clients in understanding and following the new requirements under CEQA for consultation with Native American tribes. It is an ECORP product and is proprietary to ECORP. This is not a legal document and has not been reviewed or approved by any agency of the State of California.

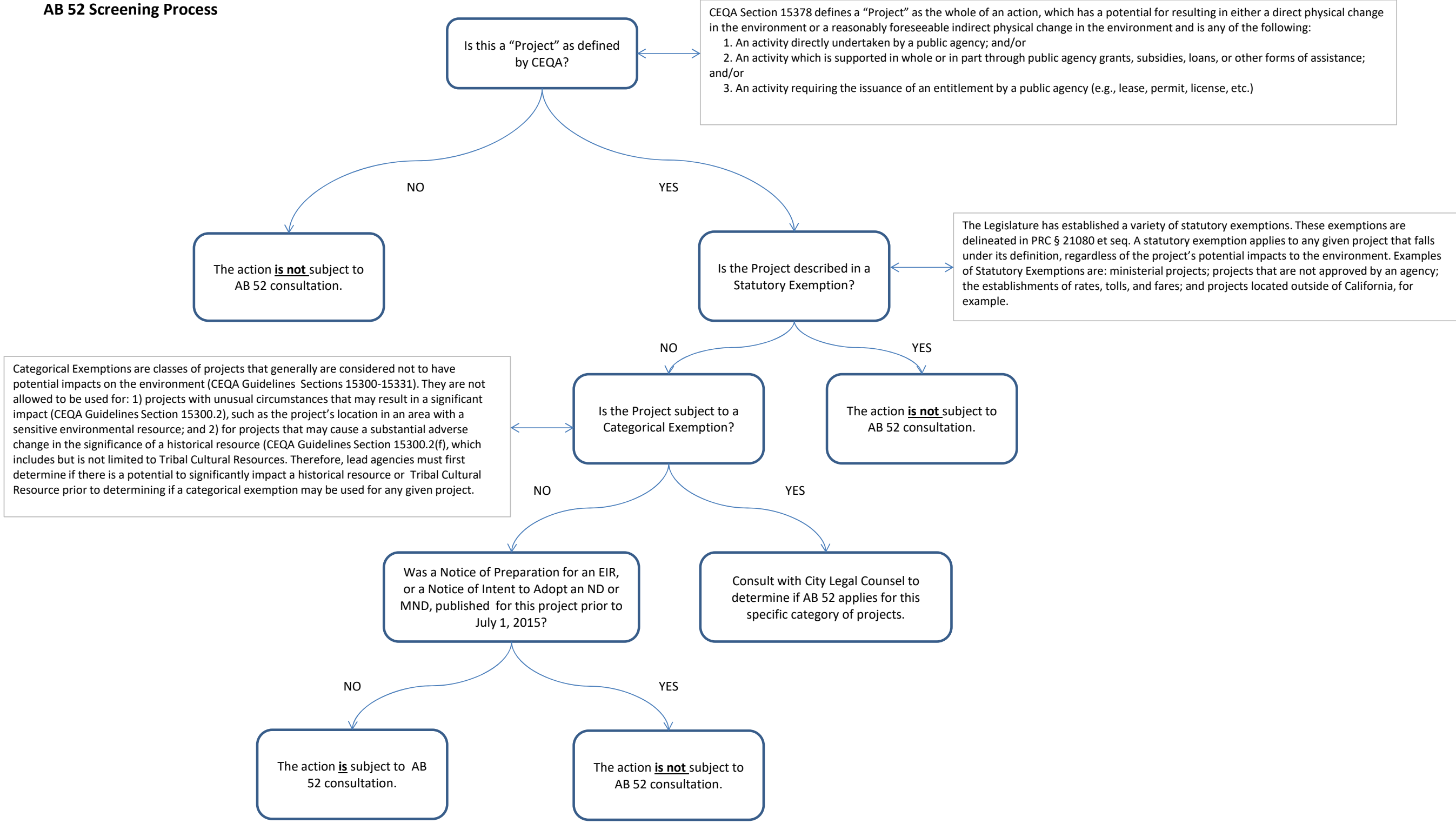
CEQA – California Environmental Quality Act
 CRHR – California Register of Historical Resources
 EIR – environmental impact report
 NAHC – Native American Heritage Commission
 ND/MND – negative declaration/mitigated negative declaration
 MMRP – mitigation monitoring and reporting program
 TCR – tribal cultural resources

¹ in accordance with 21080.3.1(b)(1), consultation is triggered by a tribe notifying the Lead Agency in writing of its desire to consult. This does not preclude optional tribal consultation with tribes who did not send a general request letter, but in such a case, said consultation does not technically fall under AB 52.

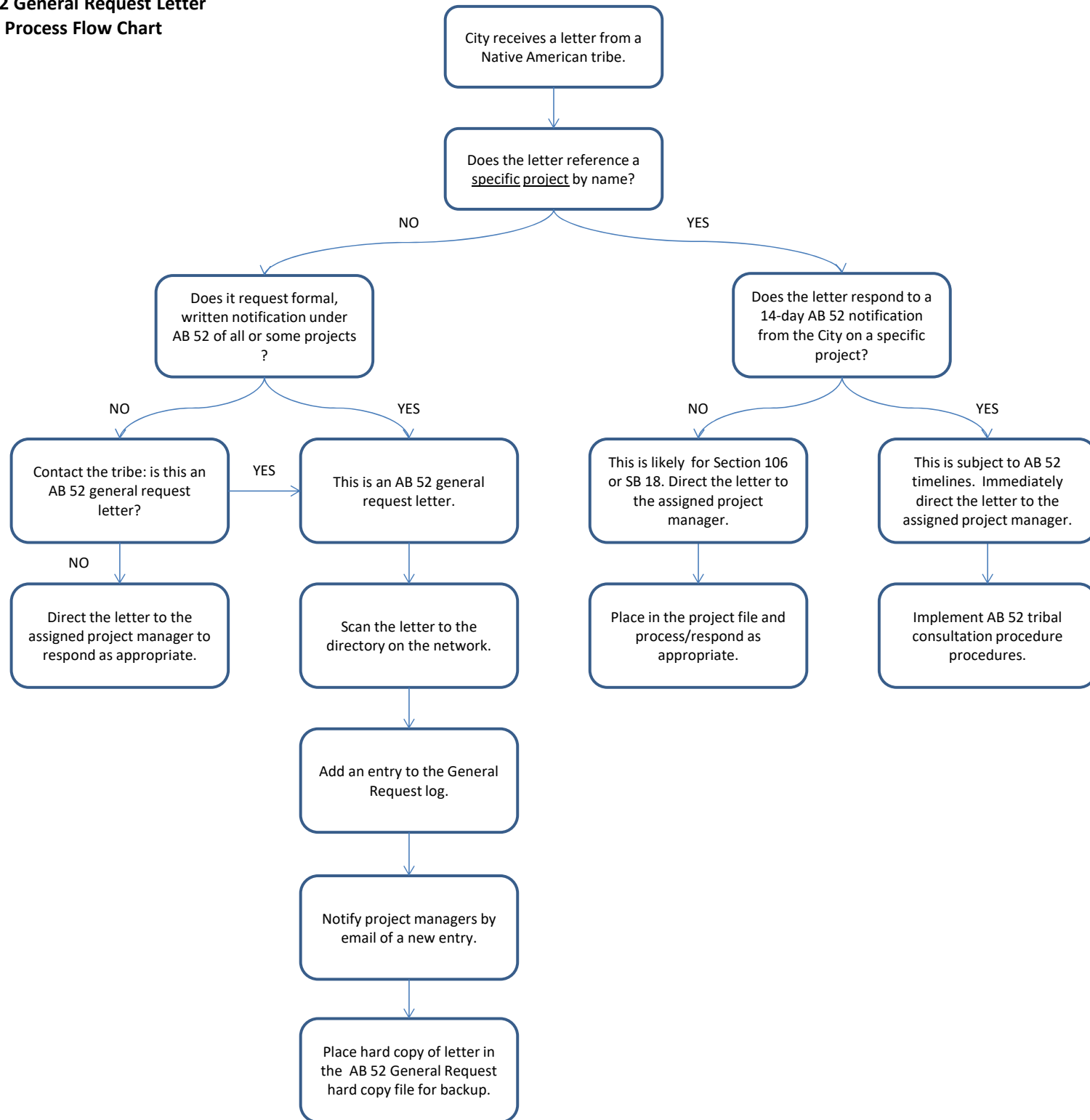
² e.g., preservation and avoidance; protecting cultural character, traditional use, and confidentiality; and use of conservation easements.

³ even absent formal tribal consultation, the CEQA document must still address impacts to TCRs, which should, at minimum, include results of a search of the Sacred Lands File by the NAHC.

AB 52 Screening Process



**AB 52 General Request Letter
Process Flow Chart**



Log of General Request Letters Received (AB 52)

| Date of Letter | Date Received | Tribe Name | Point of Contact and Address | Requested Method of Noticing | Method Received | Letter Scanned to Network | Project Managers Notified | Hard Copy Filed |
|----------------|---------------|------------|--|------------------------------|---|---------------------------|---------------------------|--------------------------|
| 12/20/2022 | 12/20/2022 | Koi Nation | Koi Nation Tribal Council kn@koination.com PO Box 3162, Santa Rosa, CA 95402 Robert Geary, THPO rgeary@hpultribe-nsn.gov PO Box 516, Upper Lake, CA 95485 | Certified Mail and Email | <input type="checkbox"/> Mail <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Email | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | | <input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> Email | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | | <input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> Email | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | | <input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> Email | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | | <input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> Email | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | | <input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> Email | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | | <input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> Email | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | | <input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> Email | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | | <input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> Email | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | | <input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> Email | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | | <input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> Email | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

A digital file structure for the tribal consultation administrative record will:

- ensure a consistent and organized mechanism across projects;
- allow for ease in assembling a legally defensible administrative record for use in staff packets presented to elected and appointed officials;
- allow for faster assembly of summaries for authoring sections in CEQA documents;
- provide another level of quality assurance for the system;
- take correspondence out of individual staff emails and files and place them into an accessible venue with backup capabilities; and
- in the unlikely event of a lawsuit, allow for exporting of the entire directory in a zip file.

The file structure presented below is suggested as a “module” directly that can be plugged into every project directory on the network. The contents of each folder will vary by project, depending on the nature of the consultation, but the structure should remain consistent. Staff are discouraged from keeping these directors on C:/ drives of their workstations or maintaining hard-copy-only consultation records (hard copy originals should be kept in the paper project files, but only after scanning to the directory).

The primary (highest) level of the directory is called “**AB 52 Tribal Consultation Record**” and it contains six secondary directories, as illustrated below in Figure 1.

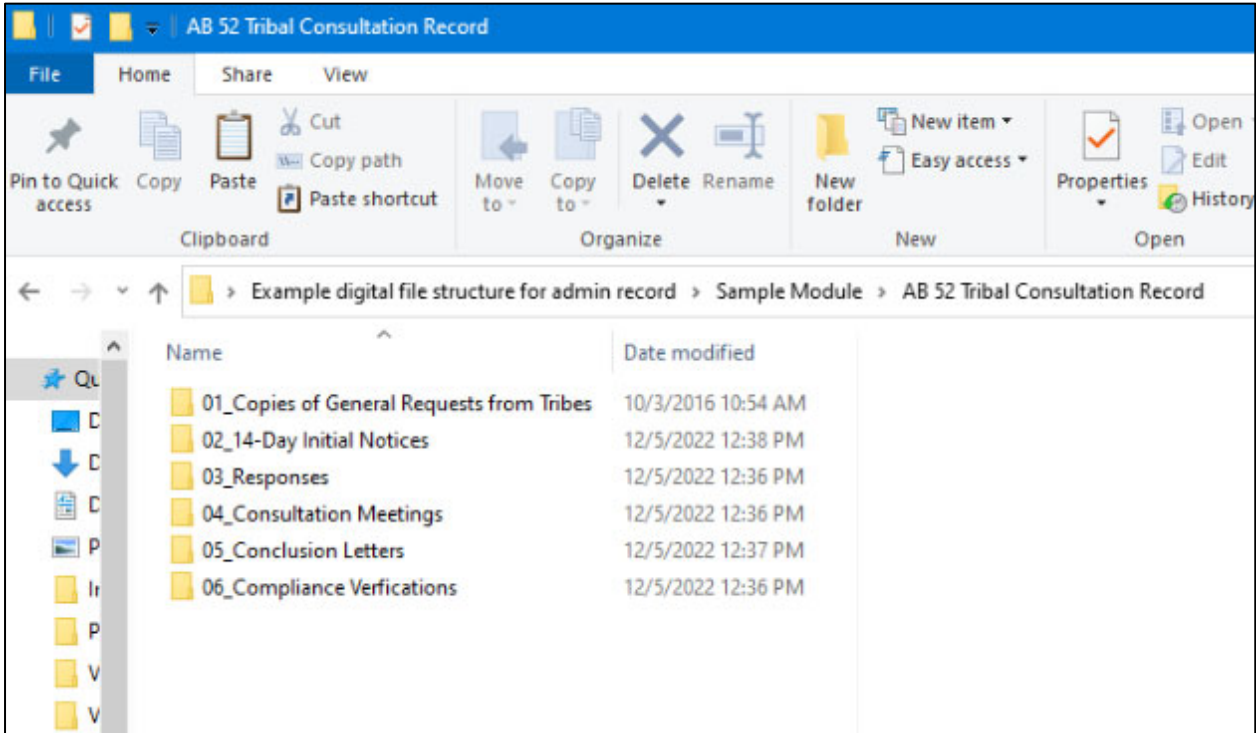


Figure 1. Overall File Structure

01_Copies of General Requests from Tribes: this directory will be used to store duplicate copies (preferably) or shortcuts to all relevant general requests from tribes that pertain to the project. The purpose of this folder is not only for ease in assembling the consultation record for the project, but also to document which tribes had general request letters on file at the time CEQA began. This may become

more important to document as time goes on, particularly because general request letters may be received long after a CEQA process has begun.

02_14-Day Initial Notices: this directory will store copies of letters sent. Further subdivision of each folder may be necessary when numerous tribes are being contacted. The contents of the folder should include: 1) the project description and location map that was enclosed with each letter; 2) the Word version of each letter sent; 3) a scanned (PDF) copy of each letter after it was printed on letterhead and signed and before mailing OR if the letter is placed on digital letterhead and a digital signature is inserted, a PDF of the letter as it was printed; and 4) copies of certified mail / return receipts to verify delivery. Organization of the consultation record is critical because it is always possible that a challenge to the AB 52 process for any given project will occur after the assigned staff departs the County's employment.

03_Responses: this directory should include: 1) a scan of each hard copy letter received including a scan of the postmarked envelope (in case there is a discrepancy between the date of the letter and the day it was received); 2) a PDF of each email response received; and 3) a scan of each returned-to-sender envelope and the letter contained therein. Once the initial responses are received and placed into this directory, subsequent correspondence will be placed in other subdirectories shown in Figure 1.

04_Consultation Meetings: this directory will store and organize correspondence and documentation on a meeting-by-meeting basis. Internal subdirectories, like the one shown in Figure 2, will serve to sort by meeting date.

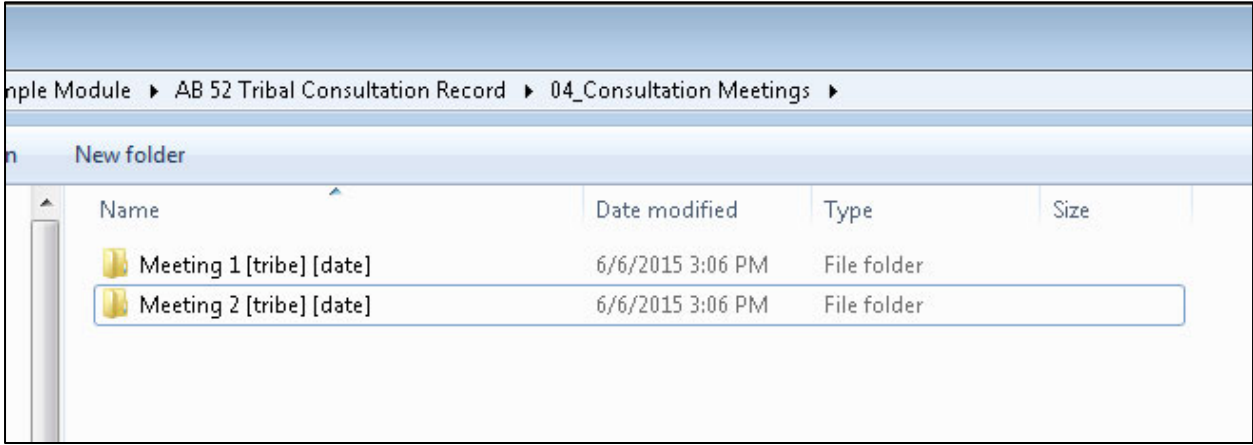


Figure 2. Internal structure of Consultation Meetings directory (note: insert the name of the tribe and date of the meeting where indicated in brackets)

The contents of each meeting folder will vary, but would be expected to include: meeting attendance rosters; agendas; minutes or notes; records of conversation for phone meetings; documentation as to whether or not the tribe requested a discussion of alternatives and if so, the details of that discussion; confidential information about tribal cultural resources provided by a tribe; and any other pertinent documentation. The folders shown in Figure 2 could, if necessary, be placed into a single folder with the name of the tribe, or could be renamed to "ROC" (Record of Conversation) if the correspondence was not in a typical meeting format. As long as the contents of this directory are well organized, variations are acceptable and encouraged.

05_Conclusion Letters: this directory will keep the final letters that terminate consultation under AB 52 when one of the two criteria for termination is met. The documentation stored in this directory will only consist of outgoing letters to consulting tribes, as no responses are expected or requested in the termination of consultation letter. The contents of this directory would include: 1) the Word version of each letter sent; 2) a scanned (PDF) copy of each letter after it was printed on letterhead and signed and before mailing OR if the letter is placed on digital letterhead and a digital signature is inserted, a PDF of the letter as it was printed; and 3) copies of certified mail / return receipts to verify delivery.

06_Compliance Verifications: this directory will house the adopted (or to-be-adopted) mitigation measures (if any) and the compliance verification checklist, at a minimum. Depending on the project, additional management tools, such as internal notes and justifications for certain actions, may be appropriate.

TABLE OF CONTENTS

VOLUME I: AB 52

II. Consultation Templates

- a. Initial Notices
- b. Initiation of Consultation Letter
- c. Meeting Roster
- d. Record of Conversation
- e. Phone Log
- f. Concluding Consultation with Agreement Letter
- g. Concluding Consultation without Agreement Letter

Click here to enter a date.

Click here to enter text.

RE: Notice of Opportunity to Consult for the [Click here to enter text.](#) in the City of Clearlake (Project Number [Click here to enter text.](#))

Greetings:

On [Click here to enter a date.](#), the City of Clearlake initiated environmental review under the California Environmental Quality Act (CEQA) for the [Click here to enter text.](#). The City is proposing to [Click here to enter text.](#), specifically located [Click here to enter text.](#). A project location map and detailed project description are enclosed for your information.

In accordance with Assembly Bill 52 (AB 52) and Section 21080.3.1(d) of the California Public Resources Code (PRC), we are responding to your request to be notified of projects in our jurisdiction that will be reviewed under CEQA. Your name was provided to us as the point of contact for your tribe. We are hereby notifying you of an opportunity to consult with us regarding the potential for this project to impact Tribal Cultural Resources, as defined in Section 21074 of the PRC. The purposes of tribal consultation under AB 52 are to determine, as part of the CEQA review process, whether or not Tribal Cultural Resources are present within the project area, and if so, whether or not those resources will be significantly impacted by the project. If Tribal Cultural Resources may be significantly impacted, then consultation will also help to determine the most appropriate way to avoid or mitigate those impacts.

In accordance with Section 21080.3.1(d) of the PRC, you have 30 days from the receipt of this letter to either request or decline consultation in writing for this project. Please send your written response before [Click here to enter a date.](#) to [Click here to enter text.](#) or by email to [Click here to enter text.](#). In your response, please reference the following project number: [Click here to enter text.](#). If we do not receive a response within 30 days, we will proceed. Thank you and we look forward to your response.

Respectfully,

[Click here to enter text.](#)

Name, Title

[DATE]

[TRIBAL CONTACT
NAME/ADDRESS]

Via Electronic Mail to: [email address]

RE: Initiation of Consultation for the XXXX Project in the City of Clearlake, California

Greetings:

On [DATE], the City of Clearlake formally notified you of an opportunity to consult under AB 52 for the proposed XXXX Project. On [DATE], we received a response from XXXXX, indicating a desire to consult with us regarding potential impacts to Tribal Cultural Resources associated with the proposed project. We look forward to consulting with the [TRIBE NAME] on this project.

In accordance with AB 52 and Section 21080.3.1(e) of the California Public Resources Code, we are hereby initiating consultation with you. We would like to invite you to a project orientation meeting on [DATE, TIME] to discuss the project and determine the best way to continue consultation. Our office is located at XXXXX. Additional contact information can be found on our website, XXXXXX. If you or your representatives are unable to attend, please contact me to schedule an alternate date. In addition, if you are not able to personally participate in the consultation, I respectfully request that you provide me with a written delegation of authority to those who will consult with us on your behalf.

If you have any questions, you may contact me by email at XXXXX, or by phone at XXXXX. Thank you and we look forward to consulting with you.

Respectfully,

Name, Title

cc: project file

AGENDA

City of Clearlake and [TRIBE] AB 52 Consultation Meeting for the [PROJECT]

Date:

Time:

Location:

Meeting Objective: for the City of Clearlake to share project information with the tribe and receive information from the tribe about potential impacts to Tribal Cultural Resources, so that the City can make an informed decision.

Overall Goal: to make a decision about the project in a manner that is mindful of, and takes into consideration, impacts to Tribal Cultural Resources.

Introductions

Project Orientation and Overview

- Purpose and need for the proposed project
- Project description
- Anticipated environmental review under CEQA
- Anticipated project schedule
- Alternatives considered

Discussion of Tribal Cultural Resources

- Any known Tribal Cultural Resources in the proposed project area?
 - Description, location, form
 - How would the project impact Tribal Cultural Resources, if present?
 - What can the agency do to lessen or avoid the impacts?
 - What is the preferred mitigation, if a significant impact will occur?

Q&A

Action Items

AB 52 Tribal Consultation Meeting Roster

Project: _____

Project Number: _____

Meeting Date: _____

Meeting Time: _____

Facilitator: _____

Location: _____

| Name | Representing | Email Address |
|------|--------------|---------------|
| | | |
| | | |
| | | |
| | | |
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| | | |
| | | |

AB 52 Tribal Consultation Record of Conversation

Project: Click here to enter text.

Project Number: Click here to enter text.

Date: Click here to enter a date.

Participants (Name/Affiliation): Click here to enter text.

Meeting Venue: Click here to enter text.

Summary of discussion: Click here to enter text.

Check here if the tribe requested a discussion on **alternatives**, pursuant to PRC 21080.3.2(a).

Summarize alternatives discussion, if it was requested: Click here to enter text.

Check here if the tribe recommended **mitigation measures**

Summarize the mitigation measures discussed: Click here to enter text.

Action Items:

City: Click here to enter text.

Target Deadline: Click here to enter a date.

Tribe: Click here to enter text.

Target Deadline: Click here to enter a date.

AB 52 Tribal Consultation Phone Log

Project: Click here to enter text. **Project Number:** Click here to enter text.

Date: Click here to enter a date. **Time:** Click here to enter text.

Caller: Click here to enter text. **Person Called:** Click here to enter text.

Phone Number: Click here to enter text.

Check here if a detailed voicemail was left.

Check here if telephone contact with the recipient was made.

Summary of discussion: Click here to enter text.

Click here to enter a date.

Click here to enter text.

RE: Conclusion of Consultation for the Click here to enter text. in the City of Clearlake (Project Number Click here to enter text.)

Dear Click here to enter text.:

Thank you for the opportunity to consult with you on potential impacts to Tribal Cultural Resources for the Click here to enter text. project, located in the City of Clearlake. I am writing to you to summarize and conclude the consultation under Assembly Bill (AB) 52 and notify you of our intention to Choose an item. for this project, pursuant to Section 21082.3(d) of the California Public Resources Code (PRC).

On Click here to enter a date., we received a written request from you to be consulted on projects within our jurisdiction. On Click here to enter a date., within 14 days of determining that an application was complete, we notified you by letter of the opportunity to consult on this project. On Click here to enter a date., we received a written request from you to consult. We subsequently initiated consultation with you on Click here to enter a date.. As part of that consultation, which included a meeting on Click here to enter a date., we determined that Tribal Cultural Resources are located within the project area and could be significantly impacted by the project. Through consultation, we came to a consensus about appropriate mitigation measures. Therefore, we have incorporated the following mitigation measures into the CEQA document:

Click here to enter text.

Therefore, pursuant to Section 21082.3.2(b)(1), we hereby conclude consultation under CEQA and AB 52 for this project, and appreciate the opportunity to consult with you.

Respectfully,

Click here to enter text.

Name, Title

cc: Project File

Click here to enter a date.

Click here to enter text.

RE: Conclusion of Consultation for the [Click here to enter text.](#) in the City of Clearlake (Project Number [Click here to enter text.](#))

Dear [Click here to enter text.](#):

Thank you for the opportunity to consult with you on potential impacts to Tribal Cultural Resources for the [Click here to enter text.](#) project, located in the City of Clearlake. I am writing to you to summarize and conclude the consultation under Assembly Bill (AB) 52 and notify you of our intention to [Choose an item.](#) for this project, pursuant to Section 21082.3(d) of the California Public Resources Code (PRC).

On [Click here to enter a date.](#), we received a written request from you to be consulted on projects within our jurisdiction. On [Click here to enter a date.](#), within 14 days of determining that an application was complete, we notified you by letter of the opportunity to consult on this project. On [Click here to enter a date.](#), we received a written request from you to consult. We subsequently initiated consultation with you on [Click here to enter a date.](#). As part of that consultation, which included a meeting on [Click here to enter a date.](#), we sought information about Tribal Cultural Resources that could be significantly impacted by the project. Although we were not able to come to consensus, we have taken the following information provided by the tribe into account:

[Click here to enter text.](#)

Based on this information, we have incorporated the following mitigation measures into the CEQA document:

[Click here to enter text.](#)

Therefore, pursuant to Section 21082.3.2(b)(2), we hereby conclude consultation under CEQA and AB 52 for this project, and appreciate the opportunity to consult with you.

Respectfully,

[Click here to enter text.](#)

Name, title

cc: Project File

Click here to enter a date.

Click here to enter text.

RE: Conclusion of Consultation for the [Click here to enter text.](#) in the City of Clearlake (Project Number [Click here to enter text.](#))

Dear [Click here to enter text.](#):

Thank you for the opportunity to consult with you on potential impacts to Tribal Cultural Resources for the [Click here to enter text.](#) project, located in the City of Clearlake. I am writing to you to summarize and conclude the consultation under Assembly Bill (AB) 52 and notify you of our intention to [Choose an item.](#) for this project, pursuant to Section 21082.3(d) of the California Public Resources Code (PRC).

On [Click here to enter a date.](#), we received a written request from you to be consulted on projects within our jurisdiction. On [Click here to enter a date.](#), within 14 days of determining that an application was complete, we notified you by letter of the opportunity to consult on this project. On [Click here to enter a date.](#), we received a written request from you to consult. Our attempts to [Choose an item.](#) were not successful, and therefore, we have reviewed the information available to us about Tribal Cultural Resources and have determined that there [Choose an item.](#) be a significant impact. Therefore, we have incorporated the following mitigation measures into the CEQA document:

[Click here to enter text.](#)

Therefore, pursuant to Section 21082.3.2(b)(1), we hereby conclude consultation under CEQA and AB 52 for this project and appreciate the opportunity to consult with you.

Respectfully,

[Click here to enter text.](#)

Name, Title

cc: Project File

TABLE OF CONTENTS

VOLUME I: AB 52

III. CEQA-Related Documents

- a. TCR Decision Tree
- b. CEQA Checklist for Cultural Resources
- c. CEQA Checklist for Tribal Cultural Resources

Chart 1

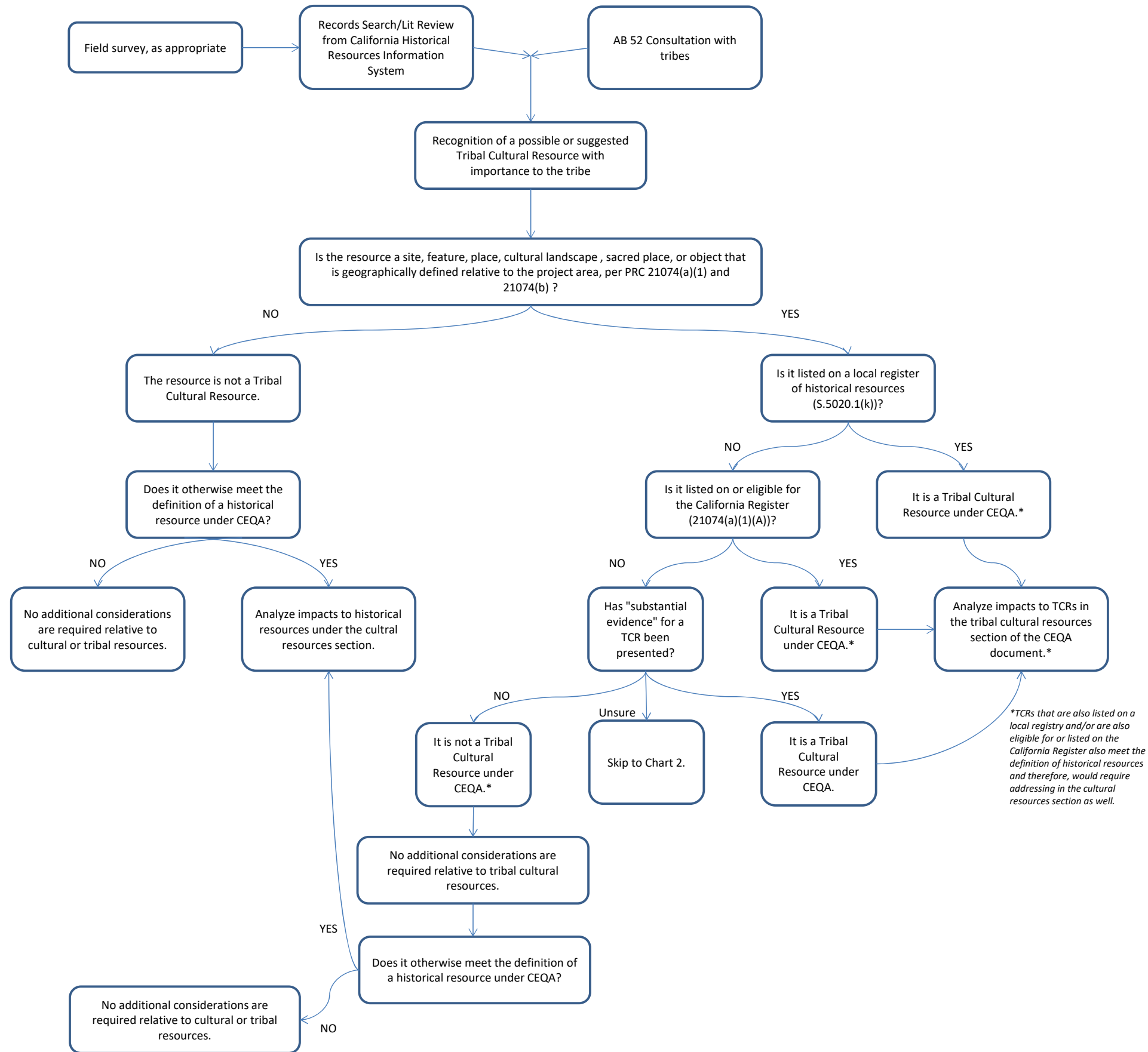
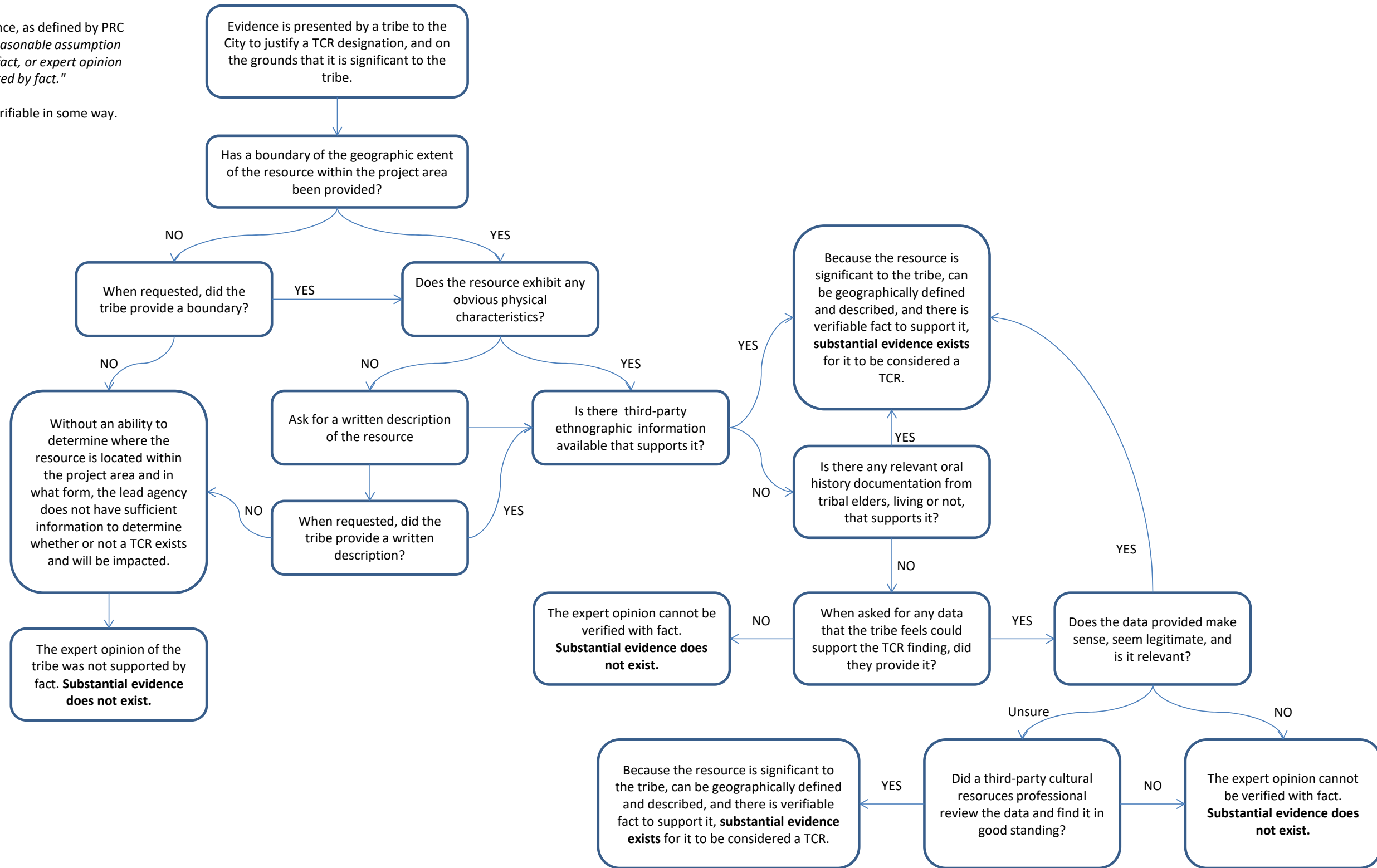


Chart 2

Substantial evidence, as defined by PRC 21080: "fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact."

Facts must be verifiable in some way.



#. Cultural Resources

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|--------------------------|
| a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

#. Tribal Cultural Resources

| | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-----------|
| a) Would the project cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: | | | | |

| | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| <p>1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

TABLE OF CONTENTS

VOLUME I: AB 52

- IV. Quality Control and Compliance Verification**
 - a. Compliance Tracking Form

AB 52 Compliance Verification

Project Name: Click here to enter text.

Project Number: Click here to enter text.

Screening Checklist

Result: project **is** **is not** subject to AB 52 consultation

Date determined: Click here to enter a date. **Staff:** Click here to enter text.

Comments: Click here to enter text.

Date of Decision to Initiate CEQA: Click here to enter a date. **Staff:** Click here to enter text.

(reminder: 14-day notification letters must be sent by Click here to enter a date.)

Review of General Consultation Request Directory

Date reviewed: Click here to enter a date. **Staff:** Click here to enter text.

The following letters are on file with the City and pertain to this project, and constitute the tribes that will be consulted under AB 52 for this project:

Tribe: Click here to enter text. **Letter date:** Click here to enter a date.

Tribe: Click here to enter text. **Letter date:** Click here to enter a date.

Tribe: Click here to enter text. **Letter date:** Click here to enter a date.

Tribe: Click here to enter text. **Letter date:** Click here to enter a date.

Tribe: Click here to enter text. **Letter date:** Click here to enter a date.

14-day Notification Letters

Letter date: Click here to enter a date. **Mailed date:** Click here to enter a date.

Method: Choose an item. **Mailed date is:** Click here to enter text.days past start of CEQA.

30-day response window ends: Click here to enter a date.

Comments: Click here to enter text.

Responses Received from 14-day Notification Letters

Tribe: Click here to enter text. **Date:** Click here to enter a date. **Response:** Choose an item.

Tribe: Click here to enter text. **Date:** Click here to enter a date. **Response:** Choose an item.

Tribe: Click here to enter text. **Date:** Click here to enter a date. **Response:** Choose an item.

Tribe: Click here to enter text. **Date:** Click here to enter a date. **Response:** Choose an item.

Tribe: Click here to enter text. **Date:** Click here to enter a date. **Response:** Choose an item.

Note: for tribes accepting consultation invitation, initiation must occur within 30 days of receiving the response, not 30 days from the end of the 30-day response period.

Initiation of Consultation

check here if no tribes requested consultation

The following letters were sent to consulting tribes to initiate consultation:

Tribe: Click here to enter text. **Date:** Click here to enter a date.

Tribe: Click here to enter text. **Date:** Click here to enter a date.

Tribe: Click here to enter text. **Date:** Click here to enter a date.

Tribe: Click here to enter text. **Date:** Click here to enter a date.

Tribe: Click here to enter text. **Date:** Click here to enter a date.

Consultation

Indicate for each tribe consulted whether or not it requested a discussion on alternatives and whether or not it recommended mitigation measures. Refer to consultation record for details.

Tribe: Click here to enter text. requested alternatives recommended mitigation measures

Tribe: Click here to enter text. requested alternatives recommended mitigation measures

Tribe: Click here to enter text. requested alternatives recommended mitigation measures

Tribe: Click here to enter text. requested alternatives recommended mitigation measures

Tribe: Click here to enter text. requested alternatives recommended mitigation measures

Conclusion of Consultation

Tribe: Click here to enter text.

Concurrence: **was** **was not** achieved with the City for the following reason:
Click here to enter text.

Tribe: Click here to enter text.

Concurrence: **was** **was not** achieved with the City for the following reason:
Click here to enter text.

Tribe: Click here to enter text.

Concurrence: **was** **was not** achieved with the City for the following reason:
Click here to enter text.

Tribe: Click here to enter text.

Concurrence: **was** **was not** achieved with the City for the following reason:
Click here to enter text.

Tribe: Click here to enter text.

Concurrence: **was** **was not** achieved with the City for the following reason:
Click here to enter text.

Required Mitigation Measures

MM-TCR 1: Click here to enter text.

MM-TCR 2: Click here to enter text.

MM-TCR 3: Click here to enter text.

Consultation Termination Letters

Letter date: Click here to enter a date. **Mailed date:** Click here to enter a date.

Method: Choose an item.

AB 52 Compliance Verification

Project Name: Highway 50 Realignment Project

Project Number: 2014-123

Screening Checklist

Result: project **is** **is not** subject to AB 52 consultation

Date determined: 8/3/2015

Staff: S. Smith

Comments: n/a

Date of Decision to Initiate CEQA: 9/1/2015 Staff: S. Smith

(reminder: 14-day notification letters must be sent by 10/1/2015)

Review of General Consultation Request Directory

Date reviewed: 9/14/2015

Staff: S. Smith

The following letters are on file with the County and pertain to this project, and constitute the tribes that will be consulted under AB 52 for this project:

Tribe: Tribe ABC

Letter date: 7/1/2015

Tribe: Tribe XYZ

Letter date: 7/3/2015

14-day Notification Letters

Letter date: 9/28/2015 Mailed date: 9/29/2015

Method: USPS (Certified Mail)

Mailed date is: 29 days past start of CEQA.

30-day response window ends: 10/29/2015

Comments: n/a

Responses Received from 14-day Notification Letters

Tribe: Tribe ABC

Date: 10/9/2015 Response: Yes - wants to consult

Tribe: Tribe XYZ

Date: 10/12/2015 Response: No - does not want to consult

Note: for tribes accepting consultation invitation, initiation must occur within 30 days of receiving the response, not 30 days from the end of the 30-day response period.

Initiation of Consultation

check here if no tribes requested consultation

The following letters were sent to consulting tribes to initiate consultation on 11/9/2015:

Tribe: Tribe ABC

Consultation

Indicate for each tribe consulted whether or not it requested a discussion on alternatives and whether or not it recommended mitigation measures. Refer to consultation record for details.

Tribe: Tribe ABC requested alternatives recommended mitigation measures

Conclusion of Consultation

Tribe: Tribe ABC

Concurrence: **was** **was not** achieved with the County for the following reason: [Click here to enter text.](#)

Required Mitigation Measures

MM-TCR 1: Contractor Awareness Training

Consultation Termination Letters

Letter date: 11/3/2015 **Mailed date:** 11/3/2015 **Method:** USPS (Certified Mail)

1.1 Policy of Payment for Consultation

In many areas of California, including the City of Clearlake, some tribes have requested payment of public funds for their participation in the early planning stages of City projects. The purpose of this guidance is to clarify what costs the City will pay in the event the City receives a request for payment for participation in a project planning process.

Currently, there are no laws or regulations that require payment to either consulting parties or tribes during project planning activities, consultation, or construction. In fact, “consultation” is defined by Government Code Section 65352.4 as “the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties’ cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party’s sovereignty. Consultation shall also recognize the tribes’ potential needs for confidentiality with respect to places that have traditional tribal cultural significance.”

The City recognizes the importance of providing information, staff time, or contract labor time at no cost to the tribes and expects tribes to provide information to the City at no cost to the City. Additionally, there are numerous California Native American tribes in the region that may ascribe cultural affiliation to the Clearlake area and may request consultation or participation in the future. Because different tribes have different opinions, interpretations, cultural values, and information, it is the City’s intent to consult meaningfully with all California Native American tribes who wish to do so.

Furthermore, because CEQA is founded on consultation with interested parties, commenting agencies, stakeholders, and the public, the City is tasked with consulting with many organizations and individuals regarding all aspects of CEQA review, including biological and wildlife non-profit organizations, professional societies and associations, and members of the public. All voluntarily provide input and information to the City on a wide range of environmental topics covered by CEQA, which is taken into account during the decision-making process for discretionary projects. It has always been the City’s view that meaningful consultation cannot take place if such discussions are couched in financial or contractual relationships between the consulting parties and the public. This is in contrast to services that the City would normally contract for, such as construction monitoring or tribal experts. In fact, the City recognizes the difference between a “consulting party” (as described above) and a “consultant,” where the City delegates the preparation of environmental documents and supporting technical information to third party consultants, selected according to qualifications, cost, and technical expertise. Use of registered professionals is defined further in Section 15149 of the CEQA Guidelines and does not include consulting parties. Such consultants represent the subject matter being analyzed and do not require concurrence or agreement from other experts in the field to be considered valid for the purposes of CEQA. The City relies on the distinction between Tribal Consultation and use of Tribal Experts as described by Caltrans in Exhibit 3.3 of Volume II of the Standard Environmental Reference (2021).

The City does not generally compensate any “consulting parties,” including tribes, members of the public, or stakeholders, during project planning and environmental review for: 1) consultation during the City’s project planning process; 2) for information that any consulting tribe or party wishes the City to take into consideration during project planning; and 3) for tribes, members of the public, stakeholders, or other parties to visit or survey project areas to make recommendations to the City.

If the City determines that the proposed mitigation of tribal monitoring is both appropriate for the nature of the resource and constitutes mitigation under CEQA, then the City shall require that as a mitigation measure in the environmental document, pursuant to Section 21082.3(a) of the Public Resources Code. The City should then terminate consultation (with agreement) according to Section 21080.3.2(b)(1) and consider the requirement for payment of tribal monitoring, as described below.

1.2 Policy of Payment for Monitoring

If the City determines that tribal monitoring or participation is required as a mitigation measure or condition of approval, then payment is appropriate (payment for non-required tribal observation and for consultation is not). The following policy is intended for both City and private projects under the jurisdiction of the City.

When a mitigation measure of a certified environmental document or a condition of a permit or approval requires tribal monitoring of construction-related activities, the City shall retain the specified number of tribal monitor(s) under contract for the purpose expressed in the mitigation measure using the payment schedule provided further below.

A tribal representative that is paid for their participation as a monitor:

- has the Tribe’s authority to make daily decisions on Native American beliefs, wishes or policy, but may consult with other tribal members with authority and/or experience when it does not delay project progress;
- has the Tribe’s authority to consult on their behalf with the Project Archaeologist on the archaeological investigations;
- is required to report to the appropriate tribal members on project progress, activities, finds, problems by whatever methods are appropriate;
- is required to report to the designated job supervisor on a daily basis; and
- has the Tribe’s authority to lodge a formal complaint.

The Code of Federal Regulations, Title 23, Chapter 1, Subchapter B, Part 172 requires pay rates to be “fair and reasonable” and the City expects compensation to be equitable among similar roles in other disciplines, such as biological monitors, archaeological monitors, and air quality monitors, for example. Therefore, pay rates for tribal monitoring shall be consistent with the current market-rate pay for archaeological monitors in Northern California as published by job posting websites such as SCAhome.org, Glassdoor.com, or Indeed.com.

In addition, the following parameters apply:

- Tribal Monitors shall be compensated only for City-authorized labor spent on the job site and are subject to applicable labor laws with respect to paid rest breaks and unpaid meal periods.
- The City shall not compensate more than one Tribal Monitor per project without prior approval by City staff in advance.
- The City shall not compensate trainees or interns for tribal monitoring.

- The City shall not pay for monitoring of activities that do not involve ground or vegetation disturbance that would have the potential to impact a TCR, as determined through the City’s environmental review and associated consultation process.
- All representatives and monitors must adhere to job site safety protocols.
- Private property owners reserve the right to prohibit entry to private lands.
- The City will identify Tribal Monitors and will discuss Tribal Monitor assignments with culturally affiliated tribes prior to monitoring activities.
- The City may use either a temporary employment agency to handle all employment paperwork, insurance, and employment law compliance or execute a Master Services Agreement with a tribe. In either case, Tribal Monitors shall not be considered employees of the City.
- Payment for participation by supervisors, officials, administrators, staff, or other representatives of the tribe must be approved in advance by the City.
- Invoices submitted to the City must include, as backup, a copy of a current job posting for an archaeological monitor of the same general level of experience and in the same region.

Pay rates for tribal monitoring and participation for private developments (where the City is not the project proponent) may be separately negotiated between the tribe and project proponent. Nothing in these guidelines or in applicable law prohibits a private landowner from separately entering into an agreement with a tribe to provide unrequired monitoring or monitoring at higher rates, so long as doing so does not attempt to circumvent existing laws and consultation processes.

In the event that the City receives a request for tribal monitoring after project approval, which may be just before or during construction, when tribal monitoring was not a mitigation measure or condition of approval, the City shall not pay for tribal monitoring. However, the City will consider requests from interested tribes to visit the project site to observe project activities on a voluntary basis, as long as appropriate safety procedures are followed and a waiver of liability (including proof of workers compensation insurance) is on file with the City.