

**CITY OF WOODLAND
300 FIRST STREET
WOODLAND, CALIFORNIA**

**CITY COUNCIL
CLOSED SESSION AGENDA**

SEPTEMBER 20, 2011

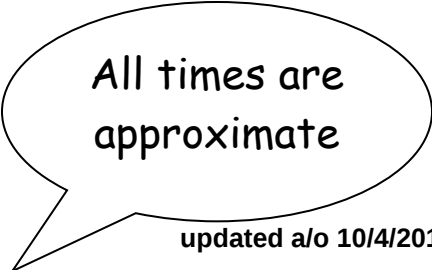
5:30 P.M.

- A. CALL TO ORDER
- B. CLOSED SESSION
 - B.1 Conference with Real Property Negotiators, Pursuant to Section 54956.8
Property: APN 027-852-005 and 801 Main Street
Agency Negotiator: City Manager
Negotiating Parties: Mark Deven and Woodland Development Company, LLC
Under Negotiation: Price and Terms of Payment
 - B.2 Public Employee Appointment Pursuant to Section 54957
Title: Interim City Manager
 - B.3 Public Employee Performance Evaluation, Pursuant to Section 54957
Title: City Manager

**JOINT REGULAR CITY COUNCIL /
WOODLAND FINANCE AUTHORITY /
REDEVELOPMENT AGENCY BOARD**

6:00 P.M.

- A. CALL TO ORDER



All times are
approximate

updated a/o 10/4/2018



B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. COMMUNICATIONS-PUBLIC COMMENT (6:03)

This an opportunity for the public to speak to the Council on any item other than those listed for public hearing on this agenda. Speakers are requested to use the microphone in front of the Council and to begin by stating their name, whether they reside in Woodland and the name of the organization they represent if any. The Mayor may impose a time limit on any speaker depending on the number of people wanting to speak and time available for the rest of the agenda. In the event comments are related to an item scheduled on the agenda, speakers may be required to wait to make their comments until that item is considered.

E. COMMUNICATIONS—COUNCIL/STAFF STATEMENTS AND REQUESTS (6:06)

This is an opportunity for the Council Members and Staff to make comments and announcements, to express concerns, or to request Council's consideration of any items a Council Member would like to have discussed at a future Council meeting.

F. COMMITTEE REPORTS (6:08)

- F.1 Receive the Minutes of the Library Board of Trustees Meeting of July 21, 2011

G. PRESENTATIONS (6:09)

- 1. Proclaim September 20, 2011 as International Literacy Day (2 minutes)
- 2. Adopt Proclamation of Appreciation for Max Luther (2 minutes)

H. CONSENT CALENDAR (6:13)

- 3. Receive the Fire Department Monthly Status Report for July 2011
- 4. Receive the Public Works Department Monthly Status Report for June and July 2011
- 5. Receive Treasurer's Investment Report for Quarter Ending June 30, 2011



I. PUBLIC HEARINGS – COUNCIL (6:15)

6. Hold Public Hearing Regarding Woodland Gateway Phase II Project; Consider Planning Commission's Recommendation and Approve Resolutions; Waive First Reading and Read by Title Only Ordinances to Approve the Project; Approve Development Agreement (60 minutes)

J. REDEVELOPMENT AGENCY REPORTS (7:15)

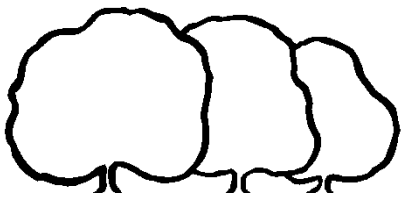
7. Approve Agency Resolution Ratifying and Adopting an Enforceable Obligation Payment Schedule Pursuant to AB1X26 (10 minutes)

K. ADJOURN (7:25)

I declare under penalty of perjury that the foregoing Agenda for the Joint Regular City Council/Woodland Finance Authority/Redevelopment Agency Board of the City of Woodland scheduled for Tuesday, September 20, 2011 was posted on September 16, 2011 in the outside display case at City Hall, 300 First Street, Woodland, CA, and was available to the public during normal business hours.

Ana B. Gonzalez, City Clerk

Upon request, agendas and documents in the agenda packet will be made available in appropriate alternative formats to persons with a disability, as required by law. Any such request must be made in writing to the Office of the City Clerk of the City of Woodland. Requests will be valid for the calendar year in which the request is received, and must be renewed prior to January 1st. Persons needing disability-related modifications or accommodations in order to participate in public meetings, including persons requiring auxiliary aids or services, may request such modifications or accommodations by calling the Office of the City Clerk (530-661-5806) at least 48 hours prior to the meeting.



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: September 20, 2011

SUBJECT: Library Board of Trustees Minutes for July 21, 2011

Report in Brief

Staff recommends that the City Council receive the Library Board meeting minutes for July 21, 2011 regular meeting.

Recommendation for Action

No action required.

Prepared by: Heather Muller
Library Services Director

Mark G. Deven
City Manager

Attachments

**WOODLAND PUBLIC LIBRARY
BOARD OF TRUSTEES
Minutes, July 21, 2011**

Present: Alain Traig, Jorel Difuntorum, Tom Pavao, Kay Hodges

Staff: Heather Muller

The Library Board of Trustees meeting was called to order at 4:00 p.m.

- I. Welcome Visitors
Alain welcomed Diane Adams and Bobby Harris.
- II. Public Comment: None
- III. Review of Agenda
The agenda was accepted as submitted.
- IV. Approval of Minutes
Upon motion made by Tom and seconded by Jorel, the minutes of the June 30, 2011 meeting were approved.
- V. Communications
Heather reported receipt of an invitation from United Way to their "Live United" dinner on September 15th, following their second annual golf classic.

The Friends of the Library have brought to Heather's attention a request from the California Council for Humanities to display their exhibit, "Where There's A Fight: A History of Civil Liberties in California" at the library for eight weeks. The Board directed Heather to follow up on the details and then make a decision based upon that information.

Heather also received a request that the library participate in a photo exhibit entitled "Woodland Works" that features pictures of local employees on the job. Heather will follow up to determine whether or not she and the staff wish to participate.

The Board received a note from Sue Bigelow, Literacy Coordinator, thanking them for their support in making her position full-time.

- VI. Old Business
 - A. Literacy Staffing – Update

Sue Bigelow became a full-time employee, effective July 5, 2011, and Cara Baker was hired as a full-time employee for the Children's Librarian position, effective July 18, 2011.

B. Budget Update

Heather reviewed the Expenditure Status Reports for the period of July 1, 2011 through July 31, 2011. There was also discussion of the State budget's impact on library funding.

VII. New Business

A. CLLS – Funding

The California Library/Literacy Service has some federal funding that they are making available in the form of grants to be used specifically for literacy program staffing. A grant application, to be submitted no later than July 29, 2011, is being prepared.

VIII. Reports

A. Director

Heather provided the Board with copies of her Director's Fourth Quarter Report.

In addition, she reported that she recently attended a meeting regarding a Gates-funded initiative regarding the establishment of "benchmarks" for public access technology. The State of California, along with Texas and Oklahoma, is participating in a pilot program related to this issue..

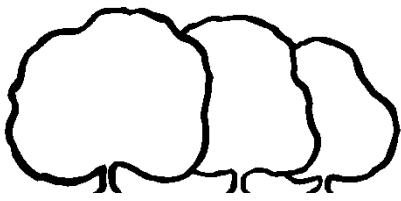
A number of used security cases for DVDs have been purchased that should eliminate significant staff time in processing DVDs.

In addition to the programming outlined in Heather's written report, the "Read for Fun" adult summer reading program, organized by Librarian Carol Davis, was a great success.

B. Board

- 1) Council meeting attendance: None
- 2) Individual Board reports: None

The meeting was adjourned at 5:05 pm
The next meeting will be August 30, 2011
Minutes prepared by Kay Hodges



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: September 20, 2011

SUBJECT: Proclamation of International Literacy Day, September 20, 2011

Report in Brief

The City Council is asked to proclaim September 20, 2011 as "International Literacy Day." This year's theme, "Literacy for Peace," was designated by the United Nations Education, Scientific and Cultural Organization (UNESCO) in recognition of the important link between literacy and the democratic process.

Woodland Literacy Council President, Rosalinda Martinez, will accept the proclamation for the Woodland Public Library Literacy Service and its local literacy efforts.

Staff recommends that the City Council issue a Proclamation declaring September 20, 2011 as "International Literacy Day" and encourage residents to learn more about the importance of literacy in their community and become involved with literacy in Woodland.

Public Contact

Posting of the City Council agenda.

Recommendation for Action

Staff recommends that the City Council issue a Proclamation declaring September 20, 2010 as "International Literacy Day" and encourage residents to learn more about the importance of literacy in their community and become involved with literacy in Woodland.

Prepared by: Heather Muller
Library Services Director

Mark G. Deven
City Manager

Attachment: Proclamation

City of Woodland

PROCLAMATION INTERNATIONAL LITERACY DAY

WHEREAS, one in five Americans are considered illiterate. Eighteen percent of adults in the City of Woodland experience literacy issues that severely impact their lives, the lives of their families, their ability to work productively, and their full participation as citizens and residents of our city, state and nation; and,

WHEREAS, literacy is the foundation of all learning and essential to the growth and success of every citizen; and,

WHEREAS, a literate workforce is essential to our great nation, and affects our economic development and competitiveness worldwide.

NOW, THEREFORE, the City Council of the City of Woodland, does hereby proclaim Wednesday, September 20, 2011 as “International Literacy Day” in the City of Woodland, and urges all citizens to learn more about the importance of literacy in their community and become involved with literacy in Woodland.

Passed and adopted this 20th day of September 2011.

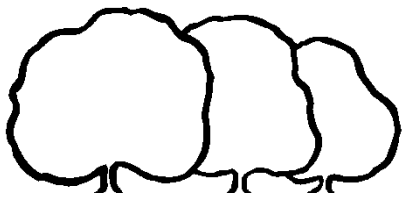
Artemio Pimentel, Mayor

Marlin H. Davies, Vice Mayor

Martie L. Dote, Council Member

William L. Marble, Council Member

Tom Stallard, Council Member



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: September 20, 2011

SUBJECT: Proclamation of Appreciation – Max Luther

Report in Brief

Max Luther, a well known tennis player and community member, recently passed away. Max was well known for his love of tennis and his enthusiasm for sharing the sport with others. Many community members have requested that the City Council provide some recognition of Max's contributions to the Woodland community.

Max was a dedicated player at Country Oaks Racquet Club and a longtime organizer and participant of interclub teams. When Country Oaks Racquet Club closed, Max transferred the seniors' programs to the courts at City Park and created a City tennis club. At City Park he continued to offer lessons and took it upon himself to maintain and prepare the courts for daily play.

In recognition of his selfless service to the community through his love and passion for tennis, staff has prepared the attached proclamation for the City Council's approval.

Staff recommends that the City Council adopt the attached Proclamation of Appreciation for Max Luther for presentation to his wife Betty and daughters Laura and Stephanie.

Prepared by: Ana Gonzalez
City Clerk

Mark G. Deven
City Manager

Attachment

PROCLAMATION OF APPRECIATION

MAX HILTON LUTHER-BORROW

WHEREAS, Max Hilton Luther-Borrow was born in Goldburn, Australia on May 13, 1924; and

WHEREAS, he was a Leading Airman in the Royal Australian Air Force during World War II and settled in California after the war; and

WHEREAS, he was a longtime Woodland resident moving to Woodland with his wife Betty in 1980. Had two daughters Laura Harryman and Stephanie Miller, who live here with their husbands and children; and

WHEREAS, he was a prominent figure in the Woodland tennis community and was well-known and loved by local tennis players of all ages; and

WHEREAS, he began playing tennis at age two and continued into his 80's; and

WHEREAS, for a number of years Max worked and volunteered at Country Oaks Racquet Club operating a snack stand, selling tennis rackets and giving lessons. He also developed a popular seniors program.

WHEREAS, when Country Oaks Racquet Club closed, he actively worked to transfer the seniors program to the courts at City Park and create a City tennis club. At City Park he continued to offer lessons and voluntarily looked after the City Park tennis courts, meticulously cleaning them each morning, come rain or shine. He did this faithfully, without compensation or complaint.

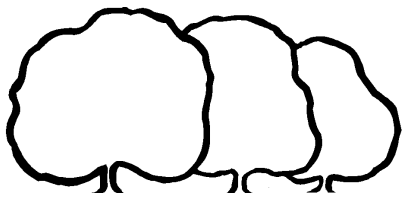
NOW, THEREFORE, the City Council of the City of Woodland does hereby wish to express appreciation to his family for his unselfish commitment to tennis in Woodland and to the maintenance of the tennis courts which was without parallel. Often bewildering residents as to why, but always appreciated.

Dated: September 20, 2011

Artemio Pimentel, Mayor

Marlin H. Davies, Vice Mayor
William L. Marble, Council Member

Martie L. Dote, Council Member
Tom Stallard, Council Member



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: September 20, 2011

SUBJECT: Fire Department Monthly Report for July 2011

Report in Brief

The Woodland Fire Department's Monthly Status Report includes a wide variety of information in an effort to better inform the public and the City Council. This report summarizes four specific areas of the Fire Department's operation: Overtime, Incident Response, Fire Prevention and Training. This year, the Fire Department updated its Monthly Status Report format to include a wider variety of information. The report is formatted by division (Administration, Operations, Fire Prevention and Training) and covers the key projects and/or activities for the month.

Attached for the City Council's review is the Fire Department's Monthly Report for July 2011.

Prepared by: Shannon Collins
Management Analyst

Reviewed by: Rick Sander
Deputy Fire Chief

Mark G. Deven
City Manager

Attachment



Woodland Fire Department Monthly Status Report Summary – July 2011



(The Woodland Fire Department Monthly Status Report includes a wide variety of information in an effort to better inform the public and the City Council.)

	Previous Month	Current Month	Difference (+ increase/- decrease)
Cost of Overtime			
(Staffing Costs are attributed to a reduction of 16 Line Staff: (see Overtime Summary))			
Maintain Minimum Staffing	\$76,525.39	\$72,457.38	\$4,068.01
Call Back Staffing	<u>\$1,151.34</u>	<u>\$485.88</u>	\$665.46
Total	\$77,676.73	\$72,943.26	\$4,733.47
Strike Team (reimbursable, and <u>not</u> included above)	N/A		
Total Incident Responses			
Fire	14	16	+2
EMS/Rescue	264	285	+21
Hazardous Condition	11	11	+0
Public Service	63	56	-7
Good Intentions	49	61	+12
False Alarms	<u>19</u>	<u>22</u>	+3
Total	433	451	+18
Mutual/Auto-Aid/Strike Team	3	13	+10
Concurrent Incidents	135	144	+9
Fire Prevention			
Commercial Inspections	23	14	-9
Plan Reviews	7	6	-1
Business License Inspections	5	13	+8
Permitted Inspections	79	63	-16
Residential Inspections	18	13	-5
Resale Inspections	12	25	+13
Engine Company Inspections	<u>18</u>	<u>49</u>	+31
Total	162	183	+21
Weed Abatement	12 hours	5 hours	-7
Fire Investigations	0 hours	0 hours	0 hours
Pub Ed Events	7	4	-3
Training Hours	788.5	646.5	-142.0

Department Highlights:

The Woodland Fire Department hosted a Command 1A class, participated in the Northern California Railroad Hazardous Materials Drill, and held the Annual 4th of July Pancake Breakfast.

DIVISIONS

ADMINISTRATION:

Emergency Management

- *There were no activities in the month of July.*

OPERATIONS:

Incident Activity

The WFD responded to a total of **451** incidents in July. They included:

- **16 Fires**, for a current annual total of **89**. The **16 fires** included:
 - o **5** building/cooking fire, chimney, fire other
 - o **5** grass, brush fire
 - o **2** dumpster, outside rubbish, trash fires
 - o **2** passenger, off-road vehicle or heavy equipment fire
 - o **2** fire, other
- **285 EMS/Rescues**, for a current annual total of **1,876**. The EMS/Rescues included:
 - o **28** Calls requiring medical assistance
 - o **41** EMS calls, cancelled en route or on scene
 - o **191** EMS Calls for people with injuries
 - o **7** vehicle accidents with injuries
 - o **18** motor vehicle/pedestrian accidents with or without injuries
- **11 Hazardous Conditions**, for a current annual total to **76**. The Hazardous Conditions included:
 - o **4** toxic conditions, oil or chemical spills, gas leak, hazardous conditions, other
 - o **4** electrical wiring, arcing, shorted electrical equipment
 - o **2** aircraft standby
 - o **1** vehicle accident cleanup
- **56 Public Service Calls**, for a current annual total of **285**. The Public Services Calls included:
 - o **6** calls to assist police or other governmental agencies
 - o **4** calls for public service
 - o **8** invalid public assistance calls
 - o **34** cover assignment, standby, move up, water evacuation
 - o **1** smoke or odor removal, water evacuation
 - o **3** lock-out, person in distress, other
- **61 Good Intentions** calls, for a current annual total of **280**. The calls included:
 - o **35** calls that were cancelled en route or CAD error
 - o **16** no incident found on arrivals
 - o **5** Steam, smoke, odor of smoke, barbeque, authorized burning
 - o **5** good intent call, other
- **22 False Alarm** calls, for a current annual total of **147**.

Concurrent Incidents:

These are incidents that come in simultaneously where apparatus and companies (a crew consisting of a Fire Captain, Engineer, and Firefighter) are either all committed to the same incident, or committed to separate incidents at the same time called **concurrent incidents**. Concurrent incidents occur as:

- **Single-engine calls**, (i.e., medical aids, investigation of a fire alarm sounding, lift assists, etc)

- **Multi-company calls** where more than one company is committed to the same incident (i.e., high hazard calls such as structure fires, vegetation fires, highway incidents, rescues, hazardous materials releases, traffic accidents requiring extrication, or mass casualty incidents).

This month, our response time average for getting an initial fire engine on-scene is **4:30 Minutes** for fires and **4:42** for emergency medical services (EMS) calls.

NOTE: Delays in response times occur when we don't have fire stations located within a 1.5 mile driving distance from all locations within the City (i.e., Spring Lake development), and when concurrent incidents occur where the primary response engine to a particular location is already committed to an incident and another unit farther away must be dispatched to the call.

The breakdown of **concurrent incidents** for July is:

2 companies committed simultaneously =	91 times
3 companies committed simultaneously =	40 times
4 companies committed simultaneously =	10 times
5 companies committed simultaneously =	3 times

¹ The Woodland FD staffs four companies so any incident requiring more than 4 companies must include neighboring fire departments through automatic-aid or mutual-aid agreements.

The Woodland FD received **451** calls for service in July with **144** being Concurrent Alarms = **32%** of the time. There were **836** concurrent alarms in 2011 out of **2,753** total calls meaning .30%, or almost 1 out of every 3 calls would commit two or more fire units simultaneously.

Concurrent alarms prevent the fire department from responding all on-duty firefighters adequate staffing and resources to a structure fire or other major incident that would be heavily dependent on firefighter manpower at the scene to accomplish required tasks. We must then rely on recalling off-duty Firefighters and/or requesting allied agencies to assist us with additional calls (both of which are slow) and then we fail to meet our 4-minute response time standard. In the meantime our strategy and tactics must change to maximize firefighter safety at the risk of public safety and property conservation.

Automatic or Mutual Aid:

Automatic Aid is provided to another agency through formal agreement and occurs automatically on **significant events** without any special request. The agencies we participate in automatic aid with are Davis, Dixon, UC Davis, West Sacramento, Rumsey Rancheria and the volunteer fire departments of Willow Oak, Yolo, and West Plainfield.

Mutual aid occurs when fire departments provide help to one another upon special request when a **significant event(s)** (large incident or multiple small incidents) take place. Every fire agency in Yolo County is a signatory to this agreement.

Total Number of Aid Given/Received Incidents in July: 13

Aid Received: 7

- **1** Davis Fire Department
- **3** UC Davis Fire Department
- **2** Willow Oak Fire Protection District
- **1** Yolo Fire Protection District

Aid Given: 6

- **2** Elkhorn Fire Protection District
- **1** Madison Fire Protection District

- **3 Willow Oak Fire Protection District**

- Current annual total is **52**.

Note: Our Automatic Aid and Mutual Aid agreements with neighboring agencies are based on our deployment of three fire engines, one ladder truck and one Battalion Chief. Any change in this deployment model will negatively impact our ability to provide assistance through these agreements and, consequently, to receive aid. "You have to give to get" is the foundation of these agreements.

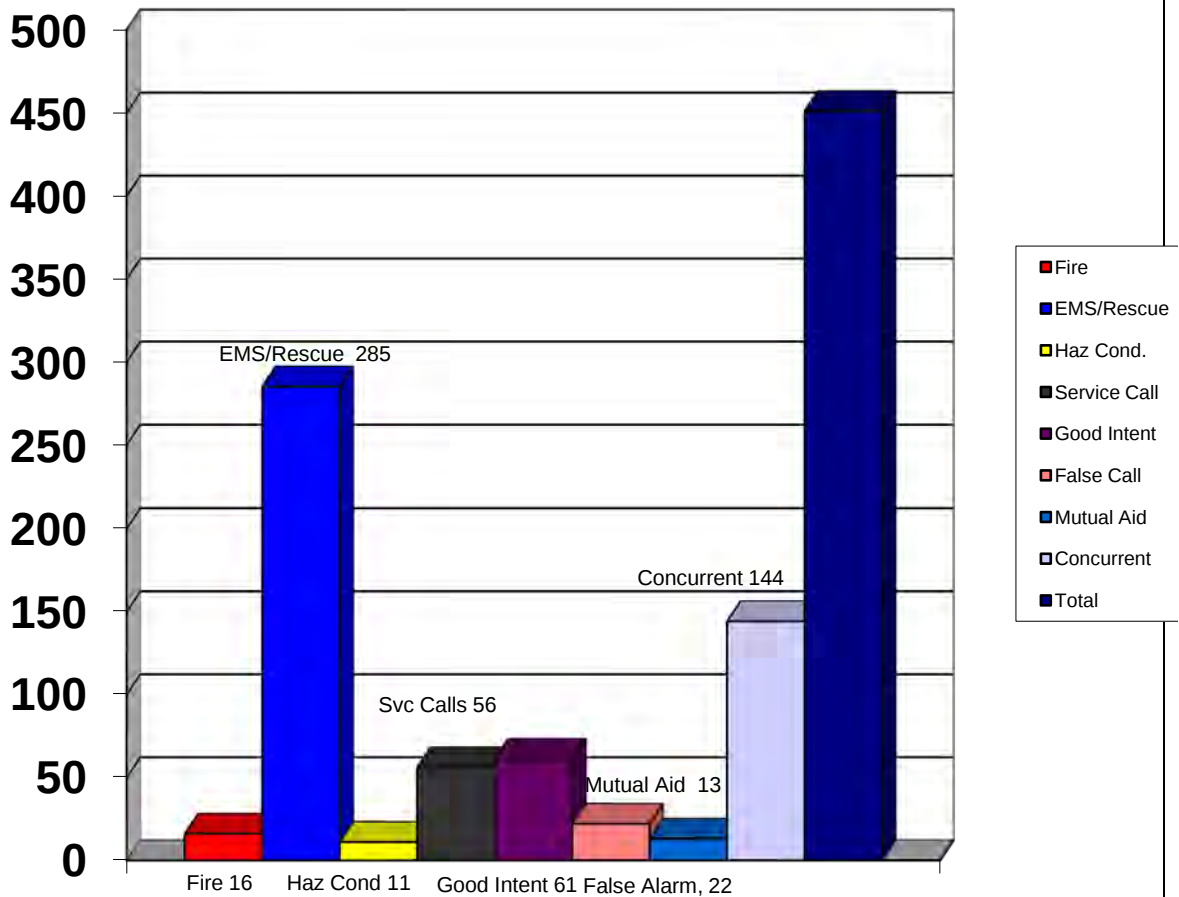
Overtime Summary

Our overtime expenses are in direct correlation to the filling of the Interim Fire Chief and Line Battalion Chief positions, along with daily staffing requirements and emergency call-backs for large events. As our staffing has been drastically reduced, mainly due to attrition (currently 16 total positions), our ability to absorb vacancies resulting from illness, vacation, and injury with on-duty relief staffing has been completely eliminated. Now instead of using on-duty staffing when a vacancy occurs, we must hire back off-duty personnel on overtime to cover the vacancies. Also, having reduced on-duty staffing each day has caused an increased reliance on **call-back staffing** when large events or multiple small events occur. This too has caused a drain our on-duty resources, increasing the chance for illness and injury.

There were a total of **1792** overtime hours worked during the month of July for a total cost of **\$74,610.49**. (1.0 FTE of an entry level Firefighter, wages and benefits) This includes:

- **1,738.5** hours of **Minimum Staffing** at a cost of **\$72,457.38** for the month of July 2010. ***This includes 504 hours of coverage for two Line Battalion Chief's vacancies one of which is filling the Interim Fire Chief's position.*** In the City of Woodland, a minimum of four engine companies staffed with a minimum of 3 Firefighters each (1 Captain, 1 Engineer and 1 Firefighter) must be staffed daily per the MOU between the City and the Woodland Professional Firefighters Association.
 - o The average hours of overtime used for the period July 2010 to July 2011 was **1,951.71** hours at a cost of **\$79,070.48**.
- **12** hours were needed for **Call-Back Staffing** at a total cost of **\$485.88** for the month of July 2011. (*Call Back Staffing is necessary to backfill the stations when a major incident occurs that depletes the minimum staffing levels*).
 - o There was an average of **54.13** hours per month used to provide Call Back Staffing at a cost of **\$2,277.95** for the period July 2010 to July 2011.

Current Month By Incident Type



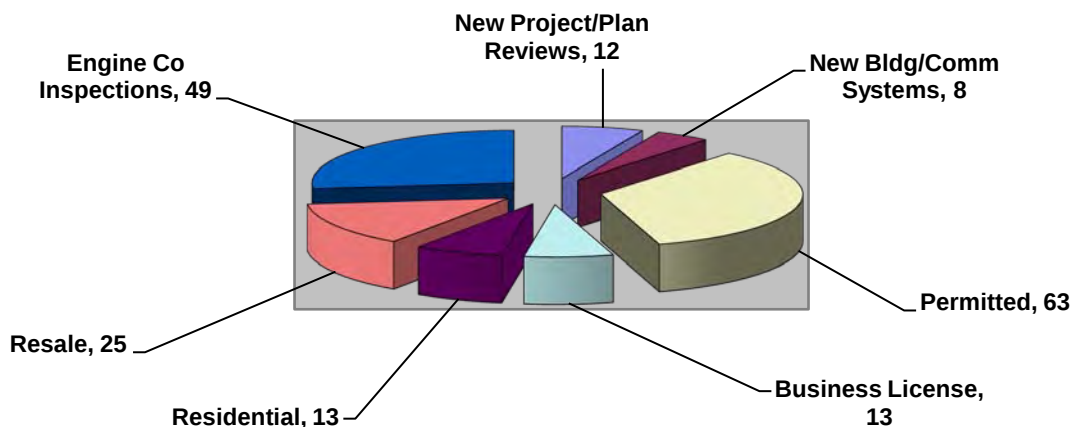
The graph above is a visual summary of the number of incidents that the Fire Department responded to during the weeks July1, through July 30, 2011.

Total Incidents to Date for 2011 - 2,753

Average Response Time for First Due Units: Fire: 4:30 EMS: 4:42

FIRE PREVENTION:

The Fire Prevention Bureau conducts several types of inspections and plan reviews. The Bureau concentrates on New Project Development, Civil Drawing Plan Reviews, Building Inspections, On Site Water Systems, Commercial Fire Sprinklers, Residential Fire Sprinklers, Fire Alarm Inspections, Specialized Fire Protection Systems, Fire Permits, Licensed Care Facilities, Business License Inspections, Resale Inspections, Fire Investigation and Code Enforcement, Public Education and Weed Abatement.



For the month of July 2011 the Fire Prevention Specialists conducted the following inspections and plan reviews:

Commercial	
6	New Project Development Reviews
5	Plan Reviews
3	New Building Inspections
5	Commercial Fire Protection Systems
Permit	
63	Fire Permitted Annual Inspections
Business License	
13	Business License Inspections
Residential	
1	Residential Automatic Sprinkler System Plan Reviews
13	Residential Automatic Sprinkler System Inspections
25	Resale Residential Sprinkler Inspections
Engine Company	
49	Business and Mercantile Inspections

The Fire Prevention Division inspects new businesses and changes of ownership for occupancy usage and compliance of the Fire Codes. **Plan reviews** are what generate initial commercial and residential inspections. The fees for these inspections are included in the plan review fees. Inspections for commercial projects include the initial plan review, 4 inspections & 1 re-submittal of plans at a cost of **\$717.00/riser + \$2.00/sprinkler head**. Commercial Tenant Improvements are **\$421.00/riser + \$2.00/sprinkler head**. Residential plan review inspections include the initial plan review, 2 inspections & 1 re-submittal of plans at a cost of **\$354.00/riser**. Residential Tenant Improvement plan reviews are **\$284.00/riser**.

Permitted inspections occur when any occupancy has activities that are either hazardous or considered special. (An example of a hazardous activity is a business that houses or manufactures chemicals, or combustibles such as repair shops, chemical warehouses, or airport hangers. Special activities include places of assembly, tents, and high-pile storage facilities.) The average permitted inspection is **\$150.00/ea**.

Lastly, the Fire Prevention Division handles **Business License Inspection**, which carries a fee of **\$165.00/ea** for all new businesses. However, this fee is presently under review. The current amount being collected for Business License Inspections is **\$13.00/ea**.

Weed Abatement

- **5** hours were spent on weed abatement activities in the month of July.

Note: Due to the rainfall this year, we are seeing a much bigger problem with weeds. We believe that the Department will have to commit more staff time to this in the coming months, and that we will have to hire contractors to abate some properties for which we have no funds. The process to abate property requires Council approval.

Fire Investigation

- **0 hours** of investigation were performed in the month of July.

Public Education

- Bowling Alley (7/11/11) Kids Camp/Fire Safety
- YCOE (7/14/11) Fire Safety Hearing Impaired
- YMCA (7/19/11) Kinder-Camp/Fire Safety
- WWTP (7/26/11) Fire Extinguisher Training

Note: Funding for public education was eliminated in FY10/11 thereby cancelling our 1st Grade school program. The WFD will still visit schools and classrooms, conduct station tours, and attend public events upon request.

Maps

- There were no activities in the month of July.

TRAINING:

The following is a summary of training activities conducted in the Fire Training Division during the weeks of July 1 through July 31, 2011. During the month of July the following activities occurred at the Woodland Fire Department Training Division:

Training conducted at the Training Center including:

- 12 hours of Multi-Company Drills
- 12 hours of EMS King Tube (re-cert)
- 10 + hours Engine Company Inspections
- 12 hours of Haz Mat Decon
- 12 hours of Forcible Entry
- 12 hours of RMS/Telestaff Training
- 6 hours of Team Building (Ropes Course Sac. State)

During the month of July, career staff reported a total of **547.5** hours of training, resulting in an average of **15.2** hours of training per person.

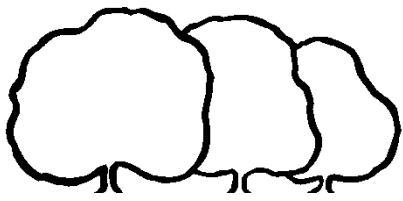
The reserve staff completed **25** hours of training in Airway, Structural Firefighting Tactics and Strategies, and Forcible Entry Tools.

Battalion Chiefs had a total of **34** hours of training, and the Fire Prevention Staff had a total of **40** hours of training

Highlights for the month of July: The Woodland Fire Department hosted a Command 1A class, participated in the Northern California Railroad Haz Mat Drill, and held the Annual 4th of July Pancake Breakfast.

July~ 2011 Training Hour(s):

Line staff	547.5
Battalion Chiefs	34.0
Fire Prevention	40.0
Reserves	25.0



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: September 20, 2011

SUBJECT: Public Works Monthly Status Report for June and July 2011

Report in Brief

The Public Works Department Monthly Status Report includes an executive summary of the monthly activity of all divisions within the Department. This report also includes information regarding key projects and/or activities throughout the months.

Highlights

- o Staff completed 254.5 hours of training in the month of June.
- o Staff completed 162 hours of training in the month of July.
- o Service Requests for the month of June increased 25.87% (297 calls) from June 2010.
- o The Public Works Department has 9 Vacancies as of July 31, 2011.
- o Effective July 1, 2011 Parks Maintenance Staff began utilizing the CityWorks Asset Maintenance Program and their work orders are now reflected on the attached report for July.

The operations detail contained in these reports are for the months of June & July 2011; all project related information is current as of August 23, 2011 and is included on the July Monthly Status Report.

Prepared by: Stephanie Frank
Administrative Secretary

Reviewed by: Gregor G. Meyer
Public Works Director

Mark G. Deven
City Manager

Attachment



Public Works Department.
Monthly Status Report
Summary – June 2011

For the Month of June 2011		
Division	Service Requests	Work Orders
Administration	779	
Electrical	44	80
Environmental Services		21
Facilities	48	55
Fleet		200
Pretreatment		n/a
Sewer	7	74
Signs & Markings	7	111
Storm Drain	9	132
Streets	26	46
Urban Forestry	43	39
Water	482	242
Grand Total	1,445	1,000

Service Request – Every time a request for Public Works services is made by phone call, written request, emailed request, or an actual one-on-one request to a PW employee, a **'Service Request'** is generated. This builds a computerized record of all requests made.

Work Order – A **'work order'** is created each time a work crew or individual is assigned a task as a result of either service requests, pre-planned maintenance projects, or by other situations as they arise. This produces a database of work accomplished and the time and materials it took to do the work.

Total for Calendar Year 2011 Through 6/30/2011	
Service Requests 8,408	Work Orders Complete 5,724

66 Requests for Service per Business Day (Average)

With **1,445 Service Requests received**, Public Works crews handled **1,000 Work Orders** for the month of June. They included:

Operations & Maintenance

Administration:

- The administration team received 1,445 Service Requests; 779 of which were handled through the front desk, and the other 666 requests were distributed to the appropriate division. (see chart above)
 - ♦ 35 Backflow Notifications were mailed to responsible parties regarding testing requirements
 - ♦ 266 Underground Service Alert (USA's) requests processed
 - ♦ 157 Delinquent Water Shut-Off's
 - 151 Residential Accounts
 - 6 Commercial Accounts

Electrical:

- 3 Lift Station Work Orders
- 1 Service Pedestal Repair

- 6 Street Light Work Orders
 - ♦ Asset Management
 - ♦ 3 Street Light Service
 - ♦ 2 Locate Electrical Line Request
- 21 Traffic Signal Repairs
 - ♦ Annual Loop Testing
 - ♦ Asset Management
 - ♦ Bi-Monthly Check
 - ♦ Conflict Monitor Test
 - ♦ 4 Inspections
 - ♦ 2 Installation/Upgrades
 - ♦ 1 Locate Electrical Line Request
 - ♦ 2 Pedestrian Indicator Repairs
 - ♦ 1 Power Loss Service Repair
 - ♦ 1 Pole Knockdown Repair
 - ♦ 5 Signal Repairs
 - ♦ 1 Timing Check
- 2 Facility Service Requests
- 11 Park Facility Service Requests
- 1 Lift Station Service Request
- 13 Water Pollution Control Facility Service Requests
- 18 Well Site Services (Install/Upgrade, Testing, Data Retrieval, SCADA Modification)
- Received/marked 266 Underground Service Alerts (USA's)

Environmental Services:

- 13 Green Waste Investigations
- 8 Water Conservation Service Requests
 - ♦ 12 Metered Consumption Investigations

Facilities:

- 14 Repairs to City Hall
- 4 Repairs to Fire Stations 1, 2 & 3
- 9 Repairs to the Library
- 10 Repairs to the Municipal Service Center
- 3 Repairs to the Police Department
- 5 Repairs to the Water Pollution Control Facility

Facilities has a backlog of 45 Service Requests

Fleet:

- 200 Work Order Repairs to 97 different units (vehicles, apparatus & equipment)

Sewer:

- 15 Sewer Cleanout Services
 - ♦ 1 Inspection
 - ♦ 12 Reactive Maintenance Services - Installation
 - ♦ 2 Repairs
- 37 Gravity Main Services
 - ♦ 1 Inspection

- ♦ 13 Preventive Maintenance Service Utilizing the CCTV (Closed Circuit Television)
 - 461 Events
 - o 2,728 Linear Feet Inspected
 - ♦ 19 Preventive Maintenance service utilizing the HVVC (High Velocity Vacuum Truck)
 - 35,990 Linear Feet Cleaned
 - ♦ 1 Repair
 - ♦ Routine Inspection
 - ♦ Routine Maintenance
- 10 Sewer Lateral Services
 - ♦ 5 Inspections
 - ♦ 3 Service Location Requests
 - ♦ 1 Repair
 - ♦ 1 Lateral Line Replacement
- 8 Manhole Services (flushing/repair/inspection)
- 1 Pressurized Main Repair
- Received/marked 266 Underground Service Alerts (USA's)

Signs & Markings:

- 4 Departmental Duty Services
 - ♦ 2 Banner Services
 - ♦ 1 Community Billboard Service
- 17 Guide Sign Services
 - ♦ 4 Installation Services
 - ♦ 12 Routine Maintenance Services
 - 23 Signs
 - ♦ Surveying
- 8 Object Marker Services
 - ♦ 1 Graffiti Removal Service
 - ♦ 4 Knockdowns
 - ♦ 2 Routine Maintenance Services
 - ♦ Surveying
- 3 Raised Pavement Marker Services
 - ♦ 3 Repair/Replace Services
 - 66 Markers
- 70 Regulatory Sign Services
 - ♦ 3 Sign Cleaning Services
 - ♦ 5 Graffiti Removal Services
 - 13 Signs
 - ♦ 3 Knockdown Repairs
 - ♦ 57 Routine Maintenance Services
 - 118 Signs
 - ♦ Surveying
- 2 Street Marking Services
 - ♦ 1 Curb Painting Service
 - ♦ Surveying
- 7 Warning Sign Services
 - ♦ 1 Knockdown Service
 - ♦ 6 Routine Maintenance Services

Storm Drain:

- 3 Inspections
- 88 Preventive Maintenance Service Utilizing the CCTV (Closed Circuit Television)
 - ♦ 1,003 Events
 - 22,207.5 Linear Feet Inspected
- 20 Preventive Maintenance Services Utilizing the HVVC (High Velocity Vacuum Truck)
 - ♦ 27,985 Linear Feet Cleared
- 2 Gutter Services
 - ♦ 1 Illicit Discharge
 - ♦ 1 Inspection
- 8 Inlet Point Services
 - ♦ Drain Cleaning Service Utilizing the HVVC (High Velocity Vacuum Truck)
 - ♦ 1 Illicit Discharge
 - ♦ 4 Inspections
 - ♦ Rain Duty
 - ♦ 1 Repair
- 1 Inverted Siphon Service
 - ♦ Inspection
- 4 Lift Station Services
 - ♦ Routine Maintenance
- Open Channel Maintenance/Inspection
- Sample Station Quarterly Inspection

Streets:

- 7 Road Edge Services
 - ♦ Curb & Gutter Spot Repair
 - 49 Linear Feet
 - ♦ Shoulder Maintenance
 - ♦ Weed Abatement
- 6 Sidewalk Path Services
 - ♦ 1 Repair
 - ♦ 4 Spot Repair Service Requests
 - 50 Square Feet
 - ♦ Trash & Debris Clean-Up
- 32 Road Services
 - ♦ 2 base Failure Repairs
 - 3,915 Square Feet
 - ♦ 1 Emergency Response
 - ♦ Pot Hole Patching
 - 100 Pot Holes Patched
 - ♦ Road Grading Services
 - 1,364 Square Feet
 - ♦ 1 Sink Hole Response
 - ♦ 3 Skin Patch Services
 - 1,913 Square Feet
 - ♦ Surveying
 - ♦ Traffic Control

- ♦ Trash & Debris Clean-Up
- ♦ Trench Repair
 - 250 Square Feet
- ♦ Weed Abatement

Urban Forestry:

- 1 Abatement
- 11 Hazardous Situation Responses
- 3 Inspections
- 3 Tree Plantings
 - ♦ 15 Trees
- Tree Pruning's
 - ♦ 115 Trees
- 3 Trees Removed
- Tree Removal Program
 - ♦ 13Trees
- Small Tree Care
- Right of Way Clearing
- Stump Grinding Services

Water:

- Produced 420,196,442 gallons of drinking water in June
- Received/marked 266 Underground Service Alerts (USA's)
- 1 Blow Off Valve Repair
- 19 Control Valve Services (exercise, locate, repair, replace, water turn off/on)
- 3 Enclosed Storage Facility Services
 - ♦ 2 Maintenance Services
 - ♦ 1 Pressure Reading
- 14 Hydrant Services
 - ♦ 1 Hydrant Flushing Service
 - ♦ 8 Maintenance Services
 - ♦ 5 Repair Services
- 39 Lateral Valve Services
 - ♦ 3 Valve Abandonments
 - ♦ 21 Leak Detection Services
 - ♦ 5 Locate Services
 - ♦ 1 Service Valve Repair
 - ♦ 2 Valve Replacement Services
 - ♦ 5 Water On/Off Services (Finance, Contractor, Homeowner Request)
- 54 Meter Services
 - ♦ 39 Meter Investigations
 - ♦ 4 Maintenance Services
 - ♦ 8 Meter Repairs
 - ♦ 1 Meter Box Replacement
- 23 Pressurized Main Services
- 88 Production Well Services
 - ♦ 20 Inspections
 - ♦ 56 Maintenance Services
 - ♦ Sampling

- ◆ No3 Monitoring
- ◆ Disinfection Procedures
- ◆ Security Services

Environmental Services

General:

- Gave waste reduction and water conservation presentations and packets of recycling outreach materials to 80 5th graders and parents/teachers who toured the Water Pollution Control Facility.
- Hosted a booth at the 12 Annual Hot Rod Reunion to educate auto buffs about proper disposal of used oil – conducted a survey and distributed 35 oil filter containers and 40 funnels, 75 “3,000-mile myth” key chains, and 60 Woodland recycles bookmarks.
- Recorded new Hometown Green spots on pollution prevention for KUIC - FM 95.3

Solid waste/recycling:

- Finalized terms of the proposed Waste Management contract extension.
- Monitored C&D debris recycling for 72 active project units. Opened 14 new projects and closed out 12.
- Conducted 5 certified oil collection center inspections, in accordance with State used oil block grant requirements.

Green waste:

- Issued 129 green waste violation door hangers and conducted 13 code compliance follow-ups for illegal piles/pile content. June green waste statistics show that 86% (760 tons) was collected in carts while 14% (147 tons) was collected in street piles.
- Processed 13 compost bin and 3 mulching mower rebates.

Water conservation:

- Held Fix-a-Leak Workshop with 35-40 attendees.
- Distributed 62 toilet flappers and dye tablet packets, 36 leak detection DVDs, and 76 water conservation brochures.
- Provided on-site troubleshooting assistance at 8 residences with excessive metered water use/evidence of leaks.

Stormwater pollution prevention:

- Engaged in various activities internally and with statewide organizations to review and comment on the State draft municipal stormwater permit.

Water Pollution Control Facility

Laboratory

- Collected samples and performed over 300 process control and National Pollutant Discharge Elimination System (NPDES) permit compliance tests for the wastewater treatment plant.
- Collected monthly influent, effluent and receiving water monitoring samples; submitted to contract laboratories.
- Collected samples and performed 45 tests on treatment plant storage ponds.

- Collected/tested numerous additional samples and continued to work closely with Operations to troubleshoot and resolve issues with the UV disinfection system.
- Collected numerous additional samples and continued to work closely with RBI (consultants) to troubleshoot and resolve issues regarding toxicity in treatment plant effluent
- Annual Grit & Rags testing for waste acceptance at Yolo County Landfill.
- Kept Regional Board staff up to date on our efforts to resolve issues with UV disinfection system.
- Prepared monthly Discharge Monitoring Reports and electronic Self-Monitoring Reports; submitted to the Regional Water Quality Control Board (RWQCB).
- School Tour – 65 5th Graders from Mission Avenue Open School

Pretreatment

- Inspections
 - ♦ Auto Related Businesses – 0
 - ♦ Food Service Business – 3
 - ♦ Business of Concern – 1
 - ♦ Significant Industrial Users – 2
- Plan review for Building/CDD - 9
- Permit applications or permits - 13
- Public education & outreach visits - 8
- 2 SIU Self-Monitoring Reports reviewed.
- FOG (WEF English/Spanish) brochures distributed to Cottonwood Meadows apartments.
- FOG “Pan to Can” outreach/ads placed with Daily Democrat and to run three times in June newspaper, and in June “Around Town” publication.
- FOG “Pan to Can” outreach/ads placed the June issues of the Woodland Consumer Guide and the Yolo County Consumer Guide.
- Recorded 2 new Public Service Announcements for KUIC Radio’s “Hometown Green” program.
- Updates and refinements to Pollution Prevention Program web page on City web site.
- School Tour – 65 5th Graders from Mission Avenue Open School
- Call-outs for spills/illicit discharges: 0
- Admin Citations Issued: 1 (NOV PGP)
- Development Review Committee meeting
- WPCF Safety Committee meeting



Public Works Department.
Monthly Status Report
Summary – July 2011

For the Month of July 2011		
Division	Service Requests	Work Orders
Administration	794	
Electrical	24	59
Environmental Services		28
Facilities	47	90
Fleet		186
Parks	19	138
Pretreatment		3
Sewer	14	51
Signs & Markings	6	91
Storm Drain	10	81
Streets	36	51
Urban Forestry	65	58
WPCF		10
Water	486	187
Grand Total	1,501	1,033

Service Request – Every time a request for Public Works services is made by phone call, written request, emailed request, or an actual one-on-one request to a PW employee, a ‘**Service Request**’ is generated. This builds a computerized record of all requests made.

Work Order – A ‘**work order**’ is created each time a work crew or individual is assigned a task as a result of either service requests, pre-planned maintenance projects, or by other situations as they arise. This produces a database of work accomplished and the time and materials it took to do the work.

Total for Calendar Year 2011 Through 7/31/2011	
Service Requests 9,909	Work Orders Complete 6,757

75 Requests for Service per Business Day (Average)

With **1,501 Service Requests** received, Public Works crews handled **1,033 Work Orders** for the month of July. They included:

Operations & Maintenance

Administration:

- The administration team received 1,501 Service Requests; 794 of which were handled through the front desk, and the other 707 requests were distributed to the appropriate division. (see chart above)
 - ♦ 33 Backflow Notifications were mailed to responsible parties regarding testing requirements
 - ♦ 332 Underground Service Alert (USA's) requests processed
 - ♦ 194 Delinquent Water Shut-Off's
 - 185 Residential Accounts
 - 9 Commercial Accounts

Electrical:

- 4 Lift Station Work Orders
- 10 Street Light Work Orders
 - ♦ Asset Management
 - ♦ 2 Inspections
 - ♦ 2 Street Light Services
 - ♦ 1 Locate Electrical Line Request
 - ♦ 1 New Installation
 - ♦ 1 Knockdown Repair
 - ♦ 1 Vandalism Repair
- 6 Traffic Signal Repairs
 - ♦ Bi-Monthly Check
 - ♦ Conflict Monitor Test
 - ♦ 1 Installation/Upgrade
 - ♦ 1 Turned Signal Head Repair
 - ♦ 1 Signal Repair
 - ♦ 1 Timing Check
- 1 Facility Service Request
- 5 Park Facility Service Requests
- 2 Lift Station Service Request
- 15 Water Pollution Control Facility Service Requests
- 11 Well Site Services (Install/Upgrade, Testing, Data Retrieval, SCADA Modification)
- Received/marked 332 Underground Service Alerts (USA's)

Environmental Services:

- 22 Green Waste Investigations
- 6 Water Conservation Service Requests
 - ♦ 3 Metered Consumption Investigations
 - ♦ 3 Water Conservation Investigations

Facilities:

- 23 Repairs to City Hall
- 4 Repairs to Fire Stations 1, 2 &3
- 10 Repairs to the Library
- 22 Repairs to the Municipal Service Center
- 27 Repairs to the Police Department
- 3 Repairs to the Water Pollution Control Facility

Facilities has a backlog of 43 Service Requests

Fleet:

- 186 Work Order Repairs to 90 different units (vehicles, apparatus & equipment)

Parks:

- 138 Work Orders
 - ♦ 1 Internment
 - ♦ 4 Chemical Testing/Calibrations
 - ♦ 3 Equipment Repair/Replace Services
 - ♦ 12 Irrigation Repair/Replace Services

- ♦ 31 Litter/Garbage Pickup Services
- ♦ 37 Miscellaneous Services
- ♦ 1 Mowing Service
- ♦ 3 New Installations
- ♦ 10 Playground Inspections
- ♦ 2 Pool Cleaning Services
- ♦ 1 Pool Event Setup
- ♦ 23 Restroom Cleaning Services
- ♦ Restroom Lock/Unlock Services
- ♦ 4 Sports Field Preparation Services
- ♦ 1 String Trimming Service
- ♦ 2 Vandalism Repair Services
- ♦ 2 Weed Control Services

Sewer:

- 6 Sewer Cleanout Services
 - ♦ 3 Inspections
 - ♦ 2 Reactive Maintenance Services - Installation
 - ♦ 1 Repair
- 14 Gravity Main Services
 - ♦ 1 Blockage Cleared
 - ♦ 4 Inspections
 - ♦ 1 Preventive Maintenance Service Utilizing the CCTV (Closed Circuit Television)
 - 9 Events
 - o 154 Linear Feet Inspected
 - ♦ 8 Preventive Maintenance service utilizing the HVVC (High Velocity Vacuum Truck)
 - 10,193 Linear Feet Cleaned
- 12 Sewer Lateral Services
 - ♦ 1 Inspection
 - ♦ 4 Service Location Requests
 - ♦ 2 Root Control Services
 - ♦ 1 Lateral Line Replacement
 - ♦ 4 Sanitary Sewer Overflow Events (SSOs)
- 1 Lift Station Maintenance Service
- 11 Manhole Services (flushing/repair/inspection)
- 1 Pressurized Main Repair
- Received/marked 332 Underground Service Alerts (USA's)

Signs & Markings:

- 5 Departmental Duty Services
 - ♦ 2 Banner Services
 - ♦ 3 Community Billboard Service
- 12 Guide Sign Services
 - ♦ 2 Cleaning Services
 - ♦ 1 Graffiti Removal Service
 - ♦ 8 Routine Maintenance Services
 - 14 Signs
 - ♦ Surveying

- 10 Object Marker Services
 - ♦ 1 Knockdown
 - ♦ 9 Routine Maintenance Services
- 12 Raised Pavement Marker Services
 - ♦ 12 Repair/Replace Services
 - 1,211 Markers
 - ♦ Surveying
- 70 Regulatory Sign Services
 - ♦ 6 Sign Cleaning Services
 - 121 Signs
 - ♦ 1 Graffiti Removal Service
 - 8 Signs
 - ♦ 3 Knockdown Repairs
 - ♦ 20 Routine Maintenance Services
 - 32 Signs
- 16 Street Marking Services
 - ♦ 5 Pressure Washing Services
 - 5,968 Square Feet
 - ♦ Routine Maintenance
- 5 Warning Sign Services
 - ♦ 1 Sign Cleaning Service
 - ♦ 4 Routine Maintenance Services

Storm Drain:

- 1 Inspections
- 47 Preventive Maintenance Service Utilizing the CCTV (Closed Circuit Television)
 - ♦ 399 Events
 - 10,843 Linear Feet Inspected
- 7 Preventive Maintenance Services Utilizing the HVVC (High Velocity Vacuum Truck)
 - ♦ 9,687 Linear Feet Cleared
- 3 Gutter Services
 - ♦ 2 Illicit Discharge
 - ♦ 1 Flooded Street/Mud Clean Up
- 10 Inlet Point Services
 - ♦ 6 Drain Cleaning Services Utilizing the HVVC (High Velocity Vacuum Truck)
 - ♦ 1 Hazardous Spill Response
 - ♦ 1 Illicit Discharge
 - ♦ 2 Inspections
- 1 Inverted Siphon Service
 - ♦ Inspection
- 5 Lift Station Services
 - ♦ Routine Maintenance
- Open Channel Maintenance/Inspection
- Sample Station Quarterly Inspection

Streets:

- Final Inspection

- 1 Parking Lot Service
 - ◆ Trash & Debris Clean Up
- 18 Sidewalk Path Services
 - ◆ Grinding
 - 50 Linear Feet
 - ◆ 12 Spot Repair Service Requests
 - 319.5 Square Feet
 - ◆ Trash & Debris Clean-Up
 - ◆ Weed Abatement
- 31 Road Services
 - ◆ 1 Accident Clean Up
 - ◆ 3 Base Failure Repairs
 - 9,007 Square Feet
 - ◆ Bike Lane Sweeping
 - 2.5 Miles
 - ◆ Pot Hole Patching
 - 3 Pot Holes Patched
 - ◆ 3 Sink Hole Responses
 - 182.75 Square Feet
 - ◆ 3 Skin Patch Services
 - 2,262 Square Feet
 - ◆ 1 Spill Response
 - ◆ Surveying
 - ◆ Traffic Control
 - ◆ Trash & Debris Clean-Up
 - ◆ Trench Repair
 - 361 Square Feet

Urban Forestry:

- 3 Abatements
- 19 Hazardous Situation Responses
- 8 Tree Plantings
 - ◆ 27 Trees
- Tree Pruning's
 - ◆ 61 Trees
- Tree Removal Program
 - ◆ 9 Locations
- Small Tree Care
- Right of Way Clearing
- Stump Grinding Services
- 4 Tree Rebates Processed

Water:

- Produced 517,912,288 gallons of drinking water in July
- Received/marked 332 Underground Service Alerts (USA's)
- 1 Final Inspection
- 2 Blow Off Valve Location Services
- 8 Control Valve Services (exercise, locate, repair, replace, water turn off/on)
- 1 Enclosed Storage Facility Services

- ♦ 1 Pressure Reading
- 10 Hydrant Services
 - ♦ 5 Hydrant Flushing Services
 - ♦ 4 Repair Services
- 44 Lateral Valve Services
 - ♦ 3 Lateral Location Services
 - ♦ 1 Valve Abandonment
 - ♦ 1 New Tap Installation
 - ♦ 24 Leak Detection Services
 - ♦ 4 Locate Services
 - ♦ 1 Service Valve Repair
 - ♦ 1 Water Quality Issue
 - ♦ 8 Water On/Off Services (Finance, Contractor, Homeowner Request)
- 24 Meter Services
 - ♦ 13 Meter Investigations
 - ♦ 2 Maintenance Services
 - ♦ 5 Meter Repairs
 - ♦ 2 Meter Replacements
 - ♦ 1 Meter Testing Service
- 16 Pressurized Main Services
 - ♦ 8 Investigations
 - ♦ 8 Repairs
- 75 Production Well Services
 - ♦ 2 Auto dialer Alarm Callouts
 - ♦ 19 Inspections
 - ♦ 39 Maintenance Services
 - ♦ Sampling
 - ♦ No3 Monitoring
 - ♦ Disinfection Procedures
 - ♦ Security Services

Environmental Services

Solid waste/recycling:

- Monitored C&D debris recycling for 74 active project units. Opened 3 new projects and closed out 10. In the second quarter of 2011, the Centex Starlyn Park and Standard Pacific Parkside subdivisions achieved waste diversion rates of 91% and 81%, respectively, and together diverted 106 tons of waste for recycling and reuse.
- Submitted annual waste diversion progress report to CalRecycle for 2010: Surpassed per-capita goal set by CalRecycle.
- Completed biological resource inventory of Old Woodland landfill.

Green waste:

- Issued 113 green waste violation door hangers and conducted 21 code compliance follow-ups for illegal piles/pile content. July green waste statistics show that 81% (641 tons) was collected in carts while 19% (151 tons) was collected in street piles.
- Processed 7 compost bin rebates.

Water conservation:

- Provided on-site troubleshooting assistance at 3 residences with excessive metered water use/evidence of leaks.
- Investigated and addressed 3 water leak/hazard complaints.

Stormwater pollution prevention:

- Engaged in numerous activities internally, with the Chamber of Commerce, and with statewide organizations to review and comment on the State draft municipal stormwater permit.

Energy

- With League of Women Voters, co-sponsored and co-organized a community forum on Energy Upgrade California.

Water Pollution Control Facility

Laboratory

- Collected samples and performed over 300 process control and National Pollutant Discharge Elimination System (NPDES) permit compliance tests for the wastewater treatment plant.
- Collected monthly influent, effluent and receiving water monitoring samples; submitted to contract laboratories.
- Collected samples and performed 45 tests on treatment plant storage ponds.
- Collected numerous additional samples and continued to work closely with RBI (consultants) to troubleshoot and resolve issues regarding toxicity in treatment plant effluent
- Kept Regional Board staff up to date on our efforts to resolve issues with UV disinfection system.
- Continued to work with Regional Board staff on obtaining a Time Schedule Order (TSO) in order to gain regulatory relief from penalties related to selenium in our treated effluent. The TSO is scheduled for adoption in October.
- Site visit/audit by an inspector from the CA Environmental Laboratory Accreditation Program.
- Prepared monthly Discharge Monitoring Reports and electronic Self-Monitoring Reports; submitted to the Regional Water Quality Control Board (RWQCB).

Pretreatment

- Inspections
 - ♦ Auto Related Businesses – 3
 - ♦ Food Service Business – 3
 - ♦ Business of Concern – 1
 - ♦ Significant Industrial Users – 0
- Plan review for Building/CDD - 9
- Permit applications or permits - 14
- Public education & outreach visits - 6
- Updates and refinements to Pollution Prevention Program web page on City website
- Call-outs for spills/illicit discharges: 2
- Violation Notifications Issued: 1
- Development Review Committee meeting
- WPCF Safety Committee meeting

Utility Engineering

Utility Engineering Legend:

Bolded text indicates new information

The initials enclosed in ()'s denotes the lead PW staff on the project.

(DB) Doug Baxter, Principal Civil Engineer

(MC) Mark Cocke, Senior Civil Engineer

(AO) Akin Okupe, Senior Civil Engineer

(CO) Clara Olmedo, Associate Civil Engineer

(MS) Mark Severeid, Lab Supervisor

Project: Yolo Bypass/City Storm Flows (MC)

Status: The appeal period for the ongoing FIRM/FIS revision has started and ends August 29, 2011. FEMA is planning a November 16, 2011 Letter of Final Determination (LFD) date (pending no appeals submitted); this is as soon as they can schedule the LFD considering the multiple QC and due process steps in FEMA's mapping process. The November 16, 2011 LFD date would make the revised flood zones on the updated FIRM panels effective (for flood insurance purposes) on May 16, 2012. **There have been no appeals received by the City. FEMA has not received any either. The process is proceeding to the May effective date.**

What's Next: The City waits until the effective date approaches and then reminds the people in the changed area that they are eligible for refunds and puts the forms on the City website.

Project: Wastewater Treatment Plant/NPDES Permit (5 Year Renewal) (MS/DB)

Status: In February 2009 the final NPDES permit was issued by the RWQCB. The new permit requires the City of Woodland to move to an improved source water supply. It also requires significantly more testing and studies that will substantially increase operating costs.

On April 12, 2010, Mayor Skip Davies, Councilmember Bill Marble, City Staff and City's permit writing consultant Dan Rich met with senior staff from the Regional Water Quality Control Board (RWQCB). The purpose of this City requested meeting was to verify that boron, salt and selenium final limits will be in our waste discharge permit, and that these limits will cause the City to move to an improved water quality supply or other substantially more expensive treatment processes. We discussed all the conceivable alternatives and why improving our water quality supply is the least costly viable option. RWQCB made it clear that boron, salt and selenium final limits will be in our permit. RWQCB also said that they would enforce these limits with fines to eliminate all incentives to delay moving forward and that fines could be as high as \$10 per gallon per day of wastewater not in compliance (at current flows the fines would be up to \$60,000,000 per day). Under our current permit each year we have to submit compliance reports on moving to an improved source water supply. If we delay for example 2 years and saved \$11,000,000 in

interest, the fines would exceed that amount to eliminate any incentive to delay implementation of salt reduction.

On 1/5/2011, we met with Board staff to discuss the Time Schedule Order. We presented a sample TSO and they indicated their plan to prepare an administrative draft based on that document. They requested additional data on selenium and salinity to help with setting performance based limits for both constituents. We were advised that the board had made a change to how they handle TSOs; there is now a provision for extending the 5 years for up to an additional 5 years in the event the discharger is unable to be in full compliance by the end date of the order but has shown due diligence and has tried to meet the milestones set in the original order. **The TSO is scheduled to be adopted at the Board's October 2011 meeting.** Until then we are still susceptible to MMPs of up to \$12K per month, but will then be on target to be in full Permit compliance until the completion of the surface water treatment plant.

The City of Woodland and the City of Davis evaluated the feasibility of combining treatment into a regional facility. The City of Davis is pursuing their own treatment facility. Both cities will continue to look for ways to work together when in the mutual interest of both cities.

What's Next: The surface water project will continue to be pursued. Fiscal impacts of the permit will continue to be evaluated. Staff is looking into long-term planning options. Wastewater treatment long-term planning is underway.

Project: Flood Protection (MC)

Status: After Corps District HQ in San Francisco approval in early June the Feasibility Study can begin. The Final 2011 budget has been approved but the final appropriation fund amount (\$100,000 or \$500,000) has not been released from Washington. There is no appropriation in the 2012 Federal Budget. The initial study action will be to seek Corps approval of the hydrology developed for Cache Creek by FloodSafe Yolo. This will allow the Study to explore flood solutions that may involve modification of the Cache Creek Settling Basin.

What's Next: DWR and the City are interested in accelerating the Feasibility Study. DWR and the City will be developing a financing plan that will use city and state funds to perform studies and pay the Corps to assure that the studies meet the corps technical requirement. **The City and DWR are developing the agreements and financing plan.**

Project: Storm Drainage Enterprise Operation (MC)

Status: The grass around Storz Pond has set seed and has been mowed. The RCD is developing the plan for the East detention Pond and beginning a control program for management and eradication of invasive non native plants that have begun to occupy the site (tamarisk trees and pepper weed). The vegetation program in Storz Pond and around Fire Station 3 is proceeding well and greened up with the fall rains.

What's Next: The RCD has developed the site plan using native salt tolerant vegetation, and management of the existing vegetation. Native seed collection has been done and the adapted plant will be grown out over the winter. The vegetation plan implementation will begin at the start of the fiscal year.

Project: Surface Water Program (DB)

Status: The Woodland-Davis Clean Water Agency (Joint Powers Authority or JPA) is overseeing the Davis-Woodland Water Supply Project. Agency Board meeting times are currently held quarterly. Meeting locations alternate between the Woodland and Davis City Halls. The new project website at wdcwa.com contains the meeting agendas and any notices for variations in meeting schedules or locations. The current Agency focus includes pursuit of Federal and State supplemental funding opportunities, further analysis and development of innovative facility procurement options, and further development and implementation of community outreach and education opportunities.

Summer water purchase, land easements and use of the Sacramento River Intake agreements have been signed.

On April 15th the JPA received 5 responses to the Request for Qualifications. Responses are from experienced high quality firms. The 5 have been narrowed down to 3. Those three will be invited to Participate in the Request for Proposal phase of procurement.

Both cities are doing water rate studies and doing the planning for acquiring the required funding to implement this project. Woodland's rate study should be completed by late 2011.

What's Next: Focus is now on the Design-Build-Operate (DBO) "Request for Proposal" (RFP) process and clearing up land acquisition for the intake site and water treatment plant site. Draft RFP should go out by **September 2011** to the 3 best qualified firms for their input. Final RFP will go out by late 2011 with responses to be submitted back to the JPA by spring 2012.

Project: Supervisory Control and Data Acquisition (SCADA) (DB/AO)
Status: SCADA contract has been awarded to Auburn Constructors and work has commenced. Work should be completed by summer 2011. Ecologic Engineering Inc. is the construction management firm and did an independent review of the design. FCC license has been obtained. Work has proceeded very well and smoothly.

The SCADA system and water-meter radio systems are totally separate operating systems. The water-meter radio system collects data via radio signals from the individual water-meters, sends it to a central location where the data is compiled, and then forwarded to our finance department for inclusion in customer's water bills. SCADA, on the other hand, is used to coordinate the functional workings of the City water system; including the storage tank and all 18 of our wells.

SCADA:

1. Allows the wells to operate in a coordinated manner so as to keep the tank at a near full condition to improve water pressure throughout the day.
2. Continuously monitor nitrate levels in our pumped groundwater to assure that it meets regulatory water quality standards without fail.
3. Monitors wells for operational readiness and physical condition.
4. Allows for the most efficient wells to be operated most frequently reducing overall pumping costs.
5. Monitor security issues
6. SCADA is also needed to coordinate the groundwater pumping with the planned surface water supplies scheduled for 2016.

What's New: Work began September 2010. System should be operational by end of summer 2011.

Project: Water Focus Study (DB)

Status: Hydraulic modeling has been done. The sections of the report dealing with the coordination of the use of wells and surface water supplies are being written. Likewise, the report has been amended to reflect the expected 15% water conservation that should occur with the City being fully metered.

What's Next: Additional modeling was done to determine best location of ground level tanks to blend surface water throughout the city. A draft of study has been submitted to the City and City staff has commented on this document. The Focus Study will be finalized once we get the results from a separate evaluation done on how best to blend and move the surface water throughout the City. This study may affect tank sizing and location. Modeling is also being done to determine the size and location of water transmission lines and tanks for the Surface Water Supply Project. To maximize the use of our future Sacramento River water we plan on in the winter injecting surplus treated water into our groundwater wells. This will both recharge the groundwater and improve the

groundwater quality so we can pump it back out during summer peak day periods. This work is underway.

Project: Meter Implementation Phase 2 (DB/AO)

Status: City staff received grant funding to install meters on 10,000 houses in the City. Council awarded contract to Teichert Construction, notice to proceed was issued on September 17, 2009.

Phase 1 metering involved about 5,000 water users and this work was recently completed. It included putting automated meter reading (AMR) equipment on existing meters of businesses as well as homes built post 1991. Phase 1 work is essentially completed. Actual water consumption based billing began for Phase 1 meter users in December 2010.

Phase 2 metering is for installing meters plus AMR on all the remaining 10,000 properties. In addition to installing water meters, many water service lines from water mains also needed to be replaced due to their poor condition. Funding is provided by federal stimulus fund of \$14.8M (half low interest loan and half grant) plus \$2.3M in City Water Enterprise Funds. Staff successfully worked with the State to allow City share to be used last and not first which is normal and was previously required. Project is **95%** complete; staff attended training session with CDPH on claim reporting. Staff hopes to both completed the work and keep most of the cost within the federal stimulus fund so as to minimize the utilization of the \$2.3M in City Water Enterprise Funds. Staff has completed the modification work that was needed on some of the older meter registers so more accurate data can be obtained to help homeowners with determining if they have leaks in their water plumbing system. By end of **September** 2011 Phase 2 meters should be installed, except possibly for a few condominium and parks that may take a little bit longer. **The metering of the condominiums will be done by a separate contract and should be completed by July 2012.**

What's Next: Staff has been submitting quarterly report as indicated in the funding agreement to CDPH. Staff is continuing to work with the State to obtain grant/loan reimbursement funding checks for costs incurred for construction and staff time.

Project: Well 28 (Well #1 Replacement) (CO)

Status: The new Yolo County Courthouse project will displace the existing location of Well #1. Construction of a new well to replace existing Well 1 will need to be completed prior to construction of the new courthouse that is scheduled to begin December 2011. The new site for the new well location has been selected to be in the northeast area of Freeman Park in an area of minimal impact to the area normally used by park visitors. West Yost has completed design for the well drilling. The well

that will replace Well #1 will be called Well #28. Bids were received for below ground construction; award is pending Council approval June 7th.

What's Next: Construction of below ground well drilling **has begun and drilling continues at this time**. The above ground pump station is planned to be bid **fall 2011** and Well #28 completed by April 2012.

Project: First New Ground Level Tank and Booster Pump Station (AO/DB)

Status: The City has a deficit in water storage of about 3 million gallons and about 6,000 gallon per minute deficit in water pumping capacity. This project will significantly reduce these problems.

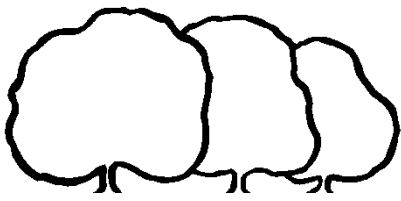
Letters went out to residences located within 300 feet of the tank site as well as those adjacent to the park to invite them to a public meeting. The meeting was held on March 16th at the Community Center. Only one person showed up and he was supportive of the project. On April 25 this project was presented to the Parks Commission who approved its location on a vote of 4-0 in favor of the project.

What's Next: Water modeling has been done to confirm the best location for the tank to address hydraulic deficiencies and to optimize the distribution of the higher quality water that will result from the surface water supply project. The project will be located at the west end of David Douglass Park near Rd. 98. **The CEQA process is underway and will be presented to Council on September 6, 2011.**

Project: East Street to Pioneer 36" Water Main (MC/CO)

Status: City is coordinating with four Spring Lake area developers to install a 36" water main instead of constructing a 12 inch water main that was part their obligation to front their developments in order for the City to save money and to meet the needs of the surface water project

What's Next: The scope of the project has changed to include the pipeline from Pioneer to Road 102 and the future connection the Regional Water Supply Project. RW descriptions will start at the beginning of the fiscal year.



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: September 20, 2011

SUBJECT: Treasurer's Investment Report - Quarter Ending June 30, 2011

Report in Brief

Each quarter staff provides the City Council with a report from the Treasurer on the status on investments. The purpose of this report is to provide the Council with information regarding liquidity, monthly cash flow and expected cash disbursements.

Based on current budget projections, the City's cash liquidity is sufficient to cover the expenditures anticipated for the next six months and the monthly cash flow and maturity of the investments are scheduled to meet the expected cash disbursements.

Staff recommends that City Council accept the quarterly Treasurer's Investment Report.

Background

The City's securities are held in custodial care by U.S. Bank N.A., Custody Treasury Division, located in Minneapolis, MN and administered by its Sacramento office. U.S. Bank N.A. provides monthly statements to the City of Woodland. The source of valuations for the securities is marked to market by U.S. Bank N.A.

Discussion

The yield on the Local Agency Investment Fund (LAIF) balances for the quarter ending June 30, 2011 was 0.48%. The average yield on the City of Woodland's investments as of June 30, 2011 was 3.56%. This higher yield was attained through prudent financial planning enabling the City to lock in very safe investments to higher yields than are currently available on the open market. This higher yield places a premium on the City's investments which is evidenced by its quarter ending market value of \$6,249,566 which is \$249,566 higher than the City's cost of \$6,000,000.

The prudent investment policies of the City of Woodland have insulated its investments well in the face of such turbulent and uncertain economic times. In determining placements of investments, safety is the number one priority which is followed by liquidity and finally yield on investments.

The City of Woodland does not have any holdings in the riskier Corporate notes which have historically yielded only slightly higher yields as compared to our Agency Investments which have the implicit backing of the Federal Government. Unlike many other government agencies that have had to write off significant portions of their investments in Corporate notes, the City of Woodland has not had to write off any investments.

Attached are the monthly reports along with the corresponding investment activity charts. The charts include the investment interest rates as they have matured and current rates for new investments. All activities comply with the existing Investment Policy approved by City Council. Additionally, a report entitled "Cash with Fiscal Agent" is included which lists the most recent information available regarding investments for the assessment districts/bond reserve fund dollars. The source of this information is monthly reports from the various district/bond Trustees.

Fiscal Impact

There is no impact on the City funds in association with the information contained herein.

Public Contact

Posting of the City Council agenda.

Recommendation for Action

Staff recommends that City Council accepts the quarterly Treasurer's Investment Report.

Prepared by: Adam Devlin
Accountant

Reviewed by: Kimberly McKinney
Finance Officer

Mark G. Deven
City Manager

Attachments

**CITY OF WOODLAND
INVESTMENT REPORT**

June 30, 2011

SUMMARY OF INVESTMENTS

TYPE OF INVESTMENT	AMOUNT	TOTAL	\$0.00
Local Agency Investment Fund (LAIF)	46,541,666.61	88.6%	
TRANS bond proceeds	0.00	0.0%	\$0.00
FHLB Bonds	0.00	0.0%	
FFCP Bonds	6,000,000.00	11.4%	
FNMA	0.00	0.0%	
Freddie Mac	0.00	0.0%	
TOTAL	52,541,666.61	100.0%	

PORTFOLIO

	Interest	Amount
LAIF		46,541,666.61
TRANS bond proceeds		0.00
SUBTOTAL		46,541,666.61

	Maturity Date	Interest	Call Date	PAR Amount	Purchase Price	Current Market Value
Federal Farm Credit	11/21/2011	4.35	Bullet	1,000,000	1,000,000	1,016,796.00
Federal Farm Credit	2/7/2013	3.40		5,000,000	5,002,361	5,232,770.00
				6,000,000		6,249,566.00

Total Investments

6,000,000.00

6,249,566.00

Total of LAIF Funds & Investments Detail

52,541,666.61

Check Total (Should be zero)

-

CASH ACCOUNTS as of 6/30/11

Bank Accounts with U.S. Bank	\$2,240,016.12
Petty Cash	\$3,290.00
Cash with Fiscal Agent	\$11,200,871.19

INTEREST SUMMARY

Interest Received in April thru June - Investm	\$85,000.00
Interest Received for April thru June - for LAIF	\$31,526.89
Total Interest Received	\$116,526.89
Interest Received from April 1, 2011 to June 30, 2011	\$112,500.00
Total Fiscal Year-to-Date Interest Received	\$229,026.89

The interest received does not always represent the interest earned. LAIF records interest on a quarterly basis but does not report it until the 15th of the month following the end of the quarter. The interest received on Treasury Notes is received every six months either on the 15th or the last day of the month. Bond interest is posted every six months to the date of settlement.

**CITY OF WOODLAND
ACTIVITY REPORT**

DATE	DESCRIPTION	DEBIT	CREDIT	DEBITS
LAIF	TREASURER			
03/31/11	Month Beginning Balance			31,010,139.72
04/01/11	Withdrew fr LAIF		2,000,000.00	29,010,139.72
04/14/11	Quarterly Interest	31,526.89		29,041,666.61
04/20/11	Deposit to LAIF	3,500,000.00		32,541,666.61
05/02/11	Withdrew fr LAIF		1,000,000.00	31,541,666.61
05/13/11	Withdrew fr LAIF		1,000,000.00	30,541,666.61
05/24/11	Deposit to LAIF	3,000,000.00		33,541,666.61
05/25/11	Deposit to LAIF	11,000,000.00		44,541,666.61
06/01/11	Withdrew fr LAIF		1,000,000.00	43,541,666.61
06/03/11	Withdrew fr LAIF		1,000,000.00	42,541,666.61
06/07/11	Deposit to LAIF	3,000,000.00		45,541,666.61
06/14/11	Deposit to LAIF	1,000,000.00		46,541,666.61
06/30/11	Month End Balance			46,541,666.61

TRANS bond proceeds in Guaranteed Investment Contract

0.00

Bonds and Other Investments

03/31/11	BEGINNING BALANCE	6,000,000.00
06/30/11	Month End Balance	6,000,000.00

END OF MONTH TOTAL DEBITS

52,541,666.61

Check Total (Should be Zero)

-

Transactions w/LAIF	11
Purchase of New Bonds	0
Bonds Called	0
Purchase of New CD	0
CD Matured	0
Bonds Sold	0
Bonds Matured	0

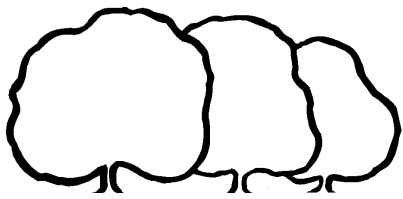
<u>East-Main Assessment District</u>				Int Earned	
Series 2001 RDM FD Issue		Current Balance	Current Balance	Current Month	
Reserve Account	\$992,425.72		\$992,425.72	Cash Mgmt-1st Am Treasury	84.28
Refunding Bonds	\$0.00		\$0.00	Cash Mgmt-1st Am Treasury	0.00
1992 Wastewater					
reserve fund	\$922,069.61	AUG-Notes, Mortgages, etc	\$0.00	Cash Management-Fidelity	0.00
Installment pmt fund	\$3.22		\$3.22	Cash Management-Fidelity	0.00
Revenue Fund	\$0.00		\$0.00	Cash Management-Fidelity	0.00
Revenue Fund	\$0.00		\$0.00	Cash Management-Fidelity	0.00
Reserve fund	\$927,055.23		\$927,055.23	Cash Management-Fidelity	78.73
CFD - Gibson Ranch					
94-1					
Spc tax debt svc	\$3.21		\$3.21	Cash Mgmt-1st Am Treasury	0.00
reserve acct	\$177,590.09		\$177,590.09	Cash Mgmt-1st Am Treasury	0.00
Spc tax debt svc	\$0.00			Cash Mgmt-1st Am Treasury	0.00
Series 2001 Acct	\$444.88		\$444.88	Cash Mgmt-1st Am Treasury	0.00
2004 Refunding spc tax	\$0.00			Cash Mgmt-1st Am Treasury	0.00
2004 Refunding spc tax	\$0.00		\$0.00	Cash Mgmt-1st Am Treasury	0.00
2004 refund spc tax rsv	\$1,107,682.73		\$1,107,682.73	Cash Mgmt-1st Am Treasury	0.00
2004 Subordinate (Incl Reserve)	\$226,797.30		\$226,797.30	Cash Mgmt-1st Am Treasury	0.00
Spring Lake 2004					
Special Tax Fund	\$0.00		\$0.00	Cash Mgmt-1st Am Treasury	0.00
Bond Reserve	\$2,395,602.50		\$2,395,602.50	Cash Mgmt-1st Am Prime Obligation	0.00
Revenue Anticipation Notes					
Cap Projects/Revenue Bonds 2002					
reserve acct.	\$757,322.87	Cash Mgmt-1st Am Treasury	\$757,322.87	FSA Capital Mgmt Svcs LLC Cash Mgmt-1st Am Prime Obligation	0.00
revenue fund	\$0.00		\$0.00		0.00
Cap Projects/Revenue Bonds 2005					
reserve acct.	\$101.84	Cash Mgmt-1st Am Treasury	\$101.84	FSA Capital Mgmt Svcs LLC Cash Mgmt-1st Am Prime Obligation	0.01
Interest acct	\$0.00		\$0.00		
revenue acct.					
Cap Projects/Revenue Bonds 2007					
reserve acct.	\$1,035,703.75	Cash Mgmt-1st Am Treasury	\$1,035,703.75	FSA Capital Mgmt Svcs LLC	87.86
Interest acct.	\$0.01		\$0.01		0.00
revenue acct.	\$81.07		\$81.07		0.01
Water Revenue Bonds 2011					
reserve acct.	\$1,324,811.58		\$1,324,811.58	US Bank Mmkd 5 - Ct	56.26
Interest acct.	\$0.00		\$0.00		0.00
proceeds acct	\$0.47		\$0.47	US Bank Mmkd 5 - Ct	0.00
Bond Anticipation Notes					
2007 RDA TABS					
Tax Revenue Fund	\$381,157.61		\$381,157.61	Cash Mgmt - 1st Am Treasury Oblig	0.03
Interest Account	\$201,157.52		\$201,157.52	Cash Mgmt - 1st Am Treasury Oblig	0.00
Principal Account	\$1.86		\$1.86	Cash Mgmt - 1st Am Treasury Oblig	0.00
reserve account - 2007 A	\$483,262.01		\$483,262.01	Cash Mgmt - 1st Am Treasury Oblig	42.38
reserve account - 2007 B	\$110,931.65		\$110,931.65	Cash Mgmt - 1st Am Treasury Oblig	9.73
Certificate of Deposit/(Fund 582)					
	\$30,000.00	\$30,000.00	River City Bank		
CDBG Account					
Savings Account	\$126,164.46	\$126,164.46	Bank of America - Quarterly Bank Statement		0.00
Checking account	\$500.00	\$500.00	Bank of America - Monthly Bank Statement		
TOTAL					
	\$11,200,871.19				
Check Summary Total (Should be zero)	\$0.00				

CITY OF WOODLAND
CITY TREASURER
GOVERNMENT-BACKED AGENCIES
MATURITIES BY DATE 6/30/2011

			Maturity Value	Average Yield
Nov-11	11/21/2011	FFCB FFCB @ 4.35%	1,000,000.00	4.35 YTM
		TOTAL	1,000,000.00	
Feb-13	2/7/2013	FFCB FFCB @ 3.40%	5,000,000.00	3.40 YTM
		TOTAL	5,000,000.00	

All Investments Total 6,000,000.00

Check Difference(Should be zero) -



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: September 20, 2011

SUBJECT: Woodland Gateway Phase II Project

Report in Brief

The Planning Commission has forwarded a recommendation to the City Council for approval of the Woodland Gateway Phase II project, including the following: 1) Annexation of the project site; 2) General Plan Amendments to modify the land use designation on-site and the acceptable level of service (LOS) from C to D for County Road (CR) 102 from Maxwell Avenue south to the City limits; 3) Rezoning of 61.3 acres to General Commercial (C-2) (PD) and 92.7 acres to Agriculture (A-1). The project would result in the development of up to 340,000 square feet (s.f.) of future commercial development plus sites for three auto dealerships (typically 25,000 square feet each) on the 61.3-acre commercial site to expand and complement the existing Gateway I retail center.

The Planning Commission recommendation included:

A Resolution certifying the Program Environmental Impact Report (EIR), adopting the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Woodland Gateway Phase II project, and approving the project (**See Attachment A – Resolution Certifying the EIR, Adopting Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Woodland Gateway Phase II Project and Approving the Project**);

A Resolution approving the application for annexation of the 154-acre Woodland Gateway Phase II project site to the City of Woodland (**See Attachment B – Resolution Approving the Application for Annexation of the Woodland Gateway Phase II Project Site to the City of Woodland**);

A Resolution approving a General Plan Amendment to modify the land use designation on the Woodland Gateway Phase II project site from Urban Reserve (UR) to 61.3 acres of General Commercial (GC) and 92.7 acres remaining UR (**See Attachment D – Resolution Making Findings and Approving a General Plan Amendment to Modify the Land Use Designations on the Woodland Gateway Phase II Project Site**);

A Resolution approving a General Plan Amendment to modify the acceptable LOS from C to D for CR 102 from Maxwell Avenue south to the City limits (**See Attachment E – Resolution Making**

Findings and Approving a General Plan Amendment to Modify the Acceptable LOS from C to D for CR 102 from Maxwell Avenue South to the City Limits); and

In addition, the following Ordinances would need to be adopted:

An Ordinance approving the rezoning of 61.3 acres to General Commercial (C-2) (PD) and 92.7 acres to Agriculture (A-1) for the Woodland Gateway Phase II project site **(See Attachment C – Ordinance Approving the Rezoning to General Commercial (C-2) (PD) and Agriculture (A-1) for the Woodland Gateway Phase II Project Site); and**

An Ordinance approving the City of Woodland Development Agreement concerning the Woodland Gateway Phase II project **(See Attachment F – Ordinance Approving the City of Woodland Development Agreement Concerning the Woodland Gateway Phase II Project).**

Staff recommends that the City Council considers the Planning Commission’s recommendation and approve Resolution Nos. ____, ____, ____ and ____; and waive first reading and read by title only Ordinance Nos. ____ and ____ to approve the Woodland Gateway Phase II project and approve the Development Agreement as described herein.

Background

An application for the Woodland Gateway Phase II project was submitted in February 9, 2007, which included a request for a General Plan Amendment, Prezone, and Annexation. In response to public comments received on the Draft EIR, the applicant revised the proposed project description. Annexation of the 154-acre site is still proposed; however, the acreage proposed for General Commercial uses was reduced to 61.3 acres and the remaining 92.7 acres of the site was proposed for agricultural purposes, to continue the existing use. The changes to the project description since the Draft EIR was published are reflected in the Final EIR. The Planning Commission Staff Report **(See Attachment G)** provides additional project information.

Discussion

The applicant’s request is for certification of the EIR, as well as approval of annexation and rezoning of the site, two General Plan Amendments, and a Development Agreement for the Woodland Gateway Phase II project. The application does not include project-level specific development. Project design information would be included in subsequent submittals. A discussion of the key issues related to the plan amendment application is provided below:

Annexation

The project requires annexation of the site from Yolo County to the City of Woodland, which requires the approval of the Yolo County Local Agency Formation Commission (LAFCO). The project’s consistency with the policies of Yolo County and the Yolo County LAFCO

were evaluated in the EIR and, overall, the project was found to be consistent with these policies, with implementation of mitigation measures addressed in the EIR. Although future development is only anticipated on the northern 61.3 acres of the site, annexation of the entire 154-acre site is necessary in order to avoid the creation of an island. The existing roadway to the WPCF, located south of the project site, is within the City limits; therefore, without the incorporation of the southern 92.7 acres, the project would create an island, which would be inconsistent with City and LAFCO policies. It should be noted that an island currently exists surrounded by the roadway, WPCF, and the City-owned future regional park; however, the island is not worsened by the proposed annexation. The project applicant will submit all necessary information to LAFCO as part of the annexation application. The City and County will enter into a tax agreement prior to LAFCO issuing a Certificate of Filing.

General Plan Amendments

The project requires a General Plan Amendment to change the UR land use designation to General Commercial (GC) for 61.3 acres of the site. (92.7 acres of the site would retain the UR designation.) In the context of the project, the GC designation allows for the development of general commercial, retail, and auto uses. The 61.3-acre commercial site would accommodate up to 340,000 square feet (s.f.) of future commercial development plus sites for three auto dealerships (typically 25,000 square feet each) to expand and complement the existing Gateway I retail center.

In addition, the project requires a General Plan Amendment to change the LOS requirement from C to D on CR 102 from Maxwell Avenue south to the City limits. The City of Woodland General Plan identifies LOS C as the threshold LOS throughout the City, except at intersections located within 0.5-mile of a freeway or in the downtown core where LOS D is acceptable. The updated Yolo County General Plan potentially allows LOS D for CR 102 outside the City limits. Therefore, CR 102 has a LOS D from Maxwell to one-half mile north of I-5 and south of the City limits. The proposed General Plan Amendment would make CR 102 have a consistent LOS D standard within the City. It should also be noted that most cities that are going through General Plan Updates are considering and adopting a LOS D threshold to reduce right-of-way requirements, among other reasons. LOS D rather than C at intersections could mean an increase in delay of up to 20 seconds at a signalized intersection and up to 10 seconds at an unsignalized intersection.

Prezoning

The project requires prezoning of 61.3 acres of the project site to General Commercial (C-2) (PD). Prezoning of C-2 (PD) is in order to accommodate up to 340,000 s.f. of future commercial development. The C-2 (PD) zone allows a variety of retail, auto, food sale, office, and other general commercial uses. The remaining 92.7 acres of the project site will remain designated UR with prezoning to Agriculture (A-1) to maintain the existing use. The A-1 zone is intended to preserve agricultural use, preserve land suited for eventual development in other uses, and provide appropriate areas for certain predominately open uses of land which are not harmful to agricultural uses.

Development Agreement

The Woodland Gateway Phase II project requires the approval of a Development Agreement. The Development Agreement for the project focuses on issues such as uses on the project site, site/building design, urban decay, sustainability (including solar and “green” components), traffic, bicycle/pedestrian/transit, parking, water/storm drain/sewer, and public art. The Development Agreement is included as Exhibit A to Attachment F of this staff report.

CEQA Clearance

A Draft EIR was prepared and released for the project on April 8, 2010. The Draft EIR is an informational document intended to disclose the environmental consequences of approving and implementing the Woodland Gateway Phase II project. The Draft EIR was available for public review and comment from April 8, 2010 to July 8, 2010. In addition, a public meeting was held before the Planning Commission on May 20, 2010 in order to receive verbal comments on the Draft EIR.

The Draft EIR assessed the proposed project at a programmatic level, which included the Annexation, General Plan Amendments, Rezoning, and Development Agreement. Because these are policy-level approvals, specific detailed site plans and users were not included in the application. In order to analyze the potential impacts, the Draft EIR analyzed the impacts at the applicant’s proposed maximum buildout potential of 808,000 square feet of retail uses, three hotels, one sit-down restaurant, three fast food restaurants, 80,000 square feet of auto uses, and 100,000 square feet of office.

Seventeen comment letters were received during the open comment period on the Draft EIR for the proposed project. In addition, verbal comments were received during the May 20, 2010 Planning Commission Draft EIR comment hearing. All comment letters, as well as responses to the letters, are included in the Final EIR, per CEQA Guidelines Section 15132. The Final EIR consists of the Draft EIR, any revisions to the Draft EIR necessitated by public comments, and responses to the comments received on the Draft EIR.

In response to public comments received on the Draft EIR, the applicant revised the proposed project description, as noted previously. The revisions reduce the acreage of future development from the entire 154-acre site to 61.3 acres of future commercial and auto development. Accordingly, this would also reduce the maximum buildout potential to 340,000 square feet of retail uses and sites for three auto dealerships. The remaining 92.7 acres would remain in the existing agricultural use. Any future development of the 92.7 acres would require a General Plan Amendment and Rezone.

Because the changes to the maximum development scenario proposed and identified in the General Plan Amendment and Rezoning were determined in the Final EIR to not result in the identification of any new significant environmental impacts or a substantial increase in the severity of an environmental

impact, the Final EIR does not contain “significant new information,” and recirculation of the Draft EIR is not required prior to approval (State CEQA Guidelines section 15088.5).

At the Planning Commission meeting, five additional comment letters were received regarding the proposed project and EIR. These letters and responses are included as Attachment H of this staff report. An email was received by City Council which is also responded to in Attachment H. In addition, two typographical errors were discovered in the Final EIR. Attachment I is an errata to the Final EIR identifying the minor corrections.

Public Contact

A public notice was published in the Daily Democrat on or before September 9, 2011 and the City Council agenda was posted.

Commission Recommendation

On July 7, 2011, the Planning Commission recommended approval of the proposed project by a vote of 3 to 2 with one abstention and one absence.

At the meeting, one Commission member suggested postponing the action date until September to allow more time for public review and for making any identified corrections to the EIR and/or staff report. Another Commission member suggested that the CEQA Resolution and the Findings of Fact/Statement of Overriding Considerations be modified to incorporate the findings for the Urban Decay impacts, and requested a stronger statement identifying the quantifiable benefits of the project.

Alternative Courses of Action

1. Consider the Planning Commission’s recommendation and approve Resolution Nos. ____, ____, ____ and ____; and waive first reading and read by title only Ordinance Nos. ____ and ____ to approve the Woodland Gateway Phase II project and approve the Development Agreement as described herein.
2. Provide alternative direction to staff.
3. Deny the Annexation, General Plan Amendment, and Rezone for the Woodland Gateway Phase II project.

Recommendation for Action

Staff recommends that the City Council approve Alternative No. 1.

Prepared by: Cindy Gnos, AICP
Contract Planner

Mark G. Deven
City Manager

Attachments

- A. Resolution No. ____ Certifying the Program EIR and adopting Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program (included as Exhibits to the Resolution);
- B. Resolution No. ____ Approving the Filing of an Application for Annexation;
- C. Ordinance No. ____ Approving the Rezoning to General Commercial and Agriculture for the Woodland Gateway Phase II Project Site;
- D. Resolution No. ____ Approving the General Plan Amendment Related to Land Use Designations;
- E. Resolution No. ____ Approving a General Plan Amendment Related to Level of Service for County Road 102 from Maxwell Avenue South to City Limits;
- F. Ordinance No. ____ Approving the Development Agreement;
- G. Planning Commission Staff Report (July 7, 2011);
- H. Response to Comments Received at Planning Commission Hearing and Email to Council;
- I. Errata to the Final EIR
- J. Development Agreement

ATTACHMENT A

RESOLUTION CERTIFYING THE EIR

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND
CERTIFYING THE ENVIRONMENTAL IMPACT REPORT, ADOPTING
FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS,
AND MITIGATION MONITORING AND REPORTING PROGRAM FOR
THE WOODLAND GATEWAY PHASE II PROJECT AND APPROVING THE
PROJECT**

WHEREAS, the applicant proposes an annexation of a 154-acre site, a General Plan Amendment, and rezoning for future development of general commercial and agricultural uses (collectively, the "Project"). The General Plan Amendment includes redesignation of 61.3 acres of the site for General Commercial development and modification of the acceptable level of service (LOS) from C to D for CR 102 from Maxwell Avenue south to the City Limits, as well as rezoning of the site to General Commercial (C-2) (PD) to accommodate up to 340,000 square feet of future commercial development. In addition, rezoning of the remaining 92.7 acres of the site to Agriculture (A-1) is proposed to maintain the existing use. The site is located outside the City of Woodland (the "City") city limits at the northeastern corner of the intersection of County Road (CR) 24/East Gibson Road and CR 102; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Pub. Res. Code § 21000 et seq.) and the State CEQA Guidelines (14 C.C.R. § 15000 et seq.), the City is the lead agency for the Project; and

WHEREAS, the City, as lead agency, determined that an Environmental Impact Report ("EIR") should be prepared pursuant to CEQA in order to analyze all potential adverse environmental impacts of the Project ; and

WHEREAS, in compliance with Public Resources Code Section 21080.4, a Notice of Preparation ("NOP") was prepared by the City and was distributed to the State Clearinghouse of the Office of Planning and Research, responsible agencies, and other interested parties on October 1, 2009 and was circulated for thirty (30) days, with comments due October 1, 2009, pursuant to State CEQA Guidelines section 15082(a), 15103, and 15375; and

WHEREAS, in accordance with State CEQA Guidelines section 15082, a public scoping meeting was held on November 2, 2009; and

WHEREAS, the Draft EIR was prepared by the City, and the City distributed a Notice of Availability (NOA)_of the Woodland Gateway Phase II Draft EIR to all interested groups, organizations, and individuals on April 8, 2010; and

WHEREAS, distribution of the NOA started the 45-day public review period, which ended on July 8, 2010 (it should be noted that the comment period was extended an additional 45 days), pursuant to State CEQA Guidelines section 15086; and

WHEREAS, the NOA stated that the City had completed the Draft EIR and that copies were available on the City's website (<http://www.cityofwoodland.org>), at the City of Woodland Community Development Department (520 Court Street, Woodland, California 95695), at the Woodland Library (250 First Street, Woodland, California 95695), and at the Community and Senior Center (2001 East Street, Woodland, California 95695); and

WHEREAS, the NOA was posted in the County Clerk Office of Yolo County on April 8, 2010, pursuant to State CEQA Guidelines section 15087(d); and

WHEREAS, the NOA was posted with the Woodland City Clerk's Office on April 8, 2010; and

WHEREAS, following closure of the public comment period, the Draft EIR was supplemented to incorporate comments received by the City and the City's responses to such comments; and

WHEREAS, the Final EIR consists of the following: the Draft EIR; comments and recommendations received on the Draft EIR; a list of persons, organizations, and public agencies commenting on the Draft EIR; the responses of the City to significant environmental points raised in the review and consultation process; a Mitigation Monitoring and Reporting Plan; and any other information added by the City; and

WHEREAS, On June 28, 2011, the Final EIR was distributed for a 10-day public review period to all Responsible Agencies, interested groups, organizations and persons, including all persons and agencies that had commented on the Draft EIR; and

WHEREAS, pursuant to Public Resources Code Section 21092.5, on June 22, 2011, a public notice of Final EIR availability and of the Planning Commission's scheduled July 7, 2011 public hearing on the Final EIR, was mailed to all property owners within 1,000 feet of the Project site, as well as to responsible agencies and interested groups, organizations, and individuals; and

WHEREAS, on July 7, 2011, the Planning Commission of the City of Woodland held a duly noticed public hearing on the proposed Final EIR at which all interested parties had an opportunity to be heard. The Planning Commission considered the Draft and Final EIR, the Mitigation Monitoring and Reporting Plan, and all evidence presented both orally and in writing; and

WHEREAS, at the close of the Planning Commission hearing, the Planning Commission recommended, among other things, that the City Council of the City of Woodland (i) certify the Final EIR, (ii) adopt the Findings and Statement of Overriding Considerations, (iii) approve the Mitigation Monitoring and Reporting Plan, and (iv) approve the Project; and

WHEREAS, on September 20, 2011, the City Council of the City of Woodland held a public hearing to discuss the Planning Commission's recommendations, and at such hearing the City Council heard all persons interested in or opposed to the Final EIR; and

WHEREAS, the City Council has reviewed the Final EIR in its entirety, and has determined that the document reflects the independent judgment of the City; and

WHEREAS, the Final EIR identified certain significant effects on the environment that, absent the adoption of mitigation measures, would be caused by the construction and operation of the Project; and

WHEREAS, the City Council is required, pursuant to State CEQA Guidelines section 15126.4, to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant project-related environmental effects; and

WHEREAS, as demonstrated by the Findings of Fact attached as Exhibit A to this Resolution, many of the Project's significant environmental effects can be either substantially lessened or avoided through the adoption of feasible mitigation measures, although some of these effects will remain significant and unavoidable despite the adoption of all feasible mitigation measures; and

WHEREAS, because the adoption of all feasible mitigation measures cannot substantially lessen or avoid all significant effects on the environment associated with the Project, the City Council must consider the feasibility of alternatives, as set forth in the Final EIR, that will be less environmentally damaging than the Project with respect to the unavoidable significant effects associated with the Project (State CEQA Guidelines section 15126.6); and

WHEREAS, the City Council has determined, for reasons set forth in Exhibit A attached hereto, that the Off-Site Alternative, No Project Alternative, the Reduced Intensity Alternative, and the Mixed-Use Alternative, as described in the EIR, are not environmentally preferable, are infeasible (e.g., they fail to fully meet the Project objectives), or are neither environmentally preferable nor feasible; and

WHEREAS, the City Council is required by Public Resources Code section 21081.6, subdivision (a), to adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted by the City are actually carried out; and

WHEREAS, a Mitigation Monitoring and Reporting Plan for the Project has been prepared, and is attached hereto as Exhibit B; and

WHEREAS, the City Council, having considered and weighed the economic, legal, social, technological, region-wide and statewide environmental and other benefits of the Project against the Project's unavoidable adverse impacts pursuant to State

CEQA Guidelines section 15093, has determined that the benefits of the Project outweigh the potential unavoidable adverse impacts and desires to adopt the Statement of Overriding Considerations for the Project, which is included as Section A5f of Exhibit A attached hereto and incorporated herein by this reference; and

WHEREAS, the City Council has studied the proposed Project and Final EIR, and considered all public comments on the Project; and

WHEREAS, all of the findings and conclusions made by the City Council pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and not based solely on the information provided in this Resolution; and

WHEREAS, the Final EIR reflects the independent judgment of the City Council and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, none of the comments made during the public review period, none of the oral or written testimony presented during the public hearings on the Project, and no other information presented to the City on the Project and the EIR have produced substantial new information requiring recirculation or additional environmental review under State CEQA Guidelines section 15088.5; and

WHEREAS, by and through Resolution No.____, Ordinance No.____, and Ordinance No.____ adopted contemporaneously herewith, the City Council has expressed its intent to initiate the application for the annexation of territory to the City of Woodland, approve an amendment to the General Plan of the City of Woodland, approve the rezoning for the Woodland Gateway Phase II Project, and approve the Development Agreement; and

WHEREAS, the City Council determines it is appropriate to certify the Final EIR, to adopt the Findings of Fact and Statement of Overriding Considerations, to approve the Mitigation Monitoring Program, and to approve the Project; and

WHEREAS, the City Council of the City of Woodland held a duly noticed public hearing on September 20, 2011, at which all interested parties had an opportunity to be heard. The Planning Commission considered the Draft and Final EIR, the Mitigation Monitoring and Reporting Plan, and all evidence presented both orally and in writing; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODLAND DOES HEREBY FIND, DETERMINE AND CERTIFY AS FOLLOWS:

SECTION 1: Recitals. The above recitals are true and correct and are hereby incorporated as substantive findings of this Resolution.

SECTION 2. The City hereby certifies that (1) the EIR has been prepared in accordance with the requirements of CEQA (Pub. Res. Code § 21000 et seq.) and the State CEQA Guidelines (14 C.C.R. § 15000 et seq.), (2) the Final EIR was presented to the City Council and the City Council has reviewed and considered the information contained in the Final EIR prior to considering adoption of the Project, and (3) the Final EIR reflects the independent judgment and analysis of the City.

SECTION 3. The City hereby adopts the CEQA Findings and Statement of Overriding Considerations attached hereto as Exhibit A and incorporated herein by this reference as if fully set forth herein.

SECTION 4. The City hereby adopts, pursuant to Public Resources Code section 21081.6, the Mitigation Monitoring and Reporting Program contained in the Final EIR attached hereto as Exhibit B and incorporated herein by this reference. The City finds that the Mitigation Monitoring and Reporting Program is designed to ensure that, during the implementation on the Project, the City and any other responsible parties implement the components of the Project and comply with the mitigation measures identified in the Mitigation Monitoring and Reporting Program.

SECTION 5. The documents and materials that constitute the record of proceedings on which the findings set forth in this Resolution have been based are located at the City of Woodland, City Clerk's Office, located at 300 First Street, Woodland, CA 95695. The custodian for these records is the City Clerk. This information is provided in compliance with Public Resources Code section 21081.6.

SECTION 6. The City Council hereby authorizes and directs staff to draft, execute, and file a Notice of Determination with the Yolo County Clerk and the Office of Planning and Research within five (5) working days of the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED on this the 20th day of September, 2011 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Art Pimentel, Mayor

Attest:

Ana Gonzalez, City Clerk

EXHIBIT A

**FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS
WOODLAND GATEWAY PHASE II EIR**

Findings of Fact and Statement of Overriding Considerations for Woodland Gateway Phase II

Introduction

Project and Alternatives

The City of Woodland (City) has prepared a final environmental impact report (EIR) in compliance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (Title 14, California Code of Regulations [CCR], Section 15000 et seq.) for the Woodland Gateway Phase II Project (Project) located in Woodland, in Yolo County, California. The final EIR document consists of two parts: the final EIR (i.e., the comments received on the draft EIR, responses to those comments, a list of commenters, and revisions made to the draft EIR) and the draft EIR.

The EIR has made a good faith effort at evaluating the potential impacts of the Project, determining their significance, and identifying feasible mitigation measures to avoid or reduce the significant effects. It has also evaluated three alternatives to the Project that would avoid or reduce one or more of its significant effects. The baseline for this analysis is existing conditions, with the significance of the Project's impacts being determined by whether it would result in a substantial adverse change in those conditions.

Findings of Fact—CEQA Requirements

CEQA requires the lead agency, the City, to make written findings when deciding to approve a project for which an EIR was certified (Public Resources Code Section 21081). The findings explain how the lead agency approached the significant impacts identified in the EIR. “Significant impacts” include the adverse effects of the project that can be reduced to less-than-significant levels through implementation of mitigation measures identified in the EIR, as well as significant and unavoidable effects.

The State CEQA Guidelines further explain the required findings. Specifically, Section 15091 of the State CEQA Guidelines states that:

“(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

“(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

“(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

“(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

“(b) The findings required by subsection (a) shall be supported by substantial evidence in the record.”

The “changes or alterations” referred to in the guidelines may be mitigation measures, alternatives to the project, or changes incorporated into the project by the project proponent. “Substantial evidence” means factual evidence, including expert opinion supported by facts. Where a mitigation measure is cited in support of finding (a)(1), the finding of fact paraphrases that mitigation measure.

In addition to describing the disposition of the various significant effects identified in the EIR, the findings must also explain why the project alternatives described in the EIR are not being selected for implementation. In other words, the City is required to describe the specific economic, legal, social, technological, or other considerations that make each alternative infeasible. The City initially considered several potential alternatives in its screening of alternatives for analysis in the EIR, as follows:

- **Off Site Alternative**
- **No Project Alternative**
- **Reduced Intensity Alternative**
- **Mixed-Use Alternative**

In order to be selected for further analysis, an alternative must meet most or all of the project objectives, be potentially feasible, and substantially reduce one or more of the project’s significant impacts (CEQA Guidelines Section 15126.6). The Off-Site Alternative was found to either not meet project objectives, be infeasible, or not offer a substantial reduction in potential project impacts. Accordingly, the Off-Site Alternative was not analyzed further in the Draft EIR. The No Project, Reduced Intensity, and the Mixed-Use Alternative were carried forward for consideration and analysis in the Draft and Final EIR and will therefore be addressed in these findings.

Statement of Overriding Considerations—CEQA Requirements

CEQA prohibits an agency from approving a project that will have significant, unavoidable environmental impacts unless the agency adopts a statement describing the specific benefits of the project that will outweigh its expected unavoidable impacts. If the project’s specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable, notwithstanding the fact that they cannot be avoided. This “statement of overriding

considerations” must be supported by substantial evidence (State CEQA Guidelines Section 15093).

Findings of Fact

In accordance with Public Resources Code section 21081 and State CEQA Guidelines section 15091, the City makes the findings and conclusions regarding impacts and mitigation measures that are set forth in the Draft EIR, and described below by resource issue and in the same order as the impacts are discussed in the Draft EIR. These findings do not repeat the full discussions of environmental impacts contained in the EIR.

The findings of infeasibility for the project alternatives follow the individual impact findings.

Findings Regarding Environmental Impacts Mitigated to a Less than Significant Level

Impact 4.2-1 (for roadway segments a-f): Under Existing Plus Project conditions, PM peak hour traffic volumes on study roadways would increase, resulting in unacceptable LOS at six locations under the 2-Access Alternative and at four locations under the 3-Access Alternative (for the Gateway II Driveway – CR 102 to American Drive, Gibson Road – CR 102 to American Drive, CR 102 – Maxwell Avenue to Gibson Road, CR 102 – Gibson Road to Heritage Parkway, CR 102 – Gibson Road to Heritage Parkway, and Maxwell Avenue – CR 102 to American Drive roadway segments).

Impact: Existing Plus Project conditions would result in six roadway segments that would operate at a worse LOS than the City of Woodland’s and Yolo County’s LOS thresholds. (Draft EIR, p. 4.2-46 to 4.2-49.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measures 4.2-1(a) through (f), for the Gateway II Driveway – CR 102 to American Drive Gibson Road – CR 102 to American Drive, CR 102 – Maxwell Avenue to Gibson Road, CR 102 – Gibson Road to Heritage Parkway, CR 102 – Gibson Road to Heritage Parkway, and Maxwell Avenue – CR 102 to American Drive roadway segments, the project applicant is required to implement the roadway improvements that are designated in each of the mitigation measures. Implementation of these mitigation measures would result in acceptable LOS operations for both the 2-Access & 3-Access Alternatives and impacts would be reduced to a less-than-significant level. (Draft EIR, p. 4.2-46 to 4.2-49.)

- **Mitigation Measure 4.2-1(a):** Gateway II Driveway – CR 102 to American Drive

2-Access Alternative – At ultimate buildout, the applicant shall widen the Gateway II Driveway between CR 102 and American Drive from a two lane collector to a four lane minor arterial. Driveway access shall be restricted based on the arterial designation. Right-of-way shall be reserved for a four lane section per City standards. Interim widening of the Gateway II driveway shall be widened to four lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer.

3-Access Alternative – At ultimate buildout, the applicant shall widen the Gateway II Driveway between CR 102 and American Drive from a two lane collector to a four lane collector. Right-of-way shall be reserved for a four lane section per City standards. Interim widening of the Gateway II driveway shall be per level of service standards as defined in the General Plan, as approved by the City Engineer.

Implementation of this mitigation measure would result in LOS C operations during the PM peak hour for both the 2-Access & 3-Access Alternatives and a less-than-significant impact would occur.

This mitigation measure is a direct project cost.

- **Mitigation Measure 4.2-1(b):** Gibson Road – CR 102 to American Drive

3-Access Alternative – At ultimate buildout, the applicant shall widen the Gibson Road extension between CR 102 and American Drive to a four lane minor arterial. Driveway access shall be restricted based on the arterial designation. Right-of-way shall be reserved for a four lane section per City standards. Interim widening of Gibson Road shall be widened as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer.

Implementation of this mitigation measure would result in LOS C operations during the PM peak hour for the 3-Access Alternative and a less-than-significant impact would occur

This mitigation measure is a direct project cost.

- **Mitigation Measure 4.2-1(c):** CR 102 – Maxwell Avenue to Gibson Road

2-Access & 3-Access Alternatives – At ultimate buildout, the applicant shall widen CR 102 between Maxwell Avenue and Gibson Road to three travel lanes in each direction. Right-of-way shall be reserved for a four lane section per City standards. Interim widening of CR 102 shall be widened to six lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer.

Implementation of this mitigation measure would result in LOS C operations during the PM peak hour for both the 2-Access and 3-Access Alternatives and a less-than-significant impact would occur.

This mitigation measure is a direct project cost.

Impact 4.2-1(c) would not be significant if the General Plan Amendment (i.e., changing CR 102 LOS threshold from C to D) proposed by the project is adopted. It should be noted, however, that intersection impacts at CR 102/Maxwell Avenue, CR 102/Gateway II, and CR 102/Gibson Road require the widening of CR 102 from four to six lanes. A third northbound lane would be required if driveways are planned between the project's main access driveways. Implementation of the mitigations required for these three intersections will ultimately result in a six lane section on CR 102 between Maxwell Avenue and Gibson Road.

- **Mitigation Measure 4.2-1(d):** CR 102 – Gibson Road to Heritage Parkway

2-Access & 3-Access Alternatives – At ultimate buildout, the applicant shall widen CR 102 between Gibson Road and Heritage Parkway to two travel lanes in each direction. Right-of-way shall be reserved for a four lane section per City standards. Interim widening of CR 102 shall be widened to four lanes as needed based on the traffic studies prepared for individual project phases, per level of service standards as defined in the General Plan, as approved by the City Engineer.

Implementation of this mitigation measure would result in LOS C operations during the PM peak hour for both the 2-Access and 3-Access Alternatives and a less-than-significant impact would occur.

This mitigation measure is fair share funded.

Impact 4.2-1(d) would not be significant if the General Plan Amendment (i.e., changing CR 102 LOS threshold from C to D) proposed by the project is adopted. It should be noted, however, that intersection impacts at CR 102/Gibson Road require the widening of CR 102 to provide two northbound and southbound through lanes at the intersection.

- **Mitigation Measure 4.2-1(e):** Wintun Drive – CR 102 to American Drive

2-Access & 3-Access Alternatives – At ultimate buildout, the applicant shall widen Wintun Drive between CR 102 and American Drive from two to four through lanes. Right-of-way shall be reserved for a four lane section per City standards. Interim widening of Wintun Drive shall be widened to four lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer.

Implementation of this mitigation measure would result in LOS B operations during the PM peak hour for both the 2-Access and 3-Access Alternatives and a less-than-significant impact would occur.

This mitigation measure is a direct project cost.

- **Mitigation Measure 4.2-1(f): Maxwell Avenue – CR 102 to American Drive**

2-Access Alternative – At ultimate buildout, the applicant shall widen Maxwell Avenue between CR 102 and American Drive from four to six through lanes. Right-of-way shall be reserved for the six lane section per City standards. Interim widening of Maxwell Avenue shall be widened to six lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer.

Implementation of this mitigation measure would result in LOS C operations during the PM peak hour for the 2-Access Alternative and a less-than-significant impact would occur.

This mitigation measure is a direct project cost.

Impact 4.2-2 (for intersections b-e, and g-i): Under Existing Plus Project conditions, AM and PM peak hour traffic volumes would increase resulting in unacceptable LOS at nine intersections (for the CR 102/I-5 NB, CR 102/I-5 SB, CR 102/Wintun Drive, CR 102/Maxwell Avenue, Maxwell Avenue/American Drive, CR 102/Gateway II Driveway, and Wintun Drive/American Drive intersections).

Impact: Existing Plus Project conditions would result in nine study intersections that would operate at a LOS worse than the City of Woodland's and Yolo County's LOS thresholds. (Draft EIR, p. 4.2-50.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measures 4.2-2(b), (c), (d), (e), (g), and (i) for the CR 102/I-5 NB, CR 102/I-5 SB, CR 102/Wintun Drive, CR 102/Maxwell Avenue, Maxwell Avenue/American Drive, CR 102/Gateway II Driveway, and Wintun Drive/American Drive intersections, the project applicant is required to implement the roadway improvements that are designated in each of the mitigation measures. Implementation of these mitigation measures would result in acceptable LOS operations for both the 2-Access & 3-Access Alternatives and impacts would be reduced to a less-than-significant level. (Draft EIR, p. 4.2-50 to 4.2-59.)

- **Mitigation Measure 4.2-2(b): CR 102 / I-5 NB**

2-Access & 3-Access Alternatives – Prior to the issuance of a building permit, the applicant shall pay the project’s fair share toward the widening and reconstruction of the I-5 / CR 102 interchange to the “Ultimate Design” identified in the I-5 CR 102 Interchange Project Report. The “Ultimate Design” consists of the following improvements: widening the CR 102 overpass to include two northbound and three southbound travel lanes; reconfiguring the intersection to provide one left-turn lane and two through lanes on the northbound approach, two through lanes and one shared through right-turn lane on the southbound approach, one left-turn lane, a shared left/through lane, and two right-turn lanes on the I-5 northbound off-ramp approach; and prohibiting eastbound left-turn movements from Hayes Lane.

Implementation of these improvements would provide LOS C and LOS D operations during the AM and PM peak hours, respectively, under both the 2-Access and 3-Access Alternatives and a less-than-significant impact would occur.

This mitigation is development fee funded. This improvement is currently in the City of Woodland MPFP.

- **Mitigation Measure 4.2-2(c): CR 102 / I-5 SB**

2-Access & 3-Access Alternatives – Prior to the issuance of a building permit, the applicant shall pay the project’s fair share toward the widening and reconstruction of the I-5/CR 102 interchange to the “Ultimate Design” identified in the I-5/CR 102 Interchange Project Report. The “Ultimate Design” consists of the following improvements: widening the CR 102 overpass to include two northbound and three southbound travel lanes; reconfiguring the intersection to provide two through lanes and one right-turn lane on the northbound approach and one through lane and one shared through right-turn lane on the southbound approach; and re-striping the I-5 southbound off-ramp from the “Ultimate Design” to provide one-left-turn lane and two right-turn lanes.

Implementation of these improvements would provide LOS A and LOS C operations during the AM and PM peak hours, respectively, under the 2-Access Alternative, and LOS A operations during both the AM and PM peak hours, respectively, under the 3-Access Alternative and a less-than-significant impact would occur.

This mitigation is development fee funded. This improvement is currently in the City of Woodland MPFP.

- **Mitigation Measure 4.2-2(d): CR 102 / Wintun Drive**

2-Access & 3-Access Alternatives – At ultimate buildout the applicant shall, consistent with the I-5 / CR 102 Interchange “Ultimate Design,” provide three

through lanes and one shared through right-turn lane in both the northbound and southbound direction. The applicant shall install a half traffic signal at the County Road 102 / Wintun Drive intersection and provide one westbound right turn lane. The half traffic signal shall stop northbound CR 102 traffic allowing westbound traffic to exit the project site. Consistent with mitigation measures 4.2-1(e), the applicant shall widen Wintun Drive from two to four through lanes between CR 102 and American Drive. Right-of-way shall be reserved for a four lane section per City standards. The interim improvements to Wintun Drive shall be widened to four lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer.

Implementation of these improvements would provide LOS A and D operations during the AM and PM peak hours, respectively, under the 2-Access Alternative, and LOS A during both the AM and PM peak hours, respectively, under the 3-Access Alternative and a less-than-significant impact would occur.

This mitigation is a direct project cost.

- **Mitigation Measure 4.2-2(e): CR 102 / Maxwell Avenue**

2-Access & 3-Access Alternatives – At ultimate buildout the applicant shall widen and reconstruct the northbound and southbound approaches to the CR 102 / Maxwell Avenue intersection. Widen and re-stripe the southbound approach to provide two left-turn lanes, two through lanes, and one shared through right-turn lane. Widen CR 102 between Maxwell Avenue and Gibson Road to provide three southbound receiving lanes and three northbound departure lanes at the CR 102/Maxwell Avenue intersection. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of CR 102 shall be widened to six lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. The northbound approach shall provide one left-turn lane, three through lanes, and one right-turn lane.

Implementation of this improvement would provide LOS C and D operations during the AM and PM peak hours under the 2-Access Alternative, and LOS C during both the AM and PM peak hours, respectively, under the 3-Access Alternative and a less-than-significant impact would occur.

This mitigation is a direct project cost.

- **Mitigation Measure 4.2-2(g): Maxwell Avenue / American Drive**

2-Access Alternative – At ultimate buildout, the applicant shall install a traffic signal at the Maxwell Avenue / American Drive intersection. The

improvements at the Maxwell Avenue / American Drive intersection shall be as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. In addition, at ultimate buildout, the applicant shall, consistent with mitigation measure 4.2-1(f), widen Maxwell Avenue between CR 102 and American Drive from four to six through lanes. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of Maxwell Avenue shall be widened to six lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. The applicant shall reconstruct the southbound approach to provide one left turn lane, two through lanes, and one right lane. The applicant shall reconstruct the westbound approach to provide one left turn lane and one through lane. The applicant shall reconstruct the eastbound approach to provide two left turn lanes, two through lanes, and one right turn lane. The applicant shall construct the new northbound approach to provide two left turn lanes and two through lanes.

3-Access Alternative – At ultimate buildout, the applicant shall install a traffic signal at the Maxwell Avenue / American Drive intersection. The improvements at the Maxwell Avenue / American Drive intersection shall be as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. The applicant shall reconstruct the southbound approach to provide one left turn lane, two through lanes, and one right lane. The applicant shall reconstruct the westbound approach to provide one left turn lane and one through lane. The applicant shall reconstruct the eastbound approach to provide two left turn lanes and two through lanes. The applicant shall construct the new northbound approach to provide two left turn lanes and two through lanes.

Implementation of these improvements would provide LOS C operations during the AM and PM peak hours, respectively, for the 2 and 3 Access Alternatives and a less-than-significant impact would occur.

This mitigation is a direct project cost.

- **Mitigation Measure 4.2-2(h):** CR 102 / Gateway II Driveway

2-Access & 3-Access Alternatives – At ultimate buildout the applicant shall, consistent with mitigation measure 4.2-1(c), widen CR 102 between Maxwell Avenue and Gibson Road. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of CR 102 shall be widened to six lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. The applicant shall reconstruct the northbound approach to provide three through lanes and one right turn lane. Reconstruct

the southbound approach to provide two left turn lanes and three through lanes. At ultimate buildout the applicant shall, consistent with mitigation measure 4.2-1(a), widen the Gateway II Driveway from two to four through lanes and provide two left turn lanes and one right turn lane on the westbound approach. Right -of-way shall be reserved for the four lane section per City standards. Interim widening of the Gateway II driveway shall be widened to four lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer.

Implementation of these improvements would provide LOS C and LOS B operations during the AM and PM peak hours, respectively, and a less-than-significant impact would occur.

This mitigation is a direct project cost.

Impact 4.2-2(h) would not be significant for the 3-Access Alternative if the General Plan Amendment (i.e., changing CR 102 LOS threshold from C to D) included in the proposed project is adopted. If this action is taken, mitigation is not required for the 3-Access Alternative.

- **Mitigation Measure 4.2-2(i): Wintun Drive / American Drive**

2-Access & 3-Access Alternatives – At ultimate buildout the applicant shall, consistent with Mitigation Measure 4.2-1(e), the applicant shall widen Wintun Drive from two to four through lanes between CR 102 and American Drive. Right -of-way shall be reserved for the four lane section per City standards. Interim widening of Wintun Drive shall be widened to four lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. The applicant shall realign the westbound approach to align properly with the widened section of Wintun Drive. The applicant shall re-stripe the eastbound approach to provide one left turn lane, one through lane, and one right turn lane.

Implementation of these improvements would provide LOS B and LOS C operations during the AM and PM peak hours, respectively, under the 2-Access Alternative and LOS B during the AM and PM peak hours, respectively, under the 3-Access Alternative, and a less-than-significant impact would occur.

This mitigation is a direct project cost.

Impact 4.2-3: The proposed project would increase demand for public transit service to an area that is not currently served by YCTD.

Impact: The operating and maintenance requirements of public transit service are funded mainly through a portion of sales tax revenue that is returned to each county

through the Transportation Development Act for the purpose of providing transit service. Therefore, the proposed project would contribute toward operating and maintenance requirements for public transit in the same way as previously approved developments. (Draft EIR, p. 4.2-60.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measure 4.2-3, the project applicant shall contribute the project's fair-share of the capital cost associated with providing transit service to the project site, and the fair-share cost shall be submitted to the City of Woodland in an incremental fashion as project phases are completed. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.2-60.)

- **Mitigation Measure 4.2-3:** The project applicant shall contribute its fair-share of the capital cost associated with providing transit service to the project site. It is anticipated that new transit vehicles may be required to provide additional service to the project site. However, the final determination of additional capital equipment or other costs shall be determined by the City of Woodland and YCTD. The fair-share cost shall be submitted to the City of Woodland in an incremental fashion as project phases are completed, prior to the issuance of building permits.

Impact 4.2-4: The proposed project would increase demand for public transit and create inconsistencies with transit-related policies in the City of Woodland General Plan.

Impact: The proposed project does not identify specific transit facilities (such as sheltered transit stops or pullouts) as required by General Plan Policy 3.D.5 and, therefore, would result in a potentially significant impact. (Draft EIR, p. 4.2-60.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measure 4.2-4, individual design review applications shall identify the specific locations of sheltered transit stops with bus turnouts, in accordance with the goals and policies of the City's General Plan, and the City of Woodland and the Yolo County Transportation District (YCTD) shall approve the location, design, and implementation timing of the sheltered transit stops and bus turnouts prior to the issuance of building permits. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.2-60.)

- **Mitigation Measure 4.2-4:** Individual design review applications shall be submitted prior to the issuance of a building permit and shall identify the specific locations of sheltered transit stops with bus turnouts, in accordance with the goals and policies of the City's General Plan and subject to review and approval of the City of Woodland and YCTD.

Impact 4.2-5: The proposed project would increase demand for bicycle and pedestrian facilities and create inconsistencies with bicycle-related policies in the City of Woodland General Plan.

Impact: The Woodland General Plan and the Bikeway Master Plan contain numerous policies related to the provision of bikeway and pedestrian facilities for new development areas. The proposed project does not identify specific bicycle or pedestrian facilities and, therefore, a potentially significant impact would occur. (Draft EIR, p. 4.2-61.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measure 4.2-5, individual design review applications shall provide a sidewalk and a Class II bike lane on both sides of the primary project access roadway, and the project applicant shall also provide bicycle and pedestrian facilities on the east side of CR 102 between Maxwell Drive and Gibson Road. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.2-61.)

- **Mitigation Measure 4.2-5:** Individual design review applications shall be submitted prior to the issuance of a building permit and shall provide a sidewalk and a Class II bike lane on both sides of the primary project access roadway. The project applicant shall also provide bicycle and pedestrian facilities on the east side of CR 102 between Maxwell Drive and Gibson Road.

Impact 4.2-7 (for roadway segments b-g): Under Cumulative (Year 2020) Plus Project conditions, PM peak hour traffic volumes on study roadways would increase resulting in unacceptable LOS at seven locations (for the CR 102 – Maxwell Avenue to Gibson Road, CR 102 – Gibson Road to Heritage Parkway, Wintun Drive – CR 102 to American Drive, Gateway II Driveway – CR 102 to American Drive, Gibson Road – CR 102 to American Drive, and Maxwell Avenue – CR 102 to American Drive roadway segments).

Impact: Cumulative (Year 2020) Plus Project conditions would result in roadway segments that would operate at worse than the City of Woodland's and Yolo County's LOS thresholds. (Draft EIR, p. 4.2-61 to 4.2-62.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measures 4.2-7(b) through (g) for the CR 102 – Maxwell Avenue to Gibson Road, CR 102 – Gibson Road to Heritage Parkway, Wintun Drive – CR 102 to American Drive, Gateway II Driveway – CR 102 to American Drive, Gibson Road – CR 102 to American Drive, and Maxwell Avenue – CR 102 to American Drive roadway segments, the project applicant is required to implement the roadway improvements that are designated in each of the mitigation measures. Implementation of these mitigation measures would result in acceptable LOS operations for both the 2-Access & 3-Access Alternatives and impacts would be reduced to a less-than-significant level. (Draft EIR, p. 4.2-61 to 4.2-65.)

- **Mitigation Measure 4.2-7(b):** CR 102 – Maxwell Avenue to Gibson Road

2-Access & 3-Access Alternatives – At ultimate buildout the applicant shall widen CR 102 between Maxwell Avenue and Gibson Road to three travel lanes in each direction. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of CR 102 shall be per level of service standards as defined in the General Plan, as approved by the City Engineer.

Implementation of this mitigation measure would result in LOS D and C operations during the PM peak hours, for the 2-Access and 3-Access Alternatives, respectively and a less-than-significant impact would occur.

This mitigation measure is a direct project cost.

Impact 4.2-7(b) would not be significant if the General Plan Amendment (i.e., changing CR 102 LOS threshold from C to D) included in the proposed project is adopted. It should be noted, however, that intersection impacts at CR 102/Maxwell Avenue, CR 102/Gateway II, and CR 102/Gibson Road require the widening of CR 102 from four to six lanes. A third northbound lane would be required if driveways are planned between the project's main access driveways. Implementation of the mitigations required for these three intersections will ultimately result in a six lane section on CR 102 between Maxwell Avenue and Gibson Road.

- **Mitigation Measure 4.2-7(c):** CR 102 – Gibson Road to Heritage Parkway

2-Access & 3-Access Alternatives – At ultimate buildout the applicant shall widen CR 102 between Gibson Road and Heritage Parkway to two travel lanes in each direction. Right -of-way shall be reserved for the four lane section per City standards. Interim widening of CR 102 shall be per level of service standards as defined in the General Plan, as approved by the City Engineer.

Implementation of this mitigation measure would result in LOS C operations during the PM peak hours, for both the 2-Access and 3-Access Alternatives and a less-than-significant impact would occur.

This mitigation measure is fair share funded.

Impact 4.2-7(c) would not be significant if the General Plan Amendment (i.e., changing CR 102 LOS threshold from C to D) proposed by the project is adopted. It should be noted, however, that intersection impacts at CR 102/Gibson Road require the widening of CR 102 to provide two northbound and southbound through lanes at the intersection.

- **Mitigation Measure 4.2-7(d):** Wintun Drive – CR 102 to American Drive

2-Access Alternative & 3-Access Alternatives – At ultimate buildout the applicant shall widen Wintun Drive between CR 102 and American Drive from two to four through lanes. Right -of-way shall be reserved for the four lane section per City standards. Interim widening of Wintun Drive shall be widened to four lanes as needed based on the traffic studies prepared for individual project phases, per level of service standards as defined in the General Plan, as approved by the City Engineer.

Implementation of this mitigation measure would result in LOS C operations during the PM peak hour and a less-than-significant impact would occur.

This mitigation measure is a direct project cost.

- **Mitigation Measure 4.2-7(e):** Gateway II Driveway – CR 102 to American Drive

2-Access Alternative – At ultimate buildout the applicant shall widen the Gateway II Driveway between CR 102 and American Drive from a two-lane collector to a four-lane minor arterial. Driveway access shall be restricted based on the arterial designation. Right -of-way shall be reserved for the four lane section per City standards. Interim widening of the Gateway II driveway shall be per level of service standards as defined in the General Plan, as approved by the City Engineer.

Implementation of this mitigation measure would result in LOS C operations during the PM peak hour under the 2-Access Alternative and a less-than-significant impact would occur.

3-Access Alternative – At ultimate buildout the applicant shall widen the Gateway II Driveway between CR 102 and American Drive from a two-lane collector to a four-lane collector. Right -of-way shall be reserved for the four lane section per City standards. Interim widening of the Gateway II driveway shall be per level of service standards as defined in the General Plan, as approved by the City Engineer.

Implementation of this mitigation measure would result in LOS B operations during the PM peak hour under the 3-Access Alternative and a less-than-significant impact would occur.

This mitigation measure is a direct project cost.

- **Mitigation Measure 4.2-7(f): Gibson Road – CR 102 to American Drive**

3-Access Alternative – At ultimate buildout the applicant shall widen the Gibson Road extension between CR 102 and American Drive to a four-lane minor arterial. Driveway access shall be restricted based on the arterial designation. Right -of-way shall be reserved for the four lane section per City standards. Interim widening of E. Gibson Road shall be widened to four lanes as needed based on the traffic studies prepared for individual project phase per level of service standards as defined in the General Plan, as approved by the City Engineer.

Implementation of this mitigation measure would result in LOS C operations during the PM peak hour and a less-than-significant impact would occur.

This mitigation measure is a direct project cost.

- **Mitigation Measure 4.2-7(g): Maxwell Avenue – CR 102 to American Drive**

2-Access Alternative – At ultimate buildout the applicant shall widen Maxwell Avenue between CR 102 and American Drive from four to six through lanes. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of Maxwell Avenue shall be widened to six lanes as needed based on the traffic studies prepared for individual project phase per level of service standards as defined in the General Plan, as approved by the City Engineer.

Implementation of this mitigation measure would result in LOS C or better operations during the PM peak hour and a less-than-significant impact would occur.

This mitigation measure is a direct project cost.

Impact 4.2-8 (for intersections c, d, f [2-access], k, l, m [3-access], and n): Under Cumulative (Year 2020) Plus Project conditions, AM and PM peak hour traffic volumes at study intersections would increase resulting in unacceptable LOS at 14 locations (for the CR 102/I-5 SB, CR 102/Wintun Drive, CR 102/Gibson Road (2-Access Alternative only), Wintun Drive/American Drive, Maxwell Avenue/American Drive, CR 102/Gateway II Driveway (3-Access Alternative only), and E. Main Street/SR 113 SB Ramps intersections).

Impact: Cumulative (Year 2020) Plus Project conditions would result in 14 study intersections that would operate at worse than the City's LOS thresholds. (Draft EIR, p. 4.2-66.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measures 4.2-8(c), (d), (f), (k), (l), (m), and (n) for the CR 102/I-5 SB, CR 102/Wintun Drive, CR 102/Gibson Road (2-Access Alternative only), Wintun Drive/American Drive, Maxwell Avenue/American Drive, CR 102/Gateway II Driveway (3-Access Alternative only), and E. Main Street/SR 113 SB Ramps intersections, the project applicant is required to implement the roadway improvements that are designated in each of the mitigation measures. Implementation of these mitigation measures would result in acceptable LOS operations for both the 2-Access & 3-Access Alternatives and impacts would be reduced to a less-than-significant level. (Draft EIR, p. 4.2-66 to 4.2-77.)

- **Mitigation Measure 4.2-8(c): CR 102 / I-5 SB**

2-Access & 3-Access Alternatives – Prior to the issuance of building permits, the applicant shall pay the project's fair share to implement the ultimate design for the I-5/CR 102 interchange and re-stripe the southbound off-ramp at the County Road 102 / I-5 SB Ramps intersection to provide a left-turn lane and two right-turn lanes.

Implementation of these improvements would provide LOS B operations during the PM peak hour under the 2-Access Alternative and LOS C operations during the PM peak hour under the 3-Access Alternative, and a less-than-significant impact would occur.

This mitigation measure is development fee funded.

- **Mitigation Measure 4.2-8(d): CR 102 / Wintun Drive**

2-Access & 3-Access Alternatives – At ultimate buildout the applicant shall, consistent with the I-5 / CR 102 Interchange "Ultimate Design," provide three through lanes in both the northbound and southbound directions. Install a half traffic signal at the CR 102 / Wintun Drive intersection and provide two westbound right-turn lanes. The half traffic signal would stop northbound CR 102 traffic allowing westbound traffic to exit the Gateway I site. At ultimate buildout the applicant shall, consistent with mitigation measures 4.2-1(e), widen Wintun Drive from two to four through lanes between CR 102 and American Drive. Right -of-way shall be reserved for the four lane section per City standards. The interim improvements to Wintun Drive shall be widened to four lanes as needed based on the traffic studies prepared for individual

project phases per level of service standards as defined in the General Plan, as approved by the City Engineer.

Implementation of these improvements would provide LOS C operations during both the AM and PM peak hours, respectively, under the 2-Access Alternative and LOS C and B during the AM and PM peak hours, respectively, under the 3-Access Alternative, and a less-than-significant impact would occur.

This mitigation is a direct project cost.

- **Mitigation Measure 4.2-8(f): CR 102 / Gibson Road**

2-Access Alternative – At ultimate buildout the applicant shall, consistent with Mitigation Measure 4.2-7(e), widen CR 102 between Maxwell Avenue and Gibson Road to provide three travel lanes in each direction. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of CR 102 shall be widened to six lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. The applicant shall re-stripe the southbound approach and reconstruct the northbound approach to the CR 102 / Gibson Road intersection. The applicant shall re-stripe the southbound approach to provide one left-turn lane, two through lanes, and two right turn lanes. The applicant shall widen CR 102 between Gibson Road and Farmers Central Road to provide two continuous northbound and southbound departure lanes and receiving lanes, respectively. The northbound approach shall provide one left turn lane and two through lanes. The applicant shall modify the traffic signal to provide an overlap phase for the southbound right turn and eastbound left turn movements.

Implementation of this improvement would provide LOS C operations during the PM peak hour and a less-than-significant impact would occur.

The widening of CR 102 is fair share funded. The remaining intersection approach improvements are a direct project cost.

- **Mitigation Measure 4.2-8(k): Wintun Drive / American Drive**

2-Access & 3-Access Alternatives – At ultimate buildout the applicant shall, consistent with Mitigation Measure 4.2-7(d), widen Wintun Drive from two to four through lanes between CR 102 and American Drive. Sufficient right-of-way shall be reserved for the four lane section. Interim widening of Wintun Drive shall be as needed based on the traffic studies prepared for individual project phases, as approved by the City Engineer. The applicant shall realign the westbound approach to align properly with the widened section of Wintun Drive. The applicant shall reconstruct the eastbound approach to provide one left turn lane, one through lane, and one right turn lane.

Implementation of these improvements would provide LOS B and LOS C operations during the AM and PM peak hours, respectively, under the 2-Access Alternative and LOS B during the AM and PM peak hours, respectively, under the 3-Access Alternative, and a less-than-significant impact would occur.

This mitigation is a direct project cost.

- **Mitigation Measure 4.2-8(l):** Maxwell Avenue / American Drive

2-Access Alternative – The applicant shall install a traffic signal at the Maxwell Avenue / American Drive intersection. At ultimate buildout the applicant shall, consistent with mitigation measure 4.2-7(g), widen Maxwell Avenue between CR 102 and American Drive from four to six through lanes. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of Maxwell Avenue shall be widened to six lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. The applicant shall reconstruct the southbound approach to provide one left turn lane, two through lanes, and one right lane. The applicant shall reconstruct the westbound approach to provide one left turn lane and one through lane. The applicant shall reconstruct the eastbound approach to provide two left turn lanes, two through lanes, and one right turn lane. The applicant shall construct the new northbound approach to provide two left turn lanes and two through lanes.

3-Access Alternative – The applicant shall install a traffic signal at the Maxwell Avenue / American Drive intersection. The applicant shall reconstruct the southbound approach to provide one left turn lane, two through lanes, and one right lane. The applicant shall reconstruct the westbound approach to provide one left turn lane and one through lane. The applicant shall reconstruct the eastbound approach to provide two left turn lanes and two through lanes. The applicant shall construct the new northbound approach to provide two left turn lanes and two through lanes.

Implementation of these improvements would provide LOS C operations in the AM and PM peak hours, respectively, for the 2 and 3-Access Alternatives, and a less-than-significant impact would occur. If implementation of Mitigation Measure 4.2-7 under the 2-Access Alternative does not occur, LOS B and LOS F operations are projected during the AM and PM peak hours, respectively. This mitigation is a direct project cost.

- **Mitigation Measure 4.2-8(m):** CR 102 / Gateway II Driveway

2-Access & 3-Access Alternatives – At ultimate buildout the applicant shall, consistent with Mitigation Measure 4.2-7(b), widen CR 102 between Maxwell Avenue and Gibson Road to provide one additional through travel lane in each

direction and reconfigure the northbound, southbound and westbound approaches. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of CR 102 shall be per level of service standards as defined in the General Plan, as approved by the City Engineer. The applicant shall reconstruct the northbound approach to provide three through lanes and one right turn lane. The applicant shall reconstruct the southbound approach to provide two left turn lanes and three through lanes. At ultimate buildout the applicant shall, consistent with mitigation measure 4.2-7(e), widen the Gateway II Driveway from two to four lanes and provide two left turn lanes and one right turn lane on the westbound approach. Right -of-way shall be reserved for the four lane section per City standards. Interim widening of the Gateway II driveway shall be lanes as needed based on the traffic studies prepared for individual project phases widened to four lanes per level of service standards as defined in the General Plan, as approved by the City Engineer.

Implementation of these improvements would provide LOS C and LOS D operations during the AM and PM peak hours, respectively, under the 2-Access Alternative and LOS B and C during the AM and PM peak hours, respectively, under the 3-Access Alternative.

This mitigation is a direct project cost.

For the 2-Access Alternative, this mitigation would reduce cumulative impacts, but not to a level that is less-than-significant. Therefore, this impact is considered significant and unavoidable. The mitigation would reduce impacts to a less-than-significant level if the General Plan Amendment (i.e., changing CR 102 LOS threshold from C to D) included in the proposed project is adopted.

For the 3-Access Alternative, this mitigation would reduce cumulative impacts to a level that is less-than-significant.

- **Mitigation Measure 4.2-8(n):** E. Main Street / SR 113 SB Ramps

2-Access & 3-Access Alternatives – Prior to the issuance of a building permit, the applicant shall pay the project's fair share toward the widening of the E. Main Street / SR 113 SB Ramps on the eastbound approach to provide an exclusive right turn lane and on the westbound approach to provide a second exclusive left turn lane.

Implementation of these improvements would provide LOS D operations in the PM peak hour for the 2 and 3 access alternatives, and a less-than-significant impact would occur.

This mitigation is fair share funded.

Impact 4.2-9: The proposed project would cumulatively increase demand for public transit service to an area that is not currently served by YCTD.

Impact: The operating and maintenance requirements of public transit service are funded mainly through a portion of sales tax revenue that is returned to each county through the Transportation Development Act for the purpose of providing transit service. Therefore, the proposed project would contribute toward operating and maintenance requirements for public transit in the same way as previously approved developments. (Draft EIR, p. 4.2-77.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measure 4.2-9, the project applicant shall contribute the project's fair-share of the capital cost associated with providing transit service to the project site, and the fair-share cost shall be submitted to the City of Woodland in an incremental fashion as project phases are completed. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.2-77.)

- **Mitigation Measure 4.2-9:** Implement Mitigation Measure 4.2-3.

Impact 4.2-10: The proposed project would cumulatively increase demand for public transit and create inconsistencies with transit-related policies in the City of Woodland General Plan.

Impact: The proposed project does not identify specific transit facilities (such as sheltered transit stops or pullouts) as required by General Plan Policy 3.D.5 and, therefore, would result in a potentially significant impact. (Draft EIR, p. 4.2-78.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measure 4.2-10, individual design review applications shall identify the specific locations of sheltered transit stops with bus turnouts, in accordance with the goals and policies of the City's General Plan, and the City of Woodland and the Yolo County Transportation District (YCTD) shall approve the location, design, and implementation timing of the sheltered transit stops and bus turnouts prior to the issuance of building permits. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.2-78.)

- **Mitigation Measure 4.2-10:** Implement Mitigation Measure 4.2-4.

Impact 4.2-11: The proposed project would cumulatively increase demand for bicycle and pedestrian facilities and create inconsistencies with bicycle-related policies in the City of Woodland General Plan.

Impact: The Woodland General Plan and the Bikeway Master Plan contain numerous policies related to the provision of bikeway and pedestrian facilities for new development areas. The proposed project does not identify specific bicycle or pedestrian facilities and, therefore, a potentially significant impact would occur. (Draft EIR, p. 4.2-78.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measure 4.2-11, individual design review applications shall provide a sidewalk and a Class II bike lane on both sides of the primary project access roadway, and the project applicant shall also provide bicycle and pedestrian facilities on the east side of CR 102 between Maxwell Drive and Gibson Road. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.2-78.)

- **Mitigation Measure 4.2-11:** Implement Mitigation Measure 4.2-5.

Impact 4.3-1: Construction-related impacts resulting in temporary increases in criteria air pollutants that would violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Impact: Based on the air quality modeling conducted, the project's estimated annual construction-generated emissions would not exceed the Yolo Solano Air Quality Management District (YSAQMD) significance thresholds of 10 tons/year for either ROG or NO_x. However, the project's estimated daily emissions of PM₁₀ would exceed the YSAQMD significance threshold of 80 lbs/day. (Draft EIR, p. 4.3-37 to 4.3-39.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measure 4.3-1, the applicant is required to implement standard dust control measures for the control of fugitive dust during the duration of construction, which would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.3-37 to 4.3-39.)

- **Mitigation Measure 4.3-1:** With implementation of standard dust control measures including, but not limited to, the following, predicted maximum overall daily emissions of PM₁₀ associated with development of the proposed land uses would be reduced to approximately 31 lbs/day which would not

exceed the YSAQMD threshold of 80 lbs/day; therefore, this impact would be considered less-than-significant with mitigation.

- o Water all active construction areas at least three times daily. Frequency of application should be based on the type of operation, soil and wind exposure;
- o Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
- o Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed areas;
- o Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days);
- o Replant vegetation in disturbed areas as quickly as possible;
- o Enclose, cover, water three times daily, or apply non-toxic soil binders to exposed stockpiles, such as dirt, sand, etc.;
- o Use late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available;
- o Sweep streets daily, with water sweepers, if visible soil materials are carried onto adjacent public streets; and
- o Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

Impact 4.3-5: Increased exposure of sensitive receptors to odors.

Impact: The proposed project would be located in the vicinity of several odor-producing uses including two wastewater facilities (the City's WPCF and PCP's tomato wastewater disposal site), agriculture, biomass storage, and various County facilities (the jail livestock pens, the animal shelter, and the fairgrounds). Exposure to odors from these uses could affect future sensitive receptors on the project site. (Draft EIR, p. 4.3-47 to 4.3-48.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measure 4.3-5, the applicant shall establish and maintain a one-half mile odor buffer between the project site and the

headworks of the City WPCF, as well as between the project site and the Erskine pond. In addition, the mitigation measure requires that if a developer of a future site plan within Gateway II wishes to encroach within the half-mile odor buffer, the developer shall prepare an Updated Evaluation of Odor Impacts from Wastewater Treatment Facilities on the Proposed Gateway II Project and shall submit the updated study to the Community Development Department for review and approval. Should the updated study be prepared and the study determines that a potentially significant impact would occur, mitigation within the study could include, but would not be limited to, enclosing the headworks of the City WPCF and/or relocating the Erskine Pond. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.3-48.)

- **Mitigation Measure 4.3-5:** The applicant shall establish and maintain a one-half mile odor buffer between the project site and the headworks of the City WPCF, as well as between the project site and the Erskine pond. The odor buffer shall be reflected on all project site plans and shall be submitted for the review and approval of the Community Development Department prior to the issuance of a building permit. In the event that a developer of a future site plan within Gateway II wishes to encroach within the half-mile odor buffer, the developer shall prepare an Updated Evaluation of Odor Impacts from Wastewater Treatment Facilities on the Proposed Gateway II Project and shall submit the updated study to the Community Development Department for review and approval. Should the updated study be prepared and the study determines that a potentially significant impact would occur, mitigation within the study could include, but would not be limited to, enclosing the headworks of the City WPCF and/or relocating the Erskine Pond. If the updated study determines that a potentially significant impact would occur, the applicant shall either pay the project's fair share of the improvements that would be necessary to reduce impacts related to odors from the headworks and the ponds (if the improvements are included in the City's Major Projects Financing Plan [MPFP]) or construct the improvements, pursuant to the updated Evaluation of Odor Impacts from Wastewater Treatment Facilities on the Proposed Gateway II Project and be eligible for reimbursement.

Impact 4.4-2: Exposure of sensitive receptors to non-transportation noise sources from on-site operational activities.

Impact: Depending on final site design, project operational activities occurring during the quieter nighttime hours associated with on-site maintenance (i.e., landscape maintenance, waste collection) and loading dock operations could result in significant increases in ambient noise that could exceed applicable City of Woodland noise standards. (Draft EIR, p. 4.4-21 to 4.4-25.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measures 4.4-2(a) and (b), the City shall ensure that landscape maintenance, waste-collection activities, and the operation of noise-generating stationary equipment located within exterior activity areas are limited to between the hours of 7:00 a.m. and 10:00 p.m., and the project applicant shall submit an acoustical assessment for commercial land uses that include loading and unloading areas located within 320 feet of noise-sensitive land uses (i.e., residential dwellings, hotels), for review and approval by the Community Development Department. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.4-25.)

- **Mitigation Measure 4.4-2(a):** At the time of future applications for site-specific development, the City of Woodland Community Development Department shall ensure that landscape maintenance, waste-collection activities, and the operation of noise-generating stationary equipment located within exterior activity areas, such as compactors and compressors, excluding building mechanical equipment (i.e., boilers, HVAC units), shall be limited to between the hours of 7:00 a.m. and 10:00 p.m.
- **Mitigation Measure 4.4-2(b):** At the time of future applications for site-specific development, the project applicant shall submit an acoustical assessment for commercial land uses that include loading and unloading areas located within 320 feet of noise-sensitive land uses (i.e., residential dwellings, hotels), for review and approval by the Community Development Department. Where the acoustical analysis determines that stationary-source noise levels would exceed applicable City noise standards, the City shall require the implementation of all practical noise-attenuation measures sufficient to achieve compliance with applicable noise standards at nearby noise-sensitive land uses. Such measures may include, but would not be limited to, site redesign, the incorporation of setbacks, sound barriers, berms, or equipment enclosures, and hourly operational restrictions. The emphasis of such measures shall be placed upon site planning and project design. The use of noise barriers shall be considered as a means of achieving the noise standards only after all other practical design-related noise mitigation measures have been integrated into the project. The acoustical assessment shall be prepared in accordance with City of Woodland requirements, as identified in the City of Woodland General Plan, Chapter 8, Health and Safety, Policy 8.G.4.

Impact 4.4-3: Compatibility of proposed land uses with projected on-site noise levels.

Impact: Depending on the commercial land uses ultimately proposed and final site design, predicted noise levels at some commercial uses located within approximately 185 feet of the centerline of CR 102 could potentially exceed the City's land use compatibility noise criteria of 65 dBA CNEL/Ldn. Of particular note would be the commercial land uses where quiet interior environments would be necessary for normal operations (i.e., offices, daycare facilities). (Draft EIR, p. 4.4-26.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Based on the traffic noise modeling conducted, predicted exterior noise levels at proposed commercial retail and restaurant uses located within approximately 185 feet of the centerline of CR 102 could potentially exceed the City's land use compatibility noise criteria of 65 dBA CNEL/L_{dn}, but would not be projected to exceed the City's "conditionally acceptable" exterior noise criteria of 75 dBA CNEL/L_{dn}. Based on the preliminary site design, predicted exterior traffic noise levels at the proposed hotel use would be approximately 57 dBA CNEL, or less. Assuming an average exterior-to-interior noise reduction of 25 dBA, predicted interior traffic noise levels at the proposed hotel location would be approximately 32 dBA CNEL/L_{dn}, or less. Predicted noise levels at proposed onsite hotel land use would not be projected to exceed applicable exterior and interior City's noise standards of 60 dBA CNEL/L_{dn} and 45 dBA CNEL/L_{dn}, respectively. Based on these same assumptions, predicted exterior traffic noise levels at the proposed office locations would be approximately 55 dBA CNEL, or less and predicted interior traffic noise levels would not be predicted to exceed 26 dBA CNEL. Predicted noise levels at proposed onsite office land uses would not be projected to exceed applicable exterior and interior City's noise standards of 65 dBA CNEL/L_{dn} and 45 dBA CNEL/L_{dn}, respectively. Implementation of Mitigation Measure 4.4-3 would reduce noise impacts to less than significant levels. (Draft EIR, p. 4.4-26 to 4.4-27.)

- **Mitigation Measure 4.4-3:** At the time of future applications for site-specific development, the applicant shall submit an acoustical assessment for commercial land uses within which quiet interior noise levels would typically be required for normal operations (i.e., offices, daycare facilities) located within 185 feet of the centerline of CR 102, for the review and approval of the Community Development Director. Where acoustical analysis determines that traffic noise levels would exceed applicable City noise standards, the City shall require the implementation of all practical noise-attenuation measures sufficient to achieve compliance with applicable noise standards. Such measure may include, but are not limited to, site redesign and/or the incorporation of setbacks, sound barriers, and increased building noise-attenuation features. The emphasis of such measures shall be placed upon site planning and project design. The use of noise barriers shall be considered as a means of achieving the noise standards only after all other practical design-related noise mitigation measures have been integrated into the project. The acoustical assessment shall include a post-project assessment program to evaluate the effectiveness of the proposed mitigation measures.

Impact 4.4-4: Impacts of noise-generating construction activities to nearby sensitive receptors.

Impact: Construction activities occurring during the more noise-sensitive late evening and night-time hours could result in increased levels of annoyance and potential sleep disruption for occupants of nearby noise-sensitive land uses. (Draft EIR, p. 4.4-27.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measure 4.4-4(a), the applicant shall submit a construction management plan to ensure that throughout the duration of construction, construction activities shall be limited to between 7:00 am and 6:00 pm, Monday through Saturday and between 9:00 am and 6:00 pm on Sundays. Pursuant to Mitigation Measure 4.4-4(b), the applicant shall ensure that construction equipment is properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturer's recommendations. Equipment engine shrouds shall be closed during equipment operations. Prior to the issuance of each construction permit, the applicant shall submit a letter from the contractor acknowledging this requirement. (Draft EIR, p. 4.4-27 to 4.4-29.)

- **Mitigation Measure 4.4-4(a):** Prior to issuance of the first building permit, the applicant shall submit a construction management plan for review and approval of the City of Woodland Community Development Department. The construction management plan shall ensure throughout the duration of construction, construction activities (excluding activities that would result in a safety concern to the public or construction workers or if approved by the Community Development Department) shall be limited to between the daytime hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday, and between 9:00 a.m. and 6:00 p.m. on Sundays.
- **Mitigation Measure 4.4-4(b):** Prior to and throughout the duration of construction, the applicant shall ensure that construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation. Prior to the issuance of each construction permit, the applicant shall submit a letter from the contractor indicating the intent to comply with this mitigation, for the review and approval of the Community Development Department.

Impact 4.5-1: Development of the proposed project would result in an adverse impact to waters of the United States and/or State.

Impact: While a preliminary wetlands study that was conducted on the project site indicated that waters of the U.S. are not present on the project site, the USACE has not verified the extent of their jurisdiction on the project site. Because a stormwater discharge plan is not yet available for review, stormwater could be discharged into the man-made

ditch immediately south of the project site. This ditch is likely within the USACE's jurisdiction and any stormwater outfall constructed below the ordinary high water marks of this ditch would likely require a permit from the USACE. Until the USACE has verified that areas subject to USACE jurisdiction are not on the project site, and until a site development plan is available indicating that the man-made ditch immediately south of the project site would not be impacted by the proposed project, the project is regarded as having potential impacts to waters of the U.S. and State. (Draft EIR, p. 4.5-32 to 4.5-33.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measures 4.5-1(a) and (b), a formal wetland delineation shall be conducted according to the USACE 1987 Wetlands Delineation Manual in conjunction with the USACE 2006 Regional Supplement for the Arid West Region, and based on the USACE confirmed map, jurisdictional waters of the U.S. and/or State shall be avoided by the project where possible. If full avoidance of waters of the United States and/or State is not possible for the proposed project, potential impacts shall be minimized to the extent feasible through changes to project design. In addition, waters of the U.S. and/or State that are impacted shall be mitigated via enhancement/creation of replacement wetlands that are preserved in perpetuity. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.5-32 to 4.5-33.)

- **Mitigation Measure 4.5-1(a):** Prior to issuance of each grading permit for future site-specific development, a formal wetland delineation shall be conducted according to the USACE 1987 Wetlands Delineation Manual in conjunction with the USACE 2006 Regional Supplement for the Arid West Region. The applicant shall obtain a verified USACE wetlands delineation map. Based on the USACE confirmed map, jurisdictional waters of the U.S. and/or State shall be avoided by the project where possible.

If full avoidance of waters of the United States and/or State is not possible for the proposed project, potential impacts shall be minimized to the extent feasible through changes to project design. For those wetland areas that cannot be avoided, appropriate permits shall be acquired from the USACE and/or RWQCB. Copies of applicable permits shall be provided to the Community Development Department prior to grading, and any conditions in these permits shall become a condition of project approval.

- **Mitigation Measure 4.5-1(b):** Waters of the U.S. and/or State that are impacted shall be mitigated via enhancement/creation of replacement wetlands that are preserved in perpetuity. Mitigation requirements for impacts to waters of the U.S. (and/or State) shall include that the applicant replace impacted waters of the U.S. (or State) at a minimum 1:1 ratio (that is for each

square foot of impact, one square foot of enhancement/creation is required), for the approval of the USACE and the Community Development Department.

Impact 4.5-3: Development of the proposed project would result in impacts to the western pond turtle.

Impact: The possibility that western pond turtles nest on the project site is unlikely; however, implementation of the proposed project would result in decreased potential habitat for the western pond turtle, as site disturbance activities would create unsuitable habitat for the species. (Draft EIR, p. 4.5-34.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measures 4.5-3(a) and (b), a qualified biologist shall conduct preconstruction surveys for this species within the project boundary prior to the commencement of any work in the area. If western pond turtles are found during these surveys, the turtles shall be salvaged and relocated to the man-made ditch immediately south of the project site, and any turtle nests that are found during these surveys shall be fenced off until the young have hatched and relocated to an area off-site, as permitted by the California Department of Fish and Game (CDFG). The CDFG permit and proof of compliance will be required to be provided to the Community Development Department prior to commencement of any construction activity. In addition, prior to any ground disturbing activities, exclusionary fencing shall be installed along the southern edge of the project site and shall remain in place during site grading or other construction-related activities. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.5-34 to 4.5-35.)

- **Mitigation Measure 4.5-3(a):** Prior to issuance of each grading permit for future site-specific development, a qualified biologist shall conduct preconstruction surveys for this species within the project boundary prior to the commencement of any work in this area, for review by the Community Development Department. Western pond turtles that are found during these surveys shall be salvaged and relocated to the man-made ditch immediately south of the project site. Any western pond turtle nests that are found during these surveys shall be fenced off until the young have hatched and relocated to an area offsite, as permitted by CDFG. The CDFG permit and proof of compliance shall be provided to the Community Development Department prior to commencement of any construction activity.
- **Mitigation Measure 4.5-3(b):** Prior to any ground disturbing activities, exclusionary fencing shall be installed along the southern edge of the project site for review and approval by the City Engineer. The fencing shall remain in place during site grading or other construction-related activities. The fencing

shall consist of a four-foot wall of ¼-inch mesh, welded galvanized wire. The fence shall be buried along the bottom margin four inches into the ground. The next approximate three feet of fencing above the ground shall be anchored to staking with wire. Finally, the top six inches of the fence shall be bent over in a semi-circle towards the outside of the fence (towards the man-made ditch) to ensure that the fence cannot be climbed. This fencing shall be backed by orange-colored silt fencing on the project side of the fence to prevent equipment and any side-cast material from entering the man-made ditch.

Impact 4.5-4: Development of the proposed project would result in impacts to the giant garter snake.

Impact: The giant garter snake has the potential to occur in the ditch immediately south of the project site. The U.S. Fish and Wildlife Service (USFWS) considers land disturbances within 200 feet of giant garter snake habitat to be a potential adverse indirect impact to the snake. Construction activities associated with installation of storm drain or wastewater infrastructure could result in indirect impacts to the giant garter snake. (Draft EIR, p. 4.5-35.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measures 4.5-4(a), (b), and (c), a qualified biologist shall conduct preconstruction surveys within the project boundary within 24 hours of the commencement of any work in the area. Vegetation clearing within 200 feet of the banks of the man-made ditch immediately south of the project site (as well as within 200 feet of the South Canal) shall be limited to the minimal area necessary, the use of heavy equipment within 200 feet of the banks of the man-made ditch (as well as within 200 feet of the South Canal) shall be confined to existing roadways, and construction within 200 feet of the banks of the man-made ditch immediately south of the project site (as well as within 200 feet of the South Canal) shall occur only during the active period for the giant garter snake, between May 1 and October 1. If the giant garter snake is found on-site, a biological monitor shall be present during all vegetation clearing and grading work. The biological monitor shall have the right to stop all grading work in the event a giant garter snake is found on the project site. In addition, prior to any ground disturbing activities, exclusionary fencing shall be installed along the southern edge of the project site and shall remain in place during site grading or other construction-related activities. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.5-35 to 4.5-36.)

- **Mitigation Measure 4.5-4(a):** Prior to issuance of each grading permit for future site-specific development, a qualified biologist shall conduct preconstruction surveys for this species within the project boundary within 24 hours of the commencement of any work in this area. In order to minimize

disturbance to this species, vegetation clearing within 200 feet of the banks of the man-made ditch immediately south of the project site, as well as within 200 feet of the South Canal, shall be limited to the minimal area necessary. In addition, the use of heavy equipment within 200 feet of the banks of the man-made ditch, as well as within 200 feet of the South Canal, shall be confined to existing roadways, as approved by the City Engineer. Furthermore, in accordance with the Standard Avoidance and Minimization Measures During Construction Activities in Giant Garter Snake (*Thamnophis gigas*) Habitat (USFWS 1997), construction within 200 feet of the banks of the man-made ditch immediately south of the project site, as well as within 200 feet of the South Canal, shall occur only during the active period for the giant garter snake, between May 1 and October 1. If the giant garter snake is found on-site, Mitigation Measure 4.5-4(b) shall be implemented.

- **Mitigation Measure 4.5-4(b):** A biological monitor shall be present during all vegetation clearing and grading work. The biological monitor shall have the right to stop all grading work in the event a giant garter snake is found on the project site. If this occurs, the USFWS and the CDFG shall be immediately contacted and work shall not recommence until these agencies provide authorization to do so, and the written authorization is provided to the Community Development Department.
- **Mitigation Measure 4.5-4(c):** Implement Mitigation Measure 4.5-3(b).

Impact 4.5-5: Development of the proposed project would result in impacts to Swainson's hawk.

Impact: Implementation of the proposed project would result in decreased potential foraging grounds for Swainson's hawk, as site disturbance activities would create unsuitable environment for the species. (Draft EIR, p. 4.5-36.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: It should be noted that the roadway along the southern boundary of the project site was realigned and extended as part of the previously approved Woodland Gateway Phase I project. This 20-acre portion of roadway is also considered part of the 154-acre proposed project site. As part of the Woodland Gateway Phase I project, impacts to Swainson's hawk habitat were mitigated for via replacement of any impacted Swainson's hawk foraging habitat at a 1:1 ratio. Therefore, the proposed project is not required to mitigate for the disturbance of Swainson's hawk habitat on the 20 acres of roadway; therefore, that acreage is subtracted from the total acreage of the project site. Pursuant to Mitigation Measures 4.5-5(a) and (b), the applicant shall mitigate for the loss of Swainson's hawk foraging habitat through participation in the Yolo County HCP/NCCP. A suitable conservation easement, as determined by the Yolo

County HCP/NCCP JPA and CDFG, shall be dedicated and proof of the conservation easement shall be provided to the Community Development Department. In the event that the HCP/NCCP is not adopted, the applicant shall replace any impacted Swainson's hawk foraging habitat within one mile of a nest site with one acre of suitable Habitat Management Land (1:1 impact to replacement ratio), which would equal 134 acres. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.5-36 to 4.5-38.)

- **Mitigation Measure 4.5-5(a):** Prior to issuance of the first grading permit, the applicant shall mitigate for the loss of Swainson's hawk foraging habitat through participation in the Yolo County HCP/NCCP. Because the proposed project footprint exceeds 40 acres, the Yolo County HCP/NCCP requires the dedication of a suitable conservation easement, as determined by the Yolo County HCP/NCCP JPA and CDFG and proof of the conservation easement shall be provided to the Community Development Department. In the event that the final Yolo County HCP/NCCP is adopted before development occurs, the developer shall participate in the Yolo County HCP/NCCP through payment of applicable fees designated for Swainson's hawk conservation. In the event that the HCP/NCCP is not adopted, implementation of Mitigation Measure 4.5-5(b) shall be required.
- **Mitigation Measure 4.5-5(b):** Prior to issuance of the first grading permit, in the event that the Yolo County HCP/NCCP is not adopted, and in accordance with CDFG's Mitigation Guidelines, the applicant shall replace any impacted Swainson's hawk foraging habitat within one mile of a nest site with one acre of suitable Habitat Management Land (1:1 impact to replacement ratio). Because the project site is located within one mile of a known Swainson's hawk nesting site, the HCP/NCCP would require a 1:1 mitigation ratio (134 acres). Off-site occupied Swainson's hawk foraging habitat would be acquired by the applicant via fee title or through purchase of the right to record a conservation easement over the conserved property. The conserved property shall be managed by a qualified conservation organization. The conservation organization would also require a cash endowment from the developer, the interest from which would be used to manage or otherwise monitor the conserved property in perpetuity. In lieu of a cash endowment, the applicant and conservation organization may develop another source of permanent funding that shall be used for the management of the conserved lands as approved by the conservation organization and the Community Development Department.

Impact 4.5-6: Development of the proposed project would result impacts to western burrowing owl.

Impact: Suitable nesting habitat occurs on the project site for the western burrowing owl. Although burrowing owls or their sign have not been detected on the project site, this owl is known to exist in the vicinity and thus could move onto the project site in the future. Implementation of the proposed project would result in decreased potential

nesting habitat for the western burrowing owl, as site disturbance activities would create an unsuitable environment for the species. (Draft EIR, p. 4.5-38.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measures 4.5-6 (a), (b), and (c), pre-construction surveys shall be conducted. If the grading is conducted in phases, the pre-construction surveys shall be conducted only on the portion of the site being graded. Two surveys shall be conducted 90 days before ground disturbance associated with the project and two additional surveys shall be conducted in the 30-day period prior to ground disturbance associated with the project. The preconstruction surveys shall be completed within 30 days of grading prior to CDFG accepting a survey conclusion that burrowing owls do not occur in a proposed study area (i.e., negative findings), and proof of CDFG acceptance shall be provided to the Community Development Department for approval. If owls are not found during these surveys, further mitigation is not required. However, if western burrowing owl is found on-site, the applicant shall obtain a qualified biologist to conduct a nesting survey for western burrowing owl. If burrowing owls are detected on the site during the breeding season, and appear to be engaged in nesting behavior, a fenced 300-foot buffer shall be implemented between the nest site(s) (i.e., the active burrows) and any earth-moving activity or other disturbance in the study area. In addition, the qualified biologist shall delineate the extent of burrowing owl habitat on the site, for the approval of the Community Development Department. CDFG prescribes that 6.5 acres of replacement habitat be set aside (i.e., protected in perpetuity) per pair of burrowing owls, or unpaired resident bird. Land identified to offset impacts to burrowing owls must be protected in perpetuity by a suitable property instrument. Furthermore, a Mitigation Plan shall be prepared and submitted to CDFG and the Community Development Department for their review and comment, and monitoring and management of any lands identified for mitigation purposes would be the responsibility of the applicant for at least five years. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.5-38 to 4.5-40.)

- **Mitigation Measure 4.5-6(a):** Prior to issuance of each grading permit for future site-specific development, the applicant shall conduct a pre-construction survey. If the grading is conducted in phases, the pre-construction survey shall be conducted only on the portion of the site being graded. Two surveys shall be conducted 90 days before ground disturbance associated with the project and two additional surveys shall be conducted in the 30-day period prior to ground disturbance associated with the project. Western burrowing owl surveys shall be conducted from two hours before sunset to one hour after, or one hour before sunrise to two hours after sunrise. All burrowing owl sightings, occupied burrows, and burrows with owl sign (e.g., pellets, excrement, and molt feathers) must be counted and mapped. Surveys shall be conducted by walking suitable habitat on the entire project site and (where possible) in areas within approximately 500 feet of the project

boundary. The buffer zone is surveyed to identify burrows and owls outside of the project area, which may be impacted by factors such as noise and vibration (heavy equipment) during project construction. Pedestrian survey transects shall be spaced to allow 100 percent visual coverage of the ground surface. The distance between transect center lines shall not be more than approximately 100 feet and shall be reduced to account for differences in terrain, vegetation density, and ground surface visibility. To effectively survey large projects (100 acres or larger), two or more surveyors shall be used to walk adjacent transects. (If the impacted area is smaller than 100 acres, one surveyor may be used.) To avoid impacts to owls from surveyors, owls and/or occupied burrows shall be avoided by a minimum of approximately 160 feet, wherever practical. Disturbance to occupied burrows shall be avoided during all seasons. The preconstruction surveys shall be completed within 30 days of grading prior to CDFG accepting a survey conclusion that burrowing owls do not occur in a proposed study area (i.e., negative findings), and proof of CDFG acceptance shall be provided to the Community Development Department for approval. If owls are not found during these surveys, further mitigation is not required. However, if western burrowing owl is found on-site, implementation of Mitigation Measures 4.5-6(b) and 4.5-6(c) shall be required.

- **Mitigation Measure 4.5-6(b):** Prior to issuance of each grading permit for future site-specific development, the applicant shall obtain a qualified biologist to conduct a nesting survey for western burrowing owl. If burrowing owls are detected on the site during the breeding season (February 1 – August 31), and appear to be engaged in nesting behavior, a fenced 300-foot buffer shall be implemented between the nest site(s) (i.e., the active burrows) and any earth-moving activity or other disturbance in the study area. This 300-foot buffer could be removed once the qualified biologist determines that the young have fledged (i.e., left the nest). Typically, the young fledge by August 31. This date may be earlier than August 31, or later, and would have to be determined by a qualified biologist, and reviewed and approved by the Community Development Department.
- **Mitigation Measure 4.5-6(c):** If burrowing owls are found in the study area, the qualified biologist shall delineate the extent of burrowing owl habitat on the site, for the approval of the Community Development Department. CDFG prescribes that 6.5 acres of replacement habitat be set aside (i.e., protected in perpetuity) per pair of burrowing owls, or unpaired resident bird. Such a set-aside will offset permanent impacts to burrowing owl habitat. The protected lands shall be adjacent to occupied burrowing owl habitat if possible, and at a location selected in consultation with CDFG. Land identified to offset impacts to burrowing owls must be protected in perpetuity by a suitable property instrument, (e.g., a conservation easement or fee title acquisition).

In addition, a Mitigation Plan shall be prepared and submitted to CDFG and the Community Development Department for their review and comment. The

Mitigation Plan shall identify the mitigation site and any activities proposed to enhance the site, including the construction of artificial burrows and maintenance of California ground squirrel populations on the mitigation site. In addition, for each pair of burrowing owls found in the construction area, two artificial nesting burrows shall be created at the mitigation site. The Mitigation Plan shall also include a description of monitoring and management methods proposed at the mitigation site. Monitoring and management of any lands identified for mitigation purposes would be the responsibility of the applicant for at least five years. Contingency measures for any anticipated problems shall be identified in the plan. An annual report must be prepared for submittal to CDFG and Community Development Department by December 31 of each monitoring year.

Impact 4.5-7: Development of the proposed project would result in impacts to other special-status common birds, including tricolored blackbird.

Impact: Common birds, as well as other special-status birds, such as tricolored blackbirds, could be impacted by the proposed project. Implementation of the proposed project would result in decreased potential habitat for the tricolored blackbird and other common birds, as site disturbance activities would create unsuitable habitat for the species. (Draft EIR, p. 4.5-40.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measures 4.5-7(a) and (b), a nesting survey shall be conducted on the project site and within a zone of influence around the project site. The zone of influence includes areas off the project site that could result in bird disturbance by project construction related activities. If special-status bird species are not found during these surveys, further mitigation is not required. However, if special-status birds are found on-site, then the following is required. If project site disturbance would commence between March 1 and September 1, the nesting surveys shall be completed 15 days prior to commencing with the work. If special-status birds, such as tricolored blackbirds, are identified nesting on or near the project site, a 100-foot radius buffer around the nest must be staked with bright orange spray painted lath or construction fencing. If an active nest is found offsite, the portion of the buffer that is onsite must be staked. Construction or earth-moving activity shall not occur within this 100-foot staked buffer until the qualified ornithologist determines that the young have fledged (i.e., left the nest) and have attained sufficient flight skills to avoid project construction zones. If common (that is, not special-status) birds such as great egret, marsh wren, or red-winged blackbird are identified nesting on or adjacent to the project site, a non-disturbance buffer of 75 feet shall be established or as otherwise prescribed by a qualified ornithologist. Nesting buffers shall be maintained until August 1 unless a qualified ornithologist determines that young have fledged and are independent of their

nests at an earlier date. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.5-40 to 4.5-41.)

- **Mitigation Measure 4.5-7(a):** Prior to issuance of each grading permit for future site-specific development, a nesting survey shall be conducted on the project site and within a zone of influence (zone of influence varies depending on species) around the project site, for review and approval by the Community Development Department. The zone of influence includes areas off the project site that could result in bird disturbance by project construction related activities. Accordingly, the nesting survey(s) must cover the project site and an area around the project site boundary including the ditch immediately south of the project site. If special-status bird species are not found during these surveys, further mitigation is not required. However, if special-status birds are found on-site, implementation of Mitigation Measures 4.5-7(b) shall be required.
- **Mitigation Measure 4.5-7(b):** If project site disturbance would commence between March 1 and September 1, the nesting surveys shall be completed 15 days prior to commencing with the work. If special-status birds, such as tricolored blackbirds, are identified nesting on or near the project site, a 100-foot radius buffer around the nest must be staked with bright orange spray painted lath or construction fencing. If an active nest is found offsite, the portion of the buffer that is onsite must be staked. Construction or earth-moving activity shall not occur within this 100-foot staked buffer until the qualified ornithologist determines that the young have fledged (i.e., left the nest) and have attained sufficient flight skills to avoid project construction zones. Proof of the proper buffers and fledged young shall be provided to the Community Development Department prior to the commencement of grading within the buffer areas.

If common (that is, not special-status) birds such as great egret, marsh wren, or red-winged blackbird are identified nesting on or adjacent to the project site, a non-disturbance buffer of 75 feet shall be established or as otherwise prescribed by a qualified ornithologist. The buffer shall be demarcated with painted orange lath. Disturbance around an active nest shall be postponed until the qualified ornithologist determines that the young have fledged and have attained sufficient flight skills to leave the area. Proof of the proper buffers and fledged young shall be provided to the Community Development Department prior to the commencement of grading within the buffer areas.

Nesting buffers shall be maintained until August 1 unless a qualified ornithologist determines that young have fledged and are independent of their nests at an earlier date. If buffers are removed prior to August 1, the qualified biologist conducting the nesting surveys shall prepare a report that provides details about the nesting outcome and the removal of buffers. This report shall be submitted to the Community Development Department prior to the time that buffers are removed if the date is before August 1.

Impact 4.5-8: Development of the proposed project would result in impacts to northern harrier and other ground nesting birds.

Impact: Suitable nesting habitat occurs on the project site for ground nesting birds, including the northern harrier. Other birds that have a low potential to nest on the project site would include waterfowl, such as mallard. Implementation of the proposed project would result in decreased potential habitat for northern harrier and other ground nesting birds, as site disturbance activities would create an unsuitable environment for the species. (Draft EIR, p. 4.5-42.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measure 4.5-8, nesting surveys shall be conducted (surveys conducted for western burrowing owl as required by Mitigation Measure 4.5-6(a) would also detect the presence of other ground nesting birds, such as northern harriers or mallards). If northern harriers or other ground nesting birds are identified during the surveys, a 300-foot radius buffer around the ground nest shall be staked with bright orange lath or other suitable staking. Any 300-foot buffer established to protect nesting birds may be reduced in size if a qualified biologist with an ornithological background determines that the nesting birds are acclimated to people and disturbance, and otherwise would not be adversely affected by construction activities. At a minimum, however, the non-disturbance buffer shall be a radius of 100 feet around the nest site. Once the birds have completed the nesting cycle further mitigation shall not be required. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.5-41 to 4.5-42.)

- **Mitigation Measure 4.5-8:** Prior to issuance of each grading permit for future site-specific development, a nesting survey shall be conducted. Surveys conducted for western burrowing owl as described in Mitigation Measure 4.5-6(a), above, would also detect the presence of other ground nesting birds, such as northern harriers or mallards. If northern harriers or other ground nesting birds are identified during the surveys, a 300-foot radius buffer around the ground nest shall be staked with bright orange lath or other suitable staking. If northern harriers or other ground nesting birds are not found on-site, further mitigation shall not be required.

Any 300-foot buffer established to protect nesting birds may be reduced in size if a qualified biologist with an ornithological background determines that the nesting birds are acclimated to people and disturbance, and otherwise would not be adversely affected by construction activities. At a minimum, however, the non-disturbance buffer shall be a radius of 100 feet around the nest site. When construction buffers are reduced in size, the biologist shall monitor distress levels of the nesting birds while the birds nest and construction persists. If at any time the nesting birds show levels of distress

that could cause nest failure or abandonment, the biologist shall have the right to re-implement the full 300-foot buffer. Construction or earth-moving activity shall not occur within the non-disturbance buffer until the qualified biologist determines that the young have fledged (i.e., left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by July 1. Regardless, September 1 shall be considered the end of the nesting period unless otherwise determined by a qualified biologist. Once the birds have completed the nesting cycle further mitigation shall not be required.

Impact 4.6-2: The proposed project could damage or destroy a prehistoric cultural resource or human remains.

Impact: Although neither a records search nor a reconnaissance survey discovered evidence of prehistoric or historic cultural resources or human remains on the project site, the area has been subject to impact from agricultural operations and cultural deposits that might have otherwise been present could have been obscured. Excavation and grading during project construction could unearth previously unknown resources. (Draft EIR, p. 4.6-8 to 4.6-9.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measures 4.6-2(a) and (b), if any earth-moving activities uncover artifacts, exotic rocks, or unusual amounts of bone or shell, all work shall be halted immediately, and the applicant shall notify the City and consult with a qualified archaeologist. In addition, if bone is uncovered that may be human, the Native American Heritage Commission in Sacramento, the Yolo County Coroner, and the City of Woodland shall be notified and, should human remains be found, the Coroner's office shall be immediately contacted and all work halted until final disposition by the Coroner. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.6-8 to 4.6-9.)

- **Mitigation Measure 4.6-2(a):** During construction, if any earth-moving activities uncover artifacts, exotic rocks, or unusual amounts of bone or shell, all work shall be halted immediately, and the applicant shall notify the City and consult with a qualified archaeologist. Representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation. In addition, construction shall not resume until a detailed report is prepared by a qualified archaeologist and approved by the Community Development Department.
- **Mitigation Measure 4.6-2(b):** During construction, if bone is uncovered that may be human; the Native American Heritage Commission in Sacramento, the

Yolo County Coroner, and the City of Woodland shall be notified. Should human remains be found, the Coroner's office shall be immediately contacted and all work halted until final disposition by the Coroner. Should the remains be determined to be of Native American descent, construction shall not resume until the Native American Heritage Commission has been consulted to determine the appropriate disposition of such remains and proof of appropriate action shall be provided to the Community Development Department for review.

Impact 4.6-3: Cumulative development in the City of Woodland, in conjunction with the development of the proposed project, could contribute incrementally to the regional loss of cultural resources in Yolo County.

Impact: As discussed above, the potential exists for unknown subsurface prehistoric cultural resources to be unearthed during site excavation and grading. The proposed project along with other development in Woodland could damage or destroy cultural resources particular to that area, resulting in a cumulative impact to cultural and/or prehistoric resources. (Draft EIR, p. 4.6-9 to 4.6-10.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measure 4.6-3, the project applicant is required to implement project-level mitigation measures related to damaging or destroying cultural resources, which would reduce the cumulative impact to a less-than-significant level. (Draft EIR, p. 4.6-9 to 4.6-10.)

- **Mitigation Measure 4.6-3:** Implement Mitigation Measures 4.6-2(a) and 4.6-2(b).

Impact 4.8-1: Impacts related to creation of a significant hazard to the public or the environment during on-site construction or disposal of hazardous materials and release of hazardous materials into the environment.

Impact: Because two plugged and abandoned wells exist within the project site, construction on the site could pose a hazard to the public or the environment during on-site construction. (Draft EIR, p. 4.8-9.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measure 4.8-1, the applicant shall submit proof of a Construction Site Review (which shall include submittal of a construction site plan with any abandoned well locations plotted on the plan and required

setbacks) from the Department of Gas and Geothermal Resources (DOGGR) to the City Engineer. In the event that re-abandonment of the on-site wells is required, the applicant shall submit proof of abandonment to DOGGR and the City Engineer. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.8-7 to 4.8-9.)

- **Mitigation Measure 4.8-1:** At the time of future applications for site-specific development, the applicant(s) shall submit to the City Engineer proof of a Construction Site Review from the Division of Oil, Gas, & Geothermal Resources (DOGGR). The Construction Site Review shall include, but shall not be limited to, submittal of a construction site plan with any abandoned well locations plotted on the plan and required setbacks for review and approval of a DOGGR engineer. In the event that re-abandonment is required, prior to issuance of a grading permit, the applicant(s) shall submit proof of abandonment to DOGGR and the City Engineer. City Code 9.1.1216.i(2), which requires a ten-foot setback from any wells (or any greater setback that the DOGGR may require) shall be implemented.

Impact 4.9-1: Impacts related to exposure of people and structures to flood hazards.

Impact: The proposed project site is located within the 100-year floodplain and proposed improvements at the site would require grading the site to raise the ground elevations an average of approximately one foot above the 100-year floodplain. In addition, the proposed project would place people and structures within a designated 100-year floodplain. (Draft EIR, p. 4.9-14 to 4.9-15.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measure 4.9-1, the applicant shall include on the site plans that a) the ground floor elevation of all structures shall be constructed one foot above the base flood elevation (BFE); and b) outdoor storage areas for hazardous materials and wastes shall be elevated above the BFE or otherwise flood-proofed using containment or other acceptable methods, as approved by the City Engineer. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.9-14 to 4.9-15.)

- **Mitigation Measure 4.9-1:** At the time of future applications for site-specific development, the applicant shall include on the plans that a) the ground floor elevation of all structures shall be constructed one foot above the base flood elevation (BFE); and b) outdoor storage areas for hazardous materials and wastes shall be elevated above the BFE or otherwise flood-proofed using containment or other acceptable methods, as approved by the City Floodplain Administrator.

Impact 4.9-2: Impacts related to an increase in the rate and amount of stormwater runoff from newly created impervious surfaces, which could contribute to localized or downstream flooding.

Impact: The project's impacts regarding hydrology and water quality were evaluated under full buildout of the site and represent the worst-case scenario. Under one of the alternatives, the South Canal Pump Station would need a pumping capacity of 60 cubic feet per second (cfs) to handle runoff volumes of both the project and surrounding areas. The current pumping capacity of the South Canal Pump Station is 50 cfs, which would not be adequate given the 60 cfs pumping requirement of this alternative. (Draft EIR, p. 4.9-16 to 4.9-17.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measure 4.9-2, a drainage plan shall be prepared that shall identify storm drainage design features to control increased runoff from the project site. Control of increased runoff may be achieved through one or more of the following: Drainage Alternative 1 (conveyance of flows directly to the WPCF ponds) or Drainage Alternative 2 (conveyance of flows to an on-site detention basin). The drainage plan shall demonstrate the effectiveness of the proposed storm drainage system to prevent negative impacts to existing downstream facilities and to prevent additional flooding at off-site downstream locations. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.9-16 to 4.9-17.)

- **Mitigation Measure 4.9-2:** Prior to approval of Improvement Plans for the first development application, a drainage plan shall be prepared that shall identify storm drainage design features to control increased runoff from the project site. Control of increased runoff may be achieved through one or more of the following: Drainage Alternative 1 (conveyance of flows directly to the WPCF ponds) or Drainage Alternative 2 (conveyance of flows to an on-site detention basin).

If Alternative 1 is chosen for implementation, the drainage plan shall include that the applicant fund the required additional excavation of the North Gibson ponds.

If Alternative 2 is chosen for implementation on-site, the drainage plan shall include the improvement, at the applicant's expense, of the South Canal Pump Station to increase the pumping capacity of the Station to 60 cfs.

The drainage plan shall demonstrate the effectiveness of the proposed storm drainage system to prevent negative impacts to existing downstream facilities and to prevent additional flooding at off-site downstream locations. All

necessary calculations, assumptions, and design details shall be submitted to the City for review and approval. The design features proposed by the applicant shall be consistent with the most recent version of the City's Storm Drainage Master Plan criteria and Standard Specifications and Details.

Impact 4.9-4: Flood impacts under cumulative conditions.

Impact: The proposed project, in conjunction with future development in the area, would not significantly increase flood stage of the 100-year floodplain. However, because the proposed project is within the 100-year floodplain, mitigation is required to ensure that building pads are above flood levels. In addition, all future projects would not be allowed to either increase the flood stage or place people or structures below the 100-year flood level. Therefore, without incorporation of mitigation measures, the proposed project in conjunction with planned development would result in cumulative impacts regarding flooding. (Draft EIR, p. 4.9-19 to 4.9-20.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measure 4.9-4, the applicant is required to implement project-level mitigation measures related to flooding. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.9-19 to 4.9-20.)

- **Mitigation Measure 4.9-4:** Implement Mitigation Measure 4.9-1.

Impact 4.9-6: The proposed project's impact related to an increase in the rate and amount of stormwater runoff from newly created impervious surfaces, in combination with future development that would occur under General Plan buildout.

Impact: Buildout of the proposed project would include the development and conversion of 154 acres of agricultural land to commercial land uses. Therefore, the project would contribute to the increases in stormwater runoff resulting from cumulative development in the City of Woodland. Although the General Plan found that with the implementation of General Plan policies the impacts related to General Plan buildout would be less-than-significant, the proposed project would require additional improvements depending on the ultimate drainage design for the site. (Draft EIR, p. 4.9-20 to 4.9-21.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measure 4.9-6, the applicant is required to implement project-level mitigation measures related to stormwater runoff. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.9-20 to 4.9-21.)

- **Mitigation Measure 4.9-6:** Implement Mitigation Measure 4.9-2.

Impact 4.10-1: Adequate ratio of fire department personnel to residents.

Impact: At buildout, the proposed project would result in the development of new commercial uses, which would not directly increase population growth, but would increase employment in the City of Woodland. An increase in employment would create a greater demand for fire protection services. Without funding in place, the Fire Department could not meet service level standards, including response times and associated ISO rating. Furthermore, an increase in service needs, such as those generated by the proposed project, would not be met without additional funding. (Draft EIR, p.4.10-20 to 4.10-21.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measures 4.10-1 (a), (b), and (c), the City shall continue to implement the recommendations in the City of Woodland Fire Department Organizational Assessment and Master Plan, and the applicant shall provide information regarding site-specific fire measures related to the site plan and building design and pay the Major Projects Financing Plan (MPFP) fees applicable to the proposed project. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.10-20 to 4.10-21.)

- **Mitigation Measure 4.10-1(a):** The City shall continue to implement the recommendations in the City of Woodland Fire Department Organizational Assessment and Master Plan adopted by the City Council on January 16, 2001. Annually, the City shall incorporate necessary service equipment and facilities into the Major Projects Financing Plan (MPFP). The City of Woodland Fire Department and City of Woodland Finance Department shall be responsible for implementing the programs.
- **Mitigation Measure 4.10-1(b):** At the time of future applications for site-specific development, the applicant shall provide information regarding site-specific fire measures related to the site plan and building design for the project, for the review and approval of the City of Woodland Fire Department.
- **Mitigation Measure 4.10-1(c):** At the time of future applications for site-specific development, the applicant shall pay the MPFP fees applicable to the proposed project.

Impact 4.10-2: Adequate ratio of law enforcement personnel to residents.

Impact: At buildout, the proposed project would result in the development of new commercial uses, which would not directly increase population growth, but would increase employment in the City of Woodland. An increase in employment would create a greater demand for police protection services. Without funding in place, the WPD could not meet service level standards, including response times. Furthermore, an increase in service needs, such as those generated by the proposed project, would not be met without additional funding. (Draft EIR, p. 4.10-21 to 4.10-22.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measures 4.10-2 (a), (b), and (c), the City shall update the plan for police services based on future development trends and incorporate necessary service equipment and facilities into the MPFP on a continuous basis, and the applicant shall provide information regarding site-specific security measures related to the site plan and building design for the project and pay the MPFP fees applicable to the project. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.10-21 to 4.10-22.)

- **Mitigation Measure 4.10-2(a):** The City shall update the plan for police services based on future development trends. The City shall incorporate necessary service equipment and facilities into the Major Projects Financing Plan (MPFP) on a continuous basis. The City of Woodland Police Department and City of Woodland Finance Department shall be responsible for implementing the programs.
- **Mitigation Measure 4.10-2(b):** At the time of future applications for site-specific development, the applicant shall provide information regarding site-specific security measures related to the site plan and building design for the project, for the review and approval of the City of Woodland Police Department.
- **Mitigation Measure 4.10-2(c):** At the time of future applications for site-specific development, the applicant shall pay the MPFP fees applicable to the proposed project.

Impact 4.10-4: Increased demand for wastewater disposal.

Impact: Adequate sewer trunk capacity exists to convey wastewater from the proposed project through connection to the Kentucky Trunk Sewer and Beamer Trunk Sewer lines and the City of Woodland Water Pollution Control Facility (WPCF) has adequate capacity to treat the wastewater from the proposed project. However, the WPCF is expected to be expanded in the future, sometime during buildout of the project, and the

project would be required to pay the project's fair share for expansion of the WPCF. (Draft EIR, p. 4.10-23 to 4.10-24.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measure 4.10-4, the applicant shall pay the appropriate sewer impact fees. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.10-23 to 4.10-25.)

- **Mitigation Measure 4.10-4:** At the time of future applications for site-specific development, the project applicant(s) shall pay the appropriate sewer impact fees, for the review and approval of the City Public Works Department.

Impact 4.10-5: Increased demand for water supply.

Impact: It was determined that adequate water supply would be available to serve increase in water demand that would be created by the proposed project; however, adequate pressure to support the required flows would not be available. (Draft EIR, p. 4.10-26 to 4.10-28.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measure 4.10-5, the applicant shall show on the plans the inclusion of an on-site water supply well and all necessary pipelines and obtain all necessary right-of-way easements and permits from various agencies, including Yolo County (if needed), for placement of pipeline along County Road 102. In addition, the applicant shall fund all necessary improvements. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p. 4.10-26 to 4.10-28.)

- **Mitigation Measure 4.10-5:** Prior to approval of Improvement Plans, the applicant shall show on the plans the inclusion of an on-site water supply well and all necessary pipelines, for the review and approval of the City Engineer. In addition, the applicant shall obtain all necessary right-of-way easements and permits from various agencies, including Yolo County, if needed for placement of pipeline along County Road 102. The City Engineer review of the plans shall ensure that the water pipelines would be constructed beneath proposed roadways, the well location has approximately ¼ to ½ acre of land with street access and a minimum 50-foot separation from the water supply well to the nearest wastewater pipeline or 100 feet to nearest wastewater pump

station, and that the well location is outside the 100-year floodplain or the top of the well casing is above the elevation of the 100-year flood. It should be noted that the applicant shall fund all necessary improvements.

Impact 4.10-8: The proposed project, combined with future development in the City of Woodland, would increase the demand for additional public services and facilities.

Impact: Because the proposed project includes annexation into the City of Woodland, the previous planning for public services within the city limits did not take into account the project site. In relation to wastewater generation, the proposed project is expected to produce 0.23 million gallons per day (MGD) of wastewater flows; therefore, development of the proposed project would result in a cumulative WPCF flow of 9.9 MGD to 13.0 MGD to the Woodland Water Pollution Control Facility (WPCF). Given that the current capacity of the WPCF is 10.4 MGD, the proposed project in conjunction with future development in the City could result in an exceedance of the WPCF capacity. (Draft EIR, p. 4.10-30 to 4.10-31.)

Finding: The City hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the Final EIR for the above-referenced impact. (State CEQA Guidelines § 15091(a)(1).)

Facts Supporting Finding: Pursuant to Mitigation Measure 4.10-8, if the expansion of the WPCF to a capacity of 13.0 million gallons per day is included in the City's Major Projects Financing Plan (MPFP) prior to issuance of the first building permit, the applicant shall pay the MPFP fees applicable to the proposed project. However, if the expansion of the WPCF is not included in the MPFP prior to issuance of the first building permit, the applicant shall construct the needed improvements to the WPCF (one additional secondary clarifier and one additional oxidation ditch as well as other ancillary facility improvements) and be eligible for reimbursement. Implementation of the mitigation would reduce the impact to a less-than-significant level. (Draft EIR, p.4.10-30 to 4.10-31.)

- **Mitigation Measure 4.10-8:** If the expansion of the WPCF to a capacity of 13.0 million gallons per day is included in the MPFP prior to issuance of the first building permit, the applicant shall pay the MPFP fees applicable to the proposed project. However, if the expansion of the WPCF is not included in the MPFP prior to issuance of the first building permit, the applicant shall construct the needed improvements to the WPCF (one additional secondary clarifier and one additional oxidation ditch as well as other ancillary facility improvements), for the review and approval of the City Engineer, and be eligible for reimbursement.

Findings Regarding Environmental Impacts Not Fully Mitigated to Level of Less than Significant

Impact 4.1-3: Impacts related to the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses.

Impact: Future development of the 154-acre project site would convert the land from agricultural uses to urban development. (Draft EIR, p. 4.1-22.)

Finding: The City hereby finds that (1) changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified above and (2) specific economic legal, social, technological, or other considerations make infeasible certain mitigation measures or alternatives identified in the Final EIR. (State CEQA Guidelines § 15091(a)(1) and (3).)

Supporting Explanation: Implementation of Mitigation Measure 4.1-3 would permanently protect an equal amount of agricultural land elsewhere in the County, thus reducing impacts to agricultural productivity and loss of agricultural land. However, because a net loss of agricultural land would still occur, this impact remains significant and unavoidable. Thus, a statement of overriding considerations would be required. (Draft EIR, p. 4.1-22 to 4.1-37.)

- **Mitigation Measure 4.1-3:** Prior to the issuance of the first grading permit for the General Commercial portion of the project (61.3 acres), the project applicant shall dedicate in perpetuity an agricultural conservation easement, at a ratio of 1:1 of active agricultural acreage. The agriculture mitigation land shall be located in Yolo County and shall be conserved through the purchase of development rights and execution of an irreversible conservation or agricultural easement. The location and easement requirements shall be reviewed by the City Community Development Department. These soils shall be permanently protected from future development via enforceable deed restrictions. Acreage between Woodland and Davis, already experiencing, or likely to experience, growth pressures shall be targeted. Soils and farming conditions shall be equivalent or superior to the project area. The holder of the agricultural conservation easement shall be determined in accordance with Yolo LAFCO agricultural policy.

Impact 4.1-7: The proposed project, in conjunction with future plans, would contribute to the loss of Prime Farmland.

Impact: The Yolo County land use and zoning designations for the site have not been planned for commercial development and the development pursuant to the proposed project would contribute to a long term loss of Prime Farmland. (Draft EIR, p. 4.1-39 to 4.1-40.)

Finding: The City hereby finds that (1) changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant

environmental effects identified above and (2) specific economic legal, social, technological, or other considerations make infeasible certain mitigation measures or alternatives identified in the Final EIR. (State CEQA Guidelines § 15091(a)(1) and (3).)

Supporting Explanation: Implementation of Mitigation Measure 4.1-3 would permanently protect an equal amount of agricultural land elsewhere in the County, thus reducing impacts to agricultural productivity and loss of agricultural land. However, because a net loss of agricultural land would still occur, this impact remains significant and unavoidable. Thus, a statement of overriding considerations would be required. (Draft EIR, p. 4.1-39 to 4.1-40.)

- **Mitigation Measure 4.1-3:** Prior to the issuance of the first grading permit for the General Commercial portion of the project (61.3 acres), the project applicant shall dedicate in perpetuity an agricultural conservation easement, at a ratio of 1:1 of active agricultural acreage. The agriculture mitigation land shall be located in Yolo County and shall be conserved through the purchase of development rights and execution of an irreversible conservation or agricultural easement. The location and easement requirements shall be reviewed by the City Community Development Department. These soils shall be permanently protected from future development via enforceable deed restrictions. Acreage between Woodland and Davis, already experiencing, or likely to experience, growth pressures shall be targeted. Soils and farming conditions shall be equivalent or superior to the project area. The holder of the agricultural conservation easement shall be determined in accordance with Yolo LAFCO agricultural policy.

Impact 4.2-1(g): Under Existing Plus Project conditions, PM peak hour traffic volumes on study roadways would increase, resulting in unacceptable LOS at six locations under the 2-Access Alternative and at four locations under the 3-Access Alternative (for the Maxwell Avenue – CR 102 to Farnham Avenue (2-Access Alternative))

Impact: Existing Plus Project conditions would result in the Maxwell Avenue – CR 102 to Farnham roadway segment operating at a worse LOS than the City of Woodland's and Yolo County's LOS thresholds. (Draft EIR, p. 4.2-4 to 4.2-49.)

Finding: The City hereby finds that (1) changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified above and (2) specific economic legal, social, technological, or other considerations make infeasible certain mitigation measures or alternatives identified in the Final EIR. (State CEQA Guidelines § 15091(a)(1) and (3).)

Supporting Explanation: Implementation of Mitigation Measure 4.2-1(g) would reduce local neighborhood traffic on Maxwell Avenue by up to 20 percent. This would provide LOS C operations in the PM peak hours, for the 2- Access Alternative. However, because the timing of the foregoing mitigation measure is uncertain, this impact would

remain significant and unavoidable. Thus, a statement of overriding considerations is required. (Draft EIR, p. 4.2-46 to 4.2-50.)

- **Mitigation Measure 4.2-1(g):** Maxwell Avenue – CR 102 to Farnham Avenue

2-Access Alternative – Based on the traffic studies prepared for individual project phases, when Maxwell Avenue between CR 102 and Farnham Avenue reaches LOS D, the applicant shall fund the development of a neighborhood traffic calming plan. The applicant shall fund implementation of the plan. The traffic calming plan shall address Maxwell Avenue, Farnham Avenue, Brannigan Avenue, Gum Avenue, and other affected residential streets in southeast Woodland. The traffic calming plan shall address performance standards, including such items as bulbouts, traffic circles, speed lumps, etc. National research has documented the effectiveness of speed lumps (or other vertical devices) and shown that a reduction in traffic volumes of up to 20 percent can occur if other parallel routes with comparable travel times exist. The redistribution of traffic to other parallel routes will result in secondary impacts.

Figure 4.2-9 presents a conceptual traffic calming plan to redirect non-local neighborhood traffic to the arterial streets in east Woodland (e.g., CR 102, E. Main Street, E. Gibson Road, and Pioneer Avenue). The conceptual plan consists of speed lumps, traffic circles, bulbouts, center island narrowings, speed legends, and neighborhood entry signs. The placement of such devices should be located along property lines where applicable and should not block access to individual driveways. The optimum spacing of traffic calming devices is between 250 and 500 feet from each device or other slow points such as stop signs. The individual elements of the plan are interchangeable and certain devices can be substituted for other devices with comparable effectiveness.

Implementation of the conceptual traffic calming plan would reduce non-local neighborhood traffic on Maxwell Avenue by up to 20 percent. This would provide LOS C operations in the PM peak hours, for the 2-Access Alternative.

The timing and effectiveness of the implemented traffic calming plan is uncertain due to the potential lack of support by local residents and/or emergency responders. Therefore, this impact is considered significant and unavoidable.

This mitigation is a direct project cost.

Impact 4.2-2 (a and f): Under Existing Plus Project conditions, AM and PM peak hour traffic volumes would increase resulting in unacceptable LOS at nine intersections (for the CR 102/E. Main Street intersection).

Impact: Existing Plus Project conditions result in three study intersections that would operate at a LOS worse than the City's LOS thresholds (LOS C or LOS D within one-half mile of freeway or in the downtown core) under Existing Plus Project conditions. (Draft EIR, p. 4.2-50.)

Finding: The City hereby finds that (1) changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified above and (2) specific economic legal, social, technological, or other considerations make infeasible certain mitigation measures or alternatives identified in the Final EIR. (State CEQA Guidelines § 15091(a)(1) and (3).)

Facts Supporting Finding: For the CR 102/E. Main Street intersection, implementation of Mitigation Measure 4.2-2(a) would reduce the project-related impacts of the 2-Access and 3-Access Alternatives and would satisfy the adopted LOS policy; however, the timing of the mitigation measure is uncertain. Therefore, the impact would remain significant and unavoidable. (Draft EIR, p. 4.2-52 to 4.2-55.)

For the CR 102/Gibson Road intersection, implementation of Mitigation Measure 4.2-2(f) would reduce project related impacts of the 2-Access and 3-Access Alternatives and would improve LOS; however, the timing of the mitigation measure is uncertain. Thus, the impact would remain significant and unavoidable. (Draft EIR, p. 4.2-57.)

- **Mitigation Measure 4.2-2(a):** CR 102 / E. Main Street

2-Access & 3-Access Alternatives – Prior to the issuance of a building permit, the applicant shall pay the project's fair share toward the following improvement(s): widening and reconstruction of the southbound approach to the CR 102 / E. Main Street intersection to provide an exclusive southbound right-turn lane.; and modification of the traffic signal phasing to provide an overlap phase for the northbound u-turn and eastbound right-turn movements.

Implementation of these improvements would provide LOS C operations during the AM and PM peak hours, respectively, under the 2-Access Alternative.

This mitigation is development fee funded. This improvement is currently in the City of Woodland MPFP.

The timing of the overlap phase mitigation is uncertain because it may be infeasible to prohibit eastbound and northbound u-turn movements. Therefore, this impact is considered significant and unavoidable.

- **Mitigation Measure 4.2-2(f):** CR 102 / Gibson Road

2-Access Alternative – At ultimate buildout the applicant shall, consistent with mitigation measure 4.2-1(c), widen CR 102 between Maxwell Avenue and Gibson Road. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of CR 102 shall be widened to six lanes as

needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. The applicant shall re-stripe the southbound approach to provide one left turn lane, two through lanes, and two right turn lanes. Consistent with mitigation measure 4.2-1(d), the applicant shall widen CR 102 between Gibson Road and Farmers Central Road to provide two continuous northbound and southbound departure lanes and receiving lanes, respectively. The northbound approach shall provide one left turn lane and two through lanes. The applicant shall widen and reconstruct the eastbound approach to provide two left turn lanes, one through lane, and one right turn lane. This would require additional right-of-way to the south of Gibson Road. The applicant shall modify the traffic signal to provide an overlap phase for the southbound right turn and eastbound left turn movements.

Implementation of this improvement would provide LOS D operations during the PM peak hour.

The timing of the widening to the eastbound approaches of the CR 102 / E. Gibson Road intersection is uncertain due to ability to obtain additional right-of-way along the Yolo County Sheriff and Detention Center frontage. This mitigation would reduce cumulative impacts, but not to a level that is less-than-significant. Therefore, this impact is considered significant and unavoidable. The mitigation would reduce impacts to a less-than-significant level if the General Plan Amendment (i.e., changing CR 102 LOS threshold from C to D) included in the proposed project is adopted.

This mitigation is a direct project cost.

3-Access Alternative – At ultimate buildout the applicant shall, consistent with mitigation measure 4.2-1(c), widen CR 102 between Maxwell Avenue and Gibson Road. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of CR 102 shall be widened to six lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. The applicant shall re-stripe the southbound approach to provide one left-turn lane, two through lanes, and two right turn lanes. Consistent with mitigation measure 4.2-1(d), the applicant shall widen CR 102 between Gibson Road and Farmers Central Road to provide two continuous northbound and southbound departure lanes and receiving lanes, respectively. The northbound approach shall provide one left turn lane and two through lanes. The applicant shall reconstruct the westbound approach to provide two left turn lanes, two through lanes, and one right turn lane. The recommended lane configurations shall include protected left-turn phasing on the eastbound and westbound approaches. The applicant shall widen and reconstruct the eastbound approach to provide two left turn lanes, one through lane, and one right turn lane. This would require additional right-of-way to the south of Gibson Road. The applicant shall modify the traffic signal to provide

an overlap phase for the southbound right turn and eastbound left turn movements.

Implementation of this improvement would provide LOS D operations during the PM peak hour.

The timing of the widening to the eastbound approaches of the CR 102 / E. Gibson Road intersection is uncertain due to ability to obtain additional right-of-way along the Yolo County Sheriff and Detention Center frontage. This mitigation would reduce cumulative impacts, but not to a level that is less-than-significant. Therefore, this impact is considered significant and unavoidable. The mitigation would reduce impacts to a less-than-significant level if the General Plan Amendment (i.e., changing CR 102 LOS threshold from C to D) included in the proposed project is adopted.

This mitigation is a direct project cost.

Impact 4.2-7 (a): Under Cumulative (Year 2020) Plus Project conditions, PM peak hour traffic volumes on study roadways would increase resulting in unacceptable LOS at seven locations.

Impact: Cumulative (Year 2020) Plus Project conditions would result in Maxwell Avenue – Farnham Avenue and CR 102 operating at worse than the City of Woodland’s and Yolo County’s LOS thresholds. (DEIR, p. 4.2-61 to 4.2-62.)

Finding: The City hereby finds that (1) changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified above and (2) specific economic legal, social, technological, or other considerations make infeasible certain mitigation measures or alternatives identified in the Final EIR. (State CEQA Guidelines § 15091(a)(1) and (3).)

Supporting Explanation: Implementation of Mitigation Measure 4.2-7(a) would reduce project related impacts of the 2-Access and 3-Access Alternatives and would improve LOS; however, the timing of the mitigation measure is uncertain. Thus, the impact would remain significant and unavoidable. (Draft EIR, p. 4.2-61 to 4.2-63.)

- **Mitigation Measure 4.2-7(a):** Maxwell Avenue - Farnham Avenue and CR 102

2-Access & 3-Access Alternatives - Implement Mitigation Measure 4.2-1(g).

Impact 4.2-8 (a, b, e, f [3-access], g, h, i, j, m [2-access]): Under Cumulative (Year 2020) Plus Project conditions, AM and PM peak hour traffic volumes at study intersections would increase resulting in unacceptable LOS at 14 locations (for the CR 102/E. Main Street, CR 102 / I-5 NB, E. Main Street/Pioneer Avenue, E. Gibson Road/Pioneer Avenue, Maxwell Avenue / Farnham Avenue, and CR 102 / Gateway II Driveway intersections).

Impact: Under Cumulative (Year 2020) Plus Project conditions, AM and PM peak hour traffic volumes at study intersections would increase resulting in unacceptable LOS at 14 locations. (Draft EIR, p. 4.2-66.)

Finding: The City hereby finds that (1) changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified above and (2) specific economic, legal, social, technological, or other considerations make infeasible certain mitigation measures or alternatives identified in the Final EIR. (State CEQA Guidelines § 15091(a)(1) and (3).)

Facts Supporting Finding: For the CR 102/E. Main Street, CR 102 / I-5 NB, E. Main Street/Pioneer Avenue, E. Gibson Road/Pioneer Avenue, Maxwell Avenue / Farnham Avenue, and CR 102 / Gateway II Driveway intersections, implementation of Mitigation Measures 4.2-8(a), (b), (e), (f) [3-access], (g), (h), (j), and (m) would reduce the project-related impacts of the 2-Access and 3-Access Alternatives; however, the timing and feasibility of the mitigation measures is uncertain. Therefore, impacts would remain significant and unavoidable. (Draft EIR, p. 4.2-66 to 4.2-77.)

- **Mitigation Measure 4.2-8(a):** CR 102 / E. Main Street

2-Access & 3-Access Alternatives – Prior to the issuance of building permits, the applicant shall pay the project's fair share toward the following improvement(s); widening and reconstruction of the southbound approach to provide a southbound right turn lane; and modification of the traffic signal at the County Road 102 / E. Main Street intersection to provide an overlap phase for the northbound u-turn and eastbound right-turn movements.

Implementation of these improvements would provide LOS D and LOS F operations in the AM and PM peak hours, respectively, under the 2 access alternative and LOS D and E operations in the AM and PM peak hours, respectively, under the 3 access alternative.

This mitigation is development fee funded. This improvement is currently in the City of Woodland MPFP.

The timing of the overlap phase mitigation is uncertain because it may be infeasible to prohibit eastbound and northbound u-turn movements. Therefore, this impact is considered significant and unavoidable.

- **Mitigation Measure 4.2-8(b):** CR 102 / I-5 NB

2-Access & 3-Access Alternatives – Prior to the issuance of building permits, the applicant shall pay the project's fair share of the following improvements: implementation of the ultimate design for the I-5/CR 102 interchange; restriction of eastbound traffic at the County Road 102 / I-5 NB Ramps / Hayes Lane intersection; rerouting eastbound traffic to the E. Main Street / Douglas Lane intersection; re-optimization of the intersection signal timings to maximize intersection operations.

Implementation of these improvements would provide LOS F operations during the AM and PM peak hours, respectively, under both the 2-Access and 3-Access Alternatives.

This mitigation measure is development fee funded.

The timing of this mitigation measure is uncertain due to the restriction of access to existing properties and access for emergency responders. This mitigation would reduce cumulative impacts, but not to a level that is less-than-significant. Therefore, this impact is considered significant and unavoidable.

- **Mitigation Measure 4.2-8(e): CR 102 / Maxwell Avenue**

2-Access & 3-Access Alternatives – At ultimate buildout the applicant shall widen and reconstruct the northbound and southbound approaches to the CR 102 / Maxwell Avenue intersection. The applicant shall widen and re-stripe the southbound approach to provide two left-turn lanes, two through lanes, and one shared through right-turn lane. The applicant shall widen CR 102 between Maxwell Avenue and Gibson Road to provide three southbound receiving lanes and three northbound departure lanes at the CR 102/Maxwell Avenue intersection. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of CR 102 shall be widened to six lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. The northbound approach shall provide one left-turn lane, three through lanes, and one right-turn lane. The applicant shall reconstruct the westbound approach to provide two left-turn lanes, one through lane, and two controlled right-turn lanes.

Implementation of these improvements would provide LOS F operations during both the AM and PM peak hours, respectively, under the 2-Access Alternative and LOS F and E operations during the AM and PM peak hours, respectively, under the 3-Access Alternative.

This mitigation would reduce cumulative impacts, but not to a level that is less-than-significant. Therefore, this impact is considered significant and unavoidable.

This mitigation measure is a direct project cost.

- **Mitigation Measure 4.2-8(f): CR 102 / Gibson Road**

3-Access Alternative – At ultimate buildout the applicant shall, consistent with Mitigation Measure 4.2-7(e), widen CR 102 between Maxwell Avenue and Gibson Road to provide three travel lanes in each direction, reconstruct the northbound, southbound, eastbound, and westbound approaches to the CR 102 / Gibson Road intersection. Right -of-way shall be reserved for the six lane

section per City standards. Interim widening of CR 102 shall be widened to six lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. The applicant shall re-stripe the southbound approach to provide one left-turn lane, two through lanes, and two right turn lanes. The applicant shall widen CR 102 between Gibson Road and Farmers Central Road to provide two continuous northbound and southbound departure lanes and receiving lanes, respectively. The northbound approach shall provide one left turn lane and two through lanes. The applicant shall reconstruct the eastbound approach to provide two left turn lanes, one through lane, and one shared through/right-turn lane. The applicant shall reconstruct the westbound approach to provide two left turn lanes, two through lanes, and one right turn lane. The recommended lane configurations shall also require protected left-turn phasing on the eastbound and westbound approaches. The applicant shall modify the traffic signal to provide an overlap phase for the southbound right turn and eastbound left turn movements.

Implementation of this improvement would provide LOS D operations during the PM peak hour.

The timing of the widening to the eastbound approaches of the CR 102 / E. Gibson Road intersection is uncertain and overlap phasing may not be feasible due to ability to obtain additional right-of-way along the Yolo County Sheriff and Detention Center frontage. In addition, the re-optimization of the intersection signal timings must be implemented by the City and may not be feasible. This mitigation would reduce cumulative impacts, but not to a level that is less-than-significant. Therefore, this impact is considered significant and unavoidable. The mitigation would reduce impacts to a less-than-significant level if the General Plan Amendment (i.e., changing CR 102 LOS threshold from C to D) included in the proposed project is adopted.

The widening of CR 102 is fair share funded. The remaining intersection approach improvements are a direct project cost.

- **Mitigation Measure 4.2-8(g): E. Main Street / Pioneer Avenue**

2-Access & 3-Access Alternatives – Prior to the issuance of a building permit, the applicant shall pay the project's fair share toward the following improvement(s): widening the southbound approach to the E. Main Street / Pioneer Avenue intersection to provide a second exclusive left turn lane of 360 feet in length and an exclusive right turn lane of 325 feet in length; and modify the traffic signal to provide an overlap phase for the northbound right turn movements.

This mitigation is development fee funded.

The timing of the widening of the southbound approach of the E. Main Street/Pioneer Avenue intersection is uncertain due to the proximity of the I-5 overpass to the north of the intersection and the difficulty of obtaining additional right-of-way on the west side of Pioneer Avenue. The timing of the overlap phasing is also uncertain because it may be infeasible to prohibit westbound u-turn movements. Therefore, this impact is considered significant and unavoidable.

- **Mitigation Measure 4.2-8(h): E. Gibson Road / Pioneer Avenue**

2-Access & 3-Access Alternatives – Prior to the issuance of a building permit, the applicant shall pay the project's fair share toward the following improvement(s): re-striping the westbound approach to the E. Gibson Road / Pioneer Avenue intersection to provide two left-turn lanes, one through lane, and one shared through/right-turn lane; and modify the traffic signal to provide an overlap phase for the southbound right-turn lane.

This mitigation is fair share funded.

The timing of the overlap phasing implementation is uncertain because it may be infeasible to prohibit eastbound u-turn movements. Therefore, this impact is considered significant and unavoidable.

- **Mitigation Measure 4.2-8(i): E. Gibson Road / East Street**

2-Access & 3-Access Alternatives – Prior to the issuance of a building permit, the applicant shall pay the project's fair share toward the following improvement(s): widening the northbound approach to provide a second exclusive left turn lane and an exclusive right turn lane; widening the southbound approach to provide a second exclusive left turn lane; and widening the eastbound approach to provide an exclusive right turn lane.

This mitigation is development fee funded.

The timing of the widening of the northbound, southbound, and eastbound approaches of the E. Gibson Road / East Street intersection is uncertain due to the proximity of building structures to the intersection and the resulting difficulty of obtaining additional right-of-way at this location. Therefore, this impact is considered significant and unavoidable.

- **Mitigation Measure 4.2-8(j): Maxwell Avenue / Farnham Avenue**

2-Access & 3-Access Alternatives – Implement Mitigation Measure 4.2.

- **Mitigation Measure 4.2-8(m): CR 102 / Gateway II Driveway**

2-Access & 3-Access Alternatives – At ultimate buildout the applicant shall, consistent with Mitigation Measure 4.2-7(b), widen CR 102 between Maxwell

Avenue and Gibson Road to provide one additional through travel lane in each direction and reconfigure the northbound, southbound and westbound approaches. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of CR 102 shall be per level of service standards as defined in the General Plan, as approved by the City Engineer. The applicant shall reconstruct the northbound approach to provide three through lanes and one right turn lane. The applicant shall reconstruct the southbound approach to provide two left turn lanes and three through lanes. At ultimate buildout the applicant shall, consistent with mitigation measure 4.2-7(e), widen the Gateway II Driveway from two to four lanes and provide two left turn lanes and one right turn lane on the westbound approach. Right -of-way shall be reserved for the four lane section per City standards. Interim widening of the Gateway II driveway shall be lanes as needed based on the traffic studies prepared for individual project phases widened to four lanes per level of service standards as defined in the General Plan, as approved by the City Engineer.

Implementation of these improvements would provide LOS C and LOS D operations during the AM and PM peak hours, respectively, under the 2-Access Alternative and LOS B and C during the AM and PM peak hours, respectively, under the 3-Access Alternative.

This mitigation is a direct project cost.

For the 2-Access Alternative, this mitigation would reduce cumulative impacts, but not to a level that is less-than-significant. Therefore, this impact is considered significant and unavoidable. The mitigation would reduce impacts to a less-than-significant level if the General Plan Amendment (i.e., changing CR 102 LOS threshold from C to D) included in the proposed project is adopted.

For the 3-Access Alternative, this mitigation would reduce cumulative impacts to a level that is less-than-significant.

Impact 4.2-12: The proposed project would cumulatively increase the AM and PM peak hour traffic volumes on study freeway locations, resulting in unacceptable LOS at two locations under both the 2-Access Alternative and the 3-Access Alternative.

Impact: The proposed project would cumulatively increase the AM and PM peak hour traffic volumes on study freeway locations, resulting in unacceptable LOS at two locations under both the 2-Access Alternative and the 3-Access Alternative. (Draft EIR, p. 4.2-78 to 4.2-79.)

Finding: The City hereby finds that (1) changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified above, (2) changes or alterations are within the

responsibility and jurisdiction of another public agency and not the City and such changes can and should be adopted by the other public agency, and (3) specific economic legal, social, technological, or other considerations make infeasible certain mitigation measures or alternatives identified in the Final EIR. (State CEQA Guidelines § 15091(a)(1), (2) and (3).)

Facts Supporting Finding: The State Route 99 and I-5 Corridor System Management Plan (Caltrans, May 2009) identifies LOS C as the minimum acceptable LOS over the next 20 years for the segment of I-5 from the Sacramento County Line to State Route 113. Two freeway locations – I-5 Southbound Mainline Segment (south of I-5/CR 102 interchange) and I-5 Southbound Slip On-Ramp Merge – would operate at an LOS worse than the Caltrans' LOS threshold under Cumulative Plus Project conditions. Feasible mitigation does not exist for these cumulative impacts; therefore, the impact would be significant and unavoidable. (Draft EIR, p. 4.2-78 to 4.2-79.)

Moreover, the State Route 99 and I-5 Corridor System Management Plan (Caltrans, May 2009) identifies LOS C as the minimum acceptable LOS over the next 20 years for the segment of I-5 from the Sacramento County Line to State Route 113. Two freeway locations – I-5 Southbound Mainline Segment (south of I-5/CR 102 interchange) and I-5 Southbound Slip On-Ramp Merge – would operate at an LOS worse than the Caltrans' LOS threshold under Cumulative Plus Project conditions. Feasible mitigation does not exist for these cumulative impacts because mitigation measures to mitigate, avoid, or substantially lessen the following significant and potentially significant environmental impacts of the project, including cumulative impacts, are within the responsibility and jurisdiction of other public agencies and not the City. Pursuant to section 21081(a)(2) of CEQA and section 15091(a)(2) of the Guidelines, the City Council, based on the evidence in the record before it, specifically finds that implementation of these mitigation measures can and should be undertaken by the other public agencies. The City Council will request, but cannot compel, each of those public agencies to implement the improvements to the I-5 corridor.

Impact 4.3-2: Operational impacts resulting in long-term increases of criteria air pollutants that would violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Impact: Estimated operational emissions would exceed YSAQMD significance thresholds of 10 tons/year for each of the ozone-precursor pollutants (ROG and NO_x), as well as, the significance thresholds of 80 lbs/day for PM₁₀ during both summer and winter operational conditions. As a result, this impact would be considered potentially significant. (Draft EIR, pp. 4.3-40 to 4.3-41.)

Finding: The City hereby finds that (1) changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified above and (2) specific economic legal, social, technological, or other considerations make infeasible certain mitigation measures or alternatives identified in the Final EIR. (State CEQA Guidelines § 15091(a)(1) and (3).)

Facts Supporting Finding: Regional criteria air pollutants of primary concern within the YSAQMD include emissions of ozone-precursor pollutants (i.e., ROG and NO_x), as well as emissions of airborne particulate matter. (YSAQMD 2007). Operational emissions associated with the proposed project were estimated using the URBEMIS-2007 computer program for daily, including summer and winter operational conditions, and annual operational conditions. Estimated daily and annual operational emissions associated with the proposed land uses are summarized in Table 4.3-9 and 4.3-10, respectively, of the Draft EIR. (Draft EIR, pp. 4.3-40-4.3041.) As indicated there, estimated operational emissions would exceed YSAQMD significance thresholds of 10 tons/year for each of the ozone-precursor pollutants (ROG and NO_x), as well as, the significance thresholds of 80 lbs/day for PM₁₀ during both summer and winter operational conditions. As a result, this impact would be considered potentially significant. (Draft EIR, pp. 4.3-40 to 4.3-41.)

Implementation of Mitigation Measure 4.3-2 would reduce overall project-generated emissions of ozone-precursor pollutants by approximately 15 percent. To a lesser extent, project-generated emissions of PM₁₀ would still be projected to exceed YSAQMD significance thresholds. As a result, this impact would remain significant and unavoidable.

- **Mitigation Measure 4.3-2:** With implementation of emissions reduction methodologies including, but not limited to, the following, overall project-generated emissions of ozone precursor pollutants would be reduced by approximately 15 percent. However, project-generated emissions would still be projected to exceed the YSAQMD significance thresholds; therefore, this impact would remain significant and unavoidable.
 - Design buildings to be energy efficient. Site buildings to take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use.
 - Install efficient lighting and lighting control systems. Daylight should be used as an integral part of lighting systems in buildings, sufficient to provide lighting for 75 percent of interior work spaces of proposed buildings.
 - Install light colored “cool” roofs and pavements (i.e., high reflectance, high emittance roof surfaces, or exceptionally high reflectance and low emittance surfaces) and strategically placed shade trees.
 - Install energy efficient heating and cooling systems, appliances and equipment, and control systems.
 - Install light emitting diodes (LEDs) for traffic, street, and other outdoor lighting.
 - Limit the hours of operation of outdoor lighting.

- Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations) and public transit into project design.
- Include internal pedestrian and bicycle routes that connect to adjacent pedestrian and bicycle routes; as well as, transit stops located either onsite or along adjacent roadways. Create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling or walking.
- Promote ridesharing programs (e.g., by designating a certain percentage of parking spaces for ride sharing, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles).
- Plant and maintain trees to help shade hardscape parking and pedestrian surfaces.
- Incorporate onsite transit facility improvements (e.g., pedestrian shelters, route information, benches, lighting) to coincide with existing or planned transit service.
- Provide on-site bicycle storage and showers for employees that bike to work.
- Air conditioning with Non-HCFC refrigerants should be installed in new buildings.
- Building equipment should be Energy-Star rated to the extent applicable.
- Design on-site structures to exceed California Title 24 energy conservation requirements.

Impact 4.3-6: Cumulative contribution to climate change.

Impact: Implementation of the proposed project would contribute to increases of GHG emissions that are associated with global climate change. (Draft EIR, p. 4.3-48.)

Finding: The City hereby finds that (1) changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified above and (2) specific economic, legal, social, technological, or other considerations make infeasible certain mitigation measures or alternatives identified in the Final EIR. (State CEQA Guidelines § 15091(a)(1) and (3).)

Facts Supporting Finding: Estimated GHG emissions attributable to future development would be primarily associated with increases of carbon dioxide (CO₂) from mobile sources. To a lesser extent, other GHG pollutants, such as Methane (CH₄) and nitrous oxide (N₂O) would also be generated, largely associated with electricity use and

natural-gas consumption. Based on the modeling conducted for the proposed project, long-term operation of the proposed project would result in a net increase of approximately 38,709 MT/year of CO₂e (CO₂ equivalents). Although project-generated emissions would likely be considered nominal, when evaluated in a global context, the cumulative contribution from multiple such projects could conceivably result in a substantial overall contribution to the GHG inventory. Implementation of Mitigation Measures 4.3-6(a) and 4.3-6(b) included in the EIR and the Mitigation Monitoring Plan would reduce project-generated emissions, but not to a level that would achieve an equivalent reduction of 29 percent in project-generated GHG emissions. As a result, increased GHG emissions associated with the proposed project have the potential to interfere with the State's ability to achieve the emissions reduction goals and objectives established per AB 32. Although implementation of mitigation would reduce GHG impacts, the impact would remain significant and unavoidable. (Draft EIR, p. 4.3-48 to 4.3-56.)

- **Mitigation Measure 4.3-6(a):** Implement Mitigation Measure 4.3-2.
- **Mitigation Measure 4.3-6(b):** At the time of submittal of the detailed development plans for Planning Commission review, the applicant shall submit a GHG reduction strategy that shall describe in text and on the site plan how the following measures (or alternate measures as approved by the Planning Commission) are being implemented:
 - Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
 - Low- or No-VOC paints, adhesives and sealants shall be used during the construction of all proposed onsite structures.
 - Environmentally preferable and low-emitting materials shall be used for interior finishes and flooring materials of proposed onsite structures.
 - Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.
 - Create water-efficient landscapes.
 - Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.
 - Design buildings to be water-efficient.
 - Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff
 - Implement low-impact development practices that maintain the existing hydrologic character of the site to manage storm water and protect the

environment. (Retaining storm water runoff on-site can drastically reduce the need for energy-intensive imported water at the site.)

Impact 4.3-8: Cumulative contribution to regional air quality conditions, including resulting in a cumulatively considerable net increase of any criteria pollutant for which the project is non-attainment under applicable federal or State ambient air quality standards.

Impact: The proposed project would contribute cumulatively to regional air quality conditions, including criteria pollutants for which the region is non-attainment. (Draft EIR, p. 4.3-57.)

Finding: The City hereby finds that (1) changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified above and (2) specific economic legal, social, technological, or other considerations make infeasible certain mitigation measures or alternatives identified in the Final EIR. (State CEQA Guidelines § 15091(a)(1) and (3).)

Facts Supporting Finding: Due to the region's non-attainment status for ozone and PM₁₀, if project-generated emissions of either of the ozone precursor pollutants (i.e., ROG and NO_x) or PM₁₀ would exceed the long-term thresholds, then the project's cumulative impacts would be considered significant. As discussed above, predicted short-term construction emissions and long-term operational emissions would exceed YSAQMD significance thresholds. (See discussion of impacts 4.3-1 and 4.3-2, supra.) As a result, the project's cumulative contribution to regional air quality conditions would be significant. (Draft EIR, p. 4.3-57.)

Implementation of Mitigation Measures 4.3-1 and 4.3-2 would reduce emissions attributable to the proposed project. However, long-term operational emissions would still be anticipated to exceed YSAQMD significance thresholds. As a result, this impact would remain significant and unavoidable. (Draft EIR, p. 4.3-57.)

- **Mitigation Measure 4.3-1:** With implementation of standard dust control measures including, but not limited to, the following, predicted maximum overall daily emissions of PM₁₀ associated with development of the proposed land uses would be reduced to approximately 31 lbs/day which would not exceed the YSAQMD threshold of 80 lbs/day; therefore, this impact would be considered less-than-significant with mitigation.
 - o Water all active construction areas at least three times daily. Frequency of application should be based on the type of operation, soil and wind exposure;
 - o Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
 - o Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed areas;

- o Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days);
 - o Replant vegetation in disturbed areas as quickly as possible;
 - o Enclose, cover, water three times daily, or apply non-toxic soil binders to exposed stockpiles, such as dirt, sand, etc.;
 - o Use late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available;
 - o Sweep streets daily, with water sweepers, if visible soil materials are carried onto adjacent public streets; and
 - o Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- **Mitigation Measure 4.3-2:** With implementation of emissions reduction methodologies including, but not limited to, the following, overall project-generated emissions of ozone precursor pollutants would be reduced by approximately 15 percent. However, project-generated emissions would still be projected to exceed the YSAQMD significance thresholds; therefore, this impact would remain significant and unavoidable.
 - o Design buildings to be energy efficient. Site buildings to take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use.
 - o Install efficient lighting and lighting control systems. Daylight should be used as an integral part of lighting systems in buildings, sufficient to provide lighting for 75 percent of interior work spaces of proposed buildings.
 - o Install light colored “cool” roofs and pavements (i.e., high reflectance, high emittance roof surfaces, or exceptionally high reflectance and low emittance surfaces) and strategically placed shade trees.
 - o Install energy efficient heating and cooling systems, appliances and equipment, and control systems.
 - o Install light emitting diodes (LEDs) for traffic, street, and other outdoor lighting.
 - o Limit the hours of operation of outdoor lighting.

- Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations) and public transit into project design.
- Include internal pedestrian and bicycle routes that connect to adjacent pedestrian and bicycle routes; as well as, transit stops located either onsite or along adjacent roadways. Create travel routes that ensure that destinations may be reached conveniently by public transportation, bicycling or walking.
- Promote ridesharing programs (e.g., by designating a certain percentage of parking spaces for ride sharing, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles).
- Plant and maintain trees to help shade hardscape parking and pedestrian surfaces.
- Incorporate onsite transit facility improvements (e.g., pedestrian shelters, route information, benches, lighting) to coincide with existing or planned transit service.
- Provide on-site bicycle storage and showers for employees that bike to work.
- Air conditioning with Non-HCFC refrigerants should be installed in new buildings.
- Building equipment should be Energy-Star rated to the extent applicable.
- Design on-site structures to exceed California Title 24 energy conservation requirements.

Impact 4.5-11: The proposed project, in combination with other cumulative development, would convert undeveloped land to urban uses, resulting in the loss of general wildlife habitat for resident and migratory species.

Impact: Implementation of the proposed project, in combination with other cumulative development, would convert undeveloped land to urban uses, resulting in the loss of general wildlife habitat for resident and migratory species. (Draft EIR, p. 4.5-44.)

Finding: The City hereby finds that (1) changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified above and (2) specific economic, legal, social, technological, or other considerations make infeasible certain mitigation measures or alternatives identified in the Final EIR. (State CEQA Guidelines § 15091(a)(1) and (3).)

Facts Supporting Finding: Many species use agricultural lands for food and cover during various times of the year. This includes wide-ranging winter migrating bird species such as ferruginous hawk, prairie falcon, and golden eagles that may occasionally forage in the Woodland vicinity. In addition, resident raptors such as red-tailed hawks, northern harriers, and many small bird species are known to forage in agricultural lands in the project site and surrounding areas. The development of the project site would result in the conversion of approximately 154 acres of agricultural lands. Development of the project site, in combination with other planned developments within the City of Woodland and Yolo County would result in a significant cumulative loss of biological resources. (Draft EIR, p. 4.5-44.)

The cumulative loss of habitat would be partially offset through implementation of the City of Woodland General Plan policies and the Yolo County HCP; cumulative impacts would remain significant and unavoidable because the HCP has not yet been adopted. (Woodland General Plan EIR, p. 8-19.) However, because the proposed project would require the development of wastewater, stormwater drainage, and roadway infrastructure on and adjacent to the project site, and because development of the project site would result in the conversion of approximately 154 acres of agricultural and open space lands, the proposed project would result in a significant cumulative impact. (Draft EIR, p. 4.5-44.)

Implementation of Mitigation Measures 4.5-1 through 4.5-8 would reduce impacts to the loss of general wildlife habitat for resident and migratory species but not to a less than significant level. Thus, this impact remains significant and unavoidable. (Draft EIR, p. 4.5-44.)

- **Mitigation Measure 4.5-1(a):** Prior to issuance of each grading permit for future site-specific development, a formal wetland delineation shall be conducted according to the USACE 1987 Wetlands Delineation Manual in conjunction with the USACE 2006 Regional Supplement for the Arid West Region. The applicant shall obtain a verified USACE wetlands delineation map. Based on the USACE confirmed map, jurisdictional waters of the U.S. and/or State shall be avoided by the project where possible.

If full avoidance of waters of the United States and/or State is not possible for the proposed project, potential impacts shall be minimized to the extent feasible through changes to project design. For those wetland areas that cannot be avoided, appropriate permits shall be acquired from the USACE and/or RWQCB. Copies of applicable permits shall be provided to the Community Development Department prior to grading, and any conditions in these permits shall become a condition of project approval.

- **Mitigation Measure 4.5-1(b):** Waters of the U.S. and/or State that are impacted shall be mitigated via enhancement/creation of replacement wetlands that are preserved in perpetuity. Mitigation requirements for impacts to waters of the U.S. (and/or State) shall include that the applicant replace impacted waters of the U.S. (or State) at a minimum 1:1 ratio (that is for each

square foot of impact, one square foot of enhancement/creation is required), for the approval of the USACE and the Community Development Department.

- **Mitigation Measure 4.5-3(a):** Prior to issuance of each grading permit for future site-specific development, a qualified biologist shall conduct preconstruction surveys for this species within the project boundary prior to the commencement of any work in this area, for review by the Community Development Department. Western pond turtles that are found during these surveys shall be salvaged and relocated to the man-made ditch immediately south of the project site. Any western pond turtle nests that are found during these surveys shall be fenced off until the young have hatched and relocated to an area offsite, as permitted by CDFG. The CDFG permit and proof of compliance shall be provided to the Community Development Department prior to commencement of any construction activity.
- **Mitigation Measure 4.5-3(b):** Prior to any ground disturbing activities, exclusionary fencing shall be installed along the southern edge of the project site for review and approval by the City Engineer. The fencing shall remain in place during site grading or other construction-related activities. The fencing shall consist of a four-foot wall of ¼-inch mesh, welded galvanized wire. The fence shall be buried along the bottom margin four inches into the ground. The next approximate three feet of fencing above the ground shall be anchored to staking with wire. Finally, the top six inches of the fence shall be bent over in a semi-circle towards the outside of the fence (towards the man-made ditch) to ensure that the fence cannot be climbed. This fencing shall be backed by orange-colored silt fencing on the project side of the fence to prevent equipment and any side-cast material from entering the man-made ditch.
- **Mitigation Measure 4.5-4(a):** Prior to issuance of each grading permit for future site-specific development, a qualified biologist shall conduct preconstruction surveys for this species within the project boundary within 24 hours of the commencement of any work in this area. In order to minimize disturbance to this species, vegetation clearing within 200 feet of the banks of the man-made ditch immediately south of the project site, as well as within 200 feet of the South Canal, shall be limited to the minimal area necessary. In addition, the use of heavy equipment within 200 feet of the banks of the man-made ditch, as well as within 200 feet of the South Canal, shall be confined to existing roadways, as approved by the City Engineer. Furthermore, in accordance with the Standard Avoidance and Minimization Measures During Construction Activities in Giant Garter Snake (*Thamnophis gigas*) Habitat (USFWS 1997), construction within 200 feet of the banks of the man-made ditch immediately south of the project site, as well as within 200 feet of the South Canal, shall occur only during the active period for the giant garter snake, between May 1 and October 1. If the giant garter snake is found on-site, Mitigation Measure 4.5-4(b) shall be implemented.

- **Mitigation Measure 4.5-4(b):** A biological monitor shall be present during all vegetation clearing and grading work. The biological monitor shall have the right to stop all grading work in the event a giant garter snake is found on the project site. If this occurs, the USFWS and the CDFG shall be immediately contacted and work shall not recommence until these agencies provide authorization to do so, and the written authorization is provided to the Community Development Department.
- **Mitigation Measure 4.5-4(c):** Implement Mitigation Measure 4.5-3(b).
- **Mitigation Measure 4.5-5(a):** Prior to issuance of the first grading permit, the applicant shall mitigate for the loss of Swainson's hawk foraging habitat through participation in the Yolo County HCP/NCCP. Because the proposed project footprint exceeds 40 acres, the Yolo County HCP/NCCP requires the dedication of a suitable conservation easement, as determined by the Yolo County HCP/NCCP JPA and CDFG and proof of the conservation easement shall be provided to the Community Development Department. In the event that the final Yolo County HCP/NCCP is adopted before development occurs, the developer shall participate in the Yolo County HCP/NCCP through payment of applicable fees designated for Swainson's hawk conservation. In the event that the HCP/NCCP is not adopted, implementation of Mitigation Measure 4.5-5(b) shall be required.
- **Mitigation Measure 4.5-5(b):** Prior to issuance of the first grading permit, in the event that the Yolo County HCP/NCCP is not adopted, and in accordance with CDFG's Mitigation Guidelines, the applicant shall replace any impacted Swainson's hawk foraging habitat within one mile of a nest site with one acre of suitable Habitat Management Land (1:1 impact to replacement ratio). Because the project site is located within one mile of a known Swainson's hawk nesting site, the HCP/NCCP would require a 1:1 mitigation ratio (134 acres). Off-site occupied Swainson's hawk foraging habitat would be acquired by the applicant via fee title or through purchase of the right to record a conservation easement over the conserved property. The conserved property shall be managed by a qualified conservation organization. The conservation organization would also require a cash endowment from the developer, the interest from which would be used to manage or otherwise monitor the conserved property in perpetuity. In lieu of a cash endowment, the applicant and conservation organization may develop another source of permanent funding that shall be used for the management of the conserved lands as approved by the conservation organization and the Community Development Department.
- **Mitigation Measure 4.5-6(a):** Prior to issuance of each grading permit for future site-specific development, the applicant shall conduct a pre-construction survey. If the grading is conducted in phases, the pre-construction survey shall be conducted only on the portion of the site being graded. Two surveys shall be conducted 90 days before ground disturbance

associated with the project and two additional surveys shall be conducted in the 30-day period prior to ground disturbance associated with the project. Western burrowing owl surveys shall be conducted from two hours before sunset to one hour after, or one hour before sunrise to two hours after sunrise. All burrowing owl sightings, occupied burrows, and burrows with owl sign (e.g., pellets, excrement, and molt feathers) must be counted and mapped. Surveys shall be conducted by walking suitable habitat on the entire project site and (where possible) in areas within approximately 500 feet of the project boundary. The buffer zone is surveyed to identify burrows and owls outside of the project area, which may be impacted by factors such as noise and vibration (heavy equipment) during project construction. Pedestrian survey transects shall be spaced to allow 100 percent visual coverage of the ground surface. The distance between transect center lines shall not be more than approximately 100 feet and shall be reduced to account for differences in terrain, vegetation density, and ground surface visibility. To effectively survey large projects (100 acres or larger), two or more surveyors shall be used to walk adjacent transects. (If the impacted area is smaller than 100 acres, one surveyor may be used.) To avoid impacts to owls from surveyors, owls and/or occupied burrows shall be avoided by a minimum of approximately 160 feet, wherever practical. Disturbance to occupied burrows shall be avoided during all seasons. The preconstruction surveys shall be completed within 30 days of grading prior to CDFG accepting a survey conclusion that burrowing owls do not occur in a proposed study area (i.e., negative findings), and proof of CDFG acceptance shall be provided to the Community Development Department for approval. If owls are not found during these surveys, further mitigation is not required. However, if western burrowing owl is found on-site, implementation of Mitigation Measures 4.5-6(b) and 4.5-6(c) shall be required.

- **Mitigation Measure 4.5-6(b):** Prior to issuance of each grading permit for future site-specific development, the applicant shall obtain a qualified biologist to conduct a nesting survey for western burrowing owl. If burrowing owls are detected on the site during the breeding season (February 1 – August 31), and appear to be engaged in nesting behavior, a fenced 300-foot buffer shall be implemented between the nest site(s) (i.e., the active burrows) and any earth-moving activity or other disturbance in the study area. This 300-foot buffer could be removed once the qualified biologist determines that the young have fledged (i.e., left the nest). Typically, the young fledge by August 31. This date may be earlier than August 31, or later, and would have to be determined by a qualified biologist, and reviewed and approved by the Community Development Department.
- **Mitigation Measure 4.5-6(c):** If burrowing owls are found in the study area, the qualified biologist shall delineate the extent of burrowing owl habitat on the site, for the approval of the Community Development Department. CDFG prescribes that 6.5 acres of replacement habitat be set aside (i.e., protected in perpetuity) per pair of burrowing owls, or unpaired resident bird. Such a set-

aside will offset permanent impacts to burrowing owl habitat. The protected lands shall be adjacent to occupied burrowing owl habitat if possible, and at a location selected in consultation with CDFG. Land identified to offset impacts to burrowing owls must be protected in perpetuity by a suitable property instrument, (e.g., a conservation easement or fee title acquisition).

In addition, a Mitigation Plan shall be prepared and submitted to CDFG and the Community Development Department for their review and comment. The Mitigation Plan shall identify the mitigation site and any activities proposed to enhance the site, including the construction of artificial burrows and maintenance of California ground squirrel populations on the mitigation site. In addition, for each pair of burrowing owls found in the construction area, two artificial nesting burrows shall be created at the mitigation site. The Mitigation Plan shall also include a description of monitoring and management methods proposed at the mitigation site. Monitoring and management of any lands identified for mitigation purposes would be the responsibility of the applicant for at least five years. Contingency measures for any anticipated problems shall be identified in the plan. An annual report must be prepared for submittal to CDFG and Community Development Department by December 31 of each monitoring year.

- **Mitigation Measure 4.5-7(a):** Prior to issuance of each grading permit for future site-specific development, a nesting survey shall be conducted on the project site and within a zone of influence (zone of influence varies depending on species) around the project site, for review and approval by the Community Development Department. The zone of influence includes areas off the project site that could result in bird disturbance by project construction related activities. Accordingly, the nesting survey(s) must cover the project site and an area around the project site boundary including the ditch immediately south of the project site. If special-status bird species are not found during these surveys, further mitigation is not required. However, if special-status birds are found on-site, implementation of Mitigation Measures 4.5-7(b) shall be required.
- **Mitigation Measure 4.5-7(b):** If project site disturbance would commence between March 1 and September 1, the nesting surveys shall be completed 15 days prior to commencing with the work. If special-status birds, such as tricolored blackbirds, are identified nesting on or near the project site, a 100-foot radius buffer around the nest must be staked with bright orange spray painted lath or construction fencing. If an active nest is found offsite, the portion of the buffer that is onsite must be staked. Construction or earth-moving activity shall not occur within this 100-foot staked buffer until the qualified ornithologist determines that the young have fledged (i.e., left the nest) and have attained sufficient flight skills to avoid project construction zones. Proof of the proper buffers and fledged young shall be provided to the Community Development Department prior to the commencement of grading within the buffer areas.

If common (that is, not special-status) birds such as great egret, marsh wren, or red-winged blackbird are identified nesting on or adjacent to the project site, a non-disturbance buffer of 75 feet shall be established or as otherwise prescribed by a qualified ornithologist. The buffer shall be demarcated with painted orange lath. Disturbance around an active nest shall be postponed until the qualified ornithologist determines that the young have fledged and have attained sufficient flight skills to leave the area. Proof of the proper buffers and fledged young shall be provided to the Community Development Department prior to the commencement of grading within the buffer areas.

Nesting buffers shall be maintained until August 1 unless a qualified ornithologist determines that young have fledged and are independent of their nests at an earlier date. If buffers are removed prior to August 1, the qualified biologist conducting the nesting surveys shall prepare a report that provides details about the nesting outcome and the removal of buffers. This report shall be submitted to the Community Development Department prior to the time that buffers are removed if the date is before August 1.

- **Mitigation Measure 4.5-8:** Prior to issuance of each grading permit for future site-specific development, a nesting survey shall be conducted. Surveys conducted for western burrowing owl as described in Mitigation Measure 4.5-6(a), above, would also detect the presence of other ground nesting birds, such as northern harriers or mallards. If northern harriers or other ground nesting birds are identified during the surveys, a 300-foot radius buffer around the ground nest shall be staked with bright orange lath or other suitable staking. If northern harriers or other ground nesting birds are not found on-site, further mitigation shall not be required.

Any 300-foot buffer established to protect nesting birds may be reduced in size if a qualified biologist with an ornithological background determines that the nesting birds are acclimated to people and disturbance, and otherwise would not be adversely affected by construction activities. At a minimum, however, the non-disturbance buffer shall be a radius of 100 feet around the nest site. When construction buffers are reduced in size, the biologist shall monitor distress levels of the nesting birds while the birds nest and construction persists. If at any time the nesting birds show levels of distress that could cause nest failure or abandonment, the biologist shall have the right to re-implement the full 300-foot buffer. Construction or earth-moving activity shall not occur within the non-disturbance buffer until the qualified biologist determines that the young have fledged (i.e., left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by July 1. Regardless, September 1 shall be considered the end of the nesting period unless otherwise determined by a qualified biologist. Once the birds have completed the nesting cycle further mitigation shall not be required.

Impact 4.11-2: Impacts related to the physical deterioration and urban decay of retail centers in Downtown Woodland, East of Downtown, and East of I-5.

Impact: Implementation of the proposed project would result in physical deterioration and urban decay of retail centers in Downtown Woodland, East of Downtown, and East of I-5. (Draft EIR, p. 4.11-32 to 4.11-33.)

Finding: The City hereby finds that (1) changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified above and (2) specific economic legal, social, technological, or other considerations make infeasible certain mitigation measures or alternatives identified in the Final EIR. (State CEQA Guidelines § 15091(a)(1) and (3).)

Facts Supporting Finding: The proposed project could attract new consumers to the City of Woodland and minimize impacts to existing big box retailers. However, should existing big box retailers relocate to the proposed project, re-leasing of the vacant big box could be difficult, and urban decay could occur in the entire shopping center. In addition, excess of retail space (supply) would slow the revitalization of Downtown Woodland. As stated above, development of partial buildout of the proposed project would result in short-term excess retail space (supply) and long-term retail leakage. Therefore, development of the proposed project would result in significant short-term urban decay related impacts to Downtown Woodland, East of I-5, and East of Downtown. (Draft EIR, p. 4.11-33.)

Implementation of Mitigation Measures 4.11-2(a) through 4.11-2(d) would reduce the intensity and delay urban decay to retail in Downtown Woodland, East of I-5, and East of Downtown. However, because urban decay could still occur, this impact would remain significant and unavoidable. (Draft EIR, p. 4.11-34.)

- **Mitigation Measure 4.11-2(a):** At the time of future applications for site-specific development, the project applicant shall submit a request to the Community Development Department for a Master Conditional Use Permit (CUP), which must include a site plan and architectural review, as well as create design standards for alternative transportation, pedestrian and bicycling access, site plans, and architecture review. The Master CUP shall comply with the Draft EIR for the project, and will be evaluated at the time of the request to determine if further environmental review is necessary list of specific project uses for review and approval by the Community Development Department. The Master CUP shall indicate that the list of specific project uses shall primarily consist of regional retail uses that do not include entertainment uses and other uses that would compete with retail in Downtown Woodland.
- **Mitigation Measure 4.11-2(b):** At the time of future applications for site-specific development, the project applicant shall submit a market study for and urban decay analysis, including hotels if proposed, for review and approval by the Community Development Department. The market study and

urban decay analysis shall show that adequate retail demand exists for the proposed uses and that urban decay would not occur as a result of the proposed phase of the project. If the market study and urban decay analysis show inadequate demand, then the City shall evaluate the impacts of the use proposed for development and either require additional mitigation or require an alternate use.

- **Mitigation Measure 4.11-2(c):** Prior to the issuance of building permits, the project applicant shall pay their fair-share of contribute funds toward the development of a Retail Strategic Plan, for review and approval of the Community Development Department. The amount of the fee shall be determined in the Development Agreement between the City and the project applicant. The City would be responsible for preparing a Retail Strategic Plan which shall determine what retail areas shall be preserved as retail and which areas shall be developed as other uses, helping to identify repositioning strategies for those underperforming centers.
- **Mitigation Measure 4.11-2(d):** Prior to the issuance of building permits, the project applicant shall pay their fair-share of contribute funds toward the preparation of an Implementation Strategy for the Downtown Specific Plan, for review and approval of the Community Development Department. The amount of the fee shall be determined in the Development Agreement between the City and the project applicant. The City would be responsible for preparing the Implementation Strategy which, among other things, can help define the strategies for progressing the civic and entertainment focus of downtown.

Impact 4.11-3: Impacts related to the physical deterioration and urban decay of retail centers in County Fair Mall, West Woodland, and East Street Corridor.

Impact: Implementation of the proposed project would result in physical deterioration and urban decay of retail centers in County Fair Mall, West Woodland, and East Street Corridor. (Draft EIR, p. 4.11-34 to 4.11-35.)

Finding: The City hereby finds that (1) changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified above and (2) specific economic legal, social, technological, or other considerations make infeasible certain mitigation measures or alternatives identified in the Final EIR. (State CEQA Guidelines § 15091(a)(1) and (3).)

Facts Supporting Finding: County Fair Mall, West woodland, and East Street Corridor include struggling and deteriorating retail centers that would be impacted by additional retail space (supply) developed by the proposed project. Many of the retail centers require reinvestment or repositioning to alternative uses. Development of partial buildout of the proposed project would result in short-term excess retail space (supply) and long-term retail leakage. Therefore, development of the proposed project would

result in significant short-term urban decay related impacts to County Center Mall, West Woodland, and East Street Corridor. (Draft EIR, p. 4.11-35.)

Implementation of Mitigation Measures 4.11-3(a) and 4.11-3(b) would reduce the intensity and delay urban decay to retail in County Center Mall, West Woodland, and East Street Corridor. However, because urban decay could still occur, this impact would remain significant and unavoidable. (Draft EIR, p. 4.11-35 to 4.11-36.)

- **Mitigation Measure 4.11-3(a):** The City shall consider coordinating with the current owner of the County Fair Mall to prepare a strategic land use plan for the County Fair Mall to analyze potential viable land uses for the site.
- **Mitigation Measure 4.11-3(b):** Implement Mitigation Measures 4.11-2(a), (b), (c), and (d).

Findings Regarding Growth Inducing Impacts

The proposed project would potentially stimulate the economy of the City and provide employment for many people. Some of these employees could potentially relocate to the City of Woodland, which could indirectly increase the number of occupied homes within the City. The proposed project would also generate tax-revenue for the City of Woodland. The proposed auto mall is expected to increase current average annual dealership taxable sales in Woodland. This does not necessarily equate to the inducement of growth within the City, as consumer sales remain low due to the sustained downturn in the economy. The possibility exists that a larger City budget could indirectly result in facilitating the implementation of public improvement projects, which could cause environmental impacts. However, similar to the Woodland Gateway Phase II project, public improvement projects would be subject to CEQA review, which would ensure that any potential impacts would be mitigated to the maximum extent feasible. (Draft EIR, p. 5-2.)

The project site would provide two access locations from off-site. Both locations will be located along County Road (CR) 102 from Maxwell Road and another access road located on CR 102, at the midpoint of the site. Internal roadways will also be constructed north to south to facilitate traffic flow without the need to use CR 102. However, in one respect, adoption of the proposed project could increase pressure to develop adjacent areas within and around the City of Woodland and in the County, because the project would develop a roadway through an undeveloped area, which would remove an obstacle to growth in this area. As mentioned above, the area where the roadway would be located is designated UR in the Woodland General Plan, which means that this land may be considered for development with urban uses. (Draft EIR, p. 5-2.)

To serve the project area, the project would include new points of connection to the City's water system. The City's water supply would be impacted by a relatively small increase in daily water demand and a substantial increase in fire flow requirements. The increases in flow demand would require a new water supply well. Connection to the wastewater system would be required to provide sewer service to the site. The development of the

stormwater drainage system would include the construction of storm drain infrastructure throughout the project site to convey runoff to either on-site detention facilities or the existing City facilities (with required deepening of the North Gibson Ponds). The proposed project would provide wastewater and storm drainage infrastructure near areas that are not planned for development. However, project infrastructure would not be sized to accommodate growth beyond that assumed in the proposed project in addition to the General Plan. The project is surrounded on three sides by developed land, but the area to the south is undeveloped.. The land to the south is designated as Urban Reserve and would be subject to the CEQA review process. Therefore, the proposed project would result in a less-than-significant growth-inducing impact. (Draft EIR, p. 5-3.)

Findings Regarding Significant Irreversible Environmental Changes

The proposed project would likely result in, or contribute to, the following irreversible environmental changes: conversion of existing agricultural farmland to suburban land uses, thus precluding alternate land uses in the future; irreversible consumption of goods and services associated with the future employees and consumers; irreversible consumption of energy and natural resources associated with the future employees and consumers; increased emissions of air pollutants; and increased ambient noise. The project would permanently convert 154 acres of agricultural land to urban/suburban uses. In addition, the project would introduce new retail, commercial, and office uses that would create the potential for irreversible consumption of goods and services, as well as energy and natural resources, by future employees and consumers in the area. Furthermore, the project would result in increased emissions of air pollutants and increased ambient noise, both due to construction and operation of the project. (Draft EIR, p. 5-3.)

Project Alternatives – Findings of Infeasibility

Section 15126.6 of the State CEQA Guidelines requires EIRs to consider and discuss alternatives to the proposed actions. Subsection (a) states:

- (a) An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

Subsection 15126.6(b) states the purpose of the alternatives analysis:

(b) Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

In Subsection 15126.6(c), the State CEQA Guidelines describe the selection process for a range of reasonable alternatives:

(c) The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic Project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

The range of alternatives required is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed Project. Alternatives are limited to ones that would avoid or substantially lessen any of the significant effects of the Project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the Project.

However, when significant impacts can be mitigated by the adoption of mitigation measures, the lead agency has no obligation to consider the feasibility of alternatives with respect to that impact in its findings, even if the alternative would mitigate the impact to a greater degree than the proposed project. (Pub. Resources Code, § 21002; Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 730-731; Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376, 400-403; Laurel Hills Homeowners Association v. City Council (1978) 83 Cal.App.3d 515, 521.) The City has adopted mitigation measures to avoid or substantially lessen the potentially significant environmental impacts identified in the EIR. However, impacts on some thresholds within the Agriculture, Transportation and Traffic, Air Quality, Climate Change, Biology, and Urban Decay would remain significant.

CEQA does not require that a Draft EIR determine the ultimate feasibility of a selected alternative, but rather that it is potentially feasible. Accordingly, no economic studies

have been prepared regarding the economic feasibility of the selected alternatives. As a point of reference, Section 15364 of the State CEQA Guidelines defines “feasibility” as follows:

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

Alternatives Development

The significant impacts discussed in the Proposed Project Impact Findings above were evaluated to identify alternatives that could reduce one or more impacts to a less-than-significant level. Significant impacts of the proposed Project would be generally those associated with construction and operation of new or improved infrastructure, public facilities, residences, and businesses.

The following are the basic objectives of the project:

- To facilitate the development of a regional retail center to better capture leakage of sales from uses not already served within the community.
- To facilitate the assimilation of land and the annexation of land to allow use and control of this impacts and effects on the City as a significant parcel within the urban boundary adjacent to existing regional retail and the wastewater treatment facility.
- Facilitate the completion of Gateway I.
- Ensure adequate mitigations are provided to preserve and protect the existing and future functions of the City’s wastewater treatment operations.
- To facilitate the relocation of auto related uses from the Downtown area to help achieve goals and policies contained in the City’s Downtown Specific Plan.
- Ensure that the downtown remains the primary focus in the City for entertainment and specialty retail uses.
- Ensure that existing commercial centers within the City are not significantly negatively harmed through completion from neighborhood based retail uses.
- To develop revenue generating land uses to provide jobs and capture regional retail leakage.
- To ensure that the project provides significant benefit to the community while not detracting or causing significant negative impacts to facilities, services, businesses, and residents within the community.
- To allow for a project that will meet and exceed all City design standards and policies such that the project will be a regional example of high quality creative design that is complementary to the City of Woodland’s heritage and compatible with existing surrounding development.
- To ensure a future project that will meet and exceed design expectations from the standpoint of addressing climate impacts and efficient energy design both from a site and architectural standpoint.

There are two types of alternatives evaluated in the EIR. First are the alternatives that were considered but were rejected from further consideration. Reasons for elimination included failure to meet basic project objectives, infeasibility, or inability to avoid significant environmental impacts. (State CEQA Guidelines § 15126.6(c).) The Off-Site Alternative was the only alternative that was considered by rejected from further consideration. (Draft EIR pp. 6-5 to 6-6.) Second are the alternatives that were considered in detail. Those alternatives are:

- No Project Alternative
- Reduced Density Alternative
- Mixed-Use Alternative

(Draft EIR pp.6-6 to 6-14.)

Alternative Initially Considered but Rejected from Further Review

Off-Site Alternative

Off-Site Alternative: This alternative considered development of the proposed Project on a different site within the City of Woodland. (Draft EIR pp., 6-5 to 6-6.)

Finding: For the reasons set forth below in the Supporting Explanation, the City Council rejects the Off-Site Alternative because (1) it is infeasible and (2) because the Off-Site Alternative does not meet most of the Project objectives. (State CEQA Guidelines § 15126.6(c).) Each of the stated grounds for rejecting the Off-Site Alternative is independently sufficient to justify rejection of this alternative. Consequently, the City Council finds that it was not required to analyze the Off Site Alternative in further detail in the EIR.

Supporting Explanation: The project site provides a suitable location for a commercial development and the retail-related uses proposed for the project because the site is located near Interstate 5 and along County Road 102, and is adjacent to existing Highway Commercial development. Off-site locations that would achieve a majority of the stated project objectives and still reduce environmental impacts do not exist in the Woodland vicinity. In addition, another site of approximately 150 acres with freeway access is not available. Furthermore, the applicant does not own a comparable property within the City of Woodland. Other similar sites may be available outside the City of Woodland; however, development of those sites would not be expected to have reduced environmental impacts and could require extension of public services. Therefore, because the project site is the most appropriate location able to meet the majority of the project objectives, the Off-Site Alternative is dismissed from further analysis. (Draft EIR, p. 6-6.)

Alternatives Analyzed in the Draft EIR

The Draft EIR examined three alternatives, as described below.

No Project Alternative

No Project Alternative: This alternative evaluated the continuation of the existing condition of the project site, which is currently undeveloped in the unincorporated County. (Draft EIR, p. 6-6.)

Finding: For the reasons set forth below in the Supporting Explanation, the City Council rejects the No Project Alternative because (1) it is infeasible and (2) because the No Project Alternative does not meet the Project's basic objectives. (State CEQA Guidelines § 15126.6(c).) Each of the stated grounds for rejecting the No Project Alternative is independently sufficient to justify rejection of this alternative. Consequently, the City Council finds that it was not required to analyze the No Project Alternative in further detail in the EIR.

Supporting Explanation: Overall, implementation of the No Project Alternative would result in the site remaining vacant and, therefore, environmental impacts would not ensue. Thus, implementation of the No Project Alternative would result in decreased impacts, as compared to the proposed project. (Draft EIR, p. 6-6.) However, the No Project Alternative is considered infeasible because the Alternative would not meet any of the proposed project's objectives, which include the following (*Id.*):

- To facilitate the development of a regional retail center to better capture leakage of sales from uses not already served within the community;
- To facilitate the assimilation of land and the annexation of land to allow use and control of its impacts and effects on the City as a significant parcel within the urban boundary adjacent to existing regional retail and the wastewater treatment facility;
- Facilitate synergistic effects to assist in the completion of Gateway I;
- Ensure adequate mitigations are provided to preserve and protect the existing and future functions of the City's wastewater treatment operations;
- To facilitate the relocation of auto related uses from the Downtown area to help achieve goals and policies contained in the City's Downtown Specific Plan;
- Ensure that the downtown remains the primary focus in the City for entertainment and specialty retail uses;
- Ensure that existing commercial centers within the City are not significantly harmed though completion from neighborhood based retail uses;
- To develop revenue generating land uses to provide jobs and capture regional retail leakage;
- To ensure that the project provides significant benefit to the community while not detracting or causing significant negative impacts to facilities, services, businesses and residents within the community;
- To allow for a project that will meet and exceed all City design standards and policies such that the project will be a regional example of high quality creative design that is complementary to the City of Woodland's heritage and compatible with existing surrounding development; and

- To ensure a future project that will meet and exceed design expectations from the standpoint of addressing climate impacts and efficient energy design both from a site and architectural standpoint.

Reduced Intensity Alternative

Reduced Intensity Alternative: The Reduced Intensity Alternative would include development of less acreage than the proposed project. This Alternative would still include an annexation of 154 acres from Yolo County to the City of Woodland. The 93 acres would be rezoned General Commercial (C-2) like the proposed project; however, the remaining acreage would be rezoned to a new zoning designation of Urban Reserve consistent with the General Plan. Development would occur generally in the northern portion of the site. The southern and eastern portion of the property would remain in the existing condition, and would act as a buffer between the project and the Woodland Water Pollution Control Facility (WPCF) located to the east of the site. The site would remain a commercial development which would include 295,000 square feet of retail (including restaurants) and two auto dealerships in order to accommodate a reduction in acreage. Like the proposed project, the site would have two access locations, with the southern access road acting as the southern boundary of the development. (Draft EIR, p. 6-8.)

Finding: For the reasons set forth below in the Supporting Explanation, the City Council rejects the Reduced Intensity Alternative because (1) it is infeasible (2) because the Reduced Intensity Alternative does not meet the Project's basic objectives and (3) because the Reduced Intensity Alternative would still have significant and unavoidable environmental impacts. (State CEQA Guidelines § 15126.6(c).) Each of the stated grounds for rejecting the Reduced Intensity Alternative is independently sufficient to justify rejection of this alternative. Consequently, the City Council finds that it was not required to analyze the Reduced Intensity Alternative in further detail in the EIR.

Supporting Explanation: Although the Reduced Intensity Alternative would meet some of the project's objectives, the Alternative was rejected as infeasible because the Alternative would not meet the following project objectives related to economic feasibility:

- Facilitate the development of a regional retail center to better capture leakage of sales from uses not already served within the community; or
- Develop revenue generating land uses to provide jobs and capture regional retail leakage.

(Draft EIR, pp. 6-8 to 6-11.)

Moreover, according to the Draft EIR, the significant and unavoidable impacts related to the following environmental issue areas would still occur with the Reduced Intensity Alternative: land use and agricultural resources; transportation and circulation; air quality; and biological resources. All other impacts would be equal to those of the proposed project. (*Id.*)

Furthermore, it should be noted that the revised project description would result in even fewer impacts as compared to the Reduced Intensity Alternative because the revised project would develop commercial uses on only 61.3 acres and would retain 92.7 acres of agricultural uses.

Mixed-Use Alternative

Mixed-Use Alternative: The Mixed-Use Alternative would include development of less acreage than the proposed project. This Alternative would still include an annexation of 154 acres from Yolo County to the City of Woodland. The 93 acres would be rezoned General Commercial (C-2) with a Planned Development Overlay to allow the mixed use nature of the alternative. The remaining acreage would be rezoned to a new zoning designation of Urban Reserve consistent with the General Plan. The southern and eastern portion of the property would remain in the existing condition, and would act as a buffer between the project and the Woodland Water Pollution Control Facility (WPCF) located to the east of the site, and agricultural uses to the south of the site. Development of this alternative would include a five-acre site for a 100-unit multi-family development at approximately 20 units per acre. In addition, the commercial portion of the development would include a local-serving commercial town center (with approximately 50 residential units located above the center) to enhance a sense of community among residents. The commercial portion of the development would include approximately 200,000 square feet (including restaurants) and two auto dealerships. Development under the Mixed-Use Alternative would be designed to be consistent with Smart Growth principles. (Draft EIR, p. 6-11.)

Finding: For the reasons set forth below in the Supporting Explanation, the City Council rejects the Mixed Use Alternative because (1) it is infeasible and (3) because the Mixed-Use Alternative would have greater environmental impacts than the proposed project. (State CEQA Guidelines § 15126.6(c).) Each of the stated grounds for rejecting the Mixed-Use Alternative is independently sufficient to justify rejection of this alternative. Consequently, the City Council finds that it was not required to analyze the Mixed-Use Alternative in further detail in the EIR.

Supporting Explanation: The Mixed-Use Alternative would result in greater public services and utilities impacts, as compared to the proposed project. Impacts to land use and agricultural resources, biological resources, and hydrology and water quality would be fewer, as compared to the proposed project. All other impacts would be equal to those of the proposed project. Because the Mixed-Use Alternative would, overall, result in greater impacts than the proposed project, the Alternative is considered infeasible. (Draft EIR, pp. 6-11 to 6-15.)

Environmentally Superior Alternative

Environmentally Superior Alternative: An EIR must identify the environmentally superior alternative. (State CEQA Guidelines § 15126.6(e)(2).) The No-Project Alternative is considered environmentally superior alternative. The No Project/No

Development Alternative is environmentally superior because no changes to existing environmental conditions in the City would occur. (Draft EIR p. 6-16.)

State CEQA Guidelines section 15126(d)(2) states that if the No Project Alternative is identified as the environmentally superior alternative that another of the alternatives also be selected as environmentally superior. Accordingly, the Reduced Intensity Alternative would be the environmentally superior alternative. It would have the fewest overall impacts and although significant and unavoidable impacts would still result for farmland, transportation and circulation, air quality, and biological, the balance of the environmental impacts would be reduced when compared against the proposed project. The Reduced Intensity Alternative would result in fewer transportation impacts and, consequently, fewer air quality impacts. Furthermore, the reduced acreage being developed results in 93 acres of lost farmland and wildlife habitat, as opposed to 154 acres. Thus, the Reduced Intensity Alternative would be considered the environmentally superior alternative.

Finding: Based upon the Supporting Explanation set forth above, the City Council rejects the No-Project Alternative because (1) it would be infeasible and (2) it would not meet the Project objectives. (See findings above). Additionally, on the basis of the Supporting Explanation above, the Agency Board and the City Council reject the Reduced Intensity Alternative because (1) it would be infeasible and (2) would not meet the Project objectives. (See findings above.) Each of the stated grounds for rejecting the No Project Alternative and the Reduced Intensity Alternative is independently sufficient to justify rejection of the alternatives. (Draft EIR, p. 6-16.)

Statement of Overriding Considerations

The City declares that, pursuant to the State CEQA Guidelines Section 15093, the City has balanced the benefits of the proposed project against any unavoidable environmental impacts in determining whether to approve the proposed project. If the benefits of the proposed project outweigh the unavoidable adverse environmental impacts, those impacts may be considered “acceptable”.

The City declares that the EIR prepared for the project has identified and discussed significant effects which may occur as a result of the proposed project. With implementation of existing regulations, standard conditions, and the mitigation measures discussed in the EIR, the environmental effects of future development pursuant to the project can be mitigated to less than significant levels, except for the following significant, unavoidable impacts on the environment, which are described above in the section entitled Findings Regarding Environmental Impacts Not Fully Mitigated to Levels of Less Than Significant:

- Impacts related to the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses;
- The proposed project, in conjunction with future plans, would contribute to the loss of Prime Farmland;

- Under Existing Plus Project conditions, PM peak hour traffic volumes on study roadways would increase, resulting in unacceptable LOS at six locations under the 2-Access Alternative and at four locations under the 3-Access Alternative;
- Under Existing Plus Project conditions, AM and PM peak hour traffic volumes would increase resulting in unacceptable LOS at nine intersections;
- Under Cumulative (Year 2020) Plus Project conditions, PM peak hour traffic on study roadways would increase resulting in unacceptable LOS at seven locations;
- Under Cumulative (Year 2020) Plus Project conditions, AM and PM peak hour traffic volumes at study intersections would increase resulting in unacceptable LOS at 14 locations;
- The proposed project would cumulatively increase the AM and PM peak hour traffic volumes on study freeway locations, resulting in unacceptable LOS at two locations under both the 2-Access Alternative and the 3-Access Alternative;
- Operational impacts resulting in long-term increases of criteria air pollutants that would violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- Cumulative contribution to climate change;
- Cumulative contribution to regional air quality conditions, including resulting in a cumulatively considerable net increase of any criteria pollutant for which the project is non-attainment under applicable federal or State ambient air quality standards;
- The proposed project, in combination with other cumulative development, would convert undeveloped land to urban uses, resulting in the loss of general wildlife habitat for resident and migratory species;
- Impacts related to the physical deterioration and urban decay of retail centers in Downtown Woodland, East of Downtown, and East of I-5; and
- Impacts related to the physical deterioration and urban decay of retail centers in County Fair Mall, West Woodland, and East Street Corridor.

(Draft EIR, pp. 2-11 to 2-89.)

However, as detailed in the findings for each impact above, because the nature of the project is programmatic and does not include specific projects, and because the exact location and design of future projects have not yet been identified, it would be speculative to attempt to determine project-specific impacts and it is infeasible to design project-specific mitigation measures that would ensure respective impacts would be reduced to a less than significant level. Therefore, excess caution was employed in determining significance, and led to determinations of significant, unavoidable impacts for the project.

The City declares that reasonable and good faith efforts have been made to eliminate or substantially mitigate potential impacts on the foregoing significant and unavoidable impacts. To the extent any mitigation measures could not be incorporated, such mitigation measures are infeasible because of specific economic, legal, social, technological and other considerations and benefits of the proposed project outweigh the unmitigated impacts.

The Agency and the City further find that except for the proposed project, all other alternatives set forth in the EIR are infeasible because they would prohibit the realization of the Project's objectives and the City's goals and/or because of specific economic, legal, social, technological and other benefits that the City finds outweigh any environmental benefits of the alternatives.

The City declares that, having reduced the significant adverse environmental effects of the proposed project to the extent feasible by adopting the mitigation measures, having considered the entire administrative record on the proposed project, and having weighed the benefits of the proposed project against its unavoidable adverse impacts after mitigation, the City has determined that the following social, economic, and environmental benefits of the proposed project outweigh the potential unavoidable significant adverse impacts and render those potential adverse environmental impacts acceptable:

1. The project would stimulate the economy of the City by provide employment for many people both during construction and operation of the proposed project. Even though the development of the proposed project is not imminent, when the developer is ready to proceed with construction of project, skilled laborers will be needed to complete the project. In addition, the businesses that would occupy the proposed commercial space would require a workforce and would need to hire new employees. (Draft EIR, p. 3-4)

2. The project would generate tax revenue for the City of Woodland by providing commercial retail space, which would attract new business and consequently new customers to the city. By attracting new business and new customers, the project would encourage more spending within the City's corporate boundaries, which would contribute to the overall tax base for the City. (Draft EIR, p. 3-4; 4.11-8; 4.11-26.)

3. The project would facilitate the completion of Woodland Gateway Phase I by coordinating site development of Gateway I and Gateway II. The uses at Gateway I and Gateway II are intended to support one another. The goal is to provide a comprehensive retail/commercial experience within the City's boundaries to prevent shoppers from having to travel long distances to obtain necessary goods. (Draft EIR, p. 3-4; 4.11-8)

4. As indicated above, the project would develop revenue generating land uses and would capture regional retail leakage. Once the project is constructed and operational, it will provide residents of Woodland greater shopping opportunities within this community. Residents will not have to travel as far, or to other communities, in order purchase necessary items. (Draft EIR, p. 3-4; 4.11-31 to 4.11-32.) The neighborhood shopping centers in the cities of Davis and Dixon would not compete with the proposed Project given their geographical distance from the City of Woodland. (Draft EIR, p. 4.11-8.)

5. The project would facilitate the relocation of auto related uses from the Downtown area to help achieve goals and policies contained in the City's Downtown Specific Plan. (Draft EIR, p. 3-4)

6. The project would ensure that the downtown remains the primary focus in the City for entertainment and specialty retail uses. (Draft EIR, p. 3-4; 4.11-32 to 4.11-36.)

7. The Project will eliminate an existing “island” of unincorporated land that exists between CR 102 and the City’s sewer treatment plant and ponds. The Project site is currently within the boundaries of Yolo County. (Draft EIR, p. 4.1-2 to 4.1-4.) Land surrounding the Project site to the northwest, east, and west are within the City of Woodland corporate boundaries. (Draft EIR, p. 4.1-5, 4.1-7.) As a result, the Project site is considered an “island” because the site is nearly completely surrounded by incorporated lands. Annexation of the Project site into the City of Woodland’s corporate boundaries would eliminate this “island” territory.

8. The project provides improvements along the west side of County Road 102 that are consistent with the urbanized area on the west side of the roadway completing the improvements along County Road 102 through the project area.

9. The Project will provide competition between retail tenants within Woodland. Increasing competition between retail tenants benefits consumers in Woodland through lower prices for consumer goods through price competition. Woodland is currently the only market area in the Sacramento Region with a positive net absorption rate for retail centers. (Draft EIR, p. 4.11-8.)

10. The project will provide large acreage parcels demanded by modern retail tenants that require large buildings and sites that cannot locate in the Downtown or in older commercial areas due to the limitation of parcel sizes in those areas.

11. The project will the balance of development along the CR 102 corridor by providing commercial development supportive of the existing and future residential communities in the Southeast and Spring Lakes Specific Plan areas. By providing development opportunity along the east side of CR 102 the project enables the City of Woodland to maximize the infrastructure investment of this critical corridor including the I-5/CR102 interchange and provide services for its citizens without the need to push development further out into undeveloped areas surrounding the City without infrastructure.

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the project outweighs the identified significant adverse environmental impacts of the project, which cannot be mitigated. The City Council finds that each of the project benefits separately and individually outweighs the unavoidable adverse environmental effects identified in the EIR and therefore finds those impacts to be acceptable.

EXHIBIT B

MITIGATION MONITORING AND REPORTING PLAN

4

MITIGATION MONITORING AND REPORTING PLAN

4.0 INTRODUCTION

Section 15097 of the California Environmental Quality Act (CEQA) requires all State and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to environmental impact reports.

The following is the Mitigation Monitoring and Reporting Plan (MMRP) for the Woodland Gateway Phase II project. The project as approved includes mitigation measures. The intent of the MMRP is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Environmental Impact Report (EIR) for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this MMRP shall be funded by the applicant.

4.1 COMPLIANCE CHECKLIST

The MMRP contained herein is intended to satisfy the requirements of CEQA as they relate to the EIR for the Woodland Gateway Phase II project prepared by the City of Woodland. This MMP is intended to be used by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMRP were developed in the EIR prepared for the proposed project.

The Woodland Gateway Phase II EIR presents a detailed set of mitigation measures that will be implemented throughout the lifetime of the project. Mitigation is defined by CEQA as a measure that:

- Avoids the impact altogether by not taking a certain action or parts of an action;
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment;
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project; or
- Compensates for the impact by replacing or providing substitute resources or environments.

The intent of the MMRP is to ensure the effective implementation and enforcement of adopted mitigation measures and permit conditions. The MMRP will provide for monitoring of

construction activities as necessary and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by the City of Woodland. The table attached to this report identifies the mitigation measure, the monitoring action for the mitigation measure, the responsible party for the monitoring action, and timing of the monitoring action. The applicant will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMRP. The City of Woodland will be responsible for ensuring compliance.

During construction of the project, the City will assign an inspector who will be responsible for field monitoring of mitigation measure compliance. The inspector will report to the City Planning Division and will be thoroughly familiar with permit conditions and the MMRP. In addition, the inspector will be familiar with construction contract requirements, construction schedules, standard construction practices, and mitigation techniques. In order to track the status of mitigation measure implementation, field-monitoring activities will be documented on compliance monitoring report worksheets. The time commitment of the inspector will vary depending on the intensity and location of construction. Aided by the attached table, the inspector will be responsible for the following activities:

- On-site, day-to-day monitoring of construction activities;
- Reviewing construction plans and equipment staging/access plans to ensure conformance with adopted mitigation measures;
- Ensuring contractor knowledge of and compliance with the MMRP;
- Verifying the accuracy and adequacy of contract wording;
- Having the authority to require correction of activities that violate mitigation measures, securing compliance with the MMRP;
- Acting in the role of contact for property owners or any other affected persons who wish to register observations of violations of project permit conditions or mitigation. Upon receiving any complaints, the inspector shall immediately contact the construction representative. The inspector shall be responsible for verifying any such observations and for developing any necessary corrective actions in consultation with the construction representative and the City of Woodland;
- Obtaining assistance as necessary from technical experts in order to develop site-specific procedures for implementing the mitigation measures; and
- Maintaining a log of all significant interactions, violations of permit conditions or mitigation measures, and necessary corrective measures.

4.2 MITIGATION MONITORING AND REPORTING PLAN

The following table indicates the mitigation measure number, the impact the measure is designed to address, the measure text, the monitoring agency, implementation schedule, and an area for sign-off indicating compliance.

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
4.1 Land Use and Agricultural Resources					
4.1-3	Impacts related to the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses.	4.1-3 <i>Prior to the issuance of the first grading permit for the General Commercial portion of the project (61.3 acres), the project applicant shall dedicate in perpetuity an agricultural conservation easement, at a ratio of 1:1 of active agricultural acreage. The agriculture mitigation land shall be located in Yolo County and shall be conserved through the purchase of development rights and execution of an irreversible conservation or agricultural easement. The location and easement requirements shall be reviewed by the City Community Development Department. These soils shall be permanently protected from future development via enforceable deed restrictions. Acreage between Woodland and Davis, already experiencing, or likely to experience, growth pressures shall be targeted. Soils and farming conditions shall be equivalent or superior to the project area. The holder of the agricultural conservation easement shall be determined in accordance with Yolo LAFCO agricultural policy.</i>	Community Development Department	Prior to the issuance of the first grading permit for the General Commercial portion of the project	
4.1-7	The proposed project, in conjunction with future plans, would contribute	4.1-7 <i>Implement Mitigation Measure 4.1-3.</i>	See Mitigation Measure 4.1-3	See Mitigation Measure 4.1-3	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	to the loss of Prime Farmland.				
4.2 Transportation and Circulation					
4.2-1	Under Existing Plus Project conditions, PM peak hour traffic volumes on study roadways would increase, resulting in unacceptable LOS at six locations under the 2-Access Alternative and at four locations under the 3-Access Alternative.	4.2-1(a) <u>Gateway II Driveway – CR 102 to American Drive</u> <u>2-Access Alternative</u> – At ultimate buildout, the applicant shall widen the Gateway II Driveway between CR 102 and American Drive from a two lane collector to a four lane minor arterial. Driveway access shall be restricted based on the arterial designation. Right-of-way shall be reserved for a four lane section per City standards. Interim widening of the Gateway II driveway shall be widened to four lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. <u>3-Access Alternative</u> – At ultimate buildout, the applicant shall widen the Gateway II Driveway between CR 102 and American Drive from a two lane collector to a four lane collector. Right-of-way shall be reserved for a four lane section per City standards. Interim widening of the Gateway II driveway shall be per level of	City Engineer	As determined by traffic studies prepared for project phases and at ultimate buildout	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		service standards as defined in the General Plan, as approved by the City Engineer. Implementation of this mitigation measure would result in LOS C operations during the PM peak hour for both the 2-Access & 3-Access Alternatives and a less-than-significant impact would occur. This mitigation measure is a direct project cost. 4.2-1(b) <u>Gibson Road – CR 102 to American Drive</u> <u>3-Access Alternative</u> – At ultimate buildout, the applicant shall widen the Gibson Road extension between CR 102 and American Drive to a four lane minor arterial. Driveway access shall be restricted based on the arterial designation. Right-of-way shall be reserved for a four lane section per City standards. Interim widening of Gibson Road shall be widened as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer.	City Engineer	As determined by traffic studies prepared for project phases and at ultimate buildout	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>Implementation of this mitigation measure would result in LOS C operations during the PM peak hour for the 3-Access Alternative and a less-than-significant impact would occur</i> <i>This mitigation measure is a direct project cost.</i> 4.2-1(c) <u>CR 102 – Maxwell Avenue to Gibson Road</u> <u>2-Access & 3-Access Alternatives</u> – At ultimate buildout, the applicant shall widen CR 102 between Maxwell Avenue and Gibson Road to three travel lanes in each direction. Right-of-way shall be reserved for a four lane section per City standards. Interim widening of CR 102 shall be widened to six lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. <i>Implementation of this mitigation measure would result in LOS C operations during the PM peak hour for both the 2-Access and 3-Access Alternatives and a less-than-significant impact would occur.</i>	City Engineer	As determined by traffic studies prepared for project phases and at ultimate buildout	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>This mitigation measure is a direct project cost.</i> <i>Impact 4.2-1(c) would not be significant if the General Plan Amendment (i.e., changing CR 102 LOS threshold from C to D) proposed by the project is adopted. It should be noted, however, that intersection impacts at CR 102/Maxwell Avenue, CR 102/Gateway II, and CR 102/Gibson Road require the widening of CR 102 from four to six lanes. A third northbound lane would be required if driveways are planned between the project's main access driveways. Implementation of the mitigations required for these three intersections will ultimately result in a six lane section on CR 102 between Maxwell Avenue and Gibson Road.</i> 4.2-1(d) <u>CR 102 – Gibson Road to Heritage Parkway</u> <i>2-Access & 3-Access Alternatives – At ultimate buildout, the applicant shall widen CR 102 between Gibson Road and Heritage Parkway to two travel lanes in each direction. Right-of-way shall be reserved for a four lane section per City standards. Interim widening of CR 102</i>	City Engineer	As determined by traffic studies prepared for project phases and at ultimate buildout	

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		<i>shall be widened to four lanes as needed based on the traffic studies prepared for individual project phases, per level of service standards as defined in the General Plan, as approved by the City Engineer.</i> <i>Implementation of this mitigation measure would result in LOS C operations during the PM peak hour for both the 2-Access and 3-Access Alternatives and a less-than-significant impact would occur.</i> <i>This mitigation measure is fair share funded.</i> <i>Impact 4.2-1(d) would not be significant if the General Plan Amendment (i.e., changing CR 102 LOS threshold from C to D) proposed by the project is adopted. It should be noted, however, that intersection impacts at CR 102/Gibson Road require the widening of CR 102 to provide two northbound and southbound through lanes at the intersection.</i>			
		4.2-1(e) <u>Wintun Drive – CR 102 to American Drive</u> <u>2-Access & 3-Access Alternatives</u> – At ultimate buildout, the applicant shall widen Wintun Drive between CR 102 and	City Engineer	As determined by traffic studies prepared for project phases and at ultimate	

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		<i>American Drive from two to four through lanes. Right-of-way shall be reserved for a four lane section per City standards. Interim widening of Wintun Drive shall be widened to four lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer.</i> <i>Implementation of this mitigation measure would result in LOS B operations during the PM peak hour for both the 2-Access and 3-Access Alternatives and a less-than-significant impact would occur.</i> <i>This mitigation measure is a direct project cost.</i>		buildout	
		4.2-1(f) <u>Maxwell Avenue – CR 102 to American Drive</u> <u>2-Access Alternative</u> – At ultimate buildout, the applicant shall widen Maxwell Avenue between CR 102 and American Drive from four to six through lanes. Right-of-way shall be reserved for the six lane section per City standards. Interim widening of Maxwell Avenue shall be widened to six lanes as needed based on the traffic studies prepared for	City Engineer	As determined by traffic studies prepared for project phases and at ultimate buildout	

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		<i>individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer.</i> <i>Implementation of this mitigation measure would result in LOS C operations during the PM peak hour for the 2-Access Alternative and a less-than-significant impact would occur.</i> <i>This mitigation measure is a direct project cost.</i> 4.2-1(g) <u>Maxwell Avenue – CR 102 to Farnham Avenue</u> <u>2-Access Alternative</u> – Based on the traffic studies prepared for individual project phases, when Maxwell Avenue between CR 102 and Farnham Avenue reaches LOS D, the applicant shall fund the development of a neighborhood traffic calming plan. The applicant shall fund implementation of the plan. The traffic calming plan shall address Maxwell Avenue, Farnham Avenue, Brannigan Avenue, Gum Avenue, and other affected residential streets in southeast Woodland. The traffic calming plan shall address performance standards, including such	City Engineer	Prior to obtaining a building permit	

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		items as bulbouts, traffic circles, speed lumps, etc. National research has documented the effectiveness of speed lumps (or other vertical devices) and shown that a reduction in traffic volumes of up to 20 percent can occur if other parallel routes with comparable travel times exist. The redistribution of traffic to other parallel routes will result in secondary impacts. Figure 4.2-9 presents a conceptual traffic calming plan to redirect non-local neighborhood traffic to the arterial streets in east Woodland (e.g., CR 102, E. Main Street, E. Gibson Road, and Pioneer Avenue). The conceptual plan consists of speed lumps, traffic circles, bulbouts, center island narrowings, speed legends, and neighborhood entry signs. The placement of such devices should be located along property lines where applicable and should not block access to individual driveways. The optimum spacing of traffic calming devices is between 250 and 500 feet from each device or other slow points such as stop signs. The individual elements of the plan are interchangeable and certain devices can be substituted for other devices with comparable effectiveness.			

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		<i>Implementation of the conceptual traffic calming plan would reduce non-local neighborhood traffic on Maxwell Avenue by up to 20 percent. This would provide LOS C operations in the PM peak hours, for the 2-Access Alternative.</i> <i>The timing and effectiveness of the implemented traffic calming plan is uncertain due to the potential lack of support by local residents and/or emergency responders. Therefore, this impact is considered significant and unavoidable.</i> <i>This mitigation is a direct project cost.</i>			
4.2-2	Under Existing Plus Project conditions, AM and PM peak hour traffic volumes would increase resulting in unacceptable LOS at nine intersections.	4.2-2(a) <u>CR 102 / E. Main Street</u> <u>2-Access & 3-Access Alternatives</u> – Prior to the issuance of a building permit, the applicant shall pay the project's fair share toward the following improvement(s): widening and reconstruction of the southbound approach to the CR 102 / E. Main Street intersection to provide an exclusive southbound right-turn lane.; and modification of the traffic signal phasing to provide an overlap phase for the northbound u-turn and eastbound right-turn movements.	City Engineer	Prior to the issuance of a building permit	

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		<i>Implementation of these improvements would provide LOS C operations during the AM and PM peak hours, respectively, under the 2-Access Alternative.</i> <i>This mitigation is development fee funded. This improvement is currently in the City of Woodland MPFP.</i> <i>The timing of the overlap phase mitigation is uncertain because it may be infeasible to prohibit eastbound and northbound u-turn movements. Therefore, this impact is considered significant and unavoidable.</i> 4.2-2(b) <u>CR 102 / I-5 NB</u> <u>2-Access & 3-Access Alternatives</u> – Prior to the issuance of a building permit, the applicant shall pay the project's fair share toward the widening and reconstruction of the I-5 / CR 102 interchange to the "Ultimate Design" identified in the I-5 CR 102 Interchange Project Report. The "Ultimate Design" consists of the following improvements: widening the CR 102 overpass to include two northbound and three southbound travel lanes; reconfiguring the intersection to provide one left-turn lane and two through lanes on the northbound approach, two through	City Engineer	Prior to the issuance of a building permit	

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		lanes and one shared through right-turn lane on the southbound approach, one left-turn lane, a shared left/through lane, and two right-turn lanes on the I-5 northbound off-ramp approach; and prohibiting eastbound left-turn movements from Hayes Lane. Implementation of these improvements would provide LOS C and LOS D operations during the AM and PM peak hours, respectively, under both the 2-Access and 3-Access Alternatives and a less-than-significant impact would occur. This mitigation is development fee funded. This improvement is currently in the City of Woodland MPFP. 4.2-2(c) <u>CR 102 / I-5 SB</u> <u>2-Access & 3-Access Alternatives</u> – Prior to the issuance of a building permit, the applicant shall pay the project’s fair share toward the widening and reconstruction of the I-5/CR 102 interchange to the “Ultimate Design” identified in the I-5/CR 102 Interchange Project Report. The “Ultimate Design” consists of the following improvements: widening the CR 102 overpass to include two northbound	City Engineer	Prior to the issuance of a building permit	

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		and three southbound travel lanes; reconfiguring the intersection to provide two through lanes and one right-turn lane on the northbound approach and one through lane and one shared through right-turn lane on the southbound approach; and re-striping the I-5 southbound off-ramp from the “Ultimate Design” to provide one-left-turn lane and two right-turn lanes. Implementation of these improvements would provide LOS A and LOS C operations during the AM and PM peak hours, respectively, under the 2-Access Alternative, and LOS A operations during both the AM and PM peak hours, respectively, under the 3-Access Alternative and a less-than-significant impact would occur. This mitigation is development fee funded. This improvement is currently in the City of Woodland MPFP. 4.2-2(d) <u>CR 102 / Wintun Drive</u> <u>2-Access & 3-Access Alternatives</u> – At ultimate buildout the applicant shall, consistent with the I-5 / CR 102 Interchange “Ultimate Design,” provide	City Engineer	As determined by traffic studies prepared for project phases and at ultimate buildout	

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		three through lanes and one shared through right-turn lane in both the northbound and southbound direction. The applicant shall install a half traffic signal at the County Road 102 / Wintun Drive intersection and provide one westbound right turn lane. The half traffic signal shall stop northbound CR 102 traffic allowing westbound traffic to exit the project site. Consistent with mitigation measures 4.2-1(e), the applicant shall widen Wintun Drive from two to four through lanes between CR 102 and American Drive. Right-of-way shall be reserved for a four lane section per City standards. The interim improvements to Wintun Drive shall be widened to four lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. Implementation of these improvements would provide LOS A and D operations during the AM and PM peak hours, respectively, under the 2-Access Alternative, and LOS A during both the AM and PM peak hours, respectively, under the 3-Access Alternative and a less-than-significant impact would occur.			

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		<i>This mitigation is a direct project cost.</i> 4.2-2(e) <u>CR 102 / Maxwell Avenue</u> <u>2-Access & 3-Access Alternatives</u> – At ultimate buildout the applicant shall widen and reconstruct the northbound and southbound approaches to the CR 102 / Maxwell Avenue intersection. Widen and re-stripe the southbound approach to provide two left-turn lanes, two through lanes, and one shared through right-turn lane. Widen CR 102 between Maxwell Avenue and Gibson Road to provide three southbound receiving lanes and three northbound departure lanes at the CR 102/Maxwell Avenue intersection. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of CR 102 shall be widened to six lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. The northbound approach shall provide one left-turn lane, three through lanes, and one right-turn lane. <i>Implementation of this improvement would provide LOS C and D operations during</i>	City Engineer	As determined by traffic studies prepared for project phases and at ultimate buildout	

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		<i>the AM and PM peak hours under the 2-Access Alternative, and LOS C during both the AM and PM peak hours, respectively, under the 3-Access Alternative and a less-than-significant impact would occur.</i> <i>This mitigation is a direct project cost.</i> 4.2-2(f) <u>CR 102 / Gibson Road</u> <u>2-Access Alternative</u> – At ultimate buildout the applicant shall, consistent with mitigation measure 4.2-1(c), widen CR 102 between Maxwell Avenue and Gibson Road. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of CR 102 shall be widened to six lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. The applicant shall re-stripe the southbound approach to provide one left turn lane, two through lanes, and two right turn lanes. Consistent with mitigation measure 4.2-1(d), the applicant shall widen CR 102 between Gibson Road and Farmers Central Road to provide two continuous northbound and southbound	City Engineer	As determined by traffic studies prepared for project phases and at ultimate buildout	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
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		departure lanes and receiving lanes, respectively. The northbound approach shall provide one left turn lane and two through lanes. The applicant shall widen and reconstruct the eastbound approach to provide two left turn lanes, one through lane, and one right turn lane. This would require additional right-of-way to the south of Gibson Road. The applicant shall modify the traffic signal to provide an overlap phase for the southbound right turn and eastbound left turn movements. Implementation of this improvement would provide LOS D operations during the PM peak hour. The timing of the widening to the eastbound approaches of the CR 102 / E. Gibson Road intersection is uncertain due to ability to obtain additional right-of-way along the Yolo County Sheriff and Detention Center frontage. This mitigation would reduce cumulative impacts, but not to a level that is less-than-significant. Therefore, this impact is considered significant and unavoidable. The mitigation would reduce impacts to a less-than-significant level if the General Plan Amendment (i.e., changing CR 102 LOS threshold from C to D) included in the			

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		<i>proposed project is adopted.</i> <i>This mitigation is a direct project cost.</i> <i><u>3-Access Alternative</u> – At ultimate buildout the applicant shall, consistent with mitigation measure 4.2-1(c), widen CR 102 between Maxwell Avenue and Gibson Road. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of CR 102 shall be widened to six lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. The applicant shall re-stripe the southbound approach to provide one left-turn lane, two through lanes, and two right turn lanes. Consistent with mitigation measure 4.2-1(d), the applicant shall widen CR 102 between Gibson Road and Farmers Central Road to provide two continuous northbound and southbound departure lanes and receiving lanes, respectively. The northbound approach shall provide one left turn lane and two through lanes. The applicant shall reconstruct the westbound approach to provide two left turn lanes, two through lanes, and one right turn lane. The</i>			

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
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		recommended lane configurations shall include protected left-turn phasing on the eastbound and westbound approaches. The applicant shall widen and reconstruct the eastbound approach to provide two left turn lanes, one through lane, and one right turn lane. This would require additional right-of-way to the south of Gibson Road. The applicant shall modify the traffic signal to provide an overlap phase for the southbound right turn and eastbound left turn movements. Implementation of this improvement would provide LOS D operations during the PM peak hour. The timing of the widening to the eastbound approaches of the CR 102 / E. Gibson Road intersection is uncertain due to ability to obtain additional right-of-way along the Yolo County Sheriff and Detention Center frontage. This mitigation would reduce cumulative impacts, but not to a level that is less-than-significant. Therefore, this impact is considered significant and unavoidable. The mitigation would reduce impacts to a less-than-significant level if the General Plan Amendment (i.e., changing CR 102 LOS threshold from C to D) included in the			

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>proposed project is adopted.</i> <i>This mitigation is a direct project cost.</i> 4.2-2(g) <u>Maxwell Avenue / American Drive</u> <u>2-Access Alternative</u> – At ultimate buildout, the applicant shall install a traffic signal at the Maxwell Avenue / American Drive intersection. The improvements at the Maxwell Avenue / American Drive intersection shall be as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. In addition, at ultimate buildout, the applicant shall, consistent with mitigation measure 4.2-1(f), widen Maxwell Avenue between CR 102 and American Drive from four to six through lanes. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of Maxwell Avenue shall be widened to six lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. The applicant shall reconstruct the southbound approach to provide one	City Engineer	As determined by traffic studies prepared for project phases and at ultimate buildout	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
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		left turn lane, two through lanes, and one right lane. The applicant shall reconstruct the westbound approach to provide one left turn lane and one through lane. The applicant shall reconstruct the eastbound approach to provide two left turn lanes, two through lanes, and one right turn lane. The applicant shall construct the new northbound approach to provide two left turn lanes and two through lanes. <u>3-Access Alternative</u> – At ultimate buildout, the applicant shall install a traffic signal at the Maxwell Avenue / American Drive intersection. The improvements at the Maxwell Avenue / American Drive intersection shall be as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. The applicant shall reconstruct the southbound approach to provide one left turn lane, two through lanes, and one right lane. The applicant shall reconstruct the westbound approach to provide one left turn lane and one through lane. The applicant shall reconstruct the eastbound approach to provide two left turn lanes and two through lanes. The applicant shall construct the new northbound approach to			

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		<i>provide two left turn lanes and two through lanes.</i> <i>Implementation of these improvements would provide LOS C operations during the AM and PM peak hours, respectively, for the 2 and 3 Access Alternatives and a less-than-significant impact would occur.</i> <i>This mitigation is a direct project cost.</i> 4.2-2(h) <u>CR 102 / Gateway II Driveway</u> <u>2-Access & 3-Access Alternatives</u> – At ultimate buildout the applicant shall, consistent with mitigation measure 4.2-1(c), widen CR 102 between Maxwell Avenue and Gibson Road. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of CR 102 shall be widened to six lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. The applicant shall reconstruct the northbound approach to provide three through lanes and one right turn lane. Reconstruct the southbound approach to provide two left turn lanes and three through lanes. At ultimate buildout the	City Engineer	As determined by traffic studies prepared for project phases and at ultimate buildout	

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		applicant shall, consistent with mitigation measure 4.2-1(a), widen the Gateway II Driveway from two to four through lanes and provide two left turn lanes and one right turn lane on the westbound approach. Right -of-way shall be reserved for the four lane section per City standards. Interim widening of the Gateway II driveway shall be widened to four lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. Implementation of these improvements would provide LOS C and LOS B operations during the AM and PM peak hours, respectively, and a less-than-significant impact would occur. This mitigation is a direct project cost. Impact 4.2-2(h) would not be significant for the 3-Access Alternative if the General Plan Amendment (i.e., changing CR 102 LOS threshold from C to D) included in the proposed project is adopted. If this action is taken, mitigation is not required for the 3-Access Alternative.			

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		4.2-2(i) <u>Wintun Drive / American Drive</u> <u>2-Access & 3-Access Alternatives</u> – At ultimate buildout the applicant shall, consistent with Mitigation Measure 4.2-1(e), the applicant shall widen Wintun Drive from two to four through lanes between CR 102 and American Drive. Right -of-way shall be reserved for the four lane section per City standards. Interim widening of Wintun Drive shall be widened to four lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. The applicant shall realign the westbound approach to align properly with the widened section of Wintun Drive. The applicant shall re-stripe the eastbound approach to provide one left turn lane, one through lane, and one right turn lane. Implementation of these improvements would provide LOS B and LOS C operations during the AM and PM peak hours, respectively, under the 2-Access Alternative and LOS B during the AM and PM peak hours, respectively, under the 3-Access Alternative, and a less-than-significant impact would occur.	City Engineer	As determined by traffic studies prepared for project phases and at ultimate buildout	

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		<i>This mitigation is a direct project cost.</i>			
4.2-3	The proposed project would increase demand for public transit service to an area that is not currently served by YCTD.	4.2-3 <i>The project applicant shall contribute its fair-share of the capital cost associated with providing transit service to the project site. It is anticipated that new transit vehicles may be required to provide additional service to the project site. However, the final determination of additional capital equipment or other costs shall be determined by the City of Woodland and YCTD. The fair-share cost shall be submitted to the City of Woodland in an incremental fashion as project phases are completed, prior to the issuance of building permits.</i>	City Engineer YCTD	Prior to the issuance of building permits	
4.2-4	The proposed project would increase demand for public transit and create inconsistencies with transit-related policies in the City of Woodland General Plan.	4.2-4 <i>Individual design review applications shall be submitted prior to the issuance of a building permit and shall identify the specific locations of sheltered transit stops with bus turnouts, in accordance with the goals and policies of the City's General Plan and subject to review and approval of the City of Woodland and YCTD.</i>	City Engineer YCTD	Prior to the issuance of building permits	
4.2-5	The proposed project would increase demand for bicycle and pedestrian facilities and create inconsistencies with bicycle-related policies in the City of Woodland General Plan.	4.2-5 <i>Individual design review applications shall be submitted prior to the issuance of a building permit and shall provide a sidewalk and a Class II bike lane on both sides of the primary project access roadway. The project applicant shall also provide bicycle and pedestrian facilities on the east side of CR 102 between</i>	City Engineer YCTD	Prior to the issuance of a building permit	

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		<i>Maxwell Drive and Gibson Road.</i>			
4.2-7	Under Cumulative (Year 2020) Plus Project conditions, PM peak hour traffic volumes on study roadways would increase resulting in unacceptable LOS at seven locations.	4.2-7(a) <u>Maxwell Avenue - Farnham Avenue and CR 102</u> <u>2-Access & 3-Access Alternatives</u> Implement Mitigation Measure 4.2-1(g).	City Engineer	Prior to obtaining a building permit	
		4.2-7(b) <u>CR 102 – Maxwell Avenue to Gibson Road</u> <u>2-Access & 3-Access Alternatives</u> – At ultimate buildout the applicant shall widen CR 102 between Maxwell Avenue and Gibson Road to three travel lanes in each direction. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of CR 102 shall be per level of service standards as defined in the General Plan, as approved by the City Engineer. Implementation of this mitigation measure would result in LOS D and C operations during the PM peak hours, for the 2-Access and 3-Access Alternatives, respectively and a less-than-significant impact would occur. This mitigation measure is a direct project cost.	City Engineer	As determined by traffic studies prepared for project phases and at ultimate buildout	

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		<i>Impact 4.2-7(b) would not be significant if the General Plan Amendment (i.e., changing CR 102 LOS threshold from C to D) included in the proposed project is adopted. It should be noted, however, that intersection impacts at CR 102/Maxwell Avenue, CR 102/Gateway II, and CR 102/Gibson Road require the widening of CR 102 from four to six lanes. A third northbound lane would be required if driveways are planned between the project's main access driveways. Implementation of the mitigations required for these three intersections will ultimately result in a six lane section on CR 102 between Maxwell Avenue and Gibson Road.</i> 4.2-7(c) <u>CR 102 – Gibson Road to Heritage Parkway</u> <u>2-Access & 3-Access Alternatives</u> – At ultimate buildout the applicant shall widen CR 102 between Gibson Road and Heritage Parkway to two travel lanes in each direction. Right -of-way shall be reserved for the four lane section per City standards. Interim widening of CR 102 shall be per level of service standards as defined in the General Plan, as approved by the City Engineer.	City Engineer	As determined by traffic studies prepared for project phases and at ultimate buildout	

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		<i>Implementation of this mitigation measure would result in LOS C operations during the PM peak hours, for both the 2-Access and 3-Access Alternatives and a less-than-significant impact would occur.</i> <i>This mitigation measure is fair share funded.</i> <i>Impact 4.2-7(c) would not be significant if the General Plan Amendment (i.e., changing CR 102 LOS threshold from C to D) proposed by the project is adopted. It should be noted, however, that intersection impacts at CR 102/Gibson Road require the widening of CR 102 to provide two northbound and southbound through lanes at the intersection.</i> 4.2-7(d) <u>Wintun Drive – CR 102 to American Drive</u> <u>2-Access Alternative & 3-Access Alternatives</u> – At ultimate buildout the applicant shall widen Wintun Drive between CR 102 and American Drive from two to four through lanes. Right -of-way shall be reserved for the four lane section per City standards. Interim widening of Wintun Drive shall be widened to four lanes as needed based on the traffic studies prepared for individual project	City Engineer	As determined by traffic studies prepared for project phases and at ultimate buildout	

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		<i>phases, per level of service standards as defined in the General Plan, as approved by the City Engineer.</i> <i>Implementation of this mitigation measure would result in LOS C operations during the PM peak hour and a less-than-significant impact would occur.</i> <i>This mitigation measure is a direct project cost.</i> 4.2-7(e) <u>Gateway II Driveway – CR 102 to American Drive</u> <u>2-Access Alternative</u> – At ultimate buildout the applicant shall widen the Gateway II Driveway between CR 102 and American Drive from a two-lane collector to a four-lane minor arterial. Driveway access shall be restricted based on the arterial designation. Right -of-way shall be reserved for the four lane section per City standards. Interim widening of the Gateway II driveway shall be per level of service standards as defined in the General Plan, as approved by the City Engineer. <i>Implementation of this mitigation measure would result in LOS C operations during</i>	City Engineer	As determined by traffic studies prepared for project phases and at ultimate buildout	

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		<i>the PM peak hour under the 2-Access Alternative and a less-than-significant impact would occur.</i> <u>3-Access Alternative</u> – At ultimate buildout the applicant shall widen the Gateway II Driveway between CR 102 and American Drive from a two-lane collector to a four-lane collector. Right -of-way shall be reserved for the four lane section per City standards. Interim widening of the Gateway II driveway shall be per level of service standards as defined in the General Plan, as approved by the City Engineer. <i>Implementation of this mitigation measure would result in LOS B operations during the PM peak hour under the 3-Access Alternative and a less-than-significant impact would occur.</i> <i>This mitigation measure is a direct project cost.</i> 4.2-7(f) <u>Gibson Road – CR 102 to American Drive</u> <u>3-Access Alternative</u> – At ultimate buildout the applicant shall widen the Gibson Road extension between CR 102 and American Drive to a four-lane minor arterial.	City Engineer	As determined by traffic studies prepared for project phases and at ultimate buildout	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		Driveway access shall be restricted based on the arterial designation. Right -of-way shall be reserved for the four lane section per City standards. Interim widening of E. Gibson Road shall be widened to four lanes as needed based on the traffic studies prepared for individual project phase per level of service standards as defined in the General Plan, as approved by the City Engineer. Implementation of this mitigation measure would result in LOS C operations during the PM peak hour and a less-than-significant impact would occur. This mitigation measure is a direct project cost. 4.2-7(g) <u>Maxwell Avenue – CR 102 to American Drive</u> <u>2-Access Alternative</u> – At ultimate buildout the applicant shall widen Maxwell Avenue between CR 102 and American Drive from four to six through lanes. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of Maxwell Avenue shall be widened to six lanes as needed based on the traffic studies prepared for individual project	City Engineer	As determined by traffic studies prepared for project phases and at ultimate buildout	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>phase per level of service standards as defined in the General Plan, as approved by the City Engineer.</i> <i>Implementation of this mitigation measure would result in LOS C or better operations during the PM peak hour and a less-than-significant impact would occur.</i> <i>This mitigation measure is a direct project cost.</i>			
4.2-8	Under Cumulative (Year 2020) Plus Project conditions, AM and PM peak hour traffic volumes at study intersections would increase resulting in unacceptable LOS at 14 locations.	4.2-8(a) <u>CR 102 / E. Main Street</u> <u>2-Access & 3-Access Alternatives</u> – Prior to the issuance of building permits, the applicant shall pay the project's fair share toward the following improvement(s); widening and reconstruction of the southbound approach to provide a southbound right turn lane; and modification of the traffic signal at the County Road 102 / E. Main Street intersection to provide an overlap phase for the northbound u-turn and eastbound right-turn movements. <i>Implementation of these improvements would provide LOS D and LOS F operations in the AM and PM peak hours, respectively, under the 2 access alternative and LOS D and E operations in the AM</i>	City Engineer	Prior to the issuance of building permits	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		and PM peak hours, respectively, under the 3 access alternative. This mitigation is development fee funded. This improvement is currently in the City of Woodland MPFP. The timing of the overlap phase mitigation is uncertain because it may be infeasible to prohibit eastbound and northbound u-turn movements. Therefore, this impact is considered significant and unavoidable. 4.2-8(b) <u>CR 102 / I-5 NB</u> <u>2-Access & 3-Access Alternatives</u> – Prior to the issuance of building permits, the applicant shall pay the project's fair share of the following improvements: implementation of the ultimate design for the I-5/CR 102 interchange; restriction of eastbound traffic at the County Road 102 / I-5 NB Ramps / Hayes Lane intersection; rerouting eastbound traffic to the E. Main Street / Douglas Lane intersection; re-optimization of the intersection signal timings to maximize intersection operations. Implementation of these improvements would provide LOS F operations during	City Engineer	Prior to the issuance of building permits	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>the AM and PM peak hours, respectively, under both the 2-Access and 3-Access Alternatives.</i> <i>This mitigation measure is development fee funded.</i> <i>The timing of this mitigation measure is uncertain due to the restriction of access to existing properties and access for emergency responders. This mitigation would reduce cumulative impacts, but not to a level that is less-than-significant. Therefore, this impact is considered significant and unavoidable.</i> 4.2-8(c) <u>CR 102 / I-5 SB</u> <u>2-Access & 3-Access Alternatives</u> – Prior to the issuance of building permits, the applicant shall pay the project's fair share to implement the ultimate design for the I-5/CR 102 interchange and re-stripe the southbound off-ramp at the County Road 102 / I-5 SB Ramps intersection to provide a left-turn lane and two right-turn lanes. <i>Implementation of these improvements would provide LOS B operations during the PM peak hour under the 2-Access Alternative and LOS C operations during</i>	City Engineer	Prior to the issuance of building permits	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>the PM peak hour under the 3-Access Alternative, and a less-than-significant impact would occur.</i> <i>This mitigation measure is development fee funded.</i> 4.2-8(d) <u>CR 102 / Wintun Drive</u> <u>2-Access & 3-Access Alternatives</u> – At ultimate buildout the applicant shall, consistent with the I-5 / CR 102 Interchange “Ultimate Design,” provide three through lanes in both the northbound and southbound directions. Install a half traffic signal at the CR 102 / Wintun Drive intersection and provide two westbound right-turn lanes. The half traffic signal would stop northbound CR 102 traffic allowing westbound traffic to exit the Gateway I site. At ultimate buildout the applicant shall, consistent with mitigation measures 4.2-1(e), widen Wintun Drive from two to four through lanes between CR 102 and American Drive. Right -of-way shall be reserved for the four lane section per City standards. The interim improvements to Wintun Drive shall be widened to four lanes as needed based on the traffic studies prepared for individual project phases per level of service	City Engineer	As determined by traffic studies prepared for project phases and at ultimate buildout	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>standards as defined in the General Plan, as approved by the City Engineer.</i> <i>Implementation of these improvements would provide LOS C operations during both the AM and PM peak hours, respectively, under the 2-Access Alternative and LOS C and B during the AM and PM peak hours, respectively, under the 3-Access Alternative, and a less-than-significant impact would occur.</i> <i>This mitigation is a direct project cost.</i> 4.2-8(e) <u>CR 102 / Maxwell Avenue</u> <u>2-Access & 3-Access Alternatives</u> – At ultimate buildout the applicant shall widen and reconstruct the northbound and southbound approaches to the CR 102 / Maxwell Avenue intersection. The applicant shall widen and re-stripe the southbound approach to provide two left-turn lanes, two through lanes, and one shared through right-turn lane. The applicant shall widen CR 102 between Maxwell Avenue and Gibson Road to provide three southbound receiving lanes and three northbound departure lanes at the CR 102/Maxwell Avenue intersection. Right -of-way shall be reserved for the six	City Engineer	As determined by traffic studies prepared for project phases and at ultimate buildout	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		lane section per City standards. Interim widening of CR 102 shall be widened to six lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. The northbound approach shall provide one left-turn lane, three through lanes, and one right-turn lane. The applicant shall reconstruct the westbound approach to provide two left-turn lanes, one through lane, and two controlled right-turn lanes. Implementation of these improvements would provide LOS F operations during both the AM and PM peak hours, respectively, under the 2-Access Alternative and LOS F and E operations during the AM and PM peak hours, respectively, under the 3-Access Alternative. This mitigation would reduce cumulative impacts, but not to a level that is less-than-significant. Therefore, this impact is considered significant and unavoidable. This mitigation measure is a direct project cost.			

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		4.2-8(f) <u>CR 102 / Gibson Road</u> <u>2-Access Alternative</u> – At ultimate buildout the applicant shall, consistent with Mitigation Measure 4.2-7(e), widen CR 102 between Maxwell Avenue and Gibson Road to provide three travel lanes in each direction. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of CR 102 shall be widened to six lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. The applicant shall re-stripe the southbound approach and reconstruct the northbound approach to the CR 102 / Gibson Road intersection. The applicant shall re-stripe the southbound approach to provide one left-turn lane, two through lanes, and two right turn lanes. The applicant shall widen CR 102 between Gibson Road and Farmers Central Road to provide two continuous northbound and southbound departure lanes and receiving lanes, respectively. The northbound approach shall provide one left turn lane and two through lanes. The applicant shall modify the traffic signal to provide an overlap phase for the southbound right turn and	City Engineer	As determined by traffic studies prepared for project phases and at ultimate buildout	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		eastbound left turn movements. Implementation of this improvement would provide LOS C operations during the PM peak hour and a less-than-significant impact would occur. The widening of CR 102 is fair share funded. The remaining intersection approach improvements are a direct project cost. <u>3-Access Alternative</u> – At ultimate buildout the applicant shall, consistent with Mitigation Measure 4.2-7(e), widen CR 102 between Maxwell Avenue and Gibson Road to provide three travel lanes in each direction, reconstruct the northbound, southbound, eastbound, and westbound approaches to the CR 102 / Gibson Road intersection. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of CR 102 shall be widened to six lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. The applicant shall re-stripe the southbound approach to provide one left-turn lane, two through lanes, and two right			

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		turn lanes. The applicant shall widen CR 102 between Gibson Road and Farmers Central Road to provide two continuous northbound and southbound departure lanes and receiving lanes, respectively. The northbound approach shall provide one left turn lane and two through lanes. The applicant shall reconstruct the eastbound approach to provide two left turn lanes, one through lane, and one shared through/right-turn lane. The applicant shall reconstruct the westbound approach to provide two left turn lanes, two through lanes, and one right turn lane. The recommended lane configurations shall also require protected left-turn phasing on the eastbound and westbound approaches. The applicant shall modify the traffic signal to provide an overlap phase for the southbound right turn and eastbound left turn movements. Implementation of this improvement would provide LOS D operations during the PM peak hour. The timing of the widening to the eastbound approaches of the CR 102 / E. Gibson Road intersection is uncertain and overlap phasing may not be feasible due to ability to obtain additional right-of-way			

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
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		along the Yolo County Sheriff and Detention Center frontage. In addition, the re-optimization of the intersection signal timings must be implemented by the City and may not be feasible. This mitigation would reduce cumulative impacts, but not to a level that is less-than-significant. Therefore, this impact is considered significant and unavoidable. The mitigation would reduce impacts to a less-than-significant level if the General Plan Amendment (i.e., changing CR 102 LOS threshold from C to D) included in the proposed project is adopted. The widening of CR 102 is fair share funded. The remaining intersection approach improvements are a direct project cost. 4.2-8(g) <u>E. Main Street / Pioneer Avenue</u> <u>2-Access & 3-Access Alternatives</u> – Prior to the issuance of a building permit, the applicant shall pay the project's fair share toward the following improvement(s): widening the southbound approach to the E. Main Street / Pioneer Avenue intersection to provide a second exclusive left turn lane of 360 feet in length and an exclusive right turn lane of 325 feet in	City Engineer	Prior to the issuance of a building permit	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		length; and modify the traffic signal to provide an overlap phase for the northbound right turn movements. This mitigation is development fee funded. The timing of the widening of the southbound approach of the E. Main Street/Pioneer Avenue intersection is uncertain due to the proximity of the I-5 overpass to the north of the intersection and the difficulty of obtaining additional right-of-way on the west side of Pioneer Avenue. The timing of the overlap phasing is also uncertain because it may be infeasible to prohibit westbound u-turn movements. Therefore, this impact is considered significant and unavoidable. 4.2-8(h) <u>E. Gibson Road / Pioneer Avenue</u> <u>2-Access & 3-Access Alternatives</u> – Prior to the issuance of a building permit, the applicant shall pay the project's fair share toward the following improvement(s): re-striping the westbound approach to the E. Gibson Road / Pioneer Avenue intersection to provide two left-turn lanes, one through lane, and one shared through/right-turn lane; and modify the traffic signal to provide an overlap phase for the southbound right-turn lane.	City Engineer	Prior to the issuance of a building permit	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>This mitigation is fair share funded.</i> <i>The timing of the overlap phasing implementation is uncertain because it may be infeasible to prohibit eastbound u-turn movements. Therefore, this impact is considered significant and unavoidable.</i> 4.2-8(i) <u>E. Gibson Road / East Street</u> <u>2-Access & 3-Access Alternatives</u> – Prior to the issuance of a building permit, the applicant shall pay the project's fair share toward the following improvement(s): widening the northbound approach to provide a second exclusive left turn lane and an exclusive right turn lane; widening the southbound approach to provide a second exclusive left turn lane; and widening the eastbound approach to provide an exclusive right turn lane. <i>This mitigation is development fee funded.</i> <i>The timing of the widening of the northbound, southbound, and eastbound approaches of the E. Gibson Road / East Street intersection is uncertain due to the proximity of building structures to the intersection and the resulting difficulty of obtaining additional right-of-way at this</i>	City Engineer	Prior to the issuance of a building permit	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		location. Therefore, this impact is considered significant and unavoidable. 4.2-8(j) <u>Maxwell Avenue / Farnham Avenue</u> <u>2-Access & 3-Access Alternatives</u> – Implement Mitigation Measure 4.2. 4.2-8(k) <u>Wintun Drive / American Drive</u> <u>2-Access & 3-Access Alternatives</u> – At ultimate buildout the applicant shall, consistent with Mitigation Measure 4.2-7(d), widen Wintun Drive from two to four through lanes between CR 102 and American Drive. Sufficient right-of-way shall be reserved for the four lane section. Interim widening of Wintun Drive shall be as needed based on the traffic studies prepared for individual project phases, as approved by the City Engineer. The applicant shall realign the westbound approach to align properly with the widened section of Wintun Drive. The applicant shall reconstruct the eastbound approach to provide one left turn lane, one through lane, and one right turn lane. Implementation of these improvements would provide LOS B and LOS C operations during the AM and PM peak	City Engineer City Engineer	Prior to obtaining a building permit As determined by traffic studies prepared for project phases and at ultimate buildout	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		hours, respectively, under the 2-Access Alternative and LOS B during the AM and PM peak hours, respectively, under the 3-Access Alternative, and a less-than-significant impact would occur. This mitigation is a direct project cost. 4.2-8(l) <u>Maxwell Avenue / American Drive</u> <u>2-Access Alternative</u> – The applicant shall install a traffic signal at the Maxwell Avenue / American Drive intersection. At ultimate buildout the applicant shall, consistent with mitigation measure 4.2-7(g), widen Maxwell Avenue between CR 102 and American Drive from four to six through lanes. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of Maxwell Avenue shall be widened to six lanes as needed based on the traffic studies prepared for individual project phases per level of service standards as defined in the General Plan, as approved by the City Engineer. The applicant shall reconstruct the southbound approach to provide one left turn lane, two through lanes, and one right lane. The applicant shall reconstruct the westbound approach to provide one left turn lane and one through lane. The	City Engineer	As determined by traffic studies prepared for project phases and at ultimate buildout	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		applicant shall reconstruct the eastbound approach to provide two left turn lanes, two through lanes, and one right turn lane. The applicant shall construct the new northbound approach to provide two left turn lanes and two through lanes. <u>3-Access Alternative</u> – The applicant shall install a traffic signal at the Maxwell Avenue / American Drive intersection. The applicant shall reconstruct the southbound approach to provide one left turn lane, two through lanes, and one right lane. The applicant shall reconstruct the westbound approach to provide one left turn lane and one through lane. The applicant shall reconstruct the eastbound approach to provide two left turn lanes and two through lanes. The applicant shall construct the new northbound approach to provide two left turn lanes and two through lanes. Implementation of these improvements would provide LOS C operations in the AM and PM peak hours, respectively, for the 2 and 3-Access Alternatives, and a less-than-significant impact would occur. If implementation of Mitigation Measure 4.2-7 under the 2-Access Alternative does not occur, LOS B and LOS F operations			

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
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		<i>are projected during the AM and PM peak hours, respectively.</i> <i>This mitigation is a direct project cost.</i> 4.2-8(m) <u>CR 102 / Gateway II Driveway</u> <u>2-Access & 3-Access Alternatives</u> – At ultimate buildout the applicant shall, consistent with Mitigation Measure 4.2-7(b), widen CR 102 between Maxwell Avenue and Gibson Road to provide one additional through travel lane in each direction and reconfigure the northbound, southbound and westbound approaches. Right -of-way shall be reserved for the six lane section per City standards. Interim widening of CR 102 shall be per level of service standards as defined in the General Plan, as approved by the City Engineer. The applicant shall reconstruct the northbound approach to provide three through lanes and one right turn lane. The applicant shall reconstruct the southbound approach to provide two left turn lanes and three through lanes. At ultimate buildout the applicant shall, consistent with mitigation measure 4.2-7(e), widen the Gateway II Driveway from two to four lanes and provide two left turn lanes and one right turn lane on the westbound	City Engineer	As determined by traffic studies prepared for project phases and at ultimate buildout	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		approach. Right -of-way shall be reserved for the four lane section per City standards. Interim widening of the Gateway II driveway shall be lanes as needed based on the traffic studies prepared for individual project phases widened to four lanes per level of service standards as defined in the General Plan, as approved by the City Engineer. Implementation of these improvements would provide LOS C and LOS D operations during the AM and PM peak hours, respectively, under the 2-Access Alternative and LOS B and C during the AM and PM peak hours, respectively, under the 3-Access Alternative. This mitigation is a direct project cost. For the 2-Access Alternative, this mitigation would reduce cumulative impacts, but not to a level that is less-than-significant. Therefore, this impact is considered significant and unavoidable. The mitigation would reduce impacts to a less-than-significant level if the General Plan Amendment (i.e., changing CR 102 LOS threshold from C to D) included in the proposed project is adopted.			

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>For the 3-Access Alternative, this mitigation would reduce cumulative impacts to a level that is less-than-significant.</i> 4.2-8(n) <u>E. Main Street / SR 113 SB Ramps</u> <u>2-Access & 3-Access Alternatives</u> – Prior to the issuance of a building permit, the applicant shall pay the project's fair share toward the widening of the E. Main Street / SR 113 SB Ramps on the eastbound approach to provide an exclusive right turn lane and on the westbound approach to provide a second exclusive left turn lane. <i>Implementation of these improvements would provide LOS D operations in the PM peak hour for the 2 and 3 access alternatives, and a less-than-significant impact would occur.</i> <i>This mitigation is fair share funded.</i>	City Engineer	Prior to the issuance of a building permit	
4.2-9	The proposed project would cumulatively increase demand for public transit service to an area that is not currently served by YCTD.	4.2-9 Implement Mitigation Measure 4.2-3.	See Mitigation Measure 4.2-3	See Mitigation Measure 4.2-3	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
4.2-10	The proposed project would cumulatively increase demand for public transit and create inconsistencies with transit-related policies in the City of Woodland General Plan.	4.2-10 Implement Mitigation Measure 4.2-4.	See Mitigation Measure 4.2-4	See Mitigation Measure 4.2-4	
4.2-11	The proposed project would cumulatively increase demand for bicycle and pedestrian facilities and create inconsistencies with bicycle-related policies in the City of Woodland General Plan.	4.2-11 Implement Mitigation Measure 4.2-5.	See Mitigation Measure 4.2-5	See Mitigation Measure 4.2-5	
4.3 Air Quality, Climate Change, and Odors					
4.3-1	Construction-related impacts resulting in temporary increases in criteria air pollutants that would violate any air quality standard or contribute substantially to an existing or projected air quality violation.	4.3-1 With implementation of standard dust control measures including, but not limited to, the following, predicted maximum overall daily emissions of PM_{10} associated with development of the proposed land uses would be reduced to approximately 31 lbs/day which would not exceed the YSAQMD threshold of 80 lbs/day; therefore, this impact would be considered less-than-significant with mitigation.	Community Development Department	Prior to the issuance of a grading permit	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		• Water all active construction areas at least three times daily. Frequency of application should be based on the type of operation, soil and wind exposure; • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard; • Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations and hydroseed areas; • Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days); • Replant vegetation in disturbed areas as quickly as possible; • Enclose, cover, water three times daily, or apply non-toxic soil binders to exposed stockpiles, such as dirt, sand, etc.; • Use late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available;			

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
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		- Sweep streets daily, with water sweepers, if visible soil materials are carried onto adjacent public streets; and - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.			
4.3-2	Operational impacts resulting in long-term increases of criteria air pollutants that would violate any air quality standard or contribute substantially to an existing or projected air quality violation.	4.3-2 With implementation of emissions reduction methodologies including, but not limited to, the following, overall project-generated emissions of ozone precursor pollutants would be reduced by approximately 15 percent. However, project-generated emissions would still be projected to exceed the YSAQMD significance thresholds; therefore, this impact would remain significant and unavoidable. - Design buildings to be energy efficient. Site buildings to take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use. - Install efficient lighting and lighting control systems. Daylight should be used as an integral part of lighting systems in buildings, sufficient to provide lighting for 75 percent of interior work spaces of proposed buildings.	Community Development Department	Prior to the issuance of grading permits	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		• Install light colored “cool” roofs and pavements (i.e., high reflectance, high emittance roof surfaces, or exceptionally high reflectance and low emittance surfaces) and strategically placed shade trees. • Install energy efficient heating and cooling systems, appliances and equipment, and control systems. • Install light emitting diodes (LEDs) for traffic, street, and other outdoor lighting. • Limit the hours of operation of outdoor lighting. • Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations) and public transit into project design. • Include internal pedestrian and bicycle routes that connect to adjacent pedestrian and bicycle routes; as well as, transit stops located either onsite or along adjacent roadways. Create travel routes that ensure that			

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
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		<i>destinations may be reached conveniently by public transportation, bicycling or walking.</i> <i>Promote ridesharing programs (e.g., by designating a certain percentage of parking spaces for ride sharing, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles).</i> <i>Plant and maintain trees to help shade hardscape parking and pedestrian surfaces.</i> <i>Incorporate onsite transit facility improvements (e.g., pedestrian shelters, route information, benches, lighting) to coincide with existing or planned transit service.</i> <i>Provide on-site bicycle storage and showers for employees that bike to work.</i> <i>Air conditioning with Non-HCFC refrigerants should be installed in new buildings.</i> <i>Building equipment should be Energy-Star rated to the extent applicable.</i> <i>Design on-site structures to exceed California Title 24 energy conservation requirements.</i>			

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4.3-5	Increased exposure of sensitive receptors to odors.	4.3-5 <i>The applicant shall establish and maintain a one-half mile odor buffer between the project site and the headworks of the City WPCF, as well as between the project site and the Erskine pond. The odor buffer shall be reflected on all project site plans and shall be submitted for the review and approval of the Community Development Department prior to the issuance of a building permit. In the event that a developer of a future site plan within Gateway II wishes to encroach within the half-mile odor buffer, the developer shall prepare an Updated Evaluation of Odor Impacts from Wastewater Treatment Facilities on the Proposed Gateway II Project and shall submit the updated study to the Community Development Department for review and approval. Should the updated study be prepared and the study determines that a potentially significant impact would occur, mitigation within the study could include, but would not be limited to, enclosing the headworks of the City WPCF and/or relocating the Erksine Pond. If the updated study determines that a potentially significant impact would occur, the applicant shall either pay the project's fair share of the improvements that would be necessary to reduce impacts related to odors from the headworks and the ponds (if</i>	Community Development Department	Prior to issuance of a building permit	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
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		<i>the improvements are included in the City's Major Projects Financing Plan [MPFP]) or construct the improvements, pursuant to the updated Evaluation of Odor Impacts from Wastewater Treatment Facilities on the Proposed Gateway II Project and be eligible for reimbursement.</i>			
4.3-6	Cumulative contribution to climate change.	4.3-6(a) <i>Implement Mitigation Measure 4.3-2.</i> 4.3-6(b) <i>At the time of submittal of the detailed development plans for Planning Commission review, the applicant shall submit a GHG reduction strategy that shall describe in text and on the site plan how the following measures (or alternate measures as approved by the Planning Commission) are being implemented:</i> <i>• Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).</i> <i>• Low- or No-VOC paints, adhesives and sealants shall be used during the construction of all proposed onsite structures.</i> <i>• Environmentally preferable and low-emitting materials shall be used for interior finishes and</i>	See Mitigation Measure 4.3-2 Community Development Department	See Mitigation Measure 4.3-2 At the time of submittal of the detailed development plans for Planning Commission review	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
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		<i>flooring materials of proposed onsite structures.</i> <i>• Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.</i> <i>• Create water-efficient landscapes.</i> <i>• Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.</i> <i>• Design buildings to be water-efficient.</i> <i>• Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.</i> <i>• Implement low-impact development practices that maintain the existing hydrologic character of the site to manage storm water and protect the environment. (Retaining storm water runoff on-site can drastically reduce the need for energy-intensive imported water at the site.)</i>			
4.3-8	Cumulative contribution to regional air quality conditions, including	4.3-8 <i>Implement Mitigation Measures 4.3-1 and 4.3-2.</i>	See Mitigation Measures 4.3-1 and 4.3-2	See Mitigation Measures 4.3-1 and 4.3-2	

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	resulting in a cumulatively considerable net increase of any criteria pollutant for which the project is non-attainment under applicable federal or State ambient air quality standards.				
4.4 Noise					
4.4-2	Exposure of sensitive receptors to non-transportation noise sources from on-site operational activities.	4.4-2(a) <i>At the time of future applications for site-specific development, the City of Woodland Community Development Department shall ensure that landscape maintenance, waste-collection activities, and the operation of noise-generating stationary equipment located within exterior activity areas, such as compactors and compressors, excluding building mechanical equipment (i.e., boilers, HVAC units), shall be limited to between the hours of 7:00 a.m. and 10:00 p.m.</i> 4.4-2(b) <i>At the time of future applications for site-specific development, the project applicant shall submit an acoustical assessment for commercial land uses that include loading and unloading areas located within 320 feet of noise-sensitive land uses (i.e.,</i>	Community Development Department Community Development Department	At the time of future applications for site-specific development At the time of future applications for site-specific development	

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		residential dwellings, hotels), for review and approval by the Community Development Department. Where the acoustical analysis determines that stationary-source noise levels would exceed applicable City noise standards, the City shall require the implementation of all practical noise-attenuation measures sufficient to achieve compliance with applicable noise standards at nearby noise-sensitive land uses. Such measures may include, but would not be limited to, site redesign, the incorporation of setbacks, sound barriers, berms, or equipment enclosures, and hourly operational restrictions. The emphasis of such measures shall be placed upon site planning and project design. The use of noise barriers shall be considered as a means of achieving the noise standards only after all other practical design-related noise mitigation measures have been integrated into the project. The acoustical assessment shall be prepared in accordance with City of Woodland requirements, as identified in the City of Woodland General Plan, Chapter 8, Health and Safety, Policy 8.G.4.			
4.4-3	Compatibility of proposed land uses with projected on-site noise	4.4-3 At the time of future applications for site-specific development, the applicant shall submit an acoustical assessment for	Community Development Director	At the time of future applications for	

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	levels.	<i>commercial land uses within which quiet interior noise levels would typically be required for normal operations (i.e., offices, daycare facilities) located within 185 feet of the centerline of CR 102, for the review and approval of the Community Development Director. Where acoustical analysis determines that traffic noise levels would exceed applicable City noise standards, the City shall require the implementation of all practical noise-attenuation measures sufficient to achieve compliance with applicable noise standards. Such measure may include, but are not limited to, site redesign and/or the incorporation of setbacks, sound barriers, and increased building noise-attenuation features. The emphasis of such measures shall be placed upon site planning and project design. The use of noise barriers shall be considered as a means of achieving the noise standards only after all other practical design-related noise mitigation measures have been integrated into the project. The acoustical assessment shall include a post-project assessment program to evaluate the effectiveness of the proposed mitigation measures.</i>		site-specific development	
4.4-4	Impacts of noise-generating construction activities to nearby	4.4-4(a) <i>Prior to issuance of the first building permit, the applicant shall submit a construction management plan for review</i>	Community Development Department	Prior to issuance of the first building permit	

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	sensitive receptors.	<i>and approval of the City of Woodland Community Development Department. The construction management plan shall ensure throughout the duration of construction, construction activities (excluding activities that would result in a safety concern to the public or construction workers or if approved by the Community Development Department) shall be limited to between the daytime hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday, and between 9:00 a.m. and 6:00 p.m. on Sundays.</i> 4.4-4(b) <i>Prior to and throughout the duration of construction, the applicant shall ensure that construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation. Prior to the issuance of each construction permit, the applicant shall submit a letter from the contractor indicating the intent to comply with this mitigation, for the review and approval of the Community Development Department.</i>	Community Development Department	Prior to and throughout the duration of construction	

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4.5 Biological Resources					
4.5-1	Development of the proposed project would result in an adverse impact to waters of the United States and/or State.	4.5-1(a) <i>Prior to issuance of each grading permit for future site-specific development, a formal wetland delineation shall be conducted according to the USACE 1987 Wetlands Delineation Manual in conjunction with the USACE 2006 Regional Supplement for the Arid West Region. The applicant shall obtain a verified USACE wetlands delineation map. Based on the USACE confirmed map, jurisdictional waters of the U.S. and/or State shall be avoided by the project where possible.</i> <i>If full avoidance of waters of the United States and/or State is not possible for the proposed project, potential impacts shall be minimized to the extent feasible through changes to project design. For those wetland areas that cannot be avoided, appropriate permits shall be acquired from the USACE and/or RWQCB. Copies of applicable permits shall be provided to the Community Development Department prior to grading, and any conditions in these permits shall become a condition of project approval.</i>	USACE RWQCB Community Development Department	Prior to issuance of each grading permit for future site-specific development	

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		4.5-1(b) <i>Waters of the U.S. and/or State that are impacted shall be mitigated via enhancement/creation of replacement wetlands that are preserved in perpetuity. Mitigation requirements for impacts to waters of the U.S. (and/or State) shall include that the applicant replace impacted waters of the U.S. (or State) at a minimum 1:1 ratio (that is for each square foot of impact, one square foot of enhancement/creation is required), for the approval of the USACE and the Community Development Department.</i>	USACE Community Development Department	Prior to issuance of each grading permit for future site-specific development	
4.5-3	Development of the proposed project would result in impacts to the western pond turtle.	4.5-3(a) <i>Prior to issuance of each grading permit for future site-specific development, a qualified biologist shall conduct preconstruction surveys for this species within the project boundary prior to the commencement of any work in this area, for review by the Community Development Department. Western pond turtles that are found during these surveys shall be salvaged and relocated to the man-made ditch immediately south of the project site. Any western pond turtle nests that are found during these surveys shall be fenced off until the young have hatched and relocated to an area offsite, as permitted by CDFG. The CDFG permit and proof of compliance shall be provided to the Community Development Department</i>	Community Development Department CDFG	Prior to issuance of each grading permit for future site-specific development	

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		prior to commencement of any construction activity. 4.5-3(b) Prior to any ground disturbing activities, exclusionary fencing shall be installed along the southern edge of the project site for review and approval by the City Engineer. The fencing shall remain in place during site grading or other construction-related activities. The fencing shall consist of a four-foot wall of ¼-inch mesh, welded galvanized wire. The fence shall be buried along the bottom margin four inches into the ground. The next approximate three feet of fencing above the ground shall be anchored to staking with wire. Finally, the top six inches of the fence shall be bent over in a semi-circle towards the outside of the fence (towards the man-made ditch) to ensure that the fence cannot be climbed. This fencing shall be backed by orange-colored silt fencing on the project side of the fence to prevent equipment and any side-cast material from entering the man-made ditch.	City Engineer	Prior to any ground disturbing activities	
4.5-4	Development of the proposed project would result in impacts to the giant garter snake.	4.5-4(a) Prior to issuance of each grading permit for future site-specific development, a qualified biologist shall conduct preconstruction surveys for this species within the project boundary within 24	City Engineer	Prior to issuance of each grading permit for future site-specific development	

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		<i>hours of the commencement of any work in this area. In order to minimize disturbance to this species, vegetation clearing within 200 feet of the banks of the man-made ditch immediately south of the project site, as well as within 200 feet of the South Canal, shall be limited to the minimal area necessary. In addition, the use of heavy equipment within 200 feet of the banks of the man-made ditch, as well as within 200 feet of the South Canal, shall be confined to existing roadways, as approved by the City Engineer. Furthermore, in accordance with the Standard Avoidance and Minimization Measures During Construction Activities in Giant Garter Snake (Thamnophis gigas) Habitat (USFWS 1997), construction within 200 feet of the banks of the man-made ditch immediately south of the project site, as well as within 200 feet of the South Canal, shall occur only during the active period for the giant garter snake, between May 1 and October 1. If the giant garter snake is found on-site, Mitigation Measure 4.5-4(b) shall be implemented.</i> 4.5-4(b) A biological monitor shall be present during all vegetation clearing and grading work. The biological monitor shall have the right to stop all grading work in the	USFWS CDFG	During all vegetation clearing and grading work	

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		<i>event a giant garter snake is found on the project site. If this occurs, the USFWS and the CDFG shall be immediately contacted and work shall not recommence until these agencies provide authorization to do so, and the written authorization is provided to the Community Development Department.</i> 4.5-4(c) Implement Mitigation Measure 4.5-3(b).	Community Development Department See Mitigation Measure 4.5-3(b)	See Mitigation Measure 4.5-3(b)	
4.5-5	Development of the proposed project would result in impacts to Swainson's hawk.	4.5-5(a) <i>Prior to issuance of the first grading permit, the applicant shall mitigate for the loss of Swainson's hawk foraging habitat through participation in the Yolo County HCP/NCCP. Because the proposed project footprint exceeds 40 acres, the Yolo County HCP/NCCP requires the dedication of a suitable conservation easement, as determined by the Yolo County HCP/NCCP JPA and CDFG and proof of the conservation easement shall be provided to the Community Development Department. In the event that the final Yolo County HCP/NCCP is adopted before development occurs, the developer shall participate in the Yolo County HCP/NCCP through payment of applicable fees designated for Swainson's hawk conservation. In the event that the HCP/NCCP is not adopted,</i>	Yolo County HCP/NCCP JPA CDFG Community Development Department OR See Mitigation Measure 4.5-5(b)	Prior to issuance of the first grading permit OR See Mitigation Measure 4.5-5(b)	

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		<i>implementation of Mitigation Measure 4.5-5(b) shall be required.</i> 4.5-5(b) <i>Prior to issuance of the first grading permit, in the event that the Yolo County HCP/NCCP is not adopted, and in accordance with CDFG's Mitigation Guidelines, the applicant shall replace any impacted Swainson's hawk foraging habitat within one mile of a nest site with one acre of suitable Habitat Management Land (1:1 impact to replacement ratio). Because the project site is located within one mile of a known Swainson's hawk nesting site, the HCP/NCCP would require a 1:1 mitigation ratio (134 acres). Off-site occupied Swainson's hawk foraging habitat would be acquired by the applicant via fee title or through purchase of the right to record a conservation easement over the conserved property. The conserved property shall be managed by a qualified conservation organization. The conservation organization would also require a cash endowment from the developer, the interest from which would be used to manage or otherwise monitor the conserved property in perpetuity. In lieu of a cash endowment, the applicant and conservation organization may develop another source of permanent</i>	Community Development Department	Prior to issuance of the first grading permit	

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		<i>funding that shall be used for the management of the conserved lands as approved by the conservation organization and the Community Development Department.</i>			
4.5-6	Development of the proposed project would result impacts to western burrowing owl.	4.5-6(a) <i>Prior to issuance of each grading permit for future site-specific development, the applicant shall conduct a pre-construction survey. If the grading is conducted in phases, the pre-construction survey shall be conducted only on the portion of the site being graded. Two surveys shall be conducted 90 days before ground disturbance associated with the project and two additional surveys shall be conducted in the 30-day period prior to ground disturbance associated with the project. Western burrowing owl surveys shall be conducted from two hours before sunset to one hour after, or one hour before sunrise to two hours after sunrise. All burrowing owl sightings, occupied burrows, and burrows with owl sign (e.g., pellets, excrement, and molt feathers) must be counted and mapped. Surveys shall be conducted by walking suitable habitat on the entire project site and (where possible) in areas within approximately 500 feet of the project boundary. The buffer zone is surveyed to identify burrows and owls outside of the project area, which may be</i>	CDFG Community Development Department If western burrowing owl is found on-site, see Mitigation Measures 4.5-6(b) and 4.5-6(c)	Prior to issuance of each grading permit for future site-specific development If western burrowing owl is found on-site, see Mitigation Measures 4.5-6(b) and 4.5-6(c)	

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		<i>impacted by factors such as noise and vibration (heavy equipment) during project construction. Pedestrian survey transects shall be spaced to allow 100 percent visual coverage of the ground surface. The distance between transect center lines shall not be more than approximately 100 feet and shall be reduced to account for differences in terrain, vegetation density, and ground surface visibility. To effectively survey large projects (100 acres or larger), two or more surveyors shall be used to walk adjacent transects. (If the impacted area is smaller than 100 acres, one surveyor may be used.) To avoid impacts to owls from surveyors, owls and/or occupied burrows shall be avoided by a minimum of approximately 160 feet, wherever practical. Disturbance to occupied burrows shall be avoided during all seasons. The preconstruction surveys shall be completed within 30 days of grading prior to CDFG accepting a survey conclusion that burrowing owls do not occur in a proposed study area (i.e., negative findings), and proof of CDFG acceptance shall be provided to the Community Development Department for approval. If owls are not found during these surveys, further mitigation is not</i>			

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		<i>required. However, if western burrowing owl is found on-site, implementation of Mitigation Measures 4.5-6(b) and 4.5-6(c) shall be required.</i> 4.5-6(b) <i>Prior to issuance of each grading permit for future site-specific development, the applicant shall obtain a qualified biologist to conduct a nesting survey for western burrowing owl. If burrowing owls are detected on the site during the breeding season (February 1 – August 31), and appear to be engaged in nesting behavior, a fenced 300-foot buffer shall be implemented between the nest site(s) (i.e., the active burrows) and any earth-moving activity or other disturbance in the study area. This 300-foot buffer could be removed once the qualified biologist determines that the young have fledged (i.e., left the nest). Typically, the young fledge by August 31. This date may be earlier than August 31, or later, and would have to be determined by a qualified biologist, and reviewed and approved by the Community Development Department.</i> 4.5-6(c) <i>If burrowing owls are found in the study area, the qualified biologist shall delineate the extent of burrowing owl habitat on the</i>	Community Development Department Community Development Department	Prior to issuance of each grading permit for future site-specific development Prior to issuance of each grading permit for future	

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		site, for the approval of the Community Development Department. CDFG prescribes that 6.5 acres of replacement habitat be set aside (i.e., protected in perpetuity) per pair of burrowing owls, or unpaired resident bird. Such a set-aside will offset permanent impacts to burrowing owl habitat. The protected lands shall be adjacent to occupied burrowing owl habitat if possible, and at a location selected in consultation with CDFG. Land identified to offset impacts to burrowing owls must be protected in perpetuity by a suitable property instrument, (e.g., a conservation easement or fee title acquisition). In addition, a Mitigation Plan shall be prepared and submitted to CDFG and the Community Development Department for their review and comment. The Mitigation Plan shall identify the mitigation site and any activities proposed to enhance the site, including the construction of artificial burrows and maintenance of California ground squirrel populations on the mitigation site. In addition, for each pair of burrowing owls found in the construction area, two artificial nesting burrows shall be created at the mitigation site. The Mitigation Plan shall also	CDFG	site-specific development AND Annually, by December 31 of each monitoring year	

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		<i>include a description of monitoring and management methods proposed at the mitigation site. Monitoring and management of any lands identified for mitigation purposes would be the responsibility of the applicant for at least five years. Contingency measures for any anticipated problems shall be identified in the plan. An annual report must be prepared for submittal to CDFG and Community Development Department by December 31 of each monitoring year.</i>			
4.5-7	Development of the proposed project would result in impacts to other special-status common birds, including tricolored blackbird.	4.5-7(a) <i>Prior to issuance of each grading permit for future site-specific development, a nesting survey shall be conducted on the project site and within a zone of influence (zone of influence varies depending on species) around the project site, for review and approval by the Community Development Department. The zone of influence includes areas off the project site that could result in bird disturbance by project construction related activities. Accordingly, the nesting survey(s) must cover the project site and an area around the project site boundary including the ditch immediately south of the project site. If special-status bird species are not found during these surveys, further mitigation is not required. However, if special-status birds are found on-site, implementation of</i>	Community Development Department If special-status birds are found on-site, see Mitigation Measure 4.5-7(b)	Prior to issuance of each grading permit for future site-specific development	

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		<i>Mitigation Measures 4.5-7(b) shall be required.</i> 4.5-7(b) <i>If project site disturbance would commence between March 1 and September 1, the nesting surveys shall be completed 15 days prior to commencing with the work. If special-status birds, such as tricolored blackbirds, are identified nesting on or near the project site, a 100-foot radius buffer around the nest must be staked with bright orange spray painted lath or construction fencing. If an active nest is found offsite, the portion of the buffer that is onsite must be staked. Construction or earth-moving activity shall not occur within this 100-foot staked buffer until the qualified ornithologist determines that the young have fledged (i.e., left the nest) and have attained sufficient flight skills to avoid project construction zones. Proof of the proper buffers and fledged young shall be provided to the Community Development Department prior to the commencement of grading within the buffer areas.</i> <i>If common (that is, not special-status) birds such as great egret, marsh wren, or red-winged blackbird are identified nesting on or adjacent to the project site, a</i>	Community Development Department	If project site disturbance would commence between March 1 and September 1, then 15 days prior to commencing site disturbance AND Prior to the commencement of grading within the buffer areas	

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		<i>non-disturbance buffer of 75 feet shall be established or as otherwise prescribed by a qualified ornithologist. The buffer shall be demarcated with painted orange lath. Disturbance around an active nest shall be postponed until the qualified ornithologist determines that the young have fledged and have attained sufficient flight skills to leave the area. Proof of the proper buffers and fledged young shall be provided to the Community Development Department prior to the commencement of grading within the buffer areas.</i> <i>Nesting buffers shall be maintained until August 1 unless a qualified ornithologist determines that young have fledged and are independent of their nests at an earlier date. If buffers are removed prior to August 1, the qualified biologist conducting the nesting surveys shall prepare a report that provides details about the nesting outcome and the removal of buffers. This report shall be submitted to the Community Development Department prior to the time that buffers are removed if the date is before August 1.</i>			
4.5-8	Development of the proposed project would result in impacts to northern harrier and	4.5-8 Prior to issuance of each grading permit for future site-specific development, a nesting survey shall be conducted. Surveys conducted for western burrowing owl as	Community Development Department	Prior to issuance of each grading permit for future site-specific	

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	other ground nesting birds.	<i>described in Mitigation Measure 4.5-6(a), above, would also detect the presence of other ground nesting birds, such as northern harriers or mallards. If northern harriers or other ground nesting birds are identified during the surveys, a 300-foot radius buffer around the ground nest shall be staked with bright orange lath or other suitable staking. If northern harriers or other ground nesting birds are not found on-site, further mitigation shall not be required.</i> <i>Any 300-foot buffer established to protect nesting birds may be reduced in size if a qualified biologist with an ornithological background determines that the nesting birds are acclimated to people and disturbance, and otherwise would not be adversely affected by construction activities. At a minimum, however, the non-disturbance buffer shall be a radius of 100 feet around the nest site. When construction buffers are reduced in size, the biologist shall monitor distress levels of the nesting birds while the birds nest and construction persists. If at any time the nesting birds show levels of distress that could cause nest failure or abandonment, the biologist shall have the right to re-implement the full 300-foot</i>		development	

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		<i>buffer. Construction or earth-moving activity shall not occur within the non-disturbance buffer until the qualified biologist determines that the young have fledged (i.e., left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by July 1. Regardless, September 1 shall be considered the end of the nesting period unless otherwise determined by a qualified biologist. Once the birds have completed the nesting cycle further mitigation shall not be required.</i>			
4.5-11	The proposed project, in combination with other cumulative development, would convert undeveloped land to urban uses, resulting in the loss of general wildlife habitat for resident and migratory species.	4.5-11 <i>Implement Mitigation Measures 4.5-1 through 4.5-8.</i>	See Mitigation Measures 4.5-1 through 4.5-8	See Mitigation Measures 4.5-1 through 4.5-8	
4.6 Cultural Resources					
4.6-2	The proposed project could damage or destroy a prehistoric cultural resource or human remains.	4.6-2(a) <i>During construction, if any earth-moving activities uncover artifacts, exotic rocks, or unusual amounts of bone or shell, all work shall be halted immediately, and the applicant shall notify the City and consult with a qualified archaeologist.</i>	Community Development Department	During construction	

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		<i>Representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation. In addition, construction shall not resume until a detailed report is prepared by a qualified archaeologist and approved by the Community Development Department.</i> 4.6-2(b) <i>During construction, if bone is uncovered that may be human; the Native American Heritage Commission in Sacramento, the Yolo County Coroner, and the City of Woodland shall be notified. Should human remains be found, the Coroner's office shall be immediately contacted and all work halted until final disposition by the Coroner. Should the remains be determined to be of Native American descent, construction shall not resume until the Native American Heritage Commission has been consulted to determine the appropriate disposition of such remains and proof of appropriate action shall be provided to the Community Development Department for review.</i>	Native American Heritage Commission Yolo County Coroner Community Development Department	During construction, if bone is uncovered that may be human	
4.6-3	Cumulative development in the City	4.6-3 Implement Mitigation Measures 4.6-2(a) and 4.6-2(b).	See Mitigation Measures 4.6-	See Mitigation Measures 4.6-	

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	of Woodland, in conjunction with the development of the proposed project, could contribute incrementally to the regional loss of cultural resources in Yolo County.		2(a) and 4.6-2(b)	2(a) and 4.6-2(b)	
4.8 Hazards					
4.8-1	Impacts related to creation of a significant hazard to the public or the environment during on-site construction or disposal of hazardous materials and release of hazardous materials into the environment.	4.8-1 <i>At the time of future applications for site-specific development, the applicant(s) shall submit to the City Engineer proof of a Construction Site Review from the Division of Oil, Gas, & Geothermal Resources (DOGGR). The Construction Site Review shall include, but shall not be limited to, submittal of a construction site plan with any abandoned well locations plotted on the plan and required setbacks for review and approval of a DOGGR engineer. In the event that re-abandonment is required, prior to issuance of a grading permit, the applicant(s) shall submit proof of abandonment to DOGGR and the City Engineer. City Code 9.1.1216.i(2), which requires a ten-foot setback from any wells (or any greater setback that the DOGGR may require) shall be implemented.</i>	DOGGR City Engineer	At the time of future applications for site-specific development	

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4.9 Hydrology and Water Quality					
4.9-1	Impacts related to exposure of people and structures to flood hazards.	4.9-1 <i>At the time of future applications for site-specific development, the applicant shall include on the plans that a) the ground floor elevation of all structures shall be constructed one foot above the base flood elevation (BFE); and b) outdoor storage areas for hazardous materials and wastes shall be elevated above the BFE or otherwise flood-proofed using containment or other acceptable methods, as approved by the City Floodplain Administrator.</i>	City Floodplain Administrator	At the time of future applications for site-specific development	
4.9-2	Impacts related to an increase in the rate and amount of stormwater runoff from newly created impervious surfaces, which could contribute to localized or downstream flooding.	4.9-2 <i>Prior to approval of Improvement Plans for the first development application, a drainage plan shall be prepared that shall identify storm drainage design features to control increased runoff from the project site. Control of increased runoff may be achieved through one or more of the following: Drainage Alternative 1 (conveyance of flows directly to the WPCF ponds) or Drainage Alternative 2 (conveyance of flows to an on-site detention basin).</i> <i>If Alternative 1 is chosen for implementation, the drainage plan shall include that the applicant fund the required additional excavation of the</i>	City Engineer	Prior to approval of Improvement Plans for the first development application	

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		<i>North Gibson ponds.</i> <i>If Alternative 2 is chosen for implementation on-site, the drainage plan shall include the improvement, at the applicant's expense, of the South Canal Pump Station to increase the pumping capacity of the Station to 60 cfs.</i> <i>The drainage plan shall demonstrate the effectiveness of the proposed storm drainage system to prevent negative impacts to existing downstream facilities and to prevent additional flooding at off-site downstream locations. All necessary calculations, assumptions, and design details shall be submitted to the City for review and approval. The design features proposed by the applicant shall be consistent with the most recent version of the City's Storm Drainage Master Plan criteria and Standard Specifications and Details.</i>			
4.9-4	Flood impacts under cumulative conditions.	4.9-4 <i>Implement Mitigation Measure 4.9-1.</i>	See Mitigation Measure 4.9-1	See Mitigation Measure 4.9-1	
4.9-6	The proposed project's impact related to an increase in the rate and amount of stormwater runoff from newly created impervious	4.9-6 <i>Implement Mitigation Measure 4.9-2.</i>	See Mitigation Measure 4.9-2	See Mitigation Measure 4.9-2	

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	surfaces, in combination with future development that would occur under General Plan buildout.				
4.10 Public Services and Utilities					
4.10-1	Adequate ratio of fire department personnel to residents.	4.10-1(a) <i>The City shall continue to implement the recommendations in the City of Woodland Fire Department Organizational Assessment and Master Plan adopted by the City Council on January 16, 2001. Annually, the City shall incorporate necessary service equipment and facilities into the Major Projects Financing Plan (MPFP). The City of Woodland Fire Department and City of Woodland Finance Department shall be responsible for implementing the programs.</i>	Fire Department Finance Department	Annually	
		4.10-1(b) <i>At the time of future applications for site-specific development, the applicant shall provide information regarding site-specific fire measures related to the site plan and building design for the project, for the review and approval of the City of Woodland Fire Department.</i>	Fire Department	At the time of future applications for site-specific development	
		4.10-1(c) <i>At the time of future applications for site-specific development, the applicant shall pay the MPFP fees applicable to the proposed project.</i>	Public Works Department	At the time of future applications for site-specific	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
				development	
4.10-2	Adequate ratio of law enforcement personnel to residents.	4.10-2(a) <i>The City shall update the plan for police services based on future development trends. The City shall incorporate necessary service equipment and facilities into the Major Projects Financing Plan (MPFP) on a continuous basis. The City of Woodland Police Department and City of Woodland Finance Department shall be responsible for implementing the programs.</i> 4.10-2(b) <i>At the time of future applications for site-specific development, the applicant shall provide information regarding site-specific security measures related to the site plan and building design for the project, for the review and approval of the City of Woodland Police Department.</i> 4.10-2(c) <i>At the time of future applications for site-specific development, the applicant shall pay the MPFP fees applicable to the proposed project.</i>	Police Department Finance Department Police Department Public Works Department	As needed, determined by the City At the time of future applications for site-specific development At the time of future applications for site-specific development	
4.10-4	Increased demand for wastewater disposal.	4.10-4 <i>At the time of future applications for site-specific development, the project applicant(s) shall pay the appropriate sewer impact fees, for the review and approval of the City Public Works Department.</i>	Public Works Department	At the time of future applications for site-specific development	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
4.10-5	Increased demand for water supply.	4.10-5 <i>Prior to approval of Improvement Plans, the applicant shall show on the plans the inclusion of an on-site water supply well and all necessary pipelines, for the review and approval of the City Engineer. In addition, the applicant shall obtain all necessary right-of-way easements and permits from various agencies, including Yolo County, if needed for placement of pipeline along County Road 102. The City Engineer review of the plans shall ensure that the water pipelines would be constructed beneath proposed roadways, the well location has approximately ¼ to ½ acre of land with street access and a minimum 50-foot separation from the water supply well to the nearest wastewater pipeline or 100 feet to nearest wastewater pump station, and that the well location is outside the 100-year floodplain or the top of the well casing is above the elevation of the 100-year flood. It should be noted that the applicant shall fund all necessary improvements.</i>	City Engineer	Prior to approval of Improvement Plans	
4.10-8	The proposed project, combined with future development in the City of Woodland, would increase the demand for additional public services and facilities.	4.10-8 <i>If the expansion of the WPCF to a capacity of 13.0 million gallons per day is included in the MPFP prior to issuance of the first building permit, the applicant shall pay the MPFP fees applicable to the proposed project. However, if the expansion of the WPCF is not included in</i>	City Engineer	Prior to issuance of the first building permit	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>the MPFP prior to issuance of the first building permit, the applicant shall construct the needed improvements to the WPCF (one additional secondary clarifier and one additional oxidation ditch as well as other ancillary facility improvements), for the review and approval of the City Engineer, and be eligible for reimbursement.</i>			
4.11 Urban Decay					
4.11-2	Impacts related to the physical deterioration and urban decay of retail centers in Downtown Woodland, East of Downtown, and East of I-5.	4.11-2(a) <i>At the time of future applications for site-specific development, the project applicant shall submit a request to the Community Development Department for a Master Conditional Use Permit (CUP), which must include a site plan and architectural review, as well as create design standards for alternative transportation, pedestrian and bicycling access, site plans, and architecture review. The Master CUP shall comply with the Draft EIR for the project, and will be evaluated at the time of the request to determine if further environmental review is necessary. The Master CUP shall indicate that the specific project uses primarily consist of regional retail uses that do not include entertainment uses and other uses that would compete with retail in Downtown Woodland.</i>	Community Development Department	At the time of future applications for site-specific development	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		4.11-2(b) <i>At the time of future applications for site-specific development, the project applicant shall submit a market study and urban decay analysis, including hotels if proposed, for review and approval by the Community Development Department. The market study and urban decay analysis shall show that adequate retail demand exists for the proposed uses and that urban decay would not occur as a result of the proposed phase of the project. If the market study and urban decay analysis show inadequate demand, then the City shall evaluate the impacts of the use proposed for development and either require additional mitigation or require an alternate use.</i> 4.11-2(c) <i>Prior to the issuance of building permits, the project applicant shall contribute funds toward the development of a Retail Strategic Plan. The amount shall be determined in the Development Agreement between the City and the project applicant. The City would be responsible for preparing a Retail Strategic Plan which shall determine what retail areas shall be preserved as retail and which areas shall be developed as other uses, helping to identify repositioning strategies for those underperforming centers.</i>	Community Development Department Community Development Department	At the time of future applications for site-specific development Prior to the issuance of building permits	

MITIGATION MONITORING AND REPORTING PLAN WOODLAND GATEWAY PHASE II					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		4.11-2(d) <i>Prior to the issuance of building permits, the project applicant shall pay their fair-share of the preparation of an Implementation Strategy for the Downtown Specific Plan. The amount of the fee shall be determined in the Development Agreement between the City and the project applicant. The City would be responsible for preparing the Implementation Strategy which, among other things, can help define the strategies for progressing the civic and entertainment focus of downtown.</i>	Community Development Department	Prior to the issuance of building permits	
4.11-3	Impacts related to the physical deterioration and urban decay of retail centers in County Fair Mall, West Woodland, and East Street Corridor.	4.11-3(a) <i>The City shall coordinate with the current owner of the County Fair Mall to prepare a strategic land use plan for the County Fair Mall to analyze potential viable land uses for the site.</i> 4.11-3(b) <i>Implement Mitigation Measures 4.11-2(a), (b), (c), and (d).</i>	City Economic Development Manager See Mitigation Measures 4.11-2(a), (b), (c), and (d)	City Economic Development Manager See Mitigation Measures 4.11-2(a), (b), (c), and (d)	

ATTACHMENT B

RESOLUTION APPROVING THE ANNEXATION

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF WOODLAND APPROVING THE APPLICATION FOR
ANNEXATION OF THE WOODLAND GATEWAY PHASE II PROJECT SITE TO THE
CITY OF WOODLAND**

WHEREAS, the City Council of the City of Woodland hereby finds as follows:

a. The Woodland Gateway Phase II Project applicant for the Woodland Gateway Phase II Project proposes an annexation of a 154-acre site, which includes Yolo County Assessor's Parcel Nos. 027-300-29, -30, -31, and -32, has requested the City Council: (i) adopt a resolution of annexation of the Project site to the City and request that Yolo County Local Agency Formation Commission approve that annexation; and (ii) pre-zone of 61.3 acres of the Project site to General Commercial (C-2) (PD) and the remaining 92.7 acres to Agriculture (A-1). The Woodland Gateway Phase II site is identified on the map attached hereto as Exhibit A and incorporated by reference herein.

b. A California Environmental Quality Act ("CEQA") Environmental Impact Report (EIR) was prepared to evaluate the proposed Annexation's effects on the physical environment, as specified in the EIR. Because the EIR concluded that any potentially significant Annexation-related effects could be mitigated to a less-than-significant level through the incorporation of appropriate mitigation measures, a mitigation monitoring and reporting plan (MMRP) also was prepared.

c. In its Resolution No. ____, the City Council certified the EIR for the proposed Annexation, which adopted findings of fact and a statement of overriding considerations, as well as incorporated the mitigation measures identified in the MMRP.

d. The Project site is within the sphere of influence of the City, as adopted by the Yolo County Local Agency Formation Commission, and is adjacent to the existing City limits.

e. The City Planning Commission reviewed the proposed Annexation at a duly notice hearing on July 7, 2011 and, after such hearing, recommended that the City Council approve the proposed annexation.

WHEREAS, Government Code section 56654, subdivision (a), authorizes the City to adopt a resolution of application for annexation of the Project site to the City.

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

1. The City Council approves the filing of an application for annexation of the Project site with the Yolo County Local Agency Formation Commission in order to

annex the Project site to the City, pursuant to Government Code section 56654, subdivision (a). The following information is provided pursuant to Government Code sections 56654, subdivision (d), and 56700:

a. The City's application for annexation is made pursuant to Government Code section 56000, *et seq.*

b. The nature of the proposal is the proposed annexation of approximately 154 acres of real property, which is identified on the map attached hereto as Exhibit A. The Project site and the proposed annexation are more particularly described in the EIR that was prepared for the proposed Annexation.

c. The boundaries of the Project site are as shown on the attached map (Exhibit A) and as more particularly described in the EIR that was prepared for the proposed Annexation. The application for annexation submitted to LAFCO will ensure that the annexation area includes the entirety of the Sphere of Influence in the vicinity of the Woodland Gateway Phase II Project site.

d. The proposed terms of the annexation shall include: (i) any terms regarding the rezoning of the Project site, which would become effective after annexation; and (ii) any terms that are included in the future Tax Sharing Agreement between the City and Yolo County, which would apply to tax revenues for the Project site after annexation.

e. The annexation is being initiated by the approval of this resolution of application of the City Council. The City's contact for this annexation is the City of Woodland Community Development Department, 520 Court Street, Woodland, CA 95695.

f. The City Council requests that formal proceedings be taken before the Yolo County LAFCO on this resolution of application in accordance with Government Code sections 56000, *et seq.*

g. This proposal to annex the Project site to the City is consistent with the City's sphere of influence and the Project site is adjacent to the City's existing boundary.

2. City staff shall take all actions that may be necessary to process the proposed annexation with the Yolo County LAFCO, which may include preparing and providing LAFCO with a plan of service for how the City will provide City services to the Project site.

PASSED AND ADOPTED on this the 20th day of September, 2011 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Art Pimentel, Mayor

Attest:

Ana Gonzalez, City Clerk

EXHIBIT A
Proposed Annexation Area



ATTACHMENT C

ORDINANCE APPROVING THE PREZONING

ORDINANCE NO. _____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND
APPROVING THE PREZONING TO GENERAL COMMERCIAL (C-2) (PD) AND
AGRICULTURE (A-1) FOR THE WOODLAND GATEWAY PHASE II PROJECT SITE**

The City Council of the City of Woodland does ordain as follows:

Section 1. Purpose and Authority. The purpose of this ordinance is to approve the prezoning designation of the Woodland Gateway Phase II Project site as General Commercial and Agriculture, which shall apply to that property if the Yolo County Local Agency Formation Commission (LAFCO) approves the annexation of the property to the City. This ordinance is adopted pursuant to Government Code sections 65853-65859, and other applicable law.

Section 2. Findings. The City Council finds and determines as follows:

- A. On July 7, 2011, the Planning Commission held a duly noticed public hearing concerning the proposed prezoning of the Woodland Gateway Phase II Project, which is depicted in Exhibit A attached hereto and incorporated herein by reference, as General Commercial (C-2) (PD) and Agriculture (A-1). After the hearing, the Planning Commission recommended City Council approve the proposed prezoning of the property.
- B. An Environmental Impact Report (EIR) was prepared for the proposed project. The EIR addressed all the subjects required pursuant to the California Environmental Quality Act (CEQA).
- C. A Mitigation Monitoring and Reporting Plan (MMRP) has been prepared in compliance with CEQA in order to ensure implementation of the mitigation measures outlined in the EIR.
- D. The proposed prezoning to C-2 (PD) and A-1 is consistent with and would implement the policies of the City of Woodland General Plan.
- E. The area is physically suited to the uses authorized in the proposed zone.
- F. The proposed prezoning is compatible with the land uses existing and permitted on the properties in the vicinity.
- G. The land uses and their density and intensity, allowed in the proposed zones are not likely to create serious health problems or create nuisances on properties in the vicinity.
- H. Government Code Section 65859 authorizes the City to prezone unincorporated territory to determine the City zoning that will apply to that territory upon annexation to the City.

Section 3. **Approval of Prezoning.** The City Council hereby approves the prezoning of the Woodland Gateway Phase II Project site, which is shown in Exhibit A, as General Commercial (C-2) (PD) and Agriculture (A-1). The prezoning shall become effective when the Project site is annexed to the City, which requires approval of the proposed annexation by the Yolo County LAFCO.

Section 4. **Severability.** If any part of this ordinance is held by a court of competent jurisdiction to be invalid or unenforceable, then such decision shall not affect the validity of the remaining parts, which shall remain in full force and effect.

Section 5. **Effective Date.** This ordinance shall take effect no sooner than 30 days after its final passage. The ordinance shall not become effective unless and until the Project site is annexed to the City pursuant to the approval of the Yolo County LAFCO.

Section 6. **Publication.** Within 15 days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the City.

INTRODUCED by the City Council on the 20th day of September, 2011.

PASSED AND ADOPTED by the City Council of the City of Woodland this ____ day of _____, 2011 by the following vote:

AYES:

NOES:

ABSENT:

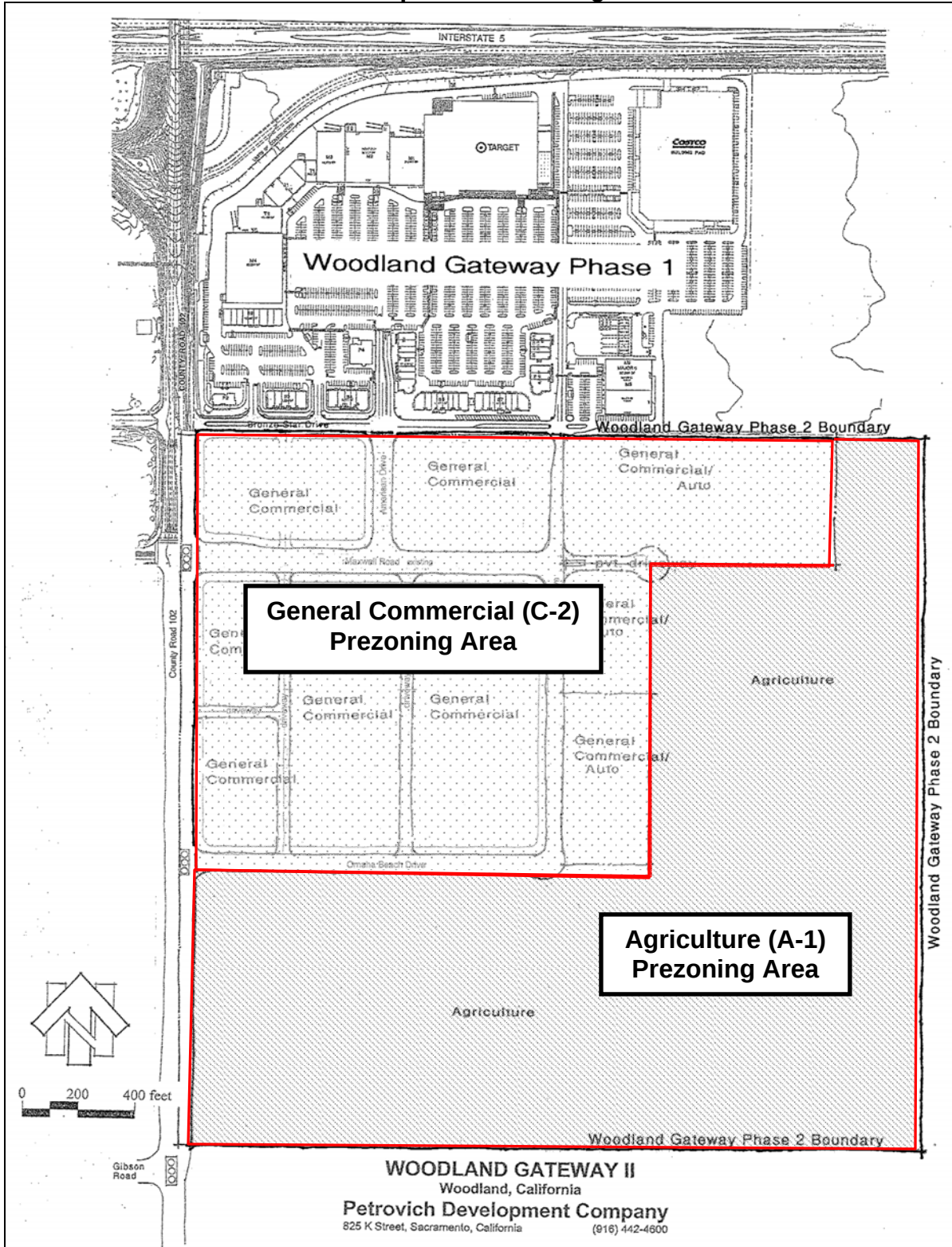
ABSTAIN:

Art Pimentel, Mayor

Attest:

Ana Gonzalez, City Clerk

EXHIBIT A
Proposed Prezoning



ATTACHMENT D

RESOLUTION APPROVING THE GENERAL PLAN AMENDMENT TO MODIFY THE LAND USE DESIGNATIONS ON THE WOODLAND GATEWAY PHASE II PROJECT SITE

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF WOODLAND CITY COUNCIL MAKING FINDINGS
AND APPROVING A GENERAL PLAN AMENDMENT TO MODIFY
THE LAND USE DESIGNATIONS ON THE WOODLAND GATEWAY PHASE II
PROJECT SITE**

FINDINGS

WHEREAS, the Woodland City Council adopted the Woodland General Plan in February 1996 (amended August 2002); and

WHEREAS, the applicant submitted an application in February 2007 for an Annexation, Rezoning, and General Plan Amendment.

WHEREAS, the Project, including the General Plan Amendment, was analyzed in the Woodland Gateway Phase II Project Environmental Impact Report (EIR); and

WHEREAS, on July 7, 2011, the Planning Commission held a duly noticed public hearing on the proposed General Plan Amendment and recommended approval to the City Council; and

WHEREAS, on July 8, 2011, the City Council Notice of Public Hearing for the Project was duly noticed and posted; and

WHEREAS, on September 20, 2011, the City Council certified the Woodland Gateway Phase II EIR and adopted a Mitigation Monitoring and Reporting Plan; and

WHEREAS, on September 20, 2011, the City Council opened the public hearing at which it received a report from City Staff, oral and written testimony from the public, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as revised by the City Council during its deliberations; and

WHEREAS, these Findings are based on the City's General Plan, the City's Zoning Ordinance, and the information submitted to the City Council at its September 20, 2011 meeting, both written and oral, as reflected in the minutes of such meetings together with the documents contained in the file for the Woodland Gateway Phase II Project (hereafter the "Record").

NOW, THEREFORE, on the basis of the above findings of fact and the entire Record, the City Council makes the following findings regarding the General Plan Amendment to modify the project site's existing land use designation of Urban Reserve to the designations as shown in Exhibit A of this resolution, in support of the recommended approvals:

1. **The proposed project conforms to the provisions and standards of the General Plan** in that the proposed amendment is internally consistent with all other provisions of the General Plan and does not conflict with any of the previously adopted Goals, Policies, and Programs of the General Plan; and
2. **The proposed Amendment is necessary to implement the goals and objectives of the General Plan** in that it will further implement the City of Woodland Vision. In addition, the General Plan Amendment does not allow for an increase or decrease in the intensity of development as outlined in the General Plan; rather modifies the land use designation locations on the site.
3. **The proposed Amendment will not be detrimental to the public interest, convenience, and general welfare of the City** in that the Amendment will result in a logical placement of land uses consistent with the overall intent of the General Plan.
4. **The proposed project will not cause environmental damage** in that the project is entirely within the scope of the certified Woodland Gateway Phase II EIR which included findings of fact for significant impacts and a statement of overriding considerations for significant and unavoidable impacts. The amendment does not substantially change the intent or impact of any of the Goals, Policies, and Programs within the General Plan.
5. The proposed General Plan Amendment will not require changes to or modifications of any other plans that the City Council adopted before the date of this resolution.

BE IT FURTHER RESOLVED THAT, on the basis of the foregoing Findings and the entire Record, the City Council hereby approves the various amendments to the General Plan to designate the Project site as shown in Exhibit A of this resolution.

PASSED AND ADOPTED by the City Council of the City of Woodland at a meeting held on the 20th day of September, 2011 by the following vote:

AYES:

NOES:

ABSENT:

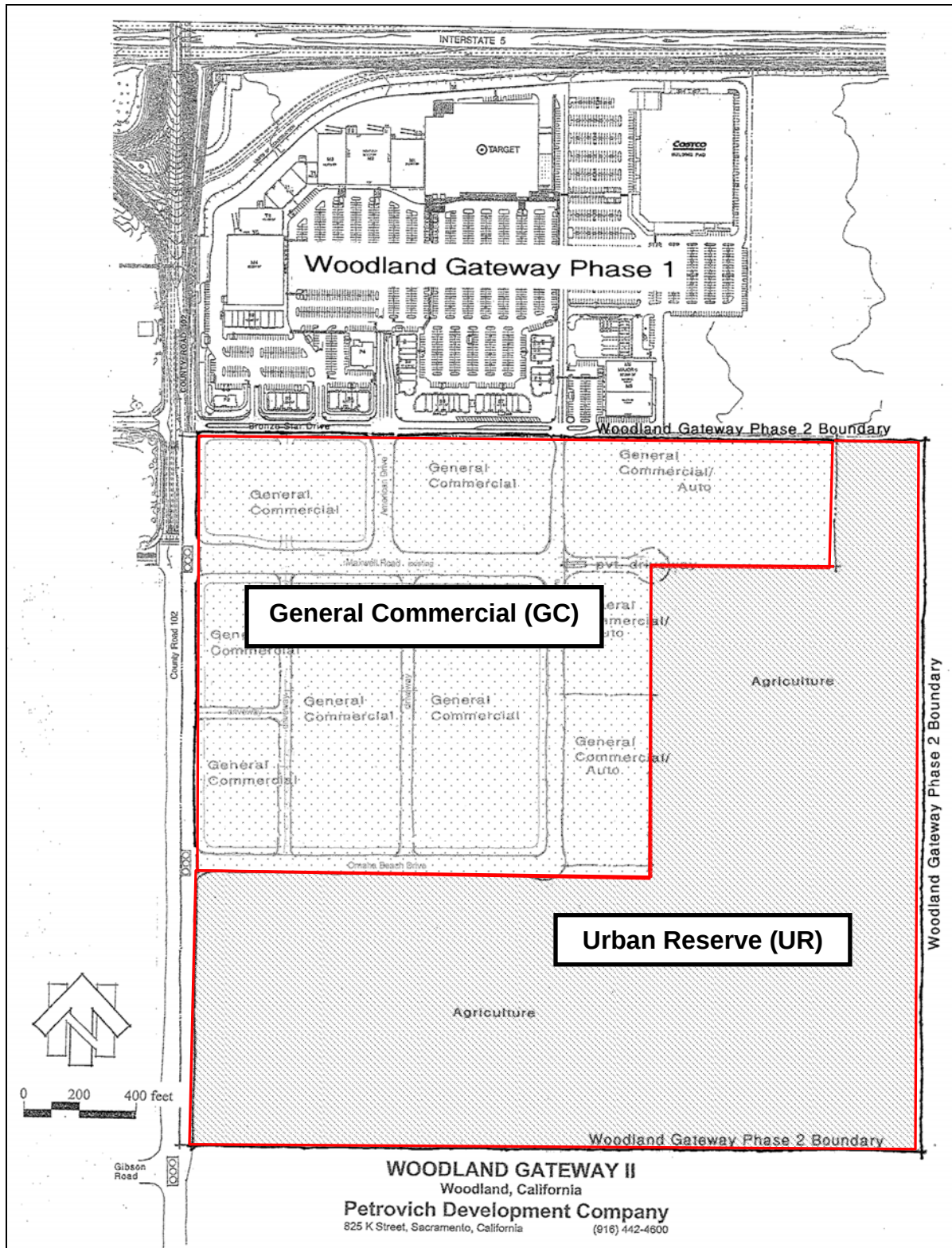
ABSTAIN:

Art Pimentel, Mayor

Attest:

Ana Gonzalez, City Clerk

EXHIBIT A
General Plan Amendment – Proposed Land Use Designations



ATTACHMENT E

RESOLUTION APPROVING THE GENERAL PLAN AMENDMENT TO MODIFY THE ACCEPTABLE LEVEL OF SERVICE (LOS) FROM C TO D FOR CR 102 FROM MAXWELL AVENUE SOUTH TO THE CITY LIMITS

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF WOODLAND CITY COUNCIL MAKING FINDINGS
AND APPROVING A GENERAL PLAN AMENDMENT TO MODIFY
THE ACCEPTABLE LEVEL OF SERVICE (LOS) FROM C TO D FOR CR 102 FROM
MAXWELL AVENUE SOUTH TO THE CITY LIMITS**

FINDINGS

WHEREAS, the Woodland City Council adopted the Woodland General Plan in February 1996 (amended August 2002); and

WHEREAS, the applicant submitted an application in February 2007 for an Annexation, Rezoning, and General Plan Amendment.

WHEREAS, the Project, including the General Plan Amendment, was analyzed in the Woodland Gateway Phase II Project Environmental Impact Report (EIR); and

WHEREAS, on July 7, 2011, the Planning Commission held a duly noticed public hearing on the proposed General Plan Amendment and recommended approval to the City Council; and

WHEREAS, on July 8, 2011, the City Council Notice of Public Hearing for the Project was duly noticed and posted; and

WHEREAS, on September 20, 2011, the City Council certified the Woodland Gateway Phase II EIR and adopted a Mitigation Monitoring and Reporting Plan; and

WHEREAS, on September 20, 2011, the City Council opened the public hearing at which it received a report from City Staff, oral and written testimony from the public, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as revised by the City Council during its deliberations; and

WHEREAS, these Findings are based on the City's General Plan, the City's Zoning Ordinance, and the information submitted to the City Council at its September 20, 2011 meeting, both written and oral, as reflected in the minutes of such meetings together with the documents contained in the file for the Woodland Gateway Phase II Project (hereafter the "Record").

NOW, THEREFORE, on the basis of the above findings of fact and the entire Record, the City Council makes the following findings regarding the General Plan Amendment to modify the acceptable LOS from C to D for CR 102 from Maxwell Avenue south to the City limits, in support of the recommended approvals:

- 1. The proposed project conforms to the provisions and standards of the General Plan** in that the proposed amendment is internally consistent with all

other provisions of the General Plan and does not conflict with any of the previously adopted Goals, Policies, and Programs of the General Plan; and

2. **The proposed Amendment is necessary to implement the goals and objectives of the General Plan** in that it will further implement the City of Woodland Vision. In addition, the General Plan Amendment does not allow for an increase or decrease in the intensity of development as outlined in the General Plan; rather modifies the acceptable LOS for CR 102 from Maxwell Avenue south to the City limits.
3. **The proposed Amendment will not be detrimental to the public interest, convenience, and general welfare of the City** in that LOS D is already the acceptable LOS on CR 102 north of Maxwell Avenue and the modification is simply an extension for the remainder of CR 102 to the City limits.
4. **The proposed project will not cause environmental damage** in that the project is entirely within the scope of the certified Woodland Gateway Phase II EIR which included findings of fact for significant impacts and a statement of overriding considerations for significant and unavoidable impacts. The amendment does not substantially change the intent or impact of any of the Goals, Policies, and Programs within the General Plan.
5. The proposed General Plan Amendment will not require changes to or modifications of any other plans that the City Council adopted before the date of this resolution.

BE IT FURTHER RESOLVED THAT, on the basis of the foregoing Findings and the entire Record, the City Council hereby approves the various amendments to the General Plan to designate the Project site as shown in Exhibit A of this resolution.

PASSED AND ADOPTED by the City Council of the City of Woodland at a meeting held on the 20th day of September, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Art Pimentel, Mayor

Attest:

Ana Gonzalez, City Clerk

ATTACHMENT F

ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF WOODLAND
APPROVING THE CITY OF WOODLAND DEVELOPMENT AGREEMENT
CONCERNING THE WOODLAND GATEWAY PHASE II PROJECT**

The City Council of the City of Woodland does ordain as follows:

SECTION 1. Purpose and Authority. The purpose of this ordinance is to approve the City of Woodland Development Agreement concerning the Woodland Gateway Phase II project between the City of Woodland and the Petrovich Development Company, in the form attached hereto and incorporated herein (the "Development Agreement"). This ordinance is adopted pursuant to Government Code section 65867.5 and other applicable law.

SECTION 2. Findings. The City Council finds and determines as follows:

a. On July 7, 2011, the Woodland Planning Commission conducted a duly noticed public hearing in accordance with applicable law, and recommended that the City Council approve the Development Agreement.

b. The City Council has conducted a duly noticed public hearing in accordance with applicable law, and now desires to approve the Development Agreement.

c. The City Council has evaluated the Development Agreement and the City General Plan and has determined that the Development Agreement is consistent with the General Plan.

d. On September 20, 2011, the City certified the EIR pursuant to CEQA for the Woodland Gateway Phase II project, which included the development project that is the subject of the Development Agreement.

SECTION 3. Agreement Approval. The City Council hereby approves the Development Agreement in the form attached hereto (See Exhibit A), authorizes and directs the City Manager to execute the Development Agreement on behalf of the City, and authorizes and directs the City Clerk to record a copy of the Development Agreement with the Yolo County Recorder within ten days of the date of the passage of this ordinance.

SECTION 4. This ordinance shall take effect 30 days after its final passage.

SECTION 5. Within 15 days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the City.

INTRODUCED by the City Council on the 20th day of September, 2011.

PASSED AND ADOPTED by the City Council of the City of Woodland on the _____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Art Pimentel, Mayor

Attest:

Ana Gonzalez, City Clerk

I hereby certify that the foregoing is a true and correct copy of City of Woodland Ordinance No. _____, which ordinance was duly introduced, adopted and posted pursuant to law.

Ana Gonzalez, City Clerk

EXHIBIT A
DEVELOPMENT AGREEMENT

ATTACHMENT G

FINAL EIR PLANNING COMMISSION STAFF REPORT

PROJECT TITLE:	Woodland Gateway Phase II – Annexation, General Plan Amendments, Rezoning, and Development Agreement – the proposed annexation of a 154-acre site, a General Plan Amendment to change the Urban Reserve (UR) designation to General Commercial for 61.3 acres of the site, a General Plan Amendment to change the LOS requirement from C to Do on CR 102 from Maxwell Avenue south to the City Limits, Rezoning for 61.3 acres to General Commercial (C-2) and 92.7 acres of Agriculture (A-1), and Development Agreement. Analysis is at a programmatic/policy level with additional applications and discretionary approval required at the time of development.
LOCATION:	The project site is located outside the City of Woodland city limits at the northeastern corner of the intersection of County Road (CR) 24/East Gibson Road and CR 102.
APPLICANT:	Petrovich Development Company 825 K Street, Suite 300 Sacramento, California 95814
OWNER:	Woodland Development Company, LLC
PROJECT PLANNER:	Cindy Gnos, AICP, Contract Planner
STAFF RECOMMENDATION:	Recommend City Council Approval
REPORT FOR:	Planning Commission – July 7, 2011
ENVIRONMENTAL REPORT:	Draft and Final Environmental Impact Report (SCH #2009102009) for Woodland Gateway Phase II.
PARCEL SIZE:	154 acres (Assessor’s Parcel Numbers 027-300-29, -30, -31, and -32)
CURRENT YOLO COUNTY GENERAL PLAN DESIGNATION:	Agriculture (AG)
CURRENT CITY OF WOODLAND GENERAL PLAN DESIGNATION:	Urban Reserve (UR)
CURRENT COUNTY ZONING:	Agriculture (A-1)
EXISTING LAND USES:	Agricultural

FLOOD ZONE: Zone AE (areas within the 100-year floodplain), Flood Insurance Rate Map (FIRM), Panel 440 of 725, Community Number 060426, revised April 2, 2002

STREET ACCESS: Maxwell Road, CR 102, and Gibson Road

ADJACENT LAND USES AND ZONING:

Adjacent Land	Land Use	Zoning
North	Woodland Gateway Commercial Center	Highway Commercial/Planned Development Overlay (EOZ – C-H/P-D)
South	Existing Farmland	N/A
East	Woodland Water Pollution Control Facility (WPCF)	Open Space Zone (O-Z)
West	Existing Residential Development	Single Family Zone/Planned Development Overlay (R-1/P-D)

PENDING/POTENTIAL ACTIONS: The Planning Commission recommends that the City Council take the following actions:

1. Adopt the attached Resolution No. _____, certifying the Program EIR, adopting the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Woodland Gateway Phase II project, and approving the project (Attachment A);
2. Adopt the attached Resolution No. _____, approving the application for annexation of the 154-acre Woodland Gateway Phase II project site to the City of Woodland (Attachment B).
3. Adopt the attached Ordinance No. _____, approving the rezoning of 61.3 acres to General Commercial (C-2) and 92.7 acres to Agriculture (A-1) for the Woodland Gateway Phase II project site (Attachment C).
4. Adopt the attached Resolution No. _____, approving a General Plan Amendment to modify the land use designation on the Woodland Gateway Phase II project site from Urban Reserve (UR) to 61.3 acres of General Commercial (GC) (Attachment D).
5. Adopt the attached Resolution No. _____, approving a General Plan Amendment to modify the acceptable level of service (LOS) from C to D for CR 102 from Maxwell Avenue south to the City Limits (Attachment E).
6. Adopt the attached Ordinance No. _____, approving the City of Woodland Development Agreement concerning the Woodland Gateway Phase II project (Attachment F).

PROJECT SITE DESCRIPTION: The Woodland Gateway Phase II project site encompasses approximately 154 acres and is located outside the City of Woodland city limits at the northeastern corner of the intersection of County Road (CR) 24/East Gibson Road and CR 102. The site is undeveloped.

BACKGROUND: An application was submitted in February 9, 2007 which included a request for a General Plan Amendment, Prezone, and Annexation. The City of Woodland released a

Notice of Preparation (NOP) for the Draft EIR for a 30-day review from October 1, 2009 to November 2, 2009. In addition, a public scoping meeting was held on October 21, 2009 for further discussion and comments regarding the Draft EIR. A Notice of Availability of the Draft EIR was distributed from April 8, 2010 to May 24, 2010 to applicable public agencies, responsible agencies, and interested individuals. It should be noted that the public comment period for the Draft EIR was extended for an additional 45 days to July 8, 2010. In addition, a public meeting was held before the Planning Commission on May 20, 2010 in order to receive verbal comments on the Draft EIR.

In response to public comments received on the Draft EIR, the applicant revised the proposed project description. Annexation of the 154-acre site is still proposed, but the acreage proposed for General Commercial uses was reduced to 61.3 acres and the remaining 92.7 acres of the site was proposed for agricultural purposes, to continue the existing use. The changes to the project description since the Draft EIR was published are reflected in the Final EIR.

PROJECT PROPOSAL: The applicant proposes Annexation of the 154-acre site, a General Plan Amendment, Prezoning, and Development Agreement for future development of General Commercial and Agricultural uses. The General Plan Amendment includes redesignation of 61.3 acres of the site for General Commercial development (general commercial, retail, and auto uses) and prezoning of the site to General Commercial (C-2). The remaining 92.7 acres of the project site will remain designated Urban Reserve with a prezoning to Agriculture (A-1) to maintain the existing use. The 61.3-acre commercial site would accommodate up to 340,000 square feet (s.f.) of future commercial development plus sites for three auto dealerships (typically 25,000 square feet each) to expand and complement the existing Gateway I retail center. The applicant is also requesting a General Plan Amendment to allow LOS D on County Road 102 from Maxwell Drive, south to the City Limits. The specifics of the commercial development are not included as part of the application and the entitlements are policy-level approvals. Detailed project design approvals would be required at the time of development of the site as part of a subsequent application(s). The site plan provided is for illustrative purposes only to identify the locations of the commercial and agricultural designations. Detailed site plans will be part of subsequent applications.

PENDING/POTENTIAL ACTION: The Planning Commission is recommending action to the City Council on the following entitlements:

1. Certification of the Program EIR, adoption of the Findings of Fact and Statement of Overriding Considerations, and approval of the Mitigation Monitoring and Reporting Program;
2. Annexation of 154 acres into the City of Woodland;
3. General Plan Amendment to redesignate 61.3 acres from Urban Reserve to General Commercial (GC) development;
4. General Plan Amendment to modify the acceptable level of service (LOS) from C to D for CR 102 from Maxwell Avenue south to the City Limits;
5. Prezoning of 61.3 acres of the site to General Commercial (C-2) and 92.7 acres to Agriculture (A-1); and
6. Development Agreement.

APPLICABLE LAWS, CODES, AND ORDINANCES: The project is subject to the following laws, codes, and ordinances:

- The California Environmental Quality Act (CEQA);
- The City of Woodland General Plan;
- The City of Woodland Zoning Ordinance; and
- The Yolo County Local Agency Formation Commission (LAFCO) rules, policies, and standards.

PUBLIC NOTIFICATION: Notification for the public hearing on this project was prepared by the Community Development Department in accordance with notification procedures set forth in the City of Woodland's Municipal Code and State Planning Law. The following two methods of public notice were used:

1. Legal notice was published in the Woodland Daily Democrat on or before June 27, 2011; and
2. Notices were mailed to all property owners within 1,000 feet of the project site on June 27, 2011.
3. CD copies of the Final EIR were mailed to all Draft EIR commenters on June 27, 2011.

Copies of the staff report for the public hearing on the proposed project have been on file at the City Hall Annex since July 1, 2011.

PREVIOUS ACTION TAKEN: A General Plan Petition Review was considered by the Planning Commission in December 2006. At that time, the Planning Commission accepted the proposal for further processing with the direction that extensive studies were required and no implications were made regarding approval of the project.

ENVIRONMENTAL ASSESSMENT STATUS: An EIR is prepared when an agency determines, based upon substantial evidence, that a project may have a significant effect on the environment. After considering the final EIR in conjunction with making findings, the City may decide whether or how to approve or carry out the project. The City cannot approve the project unless the project will not have a significant effect on the environment or (1) the significant effects have been eliminated or substantially lessened where feasible, and (2) determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to overriding concerns.

The City of Woodland released an NOP for the Draft EIR for a 30-day review from October 1, 2009 to November 2, 2009. In addition, a public scoping meeting was held on October 21, 2009 for further discussion and comments regarding the Draft EIR. The Draft EIR is an informational document intended to disclose the environmental consequences of approving and implementing the Woodland Gateway Phase II project. A Notice of Availability of the Draft EIR was distributed from April 8, 2010 to May 24, 2010 to applicable public agencies, responsible agencies, and interested individuals. It should be noted that the public comment period for the Draft EIR was extended for an additional 45 days to July 8, 2010. In addition, a public meeting

was held before the Planning Commission on May 20, 2010 in order to receive verbal comments on the Draft EIR.

The Draft EIR assessed the proposed project at a programmatic level, which included the Annexation, General Plan Amendments, Rezoning, and Development Agreement. Because these are policy-level approvals, specific detailed site plans and users are not included in the application. In order to analyze the potential impacts, the Draft EIR analyzed the impacts at the applicant's proposed maximum buildout potential of 808,000 square feet of retail uses, three hotels, one site down restaurant, three fast food restaurants, 80,000 square feet of auto uses, and 100,000 square feet of office.

Seventeen comment letters were received during the open comment period on the Draft EIR for the proposed project. In addition, verbal comments were received during the May 20, 2010 Planning Commission Draft EIR comment hearing. All comment letters, as well as responses to the letters, are included in the Final EIR, per CEQA Guidelines Section 15132. The Final EIR consists of the Draft EIR, any revisions to the Draft EIR necessitated by public comments, and responses to the comments received on the Draft EIR.

In response to public comments received on the Draft EIR, the applicant revised the proposed project description, as noted previously. The revisions reduce the acreage of future development from the entire 154-acre site to 61.3 acres of future commercial and auto development. Accordingly, this would also reduce the maximum buildout potential to 340,000 square feet of retail uses and sites for three auto dealerships. The remaining 92.7 acres would remain in the existing agricultural use. Any future development of the 92.7 acres would require a General Plan Amendment and Rezone.

Because the changes to the maximum development scenario proposed and identified in the General Plan Amendment and Rezoning were determined in the Final EIR to not result in the identification of any new significant environmental impacts or a substantial increase in the severity of an environmental impact, the Final EIR does not contain "significant new information," and recirculation of the Draft EIR is not required prior to approval (State CEQA Guidelines section 15088.5).

The Draft EIR determined that the following impacts of the project would be significant and unavoidable. Some impacts are reduced by mitigation, but not to a level of less-than-significant. Details of the impacts and the proposed mitigation can be found in the EIR.

- Impacts related to the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses;
- The proposed project, in conjunction with future plans, would contribute to the loss of Prime Farmland;
- Under Existing Plus Project conditions, PM peak hour traffic volumes on study roadways would increase, resulting in unacceptable LOS at six locations under the 2-Access Alternative and at four locations under the 3-Access Alternative;
- Under Existing Plus Project conditions, AM and PM peak hour traffic volumes would increase resulting in unacceptable LOS at nine intersections;

- Under Cumulative (Year 2020) Plus Project conditions, AM and PM peak hour traffic volumes at study intersections would increase resulting in unacceptable LOS at 14 locations;
- The proposed project would cumulatively increase the AM and PM peak hour traffic volumes on study freeway locations, resulting in unacceptable LOS at two locations under both the 2-Access Alternative and the 3-Access Alternative;
- Operational impacts resulting in long-term increases of criteria air pollutants that would violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- Cumulative contribution to climate change;
- Cumulative contribution to regional air quality conditions, including resulting in a cumulatively considerable net increase of any criteria pollutant for which the project is non-attainment under applicable federal or State ambient air quality standards;
- The proposed project, in combination with other cumulative development, would convert undeveloped land to urban uses, resulting in the loss of general wildlife habitat for resident and migratory species;
- Impacts related to the physical deterioration and urban decay of retail centers in Downtown Woodland, East of Downtown, and East of I-5; and
- Impacts related to the physical deterioration and urban decay of retail centers in County Fair Mall, West Woodland, and East Street Corridor.

Accordingly, when determining whether to approve the proposed project, the City is required to balance the applicable economic, legal, social, technological, or other benefits, including regional-wide or statewide environmental benefits, of the proposed project against the foregoing unavoidable environmental risks. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of the proposed project outweigh the unavoidable consequences, the adverse environmental effects may be considered “acceptable” (State CEQA Guidelines section 15093(a)).

The State CEQA Guidelines further require that when a lead agency approves a project despite its significant and unavoidable environmental consequences that the City state its specific reasons in support of its actions in writing (*Id.* at 15093(b)). In satisfaction of this requirement, a statement of overriding considerations has been prepared and is attached to the resolution certifying the EIR.

REVIEW AGENCY COMMENTS: The application was circulated for review by City departments and responsible agencies.

STAFF ANALYSIS: A summary of the City of Woodland policies, regulations, and key issues impacting this project is provided below for Planning Commission consideration.

GENERAL PLAN CONSISTENCY

The proposed project includes:

- Annexation of the entire 154-acre site;
- Rezoning of 61.3 acres to General Commercial (C-2) and 92.7 acres to Agriculture (A-1);

- General Plan Amendment to redesignate 61.3 acres of the project site from Urban Reserve (UR) to General Commercial (GC) development;
- General Plan Amendment to modify the acceptable level of service (LOS) from C to D for CR 102 from Maxwell Avenue south to the City limits; and
- Development Agreement.

Consistency with the policies of the City of Woodland was analyzed for the proposed project in the EIR.

Goal 1.J of the City of Woodland General Plan is to maintain land as Urban Reserve for consideration for future development. Specifically, Policy 1.J.2 considers the appropriateness of development of Urban Reserve lands based on various factors, such as availability of land, location, flooding, market and economic feasibility, water supply, circulation, buffering around wastewater treatment plant, public services, impacts to biological resources, and air quality implications. The proposed project was determined to comply with Policy 1.J.2 due to the following:

- Land designated as Urban Reserve located to the northeast and the south of the site would remain with development of the proposed project. In addition, the reduction of the size of future commercial development proposed by the applicant will leave an additional 92.7 acres of land designated Urban Reserve.
- The proposed project is a regional commercial development at a major interchange (I-5 and CR 102) adjacent to an existing commercial development.
- The Urban Decay Chapter of the EIR identifies mitigation measures to ensure minimal impacts on the existing retail centers and Downtown Woodland. Mitigation measures include funding a fair share of an Implementation Strategy for the Downtown Specific Plan as well as a Retail Strategic Plan for other underperforming centers. It should be noted that the reduction in the maximum buildout of the proposed project could also reduce the urban decay impacts.
- The proposed project would include implementation of the mitigation measures related to flooding and drainage included in the Hydrology and Water Quality chapter of the EIR.
- The groundwater supply for the City of Woodland is sufficient for the proposed project in addition to full City of Woodland buildout in the year 2026.
- The Urban Decay Chapter of the EIR identifies mitigation measures to ensure an adequate rate of absorption. Mitigation measures include funding a fair share of an Implementation Strategy for the Downtown Specific Plan as well as a Retail Strategic Plan for other underperforming centers. It should be noted that the reduction in the maximum buildout of the proposed project could also reduce the urban decay impacts.
- The proposed project includes mitigation measures that ensure the compatibility with the existing WPCF and relocation is not necessary. The mitigation requires a half-mile buffer between development and the WPCF. It should be noted that the proposed project reduction in acreage results in the development being outside the half-mile buffer.

- Adequate water supply exists to serve the proposed project. The first building developed on the project site will be required to provide a well or alternative measures to provide adequate water and fire flow until the surface water project is completed.
- Circulation patterns and improvements have been considered and mitigation measures have been included to ensure the project is consistent with this policy.
- The proposed project is located directly west of the WPCF and would be compatible with the existing City infrastructure.
- The Public Services and Utilities Chapter of the EIR includes mitigation measures to ensure that odors related to the WPCF would not cause a significant impact and consistency with this policy.
- Implementation of mitigation measure in the Public Services and Utilities Chapter of the EIR would ensure adequate public services and consistency with this policy.
- Mitigation measures included in the Biological Resources Chapter of the EIR would ensure consistency with this policy related to biological resources.
- The Air Quality, Climate Change, and Odors Chapter of the EIR includes mitigation measures to ensure project's consistency with this policy.

Please refer to Table 4.1-4 in Chapter 4.1, Land Use and Agricultural Resources, of the Draft EIR for a detailed discussion of the project's consistency with the City of Woodland General Plan policies. In addition to the City of Woodland General Plan policies, because the project would require an annexation of the site from Yolo County to the City of Woodland, the policies of Yolo County and the Yolo County LAFCO were evaluated in the EIR as well. Overall, the proposed project would be compatible with surrounding land uses and consistent with local policies, with implementation of mitigation measures addressed in the EIR.

Although future development is only anticipated on the northern 61.3 acres of the site, annexation of the entire 154-acre site is necessary in order to avoid the creation of an island. The existing roadway to the WPCF, located south of the project site, is within the City limits; therefore, without the incorporation of the southern 92.7 acres, the project would create an island, which would be inconsistent with City and LAFCO policies. It should be noted that an island currently exists surrounded by the roadway, WPCF, and the City-owned future regional park; however, the island is not worsened by the proposed annexation. The project applicant will submit all necessary information to LAFCO as part of the annexation application. The City and County will enter into a tax agreement prior to LAFCO issuing a Certificate of Filing.

The EIR determined that the Maxwell Avenue to Gibson Road and the Gibson Road to Heritage Parkway segments of CR 102 would operate at LOS D conditions, which would be a potentially significant impact. However, with approval of the General Plan Amendment (i.e., changing CR 102 LOS threshold from C to D for CR 102 from Maxwell Avenue south to the City limits), an impact would not result. The City of Woodland General Plan identifies LOS C as the threshold LOS throughout the City, except at intersections located within one-half mile of a freeway or in the downtown core

where LOS D is acceptable. The updated Yolo County General Plan potentially allows LOS D for CR 102 outside the City limits. Therefore, CR 102 has a LOS D from Maxwell to one-half mile north of I-5 and south of the City limits. The proposed General Plan Amendment would make CR 102 have a consistent LOS D standard within the City. It should also be noted that most cities which are going through General Plan Updates are considering and adopting a LOS D threshold to reduce right-of-way requirements, among other reasons. LOS D rather than C at intersections could mean an increase in delay of up to 20 seconds at a signalized intersection and up to 10 seconds at an unsignalized intersection.

Table 1, below, depicts the existing commercial uses in Woodland, including the number of acres zoned for commercial uses, the number of s.f. of commercial buildings currently vacant, and the number of acres zoned for commercial uses that are currently vacant.

Table 1		
Existing Commercial Uses in the City of Woodland		
Land Zoned for Commercial Uses		844 acres
Vacant Commercial Square Footage		253,834 s.f. ¹
Vacant Commercial-Zoned Land		276.4 acres total
	C-2 Zone	53.7 acres
	C-2/P-D Zone	16.2 acres
	C-3 Zone	53.6 acres
	CBD Zone	72.9 acres
	C-H Zone	9.8 acres
	EOZ-C-H/P-D Zone	27.3 acres
	ESD Zone	42.8 acres
¹ As of 2009.		
Sources: Personal Communication with the City of Woodland Community Development Department; Environmental & Planning Systems, Inc., <i>Woodland Gateway Phase II Market and Urban Decay Analysis</i> , February 2010.		

Table 2, below, depicts the commercial uses in the Gateway Phase I project, including the total number of s.f. of commercial uses that were approved for the project, the number of s.f. of commercial uses that are currently built out, and the number of s.f. of commercial buildings that are currently vacant on the Gateway Phase I project site.

Table 2	
Gateway Phase I Project Commercial Uses	
Approved	525,000 s.f.
Currently Built Out	391,400 s.f.
Vacant Constructed Commercial Buildings	7,145 s.f.
Source: Personal Communication with Petrovich Development Company.	

Table 3, below, depicts the proposed maximum potential buildout of the reduced project, as proposed by the applicant.

Table 3	
Gateway Phase II Project Commercial Uses	
Proposed Retail Uses	360,000 s.f.
Proposed Auto Uses	3 dealerships (approximately 75,000 s.f.)
Source: Personal Communication with Petrovich Development Company.	

CONSISTENCY WITH SACRAMENTO AREA COUNCIL OF GOVERNMENTS PREFERRED BLUEPRINT SCENARIO

The Sacramento Area Council of Governments (SACOG) Board of Directors adopted their Preferred Blueprint Scenario in December 2004. The Preferred Blueprint Scenario is intended to develop and assess guiding principles for the long-term growth of the region, which includes El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba Counties. According to SACOG's *Blueprint's Impact on the Region and Residents' Quality of Life*, "As its core goal, the Blueprint aims to support governments with high-quality data and modeling tools so that decisions regarding future growth and its effects on quality of life issues, such as traffic congestion and air pollution could be made with the best information available."¹ In addition, according to SACOG, "The Preferred Blueprint Scenario depicts a way for the region to grow through the Year 2050 in a manner generally consistent with the adopted Blueprint Growth Principles."²

The Blueprint Growth Principles address transportation choices, mixed-use developments, compact development, housing choice and diversity, use of existing assets, quality design, and natural resources conservation. Woodland Gateway Phase II project would be consistent with the Preferred Blueprint Scenario, including the following Blueprint Growth Principles:

1. Transportation Choices: Developments should be designed to encourage people to sometimes walk, ride the bus, ride light rail, take the train or carpool. Use of Blueprint growth concepts for land use and right-of-way design will encourage use of these modes of travel and the remaining auto trips will be, on average, shorter.
2. Mixed-Use Developments: Buildings, homes and shops, entertainment, office and even light industrial uses near each other can create active, vital neighborhoods. This mixture of uses can be either in a vertical arrangement (mixed in one building) or horizontal (with a combination of uses in close proximity). These types of projects function as local activity centers, contributing to a sense of community, where people tend to walk or bike to destinations and interact more with each other separated land uses, on the other hand, lead to the need to travel more by auto because of the distance

¹ Sacramento Area Council of Governments, *Special Report: Blueprint's Impact on the Region and Residents' Quality of Life*, April 2010.

² Sacramento Area Council of Governments, <http://www.sacregionblueprint.org/adopted>.

between uses. Mixed land uses can occur at many scales. Examples include: a housing project located near an employment center, a small shopping center located within a residential neighborhood, and a building with ground floor retail and apartments or condominiums on the upper floor(s).

3. Compact Development: Creating environments that are more compactly built and use space in an efficient but aesthetic manner can encourage more walking, biking, and public transit use, and shorten auto trips.
4. Housing Choice and Diversity: Providing a variety of places where people can live – apartment, condominiums, townhouses, and single family detached homes on varying lot sizes – creates opportunities for the variety of people who need them: families, singles, seniors, and people with special needs. This issue is of special concern for the people with very low-, low-, and moderate-income, often our teachers, other public employees and professionals, as well as retail employees, service workers and other people for whom finding housing close to work is challenging. By providing a diversity of housing options, more people have a choice.
5. Use of Existing Assets: In urbanized areas, development on infill or vacant lands, intensification of the use of underutilized parcels (for example, more development on the site of a low-density retail strip shopping center), or redevelopment can make better use of existing public infrastructure. This can also include rehabilitation and reuse of historic buildings, denser clustering of buildings in suburban office parks, and joint use of existing public facilities such as schools and parking garages.
6. Quality Design: The design details of any land use development - such as the relationship to the street, setbacks, placement of garages, sidewalks, landscaping, the aesthetics of building design, and the design of the public right-of-way (the sidewalks, connected streets and paths, bike lanes, the width of streets) - are all factors that can influence the attractiveness of living in a compact development and facilitate the ease of walking and biking to work or neighborhood services. Good site and architectural design is an important factor in creating a sense of community and a sense of place.
7. Natural Resources Conservation: This principle encourages the incorporation of public use open space (such as parks, town squares, trails, and greenbelts) within development projects, over and above state requirements; along with wildlife and plant habitat preservation, agricultural preservation and promotion of environment-friendly practices such as energy efficient design, water conservation and stormwater management, and shade trees to reduce the ground temperatures in the summer. In addition to conserving resources and protecting species, this principle improves overall quality of life by providing places for everyone to enjoy the outdoors with family outings and by creating a sense of open space.

The project is the expansion of an existing regional commercial development (Gateway Phase I). As such, implementation of the project would result in the development of underutilized parcels within an urbanized area (the project site is located within the City

of Woodland's existing Urban Limit Line) and would not create development that is isolated from existing commercial and residential uses.

The project applicant will be required to prepare a Master Conditional Use Permit (CUP), which will include a site plan and architectural review, and will create design standards for alternative transportation, pedestrian and bicycling access, site plans, and architectural review. In addition, as discussed in Chapter 3, Responses to Comments, of the Final EIR, the commercial center would be designed in accordance with the City's Community Design Standards in order to maintain an architectural style that preserves and maintains the City's small-town qualities and agricultural heritage. Furthermore, as indicated in Chapter 3, Project Description, of the Draft EIR, the design of any proposed buildings and architectural elements would have to comply with the following: (1) the City of Woodland General Plan; (2) the City of Woodland Community Design Guidelines; and (3) the architectural character of the Woodland Gateway Phase I development. Based on the foregoing, the proposed project would be required to meet all of the City design standards and policies, and would be reviewed by the Planning Commission to ensure compliance.

Mitigation measures applied to the proposed project require fair-share contribution to providing transit service and identification of specific locations for sheltered transit stops. In addition, the mitigation requires bicycle and pedestrian facilities along public roadways and the project's main driveway. Air quality and greenhouse gas mitigation measures require emission reduction methodologies that include energy efficient buildings and site design to take advantage of shade, sun and landscaping, as well as other options.

DEVELOPMENT AGREEMENT

The Woodland Gateway Phase II project requires the approval of a Development Agreement. The Development Agreement for the project focuses on issues such as uses on the project site, site/building design, urban decay, sustainability (including solar and "green" components), traffic, bicycle/pedestrian/transit, parking, water/storm drain/sewer, and public art.

DEVELOPMENT STANDARDS

Design Standards: Development of the project site is not included as part of the application and the entitlements are policy-level approvals only. Detailed project design approvals would be required at the time of development of the site as part of a subsequent application(s). Future development on the project site is subject to the design requirements set forth in City's General Plan and Community Design Standards. As noted in the Development Agreement, a Master Conditional Use Permit will be required. As part of that application, a list of uses and design guidelines will be submitted. At the time of the specific project review, key design elements will be evaluated including architecture of the new development, site layout, as well as landscaping.

Mitigation Monitoring and Reporting Program (MMRP): The California Environmental Quality Act (CEQA) provides that when an agency approves a project for

which mitigation is required, that agency must adopt a MMRP that ensures the mitigation measures will be implemented. The MMRP includes those mitigation measures identified in the EIR that are the responsibility of the lead agency to implement. The Woodland Gateway Phase II MMRP is contained in Chapter 4 of the Final EIR and as Exhibit B of Attachment A, Resolution Certifying the EIR, of this staff report.

Follow-up CEQA Review: Each individual project application must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared. If a later application would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration. If the agency finds no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR and no new environmental document would be required. All mitigation of the program EIR must be applied to the proposed project.

ZONING ORDINANCE CONSISTENCY

Because the project site is located outside the City limits, the City of Woodland does not currently have a zoning designation for the site. The current Yolo County zoning designation is Agriculture (A-1). Rezoning of 61.3 acres of the site to General Commercial (C-2) and 92.7 acres to Agriculture (A-1) is proposed as part of the project. The A-1 zoning is intended to maintain the existing agricultural uses on the related portion of the project site. Rezoning of C-2 is in order to accommodate up to 340,000 s.f. of future commercial development. The C-2 zone allows a variety of retail, auto, food sale, office, and other general commercial uses. The A-1 zone is intended to preserve agricultural use, preserve land suited for eventual development in other uses, and provide appropriate areas for certain predominately open uses of land which are not harmful to agricultural uses.

Future development on the project site would be subject to design approvals by the City to ensure consistency with local design standards, codes, and ordinances. A Master Conditional Use Permit would be required for the first future development project on the site, which would include a list of uses and design guidelines. All subsequent projects on the site would be required to comply with the Master Conditional Use Permit.

CONSISTENCY WITH OTHER LAND USE PLANS

The project site does not fall within the planning area of any other relevant specific plans, area plans, redevelopment plans, airport land use plans, or other such adopted land use plans of the City.

RECOMMENDATION: Staff recommends approval of the project by making an affirmative motion as follows:

MOTION #1 I move that the Planning Commission make a recommendation to the City Council for the approval of the Woodland Gateway Phase II project based on the identified Findings of Fact by recommending the following actions:

1. Adopt the attached Resolution No. _____, certifying the Program EIR, adopting the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Woodland Gateway Phase II project, and approving the project (Attachment A);
2. Adopt the attached Resolution No. _____, approving the application for annexation of the 154-acre Woodland Gateway Phase II project site to the City of Woodland (Attachment B);
3. Adopt the attached Ordinance No. _____, approving the rezoning 61.3 acres to General Commercial (C-2) and 92.7 acres Agriculture (A-1) for the Woodland Gateway Phase II project site (Attachment C);
4. Adopt the attached Resolution No. _____, approving a General Plan Amendment to modify the land use designation on the Woodland Gateway Phase II project site from Urban Reserve (UR) to General Commercial (GC) for the 61.3 acre portion of the site (Attachment D);
5. Adopt the attached Resolution No. _____, approving a General Plan Amendment to modify the acceptable level of service (LOS) from C to D for CR 102 from Maxwell Avenue south to the City Limits (Attachment E).
6. Adopt the attached Ordinance No. _____, approving the City of Woodland Development Agreement concerning the Woodland Gateway Phase II project (Attachment F).

OR

Should the Commission decide to deny the project, the motion should be made as follows:

MOTION #2 I move that the Planning Commission recommend denial of the Woodland Gateway Phase II project, based on the identified Findings of Fact (specify findings)

ATTACHMENTS:

- A. Resolution Certifying the Program EIR and adopting Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program (included as Exhibits to the Resolution)
- B. Resolution Approving the Annexation
- C. Ordinance Approving the Rezoning
- D. Resolution Approving the General Plan Amendment Related to Land Use Designations
- E. Resolution Approving a General Plan Amendment Related to LOS
- F. Ordinance Approving the Development Agreement

Final EIR distributed under separate cover.

ATTACHMENT H

RESPONSE TO COMMENTS

	RESPONSES TO COMMENTS
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Responses to Comments includes responses to each of the comment letters submitted following the July 7, 2011 Planning Commission hearing regarding the Woodland Gateway Phase II Final EIR. Each bracketed comment letter is followed by numbered responses to each bracketed comment.

As an initial matter, CEQA does not require that the City of Woodland (the “City”) respond to the late comment letters (See State CEQA Guidelines Section 15088(a) [responses not required where letters are received after close of CEQA comment period]). Nonetheless, the City is providing these responses in order to provide a complete and accurate record.

Letter 1

LAFCO

*Yolo County Local Agency Formation Commission
625 Court Street, Suite 203, Woodland, CA 95695
lafco@yolocounty.org (email) www.yololafco.org (web)
(530) 666-8048 (office)*

July 7, 2011

Dave Sanders
Chair
City of Woodland Planning Commission
300 First Street
Woodland, CA 95695

Dear Mr. Sanders:

1-1

The Yolo Local Agency Formation Commission (LAFCO) received the Notice of Public Hearing for the Woodland Gateway Phase II Project and related items on June 24, 2011. The applicant proposes annexation of 154 acres, 61.3 of which would be rezoned and designated General Commercial (C-2) in the City's General Plan and 92.7 of which would be rezoned Agricultural (A-1). There is no indication of a General Plan

1-2

amendment for the agriculturally rezoned land. The proposed project revisions raise several questions and issues with regard to inconsistent land use actions and annexation of agricultural land.

1-3

The proposed agricultural rezoning is not consistent with the City's General Plan designation of Urban Reserve; zoning and development plans are required to be consistent with the General Plan. LAFCO law specifies that the Commission should base decisions for annexation proposals on the City's general plan and rezoning. If these land use actions are not compatible, Government Code Section 56375 and the Yolo LAFCO's Standards of Evaluation specify that development plans for annexation should be based on the City's General Plan.

1-4

Yolo LAFCO will have to defer to the Urban Reserve Designation in the City's General Plan for land use considerations; however, the Commission cannot make required determinations with respect to potential service needs and impacts based on this designation. Urban reserve is a term used by the City of Woodland to identify areas that

COMMISSIONERS

* Public Member Olin Woods, Chair *
* County Member Matt Rexroad, Vice Chair *
* City Members Stephen Souza, Skip Davies * County Member Don Saylor *

ALTERNATE COMMISSIONERS

* Public Member Robert Ramming * City Member Bill Kristoff * County Member Jim Provenza *

STAFF

* Interim Executive Officer Elisa Carvalho *
* Commission Clerk Terri Tuck * Commission Counsel Robyn Truitt Drivon *

Letter 1

Cont'd

July 7, 2011

1-4
Cont'd

it anticipates using for urban development; however, it provides no indication of what type of development is anticipated.

1-5

Even if the City's agricultural prezoning and the General Plan were consistent, annexation of agricultural land is in conflict with the principles of LAFCO state mandates and Yolo LAFCO policies. Annexation of land to a City supposes urban development. Government Code Section 56377(b) states "development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency." This section implies that the area within a City or other jurisdiction is to be for development, not agriculture or major open space.

1-6

Any annexation of agricultural land is discouraged; however, if the applicant insists on annexation of agricultural land, LAFCO staff would recommend a permanent easement be placed on the property to ensure that development does not occur on the property and that it is clearly set aside for agriculture.

1-7

If the intention is to develop 92.7 acres at a later time, then annexation of that property may be premature. According to Yolo LAFCO's Agricultural Conservation Policy, LAFCO will consider the "likelihood that all or a substantial portion of the subject land will develop within a reasonable period of time for the project's size and complexity" (page 5) in considering annexation of prime agricultural lands. The applicant may want to consider annexing just the 61.3 acres of general commercial land into the City. The applicant would have to do a lot line adjustment with the County, separating the commercial and agriculture properties into two separate parcels as the Commission disfavors boundaries that split lines of assessment or legal parcel boundaries (Yolo LAFCO Standards of Evaluation, page 4).

1-8

Annexation and development of land will require agriculture mitigation for all prime land. The revised Final EIR states in the Response to Comment 5-2 that the "mitigation measure is intended to mitigate for the loss of agricultural land for the commercial acreage only" (page 3-63). The Commission prefers that mitigation measures consistent with the Agricultural Conservation Policy be in place at the time a proposal is filed with the Commission. If the agricultural property is intended for development at a later time, the Commission may require an adopted ordinance or resolution from the City "requiring the applicant to have the mitigation measure in place before the issuance of either a grading permit, a building permit, or final map approval" (Agricultural Conservation Policy, page 9) for prime agricultural land on the entire 154 acre site.

1-9

Additionally, agricultural mitigation is required for all prime agricultural land, whether or not it is actively farmed. The Draft EIR Revised Mitigation Measure 4.1-3 states: "for the General Commercial portion of the project (61.3 acres), the project applicant shall dedicate in perpetuity an agricultural conservation easement at a ratio of 1:1 of 'active'

July 7, 2011

1-9
Cont'd

agricultural acreage" (page 3-63). The Yolo LAFCO Conservation Policy requires mitigation of all prime agricultural land. Agricultural land is defined as an area that is zoned or designated in the general plan for agriculture.

1-10

According to the Final EIR, the applicant revised the proposed project in response to public comments received on the Draft EIR. If the initial analysis did not satisfactorily address all issues associated with the initial project, then it is assumed that additional analysis would have to be done on the 92.7 acres of agricultural land when additional development is planned. This approach may violate the CEQA rule that discourages segmenting or piecemealing of projects into small parts to avoid full disclosure of environmental impacts.

1-11

Yolo LAFCO staff appreciates the opportunity to continue to comment on the Woodland Gateway Phase II Project and Final EIR and looks forward to working with the City of Woodland to continue to address issues concerning incompatible land use actions and annexation of agriculturally zoned land, which include considerations regarding future development, agricultural mitigation, and additional environmental analysis.

Please contact me if you have additional questions.

Sincerely,



Elisa Carvalho
Interim Executive Officer

Attachments:

1-12

Yolo LAFCO Agricultural Conservation Policy

1-13

Yolo LAFCO Standards of Evaluation

RESOLUTION 2007-07
YOLO COUNTY LOCAL AGENCY FORMATION COMMISSION
(STANDARDS OF EVALUATION OF ANNEXATION, EXCLUSION, FORMATION,
CHANGE OF ORGANIZATION AND REORGANIZATION PROPOSALS)

WHEREAS, the concept of the local agency formation commission established by State law is based on the belief that the structure of local government in California should be determined and effected on a local or regional basis rather than be determined and imposed by the government at the State level; and

WHEREAS, Section 56301 of the Government Code specifies that among the purposes of a local agency formation commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local governmental agencies based upon local conditions and circumstances; and

WHEREAS, the Yolo County Local Agency Formation Commission places a high priority on the preservation of agricultural land in Yolo County and also promotion or maintenance of social and economic mix in Yolo County communities; and

WHEREAS, Section 56375(g) of the Government Code authorizes the Yolo County Local Agency Formation Commission to adopt procedures and standards for the evaluation of proposals for the creation of cities or special districts as well as proposals for the annexation and detachment of territory to and from local agencies within the County; and

WHEREAS, such standards for evaluation of proposals can also serve as guidelines for the use by the communities and the County in organizing their governmental structures to cope with present and future growth; and

WHEREAS, from time-to-time, this Commission has adopted standards for evaluation of various proposals; and

WHEREAS, Government Code §56668(o) now mandates that a LAFCO consider the extent to which the proposal will promote environmental justice (as defined therein) when reviewing a proposal; and

WHEREAS, this Commission wishes to amend its current Standards of Evaluation to incorporate and address the requirements of Government Code §56668(o), as set forth below.

NOW, THEREFORE, BE IT IS HEREBY FOUND, ORDERED AND RESOLVED by the Yolo County Local Agency Formation Commission as follows:

1. Each of the foregoing recitals is true and correct.
2. The following standards are adopted for the evaluation of proposals for a change of organization or reorganization of local agencies:

A. Choice of Entity

1. The provision of municipal services in highly urbanized areas by cities rather than by counties or special districts is favored.
2. The further development of single purpose autonomous districts is disfavored.
3. The formation of multi-purpose special districts contiguous to existing cities is disfavored.
4. The creation of a multiplicity of small cities is disfavored.
5. Accommodating additional growth within, or through the expansion of, the boundaries of those local agencies which can best accommodate and provide necessary governmental services and housing for persons and families of all incomes in the most efficient manner feasible is favored.

B. Duplication of Authority

The inclusion of territory within a city in one or more districts with common powers, or within two or more districts with common powers, is disfavored. The Commission shall determine whether an application violates the policy set forth in the preceding sentence. If the determination is in the affirmative, the Commission shall provide each affected city or district an opportunity to express its views to the Commission.

C. Territory to be Included

1. The division of existing identifiable communities is disfavored, but at the same time the inclusion of heterogeneous economic and social interests within the same entity is favored.
2. The division of existing communities identifiable on the basis of appreciable social, economic, or other factors is disfavored.
3. The division of existing commercial districts is disfavored.
4. The inclusion of contiguous or nearby urban areas within the same entity is favored.
5. The inclusion of separate existing contiguous or nearby communities identifiable on the basis of appreciable, social, economic, or other factors is favored.
6. Consistency with current spheres of influence is favored.
7. Conformity with appropriate city or county general and specific plans is favored.
8. The location of boundary lines of areas proposed for annexation to cities or districts so as to promote productivity and preservation of agricultural land is favored.
9. Proposals which result in significant or serious operational or economic

problems or disruptions of existing services in remaining adjacent territory are disfavored.

D. Economic Feasibility of Proposed Formations

1. If the proposal is for the formation of a new agency, the proponents shall demonstrate the economic feasibility of the proposed formation, taking into account both the assessed valuation of the subject territory and any other sources of revenue, compared to the type and cost of the services proposed to be provided. Any economic feasibility study shall include and address the following considerations:
 - a. Infrastructure needs or deficiencies.
 - b. Growth and population projections for the affected area.
 - c. Financing constraints and opportunities.
 - d. Cost avoidance opportunities.
 - e. Opportunities for rate restructuring.
 - f. Opportunities for shared facilities.
 - g. Government structure options, including advantages and disadvantages of consolidation or reorganization of service providers.
 - h. Evaluation of management efficiencies.
 - i. Local accountability and governance.
2. A proposal for the formation of a new agency shall also be accompanied by an analysis of the availability and economic feasibility of obtaining the proposed services from other private and public agencies.

E. Future Service

1. In evaluating a proposal, the Commission shall consider not only present service needs of the area under consideration, but shall also consider future services which may be required to take care of future growth or expansion.
2. If a proposal is submitted to extend services into a previously unserved unincorporated area or to create a new service provider with the power or authority to extend services to urban type development in a previously unserved unincorporated area, the Commission will review the proposal to ensure that it is consistent with the policies set forth in State law and local LAFCO policies.

F. Description, Service Plan and Timetable Required

Any proposal to shall be accompanied by a service plan and extension of services and completion of any related development project.

G. Terms or Conditions

1. Any term or condition recommended for the Commission to impose pursuant to §5688.5.5 et seq. must be presented by a statement in writing that includes a description of each proposed term and condition.
2. If the term or condition is proposed by an affected public agency, the statement in writing must be signed by the chief legislative or administrative officer of the agency.
3. If the term or condition is proposed by a proponent, it must be signed by one of the proponents.
4. In the absence of protest, the Commission shall evaluate the proposed terms and conditions on the basis of the written statement
5. In the case of a protest that is not resolved at the public hearing, the Commission may direct the Executive Officer to negotiate with the opposing parties and may also authorize independent evaluation of issues involved in the dispute.

H. Boundaries

1. **Definiteness**
 - a. Boundary descriptions of territory included in any proposal shall be definite and certain.
 - b. If the Commission determines that the boundary is indefinite or uncertain, it shall refer the proposal back to the proponents and require the proponents to submit a reviewed boundary description at the public hearing which is certified by the County Surveyor as being definite and certain.
2. **Preparation by County Surveyor**
If the Commission requires the inclusion of territory in addition to that proposed in an application, it may direct the County Surveyor to prepare a new boundary description.
3. **Boundaries: Splitting Lines of Assessment**
Boundaries that split lines of assessment or legal parcel boundaries are disfavored.
4. **Boundaries: Course**
Boundaries which follow existing political boundaries, and natural or manmade features such as rivers, lakes, railroad tracks, roads and freeways are favored.
5. **Boundaries: Islands, Strips, Corridors**
Boundaries which create islands, strips, or corridors are disfavored.
6. **Boundaries: Streets**

- a. Boundary lines of areas proposed for annexation to cities or districts, which include, where possible, land abutting both sides of a given street or right of way within the same entity are favored.
- b. When a boundary must follow a street or highway, the boundary will include the complete right of way for the entire street or highway.

I. Pre-Zoning

Any proposal for the annexation of territory to a city shall be accompanied by the city's general plan and pre-zoning for that territory, including the planned and probable use of the territory based upon the general plan and pre-zoning designations.

J. Regional Housing

Yolo County LAFCO encourages all pertinent agencies, both public and private, to collaborate on effective solutions to introduce more affordable housing into the County, including more housing for farm workers.

A proposal's effect on a city or cities and the County's ability to achieve their respective fair shares of the regional housing needs as determined by the Sacramento Area Council of Governments (SACOG) shall be considered. In such consideration, the Commission shall review all relevant information presented to it, including but not be limited to, the following:

- 1. The agency's regional housing needs allocation as determined by SACOG;
- 2. Whether the affected agency has recently updated (within five years) the housing element of its general plan;
- 3. Whether the affected agency has a certified housing element in its general plan;
- 4. Whether the agency has an inclusionary housing ordinance that meets the minimum standard of the SACOG Affordable Housing Compact;
- 5. The degree to which the agency has zoned adequate amounts and quality of land for housing;
- 6. The degree to which development within the agency has met that agency's its "low income" and "very low income" housing targets as determined by SACOG;
- 7. Whether an agency had recently changed the affected territory's zoning from residential to a non-residential use;
- 8. The extent to which the territory to be annexed will advance, or inhibit, the principles, goals, objectives, policies, and standards of the agency's housing element;
 - a. Whether the territory to be annexed to a city will reduce another jurisdiction's ability to meet its housing element;

- b. Whether the proposal will advance or inhibit the agency's and other agencies' jobs/housing balance; and
- c. In cases where the territory to be annexed will be used for non-residential purposes, whether said territory was designated for housing by another agency.

K. Water and Water Availability

1. For any proposal that entails the provision of water services, the timely availability of water supplies adequate for projected needs will be evaluated as specified in Government Code §§ 56668(k) and 65352.5.
2. The applicant will provide information that addresses the factors set forth in Government Code §65352.5(c).
3. The applicant will also provide sufficient information for the Commission to determine that adequate services, facilities, and improvements can be provided and financed by the agency responsible for the provision of water services, including but not limited to:
 - a. A "will serve" letter from the agency dated within six (6) months of the date of the Commission's consideration of the proposal; or
 - b. An agreement between the developer and the agency sufficient for the agency to provide water services.
4. In evaluating the annexing agency's capacity to provide water, the Commission shall take into account the agency's ability to acquire the resources necessary to provide this service, including but not limited to securing water rights.
5. Annexation to an agency that has a cease and desist order, water connection moratorium, or similar service limitation preventing it or directing it not to issue additional water connections is disfavored.
6. The Commission may waive any of the foregoing requirements on a case-by-case basis if it determines there is a public health or safety threat that justifies the extension of water service.

L. Environmental Justice

The extent to which the proposal will promote environmental justice shall be considered. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

M. Property Tax Transfer Negotiations

Property tax exchange negotiations must be completed and filed with the Executive Officer before a Certificate of Filing may be issued.

N. Justification

Any interested party may show justification for a proposal which violates the

criteria set forth in this Resolution.

O. Use of Standards

In the evaluation of a proposal, the Commission shall consider these Standards for Evaluation, the Agricultural Conservation Policy, the Land Evaluation and Site Assessment model, any applicable sphere of influence, and any other criteria and requirements as may be adopted by the Commission from time-to-time, the requirements and criteria set forth in the Local Government Reorganization Act of 2000 (as it may be amended from time-to-time), including but not limited to Section 56668, any relevant information concerning the proposal, the environmental review document, the Executive Officer's report, presentations of all interested parties at the public hearing, and any other relevant information as may be submitted to the Commission in connection with its consideration of the proposal.

3. This Resolution supersedes and replaces Resolution No. 2005-13, and those provisions (if any) of any other resolution in conflict herewith.

PASSED AND ADOPTED by the Yolo County Local Agency Formation Commission, County of Yolo, State of California, on the 10th day of December, 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

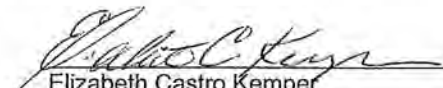

Olin Woods, Chair

Approved as to form:


Stephen Nocita, Commission Counsel

CERTIFICATION

I hereby certify that the foregoing resolution adopting the Standards of Evaluation was duly and regularly introduced, passed and adopted by the Yolo County Local Agency Formation Commission at a regular meeting of said Commission held on the 10th day of December, 2007.


Elizabeth Castro Kemper
Executive Officer

Resolution No. 2007-07

Adopted December 10, 2007

Yolo County Local Agency Formation Commission

Agricultural Conservation Policy **6-25-07**



Sunflower Field, Yolo County, California

LAFCO

Yolo County Local Agency Formation Commission
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lafco@yolocounty.org

COUNTY OF YOLO
LOCAL AGENCY FORMATION COMMISSION
AGRICULTURAL CONSERVATION POLICY
(Adopted by Minute Order 94-4 Amended by Minute Orders 2002-25,
2003-03, 2003-41, 2005-05, 2005-56, 2006-02, and 2007-25)

I. Legislative Mandate

- A. California Government Code §56377 mandates LAFCO consider the following factors:
 - 1. In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider all of the following policies and priorities:
 - a. Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing non-prime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.
 - b. Development of existing vacant or non-prime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside of the existing sphere of influence of the local agency.
- B. Given the direction outlined by the California Legislature in Government Code section 56377, the Yolo County LAFCO adopts the following policies in respect to the conversion of agricultural land to urban uses. This policy is meant to apply both to city and special district changes of organization when urban development is the ultimate goal.

II. Policy Statement

- A. Agriculture is a vital and essential part of the Yolo County economy and environment. Agriculture shapes the way Yolo County residents and visitors view themselves and the quality of their lives. Accordingly, boundary changes for urban development should only be proposed, evaluated, and approved in a manner which, to the fullest extent feasible, is consistent with the continuing growth and vitality of agriculture within the county.

III. Policy Guidelines

- A. To promote the policy statement, proposals shall be reviewed based on the following considerations:
 - 1. Existing developed areas should be maintained and renewed.
 - 2. Vacant land within developed areas should be developed before agricultural land is annexed for non-agricultural purposes.
 - 3. Land substantially surrounded by existing agency boundaries should be annexed before other lands.
 - 4. Urban development should be restricted in agricultural areas. For example, agricultural land should not be annexed for non-agricultural purposes when feasible alternatives exist.
 - 5. The continued productivity and viability of agricultural land surrounding existing communities should be promoted, by preventing the premature conversion of agricultural land to other uses and, to the extent feasible, minimizing conflicts between agricultural and other land uses.
 - 6. Development near agricultural land should not adversely affect the economic viability or constrain the lawful, responsible practices of the agricultural operations.
- B. In considering the completeness and appropriateness of any proposal, the Executive Officer and this Commission may require proponents and other interested parties to provide such information and analysis as, in their judgment, will assist in an informed and reasoned evaluation of the proposal in accordance with this policy.
- C. No change of organization shall be approved unless it is consistent with the Spheres of Influence of all affected agencies.
- D. Where feasible, non-prime land should be annexed before prime land.
- E. A land's current zoning, pre-zoning or land use designation is one of the factors the Commission will consider in determining whether mitigation will be required for the loss of agricultural land. A land's zoning, pre-zoning or designation in the city's or County's general plan does not automatically exempt it from mitigation.
- F. The Commission encourages local agencies to adopt policies that result in efficient, coterminous and logical growth patterns within their general plan and sphere of influence areas and that encourage protection of prime agricultural land in a manner that is consistent with this Policy.
- G. The Commission encourages the maintenance of agricultural inter-city buffers between the cities. The Commission encourages the cities and the County to formalize and strengthen existing, but non-binding, agreements maintaining agricultural buffers

- H. The Commission encourages local agencies to identify the loss of prime agricultural land as early in their processes as possible, and to work with applicants to initiate and execute plans to mitigate for that loss, in a manner that is consistent with this Policy, as soon as feasible. Local agencies may also adopt their own agricultural conservation policies, consistent with this Policy, in order to better meet their own circumstances and processes.
- I. Unless otherwise provided in this Policy, the provisions of this Policy shall apply to all proposals requiring approval by the Yolo County Local Agency Formation Commission, including but not limited to, any proposal for approval of a change of organization, reorganization, or out-of-agency service agreement.
- J. This Policy applies to proposals of both public agencies and private parties. However, the Commission recognizes that there are significant differences between public agencies and private parties. In light of those differences, in some circumstances it may not be appropriate to require mitigation for the loss of prime agricultural land as would otherwise be required by this Policy.

A fundamental difference is that public agencies are generally responsible to the electorate, while private parties are not. Public agencies are also generally required to provide Constitutionally or statutorily (or both) mandated services. In addition, a public agency is generally required, by law or policy considerations, to locate its facilities within its boundaries, while a private party has no such constraints.

Public agencies are also generally subject to Constitutional or statutory constraints (or both) on their ability to raise revenues. Public agencies often experience increases in demand for services that are not (and often cannot) be accompanied by equivalent increases in revenues. In light of these and other fiscal constraints that are currently imposed upon public agencies, a mitigation requirement could result in an additional cost to a public agency that it is unable to recoup by increasing its revenues, which in turn could impair the agency's ability to provide its Constitutionally and statutorily mandated services.

In addition, unlike private parties, public agencies are often exempt from the land use controls and regulations of other public agencies, despite the fact that the activities of the former occur within the boundaries of the latter. Although a public agency might request input from other local agencies, it is not necessarily bound by or required to follow their local planning requirements. As a result, a public agency's development or construction activities may not be subject to the same degree of control as a private party, and it might not learn of a mitigation requirement until after it has completed significant portions of the planning processes that are required by law.

Based upon the foregoing factors, the Commission concludes that, in the case of proposals that are undertaken exclusively for the benefit of a public agency, the Commission should review the applicability of the mitigation requirements set forth in this Policy on a case-by-case basis to determine the appropriateness of requiring mitigation in any particular case.

IV. Policy Standards and Implementation

- A. Detachment of prime agricultural lands and other open space lands shall be encouraged if consistent with the sphere of influence for that agency.
- B. Annexation of prime agricultural lands shall not be approved unless the following factors have been considered:
 - 1. There is insufficient marketable, viable, less prime land available in the subject jurisdiction for the proposed land use.
 - 2. The adoption and implementation of effective measures to mitigate the loss of agricultural lands, and to preserve adjoining lands for agricultural use to prevent their premature conversion to other uses. Such measures may include, but need not be limited to: the acquisition and dedication of farmland, development rights, open space and conservation easements to permanently protect adjacent and other agricultural lands within the county; participation in other development programs (such as transfer or purchase of development rights); payments to responsible, recognized government and non-profit organizations for such purposes; the establishment of open space and similar buffers to shield agricultural operations from the effects of development.
- C. Annexation for land uses in conflict with an existing agricultural preserve contract shall be prohibited, unless the Commission finds that it meets all the following criteria:
 - 1. The area is within the annexing agency's sphere of influence.
 - 2. The Commission makes findings required by Government Code Section 56856.5.
 - 3. The parcel is included in an approved city specific plan.
 - 4. The soil is not categorized as prime.
 - 5. Mitigation for the loss of agricultural land has been secured at least at a 1:1 ratio of agricultural easements for the land lost.
 - 6. There is a pending, or approved, rescission for the property that has been reviewed by the local jurisdictions and the Department of Conservation.
 - 7. The property has been non-renewed if still awaiting rescission approval.

- D. Less prime agricultural land generally should be annexed and developed before prime land is considered for boundary changes. The relative importance of different parcels of prime agricultural land shall be evaluated based upon the following (in a descending order of importance):
1. Soil classification shall be given the utmost consideration, with Class I or II soil receiving the most significance, followed by the Storie Index Rating.
 2. Consideration shall also be given to the land's economic viability for continued agricultural use.
- E. LAFCO will approve a change of organization which will result in the conversion of prime agricultural land in open space use to other uses only if the LAFCO finds that the proposal will lead to planned, orderly, and efficient development. The following factors shall be considered:
1. Contiguity of the subject land to developed urban areas.
 2. Receipt of all other discretionary approvals for changes of boundary, such as rezoning, environmental review, and service plans as required by the Executive Officer before action by LAFCO. If not feasible before LAFCO acts, the proposal can be made contingent upon receipt of such discretionary approvals within not more than one (1) year following LAFCO action.
 3. Consistency with existing planning documents of the affected local agencies, including a service plan of the annexing agency or affected agencies.
 4. Likelihood that all or a substantial portion of the subject land will develop within a reasonable period of time for the project's size and complexity.
 5. The availability of less prime land within the sphere of influence of the annexing agency that can be developed, and is planned and accessible, for the same or a substantially similar use.
 6. The proposal's effect on the physical and economic viability of other agricultural operations. In making this determination, LAFCO will consider the following factors:
 - a. The agricultural significance of the subject and adjacent areas relative to other agricultural lands in the region.
 - b. The existing use of the subject and adjacent areas.
 - c. Whether public facilities related to the proposal would be sized or situated so as to facilitate the conversion of adjacent or nearby agricultural land, or will be extended through or adjacent to, any other agricultural lands which lie between the project site and existing facilities.

- d. Whether natural or man-made barriers serve to buffer adjacent or nearby agricultural land from the effects of the proposed development.
- e. Provisions of the General Plan's open space and land use elements, applicable growth management policies, or other statutory provisions designed to protect agriculture. Such provisions may include, but not be limited to, designating land for agriculture or other open space uses on that jurisdiction's general plan, adopted growth management plan, or applicable specific plan; adopting an agricultural element to its general plan; and acquiring conservation easements on prime agricultural land to permanently protect the agricultural uses of the property.
- f. The establishment of measures to ensure that the new property owners shall recognize the rights of adjacent property owners conducting agricultural operations and practices in compliance with the agricultural zone in accordance with the Right to Farm Ordinance adopted by the Yolo County Board of Supervisors.

F. Agricultural Mitigation

- 1. Except as expressly noted in subsection 8 and 9 below, annexation of prime agricultural lands shall not be approved unless one of the following mitigations has been instituted, at not less than a 1:1 replacement ratio:
 - a. The acquisition and dedication of farmland, development rights, and agricultural conservation easements to permanently protect adjacent and other agricultural lands within the County.
 - b. The payment of fees that are sufficient to fully fund the acquisition and maintenance of such farmland, development rights or easements. The per acre fees shall be specified by a Fee Schedule or Methodology, which may be periodically updated at the discretion of the Commission (Refer to the Yolo County LAFCO "Payment In Lieu Fee Methodology").
 - c. Any such measures must preserve prime agricultural property of reasonably equivalent quality and character that would otherwise be threatened, in the reasonably foreseeable future, by development and/or other urban uses.
- 2. The loss of fewer than twenty (20) acres of prime agricultural land generally shall be mitigated by the payment of in lieu fees as mitigation rather than the dedication of agricultural conservation easements. The loss of twenty (20) acres or more of prime agricultural land generally may be mitigated either with the payment

- of in lieu fees or the dedication of agricultural conservation easements. In all cases, the Commission reserves the right to review such mitigation on a case-by-case basis.
3. If an applicant provides agricultural easements to satisfy this requirement, the easements must conform to the following characteristics:
 - a. The land used to mitigate the loss of prime agricultural land must also be prime agricultural land as defined in this Policy and the Cortese-Knox-Hertzberg Act (Government Code 56000 et. seq.).
 - b. In addition, it must also be of reasonably equivalent quality and character as the mitigated land as measured using both of the following methodologies:
 - (i). Average Storie Index – The USDA calculation methodology will be used to calculate the average Storie Index score. The mitigating land's average Storie Index score shall be no more than 10% less than the mitigated land's average Storie Index score.
 - (ii). Land Equivalency and Site Assessment ("LESA") Model – The LESA calculation shall be in accordance with the methodology adopted by this Commission. The mitigating land's LESA score shall be no more than 10% below the mitigated land's LESA score
 4. As a general rule, the Commission will not accept, as mitigation required by this Policy, an agricultural conservation easement or property that is "stacked" or otherwise combined with easements or property acquired for habitat conservation purposes, nor for any other purposes that are incompatible with the maintenance and preservation of economically sound and viable agricultural activities and operations. The Commission retains the discretion to make exceptions on a case-by-case basis, based upon the following criteria:
 - a. Whether the applicant made a good-faith effort to mitigate separately for the loss of habitat in accordance with the Yolo County Habitat/Natural Community Conservation Plan process but such efforts were infeasible, and
 - b. Whether the proposed "stacked" mitigation for the loss of prime agricultural land and habitat involves one of the following, whichever results in the greatest acreage of preserved land:
 - (i). Mitigation at a ratio of no less than 2:1 for the loss of prime agricultural soils; or

- (ii). Mitigation at a ratio of no less than 1:1 for the loss of all agricultural lands in the proposal area; or
 - (iii). The property subject to the agricultural conservation easement is larger than the proposal area, meets the conditions specified in this Policy, and encompasses a complete field, legal parcel, or farm line.
5. The presence of a home on land that is subject to an agricultural conservation easement is generally incompatible with the maintenance and preservation of economically sound and viable agricultural activities and operations on that land. The presence or introduction of a home may diminish the value of the agriculture conservation easement as mitigation for the loss of prime agricultural land. Consequently, an agricultural conservation easement will generally not be accepted as mitigation for the loss of prime agricultural land if the easement permits the presence of a home, except an existing home that has been present on the proposed easement for at least twenty-five (25) years, or construction of a comparable replacement for such a home.
- Exceptions to this section of the Policy may be granted by the Commission on a case-by-case basis if the homesite is less than two acres and if the applicant can provide sufficient evidence that a homesite on the agriculture conservation easement is necessary to further the goals of maintaining and preserving economically sound and viable agricultural activities and operations on that easement.
6. LAFCO favors the use of a local non-profit agricultural conservation entity or the regional branch of a nationally recognized non-profit agricultural conservation entity as the easement holder.
- The Commission will use the following criteria when approving the non-profit agricultural conservation entity for these purposes:
- a. Whether the entity is a non-profit organization that is either based locally or is a regional branch of a national non-profit organization whose principal purpose is holding and administering agricultural conservation easements for the purposes of conserving and maintaining lands in agricultural production;
 - b. Whether the entity has a long-term proven and established record for holding and administering easements for the purposes of conserving and maintaining lands in agricultural production;
 - c. Whether the entity has a history of holding and administering easements in Yolo County for the foregoing purposes;

- d. Whether the entity has adopted the Land Trust Alliance's "Standards and Practices" and is operating in compliance with those Standards; and
- e. Any other information that the Commission finds relevant under the circumstances.

A local public agency may be an easement co-holder if that agency was the lead agency during the environmental review process.

LAFCO also favors that applicants transfer the easement rights or in lieu fees directly to the recognized non-profit agricultural conservation entity in accordance with that entity's procedures.

The Commission retains the discretion to determine whether the agricultural conservation entity identified by the applicant and the local lead agency has met the criteria delineated above.

- 7. The Commission prefers that mitigation measures consistent with this Policy be in place at the time that a proposal is filed with the Commission. The loss of prime agricultural land may be mitigated before LAFCO action by the annexing city, or the County of Yolo in the case of a district annexation, provided that such mitigation is consistent with this Policy. LAFCO will use the following criteria in evaluating such mitigation:
 - a. Whether the loss of prime agricultural land was identified during the project's or proposal's review process, including but not necessarily limited to review pursuant to the California Environmental Quality Act;
 - b. Whether the approval of the environmental documents included a legally binding and enforceable requirement that the applicant mitigate the loss of prime agricultural land in a manner consistent with this Policy; and
 - c. Whether, as part of the LAFCO application, an adopted ordinance or resolution was submitted confirming that mitigation has occurred, or requiring the applicant to have the mitigation measure in place before the issuance of either a grading permit, a building permit or final map approval for the site.
- 8. As noted in III(J) of this Policy, the Commission has concluded that, in the case of proposals that are undertaken exclusively for the benefit of a public agency, the Commission should review the applicability of the mitigation requirements set forth in this Policy on a case-by-case basis to determine the appropriateness of requiring mitigation in any particular case.

In making such a determination, the Commission will consider all relevant information that is brought to its attention, including but not limited to the following factors:

- a. Whether the public agency had any significant, practical option in locating its project, including locating the project on non-prime or less prime agricultural land.
- b. Whether the public agency is subject to or exempt from the land use regulations of another public agency.
- c. Whether the public agency identified the loss of agricultural land as an environmental impact during the project's review, including but not limited to California Environmental Quality Act review, and, if so, whether it adopted a "Statement of Overriding Considerations" for that impact.
- d. When the public agency learned of the agricultural conservation mitigation requirements of the Commission's Policy or that of another public agency (whether or not it was subject to that agency's land use control).
- e. Whether the public agency could reasonably have allocated or obtained sufficient revenues to provide for some or all of the mitigation required by this Policy if it had learned of that requirement before submitting its proposal to this Commission.
- f. Whether the public good served by the public agency's proposal clearly outweighs the purposes served by this Policy and its mitigation requirements.
- g. Whether the proposal is necessary to meet the immediate needs of the public agency.

If the Commission determines that it is not appropriate to require mitigation for the loss of agricultural land resulting from a public agency's proposal, or to require less mitigation than otherwise prescribed by this Policy, it shall adopt findings, and a statement of overriding considerations if applicable, supporting that determination.

9. Mitigation shall not be required for the annexation of less than five (5) acres of land if the Commission finds that the land:
 - a. scores in the fourth tier of the Yolo LAFCO Land Evaluation and Site Assessment (LESA) Model; and
 - b. is "infill" as defined in this Policy; and
 - c. has not been used for active agriculture purposes in the previous 20 years.

V. DEFINITIONS - Except where noted, the following definitions are not defined in the California Government Code Sections 56000 et seq.

AFFECTED LOCAL AGENCY - any agency which contains, or would contain, or whose sphere of influence contains, any territory within any proposal or study to be reviewed by LAFCO (Government Code Section 56014).

AGRICULTURAL LAND - areas within which the primary zoning or general plan designation is AG, AP, or AE, or any other agricultural zone.

FEASIBLE - capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, legal, social, and technological factors (Government Code Section 56038.5).

INFILL LAND - property surrounded, or substantially surrounded, by urban uses or incorporated or special district boundaries.

PRIME AGRICULTURAL LAND - "land, whether a single parcel or contiguous parcels, which has not been developed for a use other than an agricultural use and which meets any of the following qualifications:

- a. Land that qualifies, if irrigated, for rating as Class I or Class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is currently irrigated, provided that irrigation is feasible.
- b. Land that qualifies for rating 80 - 100 Storie Index rating.
- c. Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Handbook on Range and Related Grazing Lands, July, 1967, developed pursuant to Public Law 46, December, 1935.
- d. Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
- e. Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred (\$400) per acre for three of the previous five calendar years.

(Government Code Section 56064)

URBAN DEVELOPMENT - a change of organization that contemplates or is likely to lead to the conversion of land from agricultural use to a primarily nonagricultural related use, generally resulting in the need for services such as sewer, water, fire protection, schools, drainage systems, and police protection.

COUNTY OF YOLO
LOCAL AGENCY FORMATION COMMISSION
AGRICULTURAL CONSERVATION POLICY
PAYMENT IN LIEU FEE METHODOLOGY

In lieu of the dedication of agricultural conservation easements that would otherwise be required by the Agricultural Conservation Policy, the Commission may permit the payment of fees as set forth in this Schedule to fully fund the acquisition and maintenance of farmland, development rights or agricultural conservation easements.

Per Acre Mitigation Fee

No less than 35% of the average per acre price for full and unencumbered fee title price in the last five (5) unimproved land purchases plus a five percent (5%) endowment of the cost of the easement, and the payment of the estimated transaction costs associated with acquiring an easement. The purchases must be within the general vicinity of the annexing entity and of a size equal to or greater than the total acreage of prime soils within the subject territory.

Payment of the In Lieu Fee is to be made directly to an agricultural conservation entity that meets the criteria set forth in Section IV(F)(6) of the Yolo County Local Agency Formation Commission's Agricultural Conservation Policy. The agricultural conservation entity receiving these funds must present to the Commission a letter stating its intention to use these funds for the acquisition of farmland, development rights or agricultural conservation easements in Yolo County whose prime soils are reasonably equivalent to the proposal area's soils and that the location of the easements will be within the general vicinity of the annexing entity and in an area within the County of Yolo that would otherwise be threatened, in the reasonably foreseeable future, by development and/or other urban uses.

Prepared by Yolo County LAFCO Staff
Updated by Yolo County LAFCO – January 23, 2006

Response to Comment 1-1

The comment contains information in regard to the description of the project and does not address the adequacy of the EIR. Therefore, no further response is required (See State CEQA Guidelines § 15088 [responses should address comments on “environmental issues”]).

Response to Comment 1-2

As discussed in the Staff Report, the project requires one General Plan Amendment (GPA) for the 61.3 acres of land that would be rezoned General Commercial (C-2) and another GPA to modify the acceptable level of service (LOS) from C to D for County Road (CR) 102 from Maxwell Avenue south to the City limits. The project does not require a GPA for the 92.7 acres of land that would be rezoned Agricultural (A-1) because it will remain designated Urban Reserve (UR) (See Response to Comment 1-3, below). Therefore, this comment does not raise new environmental impacts or show that impacts would be more severe than evaluated in the Draft EIR. As a result, no further environmental review is necessary.

Response to Comment 1-3

Substantial evidence does not include evidence that is clearly erroneous (See State CEQA Guidelines § 15384[a]). Here, the commenter incorrectly states that the A-1 zone and the Urban Reserve (UR) land use designation are inconsistent. According to Appendix C of the Woodland General Plan Policy Document, A-1 and Open Space (O-S) are the allowed zoning districts under the UR land use designation. The 92.7 acres of the site that would be rezoned A-1 are currently designated UR in the General Plan; therefore, the rezoning would be consistent and a General Plan Amendment is not required. The EIR does not need to be revised to address this comment.

Response to Comment 1-4

The Draft EIR that was prepared for the Woodland Gateway Phase II project assessed the project at a programmatic level and, in order to analyze the potential impacts, the EIR analyzed the impacts at the applicant’s proposed maximum buildout potential of 808,000 s.f. of retail uses, three hotels, one sit-down restaurant, three fast food restaurants, 80,000 square feet of auto uses, and 100,000 square feet of office uses. The degree of specificity in a program-level EIR will necessarily be less than the degree of specificity in a project-level EIR (See State CEQA Guidelines § 15146). In response to public comments received on the Draft EIR, the applicant revised the proposed project description, which reduced the acreage of future development from the entire 154-acre site to 61.3 acres of future commercial and auto development. This also reduced the maximum buildout potential to 340,000 s.f. of retail uses and sites for three auto dealerships. Therefore, the maximum impacts in regard to potential service and infrastructure needs for the project were previously analyzed in the Draft EIR and the revised project would result in fewer impacts. Although the Urban Reserve land use designation does not specify specific uses, the Draft EIR looked at future development of that portion of the site with

commercial uses. The Draft EIR determined that adequate infrastructure exists to serve that potential development. At the time the applicant requests a General Plan Amendment, the infrastructure needs will again be analyzed to confirm that the original Draft EIR conclusions remain accurate.

Response to Comment 1-5

The commenter states that “[...] annexation of agricultural land is in conflict with the principles of LAFCO state mandates and Yolo LAFCO policies.” This comment describes a policy-related issue that will be addressed during the process of submitting the project’s application for annexation to Yolo County LAFCO. The comment does not address the adequacy of the EIR. Therefore, no further response is required (See State CEQA Guidelines § 15088 [responses should address comments on “environmental issues”]).

Response to Comment 1-6

See Response to Comment 1-5.

Response to Comment 1-7

See Response to Comment 1-5.

Response to Comment 1-8

As discussed in Response to Comment 5-2 in Chapter 3, Responses to Comments, of the Final EIR, with the revisions to the project, the project now includes acreage (92.7 acres) designated for agricultural uses and fewer acres (61.3 acres) designated for commercial uses. Mitigation is only required for loss of agricultural land (or Prime Farmland) that would be converted to commercial uses. The 92.7 acres that would be prezoned A-1 would remain in agricultural use and would not require mitigation. Should an application be submitted in the future for non-agricultural uses on the A-1 portion of the site, a rezone would be necessary and further environmental analysis, including any further mitigation for the loss of any additional agricultural land, would be required. The City cannot, and is not required by CEQA to, evaluate speculative future development of the site (See State CEQA Guidelines § 15126 and 15145).

Response to Comment 1-9

See Response to Comment 1-8.

Response to Comment 1-10

Although the applicant has revised the project, the changes do not result in any new significant environmental impacts or a substantial increase in the severity of an identified environmental impact. On the contrary, the revisions made to the project would decrease the acreage of land to be developed for commercial and retail uses and maintain the existing agricultural land uses on the remainder of the project site. Therefore, the revisions to the project would result in a decrease in the

severity of environmental impacts identified in the Draft EIR, as the analysis of the project in the Draft EIR included the development of the entire 154-acre project site for commercial, office, and auto uses. Thus, the maximum (or worst-case) impacts of the project have already been analyzed. In addition, any future development application(s) for the portion of the project site that would be zoned A-1 would be required to undergo project-specific environmental analysis. At this time, there are no plans to develop the 92.7 acres of agricultural land. Thus, the City has not segmented the project (See State CEQA Guidelines § 15126 [EIR must consider all phases of a project]; but compare *No Oil, Inc. v. City of Los Angeles* [1974] 13 Cal. 3d 68, 77 n.5 [uncertain future activities not currently proposed for approval and which are not reasonably foreseeable consequences of the project need not be included in the description]).

Response to Comment 1-11

The comment is a concluding comment and does not address the adequacy of the EIR.

Response to Comment 1-12

The commenter attached to the comment letter “Resolution 2007-07 Yolo County Local Agency Formation Commission (Standards of Evaluation of Annexation, Exclusion, Formation, Change of Organization and Reorganization Proposals).” The City has reviewed the attached Resolution and has concluded that it does not raise environmental concerns with regard to the proposed project. Thus, no further response is required (See State CEQA Guidelines § 15088 [responses should address comments on “environmental issues”]).

Response to Comment 1-13

The commenter attached to the comment letter “Yolo County Local Agency Formation Commission Agricultural Conservation Policy 6-25-07.” The City has reviewed the attached policy document and has concluded that it does not raise environmental concerns with regard to the proposed project. Thus, no further response is required (See State CEQA Guidelines § 15088 [responses should address comments on “environmental issues”]).



Linda S. Adams
Acting Secretary for
Environmental Protection

California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
(916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>



Edmund G. Brown Jr.
Governor

7 July 2011

Letter 2

City of Woodland Planning Commission
Community Development Department
City Hall Annex
520 Court Street
Woodland, CA 95695

CERTIFIED MAIL
7010 3090 0001 4843 2657

COMMENTS TO NOTICE OF PUBLIC HEARING FOR THE DRAFT PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT, WOODLAND GATEWAY PHASE II PROJECT, YOLO COUNTY

2-1

Pursuant to the City of Woodland Planning Commission's 24 June 2011 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Notice of Public Hearing for the Draft Programmatic Environmental Impact Report* for the Woodland Gateway Phase II Project, located in Yolo County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

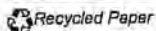
2-2

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

California Environmental Protection Agency



2-3

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

2-4

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

2-5

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed for the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916)557-5250.

2-6

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. Water Quality Certification must be obtained prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

2-7

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

**Letter 2
Cont'd**

Woodland Gateway Phase II Project
Yolo County

- 3 -

7 July 2011

2-7
Cont'd

Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

If you have questions regarding these comments, please contact me at (916) 464-4745 or gsparks@waterboards.ca.gov.



Genevieve (Gen) Sparks
Environmental Scientist
401 Water Quality Certification Program

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento

LETTER 2: GENEVIEVE SPARKS, CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

Response to Comment 2-1

The comment is an introductory comment and does not address the adequacy of the EIR. Therefore, no further response is required (See State CEQA Guidelines § 15088 [responses should address comments on “environmental issues”]).

Response to Comment 2-2

The comment indicates that the project is required to obtain a Construction Storm Water General Permit. The project will be required to comply with requirements in effect at the time of construction. The comment does not address the adequacy of the EIR and no further response is required (See State CEQA Guidelines § 15088 [responses should address comments on “environmental issues”]).

Response to Comment 2-3

The comment indicates that the project is required to obtain Phase I and II Municipal Separate Storm Sewer System (MS4) Permits. The project will be required to comply with requirements in effect at the time of construction. The comment does not address the adequacy of the EIR and no further response is required (See State CEQA Guidelines § 15088 [responses should address comments on “environmental issues”]).

Response to Comment 2-4

The comment indicates that the project is required to obtain an Industrial Storm Water General Permit. The project will be required to comply with appropriate requirements in effect at the time of construction. The comment does not address the adequacy of the EIR and no further response is required (See State CEQA Guidelines § 15088 [responses should address comments on “environmental issues”]).

Response to Comment 2-5

The comment indicates that the project may be required to obtain a Clean Water Act Section 404 Permit if it would involve the discharge of dredge or fill material in navigable waters or wetlands. As reflected on page 3-8 of the Draft EIR, the proposed project may require a Section 404 permit from the U.S. Army Corps of Engineers (USACE). The project will be required to comply with requirements in effect at the time of construction. The comment does not address the adequacy of the EIR and no further response is required (See State CEQA Guidelines § 15088 [responses should address comments on “environmental issues”]).

Response to Comment 2-6

The comment indicates that the project may be required to obtain a Clean Water Act Section 401 (Water Quality Certification) Permit. The project will be required to comply with requirements in effect at the time of construction. The comment does not address the adequacy of the EIR and no further response is required (See State CEQA Guidelines § 15088 [responses should address comments on “environmental issues”]).

Response to Comment 2-7

The comment indicates the Regional Water Quality Control Board’s Waste Discharge Requirements for projects. The comment does not address the adequacy of the EIR.

From: Dino Gay [mailto:dinogay@sbcglobal.net]
Sent: Wednesday, July 06, 2011 11:54 AM
To: David Sanders; Steve Barzo; Myriam Gonzalez; Fred Lopez; Patricia Murray; seth@wurzelconsulting.com; Rex Peters; RPeters
Cc: Cindy Norris
Subject: Communication for the Planning Commission

Letter 3

Commissioners,

Consider this "official" communication to the planning commission... meaning it should be included as part of the public record and that you have been made fully aware of the city's continued favoritism toward Paul Petrovich. Considering your decision to deny the New Woodland Partners annexation of their 22 acres adjacent to the Gateway II proposal, it will be very interesting to know your reasoning should you decide to recommend annexing the 154 acres. Pay close attention to what staff tells you and what staff chooses not to tell you. You might also ask for an explanation of why Cindy Gnos mislead you during your last meeting in her "attempt" to answer Myriam's question about the two emails I sent you.

Dino Gay
Woodland

This following is from the Woodland Record and is part of this communication:

Woodlanders will be watching the planning commission's recommendation for Petrovich's Gateway II

According to the City of Woodland, there are 844 acres of land currently zoned for commercial uses in the city limits. Within those areas, there exists vacant commercial space (buildings) totaling 253,834 sq. ft. Also, there are 276.4 acres zoned for commercial use that are vacant.

And yet staff wants to annex 154 acres of zoned agriculture land and open space to the City of Woodland. Staff wants to add 340,000 sq. ft. of commercial buildings to Woodland when there is 253,834 sq. ft. that is unused. Staff wants to annex 154 acres when there is 276.4 acres that has yet to be built upon. Why? Two words... Paul Petrovich.

Will the City of Woodland Planning Commission continue along this path of favoritism for this developer? Or will the commission truly represent what most Woodland voters want and put an end to this collusion?

Of course, the city council will have the final say, but the commission has the chance to wean themselves from city staff's tunnel vision and say NO to an unnecessary annexation. Can Steve Barzo, David Sanders, Myriam Gonzalez, Fred Lopez, Pat Murray, Seth Wurzel and Rex Peters finally burst the Petrovich bubble? Woodlanders already know that city councilman Art Pimentel told the Woodland Record on April 11, 2010, that he wants to annex those 154 acres. "Yes," he said, "I support annexing the property to the City of Woodland. That needs to happen." So it will be up to the commissioners to lay a foundation to convince the four other council members to also say NO to Petrovich.

The most glaring and obvious reasons why the commission should recommend denial of the

annexation are based on its decision made on October 21, 2010. That evening the commission denied the New Woodland Partners annexation of 22 acres that is adjacent to not only Gateway I (owned by Petrovich), but also adjacent to the Gateway II project. Why on earth would the commission now annex 154 acres when 22 acres next to it does not meet their standards? Why? Again, only two words will be able to explain such an action should it occur... Paul Petrovich. See the Woodland Record articles "[City ignores Brown Act by refusing to say why it wants 22-acre parcel adjacent to Gateway Center](#)," "[Planning commission should not be fooled by staff gloss-overs](#)" and "[Gateway II revisions before commission](#)."

Staff claims annexation is necessary to avoid "island"

Aside from staff's self-imposed blinders to the reasons of denying the New Woodland Partners, they (largely "consultant" Cindy Gnos of Raney Raney Planning and Management who worked on both Gateway I and its "unbiased" EIR) have come up with an absurd reason for annexation... to avoid the creation of an island.

From the staff report: "Although future development is only anticipated on the northern 61.3 acres of the site, annexation of the entire 154-acre site is necessary in order to avoid the creation of an island."

There is already an "island" without a Gateway II annexation. The city has already approved such a configuration with the annexation of Gateway I. There is nothing in municipal code or state law that suggests a city must configure the city a certain way to avoid "islands." By the way, the existing "island" is created by the city parcel that is used for the sewer facility. This "island" amounts to no more than a mirage for the city staff and officials who have persistently and consistently compromised good municipal planning for the benefit of... you guessed it, Paul Petrovich.

Woodlanders will certainly be watching the planning commission meeting scheduled for 6:30 pm on Thursday, July 7. r email was from the minutes from the New Woodland Partners, in case you wanted to see that. It has no bearing on what we're doing tonight. And most of the blog was just a copying of the staff report that you have before you tonight."

3-1

LETTER 3: DINO GAY, RESIDENT

Response to Comment 3-1

The comment is intended to be informative to the Planning Commission and does not raise environmental concerns regarding the EIR. Thus, no further response is required (See State CEQA Guidelines § 15088 [responses should address comments on “environmental issues”]).

Letter 4

Woodland City Manager
300 First Street, Woodland, California
(mark.deven@cityofwoodland.org)

Re: Objections To Approval Of Final EIR Certification For Gateway 2 Project

Mark:

4-1

Please soon forward to Chairperson David Sanders and other Planning Commission members this 7 page memorandum of itemized objections to proposed Woodland Planning Commission approval of EIR final certification for the proposed Gateway 2 development project, to be considered at a special meeting on July 7, 2011.

4-2

(a) I strongly object to the very brief timeline of municipal consideration of this matter. California Environmental Quality Act (CEQA) Guideline, 14 CCR 15088(b), requires a minimum of 10 days between the release of (potentially) final Environmental Impact Report (EIR) certification documents and a relevant hearing, regarding notification of commenting public agencies. Individuals submitting comments may be notified at municipal discretion; and apparently, such notification was not accomplished.

Research indicates that only the bare minimum of 10 days notice has been provided.

For this quite prominent matter, oddly enough, such an already very brief notification process has been unduly abridged, through being scheduled within what amounts to a four-day national holiday (July 4), leaving only six days of practical (work-day) notification, including the actual hearing date.

There exists no reasonable basis / excuse for substantially abbreviating this already very brief process. Jamming through final certification action on this EIR in such a way is unreasonable, unwise and improper.

Such municipal / developer conduct raises concerns that this schedule represents an attempt to curtail both the general public's and public agencies' fair opportunities to properly review, scrutinize and offer rebuttal and collateral arguments regarding the substantial documentation within this key EIR being proposed for final certification.

I request the Planning Commission consider the serious ramifications of such an abuse of important legal process and, unless final EIR certification is denied, take action that this final certification hearing be continued for a period of 60 days.

Objections To EIR Certification Of Gateway 2 Project (July 6, 2011) page 2

4-3

(b) I object to the inadequate nature of notification being used regarding existing residential neighborhoods (Southeast Area Specific Plan) nearby this revised project. It demands extensive roadway modifications, would greatly contribute to significantly diminished roadway service (LOS) levels, and will also become a major source of noise and lighting impacts, as well as greenhouse-gas impacts within the eastern

**Letter 4
Cont'd**

4-3
Cont'd

sector of a (large) directly adjacent, residential development project. Significant and unavoidable impacts of this revised project will likely be pronounced and irreversible noise, lighting, greenhouse-gas and traffic impacts upon adjacent residential areas.

Routine (generalized) notice practices using a 300 foot radius is obviously insufficient to afford proper notice to Southeast Area residents and property owners of this huge project. Inadequate municipal efforts have been made to inform residents of areas proximate to this project and subject to its various significant and irreversible impacts.

Continuing this scheduled final certification hearing for 60 days would better allow residents under potential impacts from this revised project a fair opportunity for notice and to express their views and concerns regarding these perpetual project impacts upon adjacent residential neighborhoods.

(c) I object to the absence of any consideration of alternatives to the presently revised project, which was not one of the (regular EIR) alternatives related to the originally proposed project and represents a significant alteration of its dimension and scope.

We are here: "confronted with a case where the physical description or scope of the project has changed (Cf. *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.*; 42 Cal.3d 429 [orientation of amphitheater changed after adoption of final EIR.] [.]") (*Laurel Heights Improvement Assoc. v. Regents of University of California*; (1993) 6 Cal.4th 1112.)

This final EIR: "does more than 'clarify' or 'amplify' the draft EIR; indeed, it includes precisely the type of 'substantial changes' that require recirculation." (*Laurel Heights, supra*, Justice George concurring and dissenting.)

4-4

The revised project creates: "significant new information" relevant to this EIR process (*Sutter Sensible Planning, Inc. v. Board of Supervisors* (1981) 122 Cal.App.3d 813, 822, 823)), plainly requiring full recirculation of the revised project within an adequate analysis and evaluation of: "a reasonable range of alternatives," including "off-site" alternatives (PRC 21092.1; 14 CCR 15.088.5, 15126.6; *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1179 ["We find no authority or rationale for an inflexible rule that availability of other sites must always be considered or that it never be considered. Situations differ; [] It is necessary to examine the particular situation presented to determine whether the availability of other feasible sites must be considered in the EIR."].

Objections To EIR Certification Of Gateway 2 Project (July 6, 2011) page 3

"By codifying the 'significant new information' language of *Sutter, supra*[,] the Legislature apparently intended to reaffirm the goal of meaningful public participation in the CEQA review process." (*Laurel Heights, supra*, 6 Cal.4th 1112.)

The revised project necessitated a "fundamental reorganization" of the draft EIR. (*Ibid.*, text related to footnote 18.) "[C]onsideration of a reasonable range of feasible

alternatives is required to foster informed decision making and public participation." (*Ibid.*, at majority opinion conclusion.)

"The level of specificity of an EIR is determined by the nature of the project and the 'rule of reason' [citation], rather than any semantic label accorded to the EIR." (*Al Larson Boat, Inc. v. Board of Harbor Commissioner* (1993) 18 Cal.App.4th 729, 741-742; quoting *Laurel Heights Improvement Association v. Regents of University of California* (1988) 47 Cal.3d 376, 399 - 407.)

The California Supreme Court (*Laurel Heights, supra*, 47 Cal.3d 376) strongly emphasizes the need to include a discussion of potentially feasible project alternatives within the text of an EIR, even where the operating assumption of the approving agency is that significant impacts will eventually be substantially lessened or avoided by the imposition of mitigation measures alone.

Subsequent Supreme Court opinion (*Laurel Heights, supra*, 6 Cal.4th 1112) holds that: "[T]he addition of new information to an EIR after the close of the public comment period is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantive environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. [R]ecirculation is required [] when the new information added to an EIR discloses: [] a new substantial environmental impact resulting from the project or from a new mitigation measure proposed to be implemented[,] a feasible project alternative or mitigation measure that clearly would lessen the environmental impacts of the project, but which the project proponents decline to adopt."

A "new substantial environmental impact" clearly exists in the proposed annexation of 92 acres of land proposed to be zoned: "Agricultural," contrary to the General Plan (designating "Urban Reserve"). Final EIR material fails to address this inconsistency.

Dissimilarity between these zoning designations gives rise to vagueness and conflict for environmental policymaking. For example, the Local Agency Formation Commission's (LAFCO's) task of approving this annexation is made uncertain because of inconsistent land use designations, as well as because municipal annexations are most usually related to zoning land for a specifically intended use or purpose, rather than to annex and zone 92 acres as "Agricultural," inconsistent with the General Plan and without any currently practical or intended use.

Objections To EIR Certification Of Gateway 2 Project (July 6, 2011) page 4

On another level, the revised project, not being included within prior alternatives to the originally proposed project (upon which the draft EIR was circulated), plainly assumes the planning posture of a mitigation measure. Discussion within the final EIR material supports this view, although failing to analyze and interpret its relevant adequacy, or providing "a meaningful opportunity" for relevant public comment through recirculation.

Thus, the final EIR material is fatally flawed. (*Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1120; [No analysis done on whether option is a feasible mitigation measure].

"[A] new substantial environmental impact resulting from [] a new mitigation measure proposed to be implemented[.]" exists within this planning posture of the revised project as mitigation measure, including its proposed inclusion of 92 acres of agricultural land within city limits. No public comment is elicited on this key subject.

A "feasible project alternative [] that clearly would lessen the environmental impacts of the project, but which the project proponents decline to adopt[.]" exists in properly considering whether to virtually double the size of the Gateway Center, when feasible "off-site" alternatives related to commercial land use, dispersed throughout this community, may likely produce environmentally superior results.

At 154 acres, the original project appeared seemingly insusceptible to any serious consideration of being dispersed through proposed "off-site" alternatives, enormously concentrating a relatively unusual intensity of retail-commercial uses (within ~200 acres, including Gateway Center) vastly elevating various environmental impacts and implicating extensive mitigation measures, as well as raising concerns about genuine feasibility and sustainability.

Revised to contain only 42 acres of general commercial zoning, this new project must now be analyzed and considered in light of potential alternatives representing a better, more variously advantageous dispersal of commercial-retail zoning within this municipality (various potential infill sites, as well as eventual annexation and development of land just north of the city.).

Northern Woodland, in general, currently lacks enough convenient access to standard, retail-commercial uses, inducing significant cross-town motor-vehicle traffic, elevating greenhouse-gas emissions. Adequate consideration, within this final EIR process, of some durable reservation of future commercial zoning, extending services within northern Woodland as well as to various infill sites, is imperative.

This final EIR totally fails to describe and analyze potential ("off-site") alternatives to the revised project which may well involve a much more balanced dispersal of retail-commercial uses within this municipality, its sphere of influence / urban boundary. This revised project (EIR) must now be recirculated to overcome this grave infirmity.

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"[L]egal duties imposed by CEQA are to be strictly enforced[.]" (*Mira Monte Homeowners Assoc. v. County of Ventura* (1985) 165 Cal.App.3d 359,366), and "CEQA must be interpreted in such a manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259)

(d) I object to the inadequate and improper manner of mitigation analysis for serious

Letter 4
Cont'd

4-6
Cont'd

impacts of urban decay caused by the revised project. Mitigation in the form of limited contributions of funding for: a new Retail Strategic Plan, Implementation Strategy For Downtown Specific Plan (DSP), market-studies / urban-decay analyses regarding a Master CUP, property reuse analyses, etc., is insufficient and improperly conceived.

Instead of sound municipal policy predicated proper development of this community, here commercial development interests / projects offer slim mitigation through assisting with the creation of basic policymaking tools and programs which should already be in place to properly manage such commercial development projects.

This planning approach to such key development, which virtually exhausts realistically significant, future retail-commercial zoning opportunities within this community, has: the cart before the horse / the horse already out of the barn, etc. -- causing elevated urban decay, which is then to be studied and better understood -- rather than avoided.

Studying exacerbated urban decay caused by approval of this revised project and then seeking to mitigate it may truly become mitigation funding, misplaced and disordered.

Another inadequate aspect of this mitigation analysis related to urban decay involves an absence of any relevant specificity of the statement that commercial zoning within the revised project: "will primarily consist of regional retail uses that do not include [] uses that would compete with Downtown Woodland."

No adequate definition is offered for: "regional retail uses;" while, there remains enough commercial diversity within the revised project for such competing commercial uses to surely become inevitable, or else land within the project become chronically idle due to a complex process of purported "performance standards."

This final EIR mitigation analysis concludes that (despite mitigation) significant and irreversibly deleterious impacts to Downtown Woodland (and other locations) are projected to occur from development of the revised project. This conclusion clearly supports objection (c); since, sufficient consideration of "off-site" alternatives to this revised project may indeed indicate viable options to reduce / eliminate / balance serious impacts related to this proposed vast expansion of commercial zoning.

The final EIR materials fail to comprehensively and successfully analyze and address the complex circumstances involved with the viability of commercial-retail zoning and

Objections To EIR Certification Of Gateway 2 Project (July 6, 2011) page 6

uses throughout this community, especially related to the city's core areas.

4-7

(e) I object to the revised project potentially inducing commercial development of the entire 154 acres of the original project, even further entrenching a retail-commercial satellite-zone at this city's edge, engendering an adverse and unsustainable nature of community development.

4-7
Cont'd

92 acres of annexed land proposed to remain in agricultural zoning is within the city boundary and proximate to its water-treatment facilities. Development of the 62 acres portion of the original 154 acre project, being proposed by the revised project, is obviously the most feasible area, since related serious odor problems rise in severity with increasing proximity to these municipal facilities.

The revised project obviously and unavoidably inclines future zoning of the remaining 92 acres toward some form of added commercial uses, as residential development values significantly decrease. This potential impact is significant and totally ignored within final EIR materials.

Additionally, LAFCO responses have raised the question of the adequacy of the revised project's current rate of mitigation for conversion of prime agricultural land (1/1) and suggested consideration of the nature of policy adopted by the City of Davis, which includes a mitigation rate of 2/1. These responses were inadequately analyzed and addressed by final EIR materials.

Perhaps, the reason for strangely maintaining an agricultural zoning designation, in conflict with the General Plan, is for the developer to avoid paying mitigation costs for conversion of the entire 154 acres of the originally proposed project.

(f) I object to EIR certification material addressing the zoning of land for auto-related uses within the revised project, in that it strongly implies auto dealerships located in downtown Woodland will relocate to within the revised project.

There is absolutely no realistic possibility that any such dynamic will ever occur. This assertion is based on first-hand information about relevant circumstances.

If proponents of the revised project possess any evidence that local auto dealerships will relocate to it, as portrayed within final EIR materials, let them produce evidence. Otherwise, this spurious claim must be rejected and salient consequences for the project must be analyzed and articulated -- within a recirculated EIR.

4-8

Therefore, I further object to final EIR certification of the revised project on the basis of the extreme likelihood that the zoning of roughly a third of it (20 / 62 acres), initially being proposed / intended for auto-related uses, will very soon prove to be infeasible and a conversion of these 20 acres to some other form of commercial-retail use will

Objections To EIR Certification Of Gateway 2 Project (July 6, 2011) page 7

surely become inevitable.

Mitigation analysis totally fails to address this quite robust issue (although relevant information is within the public sphere), and final EIR materials for this revised project are thus substantially inadequate.

On this basis alone, instant EIR for the revised project clearly must be recirculated.

Letter 4
Cont'd

4-8
Cont'd

Having a third (1 / 3) of the total land involved in developing this revised project be in this kind of (vague, limbo-like) condition vividly argues for due planning caution.

Respectfully yours,

Bobby Harris

cc: City of Woodland Mayor and City Council Members, relevant municipal staff and media.

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Response to Comment 4-1

The comment is an introductory comment and does not raise environmental concerns regarding the EIR. For purposes of clarity, on July 7, 2011, the Planning Commission was asked to consider making a recommendation to the City Council regarding the Gateway Phase II EIR and project. The Planning Commission was not the final decision-making body.

Response to Comment 4-2

Contrary to what Mr. Harris states in Comment 4-2, the City provided notice in accordance with the Government Code (Gov. Code § 65091[a][4] [which requires that notice be published at least 10 days in advance of the public hearing]), the California Environmental Quality Act (State CEQA Guidelines § 15088[b] [requiring that responses to public agency comments be provided at least 10 days prior to certifying the EIR]), and the City's Municipal Code. The specific dates that notice was given are as follows:

- Legal notice was published in the Woodland Daily Democrat on or before June 27, 2011 (10 days before the July 7, 2011 hearing);
- Notices were mailed to all property owners within 1,000 feet of the project site on June 27, 2011 (10 days before the July 7, 2011 hearing); and
- CD copies of the Final EIR were mailed to all Draft EIR commenters on June 27, 2011 (10 days before the July 7, 2011 hearing and well in advance of the date when the City Council will consider certification of the EIR).

Thus, abuse of any legal process has not occurred, and continuing the final certification hearing for a period of 60 days would not be necessary.

Response to Comment 4-3

As stated in Response to Comment 4-2, above, notices were mailed to all property owners within 1,000 feet of the project site. The law requires notice be mailed to property owners within 300 feet of the project boundary (Gov Code § 65091[a][4]). Thus, the City exceeded the minimum noticing requirements in this regard. As a result, a fair opportunity for residents to express their views and concerns has been given, and continuing the scheduled final certification hearing for 60 days would not be necessary.

Response to Comment 4-4

At the outset, it should be noted that the revised project description does not present significant new information that would require recirculation of the Draft EIR. The commenter's reliance on the *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929 is misplaced. That case is distinguishable from the Gateway II project because the *Concerned Citizens of Costa Mesa* case dealt with the question of whether subsequent environmental review was necessary when the lead agency decided to permit the expansion of a

previously analyzed theater project. (*Id.* at 750-51.) Unlike *Concerned Citizens of Costa Mesa*, the Gateway II project is not tiering from a prior environmental document. Therefore, the posture of the Gateway II project is different from the project in *Concerned Citizens of Costa Mesa* and the legal principles announced by the court in that case with regard to subsequent environmental review are not applicable here.

As explained in *Laurel Heights Improvement Assn. v. the Regents of the University of Calif.* (1993) 6 Cal.4th 1112, and as acknowledged in the commenter's letter, recirculation is required only when significant new information is added to a Draft EIR after the close of the public review period and before certification. (*Id.* at 1128 [citing *Sutter sensible Planning, Inc. v. Board of Sup.* (1981) 122 Cal.App.3d 813].) Information added to a Draft EIR after circulation is significant if it changes the EIR "[...] in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate or avoid such an effect (including a project alternative) that the project proponents have declined to implement." (*Id.* at 1129; emphasis added.)

Here, the City's revisions to the project description to reduce the size of the commercial development do not constitute significant new information. First, the revised project description does not result in new substantial adverse environmental effects. Because the project has been reduced in size, all of the potential environmental impacts have been correspondingly reduced. Moreover, the project applicant has not refused to implement a feasible alternative that would mitigate or reduce new environmental effects. Instead, the project applicant has reduced the size of the project's commercial development footprint and has reserved a larger portion of the site for agricultural use. Finally, members of the public have not been deprived of an opportunity to review and evaluate the reduced project description. Members of the public have had meaningful opportunities to comment on the Final EIR, including the reduced project description, at and before the Planning Commission and the City Council. The Planning Commission staff report, which included the Final EIR with the revised project description, was made available on or about Thursday, June 30 and the City Council hearing is set to occur on or about September 20, 2011. Therefore, the public has had approximately 82 days to review and comment upon the revised project description. Thus, the revised project description constitutes a change that clarifies and amplifies the analysis in the draft EIR and therefore does not require recirculation. (*Sutter Sensible Planning, Inc. v. Board of Sup.* (1981) 122 Cal.App.3d 813.)

The commenter claims that a new adverse environmental impact would result from the reduced project description. Specifically, the commenter claims that there is a land use inconsistency between the Agricultural zoning designation and the Urban Reserve General Plan designation applied to the 92 acres of land that will be annexed but not developed. The commenter's allegation is simply incorrect. (See State CEQA Guidelines § 15384 [evidence which is erroneous or clearly inaccurate is not substantial evidence].) As explained above in Response to Comment 1-3, according to Appendix C of the Woodland General Plan Policy Document, A-1 and Open Space are permitted zoning districts within the Urban Reserve. Thus, there is no inconsistency between the Agricultural zoning designation and the Urban Reserve General Plan designation. This comment has not identified a new significant environmental impact.

Additionally, the revised project description is similar to the Reduced Intensity Alternative, which was analyzed in the Draft EIR. Given that the revised project description contemplates an even smaller commercial component than was evaluated in the Reduced Intensity Alternative, the revised project description would have even fewer environmental impacts. Furthermore, because the revised project description is not considerably different from other alternatives analyzed in the Draft EIR, the revised project description does not trigger recirculation under Public Resources Code section 21092.1 and State CEQA Guidelines § 15088.5(a)(3).

Response to Comment 4-5

As indicated in Chapter 6, Alternatives, of the Draft EIR, there are no suitable alternative off-site locations within the City of Woodland to accommodate the proposed project (See Draft EIR, p. 6-5 and 6-6). It should be noted that even though the proposed project has been scaled down to 61.3 acres of commercial uses, an off-site location that would achieve a majority of the stated project objectives and reduce environmental impacts still does not exist in the Woodland vicinity. In addition, another approximately 61-acre site adjacent to a retail center with freeway access is not available. Furthermore, the applicant does not own a comparable property within the City of Woodland.

Response to Comment 4-6

Urban decay impacts were analyzed in Chapter 4.11 of the Draft EIR. The EIR concluded that the following impacts related to urban decay would be significant and unavoidable: impacts related to the physical deterioration and urban decay of retail centers in Downtown Woodland, East of Downtown, and East of I-5; and impacts related to the physical deterioration and urban decay of retail centers in County Fair Mall, West Woodland, and East Street Corridor. Mitigation was identified to help fund policy-level analyses related to the Downtown Specific Plan. The Draft EIR notes that the mitigation would not reduce the impacts to a less-than-significant level. The commenter claims that the preferred mitigation is insufficient. However, the commenter does not explain why the mitigation is insufficient and does not propose alternative mitigation for consideration. It should be noted that when determining whether to approve the proposed project, the City is required to balance the applicable economic, legal, social, technological, or other benefits, including regional-wide or statewide environmental benefits, of the proposed project against the foregoing unavoidable environmental risks. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of the proposed project outweigh the unavoidable consequences, the adverse environmental effects may be considered “acceptable” (See State CEQA Guidelines § 15093[a]). Should the City Council decide to approve the proposed project, the City Council would have to find that the project benefits listed in the Resolution attached to the City Council Staff Report actually outweigh the project’s significant and unavoidable environmental effects.

Response to Comment 4-7

The commenter notes that, as development moves closer to the City’s wastewater treatment facilities, impacts related to odors would become more severe. The project, as proposed would not locate sensitive uses in the near vicinity of the wastewater treatment facilities. As required by

Mitigation Measure 4.3-5 (Chapter 4.3, Air Quality, Climate Change, and Odors) of the Draft EIR, the project applicant must demonstrate that a 0.5-mile buffer will be provided between the project site and the headworks of the City's wastewater treatment facilities, as well as between the project site and the Erskine pond. Should development be proposed within either of these 0.5-mile buffers, the project applicant must submit an updated Evaluation of Odor Impacts from Wastewater Treatment Facilities on the Proposed Gateway II Project and, if the updated study determines that a potentially significant impact would occur, the applicant must either pay the project's fair share of the improvements that would be necessary to reduce impacts related to odors from the headworks and the ponds or construct the improvements, pursuant to the updated Evaluation of Odor Impacts from Wastewater Treatment Facilities on the Proposed Gateway II Project and be eligible for reimbursement. In addition, at this time, it is entirely speculative to assume that the 92.7 acres of the project site that would be zoned A-1 would later be zoned for commercial uses. Thus, at this time, the City cannot appropriately analyze that speculative development (See State CEQA Guidelines § 15145 [speculation not required]).

The commenter also raises questions in regard to the adequacy of the project's current rate of mitigation for agricultural land. As discussed in Response to Comment 1-8, mitigation is only required for loss of agricultural land (or Prime Farmland) for the land that would be converted to commercial uses (See State CEQA Guidelines § 15126.4 [mitigation required to reduce significant effects]). The 92.7 acres that would be rezoned A-1 would remain in agricultural use and would not require mitigation. Should an application be submitted in the future for non-agricultural uses on the A-1 portion of the site, a rezone would need to be submitted and further environmental analysis, including any further mitigation for agricultural land, would be required (See State CEQA Guidelines § 15145 [speculation not required]).

Response to Comment 4-8

The comment is speculative regarding the potential for auto-related uses on the project site. Should the applicant propose site-specific development that is inconsistent with, or beyond the scope of, the environmental impact analysis in this EIR, additional environmental review will be conducted.

California Clean Energy Committee

July 7, 2011

Ms. Cindy A. Norris, Principal Planner
Woodland Community Development Department
520 Court Street
Woodland, California 95695

Re: Comments on the Draft Environmental Impact Report
Woodland Gateway Phase II
SCH No. 2009 102009

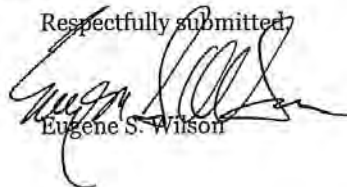
Dear Ms. Norris:

5-1

I sent you a notice on August 10 and subsequently confirmed it in a phone conversation that the address for notices is as indicated below. However, the notice of today's hearing was sent to the old address. Would you please make the individual who is sending notices aware of the correct address.

Additional documents for the record are attached.

Respectfully submitted,



Eugene S. Wilson

California Clean Energy Committee | 3502 Tanager Avenue, Davis, CA 95616-7531
Voice: 530-756-6141 | Facsimile: 530-756-5930

Ms. Cindy A. Norris, Principal Planner
July 7, 2011
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SUPPLEMENTAL APPENDICES

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- Appendix 50 U.S. Green Building Council, Toyota Motor Sales South Campus Office Development, Torrance, California.
- Appendix 51 SunPower, Case Study: Macy's Go Solar and Improves Energy Efficiency in 28 California Stores with SunPower.
- Appendix 52 SunPower, Case Study: FedEx Goes Solar with SunPower.
- Appendix 53 U.S. Green Building Council, USGBC Project Profile, Office Depot, Austin, TX.
- Appendix 54 U.S. Green Building Council, USGBC Project Profile: Emeryville Marketplace, Emeryville, California.
- Appendix 55 U.S. Green Building Council, USGBC Project Profile, Jackson Square Redevelopment Initiative.
- Appendix 56 SunPower, Tiffany's Saves \$450,000 Annually with SunPower.
- Appendix 57 U.S. EPA. Measuring the Air Quality and Transportation Impacts of Infill Development (November, 2007).
- Appendix 58 California Energy Commission, Energy Aware Planning Guide.
- Appendix 59 City of San Jose, Envision San Jose 2040, Section 3.4 Air Quality (June, 2011).
- Appendix 60 R. Ewing, R. Pendall, D. Chen, Measuring Sprawl and Its Impact.
- Appendix 61 Todd Litman, Evaluating Transportation Land Use Impacts: Considering the Impacts, Benefits and Costs of Different Land Use Development Patterns (April 15, 2011).
- Appendix 62 Land Use Subgroup of the California Climate Action Team. LUSCAT Submission to CARB Scoping Plan on Local Government, Land Use and Transportation (April 8, 2008).
- Appendix 63 Urban Land Institute, Land Use and Driving: The Role Compact Development can Play in Reducing Greenhouse Gas Emissions (2010).
- Appendix 64 Yolo County, Transportation Impact Study Guidelines.

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Cont'd

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- Appendix 65 National Transportation Research Board, NCHRP Report 616: Multimodal Level of Service Analysis for Urban Streets.
- Appendix 66 U.S. EPA, Parking Cash Out: Implementing Commuter Benefits as One of the Nation's Best Workplaces for Commuters (Mar. 2005).
- Appendix 67 Yolo County Planning & Public Works Department, Yolo County Climate Action Plan: A Strategy for Smart Growth Implementation, Greenhouse Gas Reduction, and Adaptation to Global Climate Change (Woodland, CA: 2010).
- Appendix 68 Governor of the State of California, Executive Order S-3-05 (June 2005).
- Appendix 69 Urban Land Institute, SB 375 Impact Analysis Report (June, 2010).
- Appendix 70 U.S. EPA, Reducing Urban Heat Islands: Compendium of Strategies.
- Appendix 71 California Department of Public Health and the Public Health Institute, Public Health Impacts of Climate Change in California: Community Vulnerability Assessments and Adaptation Strategies.
- Appendix 72 City of San Jose, Envision San Jose 2040, Section 3.2 Transportation (June, 2011).

Response to Comment 5-1

The comment indicates that the Public Notice for the Planning Commission hearing was sent to the incorrect address. The comment has been noted, and the City will ensure that any future notices or correspondences to the California Clean Energy Committee shall be addressed to 3502 Tanager Avenue, Davis, CA 95616-7531. The comment does not address the adequacy of the EIR.

Response to Comment 5-2

Comment 5-2 is a list of all supplemental appendices to the appendices provided with the California Clean Energy Committee's comment letter regarding the Woodland Gateway Phase II Draft EIR. A complete copy of the appendices is available at the City of Woodland Community Development Department for review. The comment does not specifically discuss how the documents relate to the proposed project or the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 50 is the U.S. Green Building Council document: *Toyota Motor Sales South Campus Office Development, Torrance, California*. A complete copy of the appendices is available at the City of Woodland Community Development Department for review. The comment does not specifically discuss how the documents relate to the proposed project or the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 51 is a SunPower case study titled *Macy's Go Solar and Improves Energy Efficiency in 28 California Stores with SunPower*. A complete copy of the appendices is available at the City of Woodland Community Development Department for review. The comment does not specifically discuss how the documents relate to the proposed project or the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 52 is another SunPower case study. This case study is titled *FedEx Goes Solar with SunPower*. A complete copy of the appendices is available at the City of Woodland Community Development Department for review. The comment does not specifically discuss how the documents relate to the proposed project or the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 53 is the U.S. Green Building Council document: *USGBC Project Profile, Office Depot, Austin, TX*. A complete copy of the appendices is available at the City of Woodland Community Development Department for review. The comment does not specifically discuss how the documents relate to the proposed project or the adequacy of the EIR. Therefore, a

detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 54 is the U.S. Green Building Council document: *USGBC Project Profile: Emeryville Marketplace, Emeryville, California*. A complete copy of the appendices is available at the City of Woodland Community Development Department for review. The comment does not specifically discuss how the documents relate to the proposed project or the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 55 is the U.S. Green Building Council document: *USGBC Project Profile, Jackson Square Redevelopment Initiative*. A complete copy of the appendices is available at the City of Woodland Community Development Department for review. The comment does not specifically discuss how the documents relate to the proposed project or the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 56 is a SunPower document titled *Tiffany's Saves \$450,000 Annually with SunPower*. A complete copy of the appendices is available at the City of Woodland Community Development Department for review. The comment does not specifically discuss how the documents relate to the proposed project or the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 57 is the U.S. EPA's document: *Measuring the Air Quality and Transportation Impacts of Infill Development*, dated November 2007. A complete copy of the appendices is available at the City of Woodland Community Development Department for review. The comment does not specifically discuss how the documents relate to the proposed project or the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 58 is the California Energy Commission's document: *Energy Aware Planning Guide*. A complete copy of the appendices is available at the City of Woodland Community Development Department for review. The comment does not specifically discuss how the documents relate to the proposed project or the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 59 is the City of San Jose's document titled *Envision San Jose 2040, Section 3.4 Air Quality*, dated June 2011. A complete copy of the appendices is available at the City of Woodland Community Development Department for review. The comment does not specifically discuss how the documents relate to the proposed project or the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 60 is the document *Measuring Sprawl and Its Impact*, prepared by R. Ewing, R. Pendall, and D. Chen. A complete copy of the appendices is available at the City of Woodland Community Development Department for review. The comment does not specifically discuss how the documents relate to the proposed project or the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 61 is the document *Evaluating Transportation Land Use Impacts: Considering the Impacts, Benefits and Costs of Different Land Use Development Patterns*, by Todd Litman, dated April 15, 2011. A complete copy of the appendices is available at the City of Woodland Community Development Department for review. The comment does not specifically discuss how the documents relate to the proposed project or the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 62 is the Land Use Subgroup of the California Climate Action Team document: *LUSCAT Submission to CARE Scoping Plan on Local Government, Land Use and Transportation*, dated April 8, 2008. A complete copy of the appendices is available at the City of Woodland Community Development Department for review. The comment does not specifically discuss how the documents relate to the proposed project or the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 63 is the Urban Land Institute document titled *Land Use and Driving: The Role Compact Development can Play in Reducing Greenhouse Gas Emissions*, dated 2010. The comment does not specifically discuss how the document relates to the proposed project or the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 64 is Yolo County's *Transportation Impact Study Guidelines*. A complete copy of the appendices is available at the City of Woodland Community Development Department for review. The comment does not specifically discuss how the documents relate to the proposed project or the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 65 is the National Transportation Research Board's *NCHRP Report 616: Multimodal Level of Service Analysis for Urban Streets*. A complete copy of the appendices is available at the City of Woodland Community Development Department for review. The comment does not specifically discuss how the documents relate to the proposed project or the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 66 is the U.S. EPA document: *Parking Cash Out: Implementing Commuter Benefits as One of the Nation's Best Workplaces for Commuters*, dated March 2005. A complete copy of the appendices is available at the City of Woodland Community Development Department for review. The comment does not specifically discuss how the documents relate to the proposed project or the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 67 is the Yolo County Planning & Public Works Department's *Yolo County Climate Action Plan: A Strategy for Smart Growth Implementation, Greenhouse Gas Reduction, and Adaptation to Global Climate Change* for Woodland, CA, dated 2010. A complete copy of the appendices is available at the City of Woodland Community Development Department for review. The comment does not specifically discuss how the documents relate to the proposed project or the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 68 is the Governor of the State of California *Executive Order S-3-05*, dated June 2005. The document does not address the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 69 is the Urban Land Institute *SB 375 Impact Analysis Report*, dated June 2010. A complete copy of the appendices is available at the City of Woodland Community Development Department for review. The comment does not specifically discuss how the documents relate to the proposed project or the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 70 is the U.S. EPA's document: *Reducing Urban Heat Islands: Compendium of Strategies*. A complete copy of the appendices is available at the City of Woodland Community Development Department for review. The comment does not specifically discuss how the documents relate to the proposed project or the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 71 is the California Department of Public Health and the Public Health Institute document: *Public Health Impacts of Climate Change in California: Community Vulnerability Assessments and Adaptation Strategies*. A complete copy of the appendices is available at the City of Woodland Community Development Department for review. The comment does not specifically discuss how the documents relate to the proposed project or the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

Appendix 72 is the City of San Jose's *Envision San Jose 2040, Section 3.2 Transportation*, dated June 2011. A complete copy of the appendices is available at the City of Woodland Community Development Department for review. The comment does not specifically discuss how the documents relate to the proposed project or the adequacy of the EIR. Therefore, a detailed response cannot be provided (See *Browning-Ferris Indus. v. City of San Jose* [1986] 18 1 Cal.App.3d. 852 [where a general comment is made, a general response is sufficient]).

From: k.reddish@hotmail.com
To: art.pimentel@cityofwoodland.org; skip.davies@cityofwoodland.org; martie.dote@cityofwoodland.org;
tom.stallard@cityofwoodland.org; bill.marble@cityofwoodland.org; mark.devon@cityofwoodland.org;
ana.gonzalez@cityofwoodland.org; treddish911@sbcglobal.net
Subject: Gateway Phase II Project
Date: Sun, 31 Jul 2011 13:07:41 -0700

Letter 6

July 29, 2011

Honorable Mayor Pimentel and City Council,

6-1

My wife and I are writing to you regarding the Gateway II Project which will be coming before you in the near future. While the Planning Commission has conditionally approved the project, I would like to share with you some significant concerns we have for you to consider before you make your final determination to accept the project as well. Our concerns have to do with water, sewer and traffic and we are pleased that the staff report and EIR also share in these concerns.

6-2

First, water distribution to this area needs to be improved. We live in the Gibson Ranch area, one block south of Maxwell and one block west of CR102, on a cul-de-sac named Schlotz Ct. The water service to our cul-de-sac is what is considered a dead-end line.

6-3

This means that water is delivered to the main that feeds the residences on our street and sits there until water usage on our street draws water out of the main thus drawing fresh water in behind it. During periods where water usage is down, water sits in this dead-end line allowing impurities, and chemicals which are introduced during water treatment, to accumulate to potentially unsafe levels before enough water usage on our street purges the line and moves these chemicals and impurities into our drinking cups, showers, laundry, dishwashers, or onto our lawns. In contrast, water mains that are "looped" or connected back into the main distribution line at a different location allow for the movement of fresh water through that main without reliance on residential usage to "flush it". Due to the City's reliance on ground water, and the naturally occurring (sulfates and bacteria such as E. coli) and man-made impurities (e.g. ag chemicals) that reside in the ground, we all know that the City's water is heavily treated to meet safety standards for drinking water. In our situation, the City routinely must add the maximum amount of chlorine at the well site in order to meet those requirements. Add to that the fact that our water sits in our main longer than areas that are looped and we can have a build-up of chemicals in our water when we turn the faucet on. On more than one occasion in the past few years my family and I have experienced the smell of sulfur in our water and experienced tingling and skin irritation from showering. Solutions offered by our utility department have been for me to turn the temperature up on my water heater to further "cook" away impurities and my current setting is as hot as the water heater will allow leaving us with the risk of hot water burns, increased energy usage and wear and tear on the water heater. We also filter our water at the tap and have installed filters on our shower heads to reduce our exposure to these chemicals. The utility department has been very good to work with and has been out several times to flush the hydrants on our street in an effort to move fresh water through our dead-end line when residential water usage is down, but this, of course, increases the workload on city staff. Approval of the Gateway II project is an opportunity to improve the water distribution system in this area to accommodate higher usage and the additional chemical treatment required for this area and should be contingent on eliminating these dead-end lines so that everyone enjoys clean water free of unnecessarily high chlorine and impurities.

6-4

Secondly, increased water usage will require corresponding improvements in wastewater distribution and treatment. There are many days during the summer when the wind carries the odors from our wastewater

6-4
Cont'd.

treatment facility over Gateway I and through our neighborhood (not to be confused with the odor of tomato byproducts distributed and drying out over neighboring fields during canning season). Aside from the smell being a possible deterrent to shoppers and diners at Gateway, it may also deter potential homebuyers in the area and is a nuisance to those of us who already live here. The increased wastewater demand with this project will require improvements to the distribution system and wastewater treatment facility that will not result in a corresponding increase in this disgusting odor drifting across this major economic center and into local neighborhoods.

6-5

And finally, there will need to be mitigation to the increased traffic pressure to this area. Aside from the freeway interchange construction going on at CR102 and I-5, and the frequent changes in traffic patterns it has created, traffic continues to increase into Gateway I as it continues to grow with several new restaurants. We know that additional turn lanes from CR102 into Gateway will be installed and that CR102 will be widened through this corridor to reduce congestion while accommodating existing traffic demands, but Gateway II will increase traffic pressure even more. Our primary concern with this increased traffic is making sure the streets and turn lanes can accommodate the increased traffic, and that the timing of the traffic lights and crosswalk lights allow for the safe and adequate passage of cars and pedestrians. My wife and I routinely drive and walk across CR102 to and from Gateway and we are amazed at how quickly the lights change for cars and pedestrians. I have been in contact with the street engineering staff and assured that the signal settings are adequate and meet industry standards for both autos and pedestrians, but these lights change rapidly and you can easily find yourself in the intersection when your light turns red. This town has the highest disregard for red lights among motorists I have ever seen anywhere, and add to that increased traffic and pedestrian usage and you will have a higher likelihood for injury and fatalities if traffic flows and signal timing does not adequately allow for the safe movement of autos and pedestrians completely through the intersection. Presently, we will not let our 14-year old daughter walk to the shopping center with friends and cross CR102 because the crosswalk lights are set at the legally allowed timed minimums and this does not give a pedestrian adequate time to cross in many situations. A teenager is almost always distracted by what is going on around them, and if they aren't ready to step off the curb when the "walk" light comes on and they don't move quickly across CR102, they won't make it to the other side before cross traffic has been given the green to start driving into their path. The elderly, the handicapped and young mothers with a stroller and/or young children walking with them need more time to safely cross CR102 especially if traffic increases.

6-6

Those are our concerns. Existing problems with our infrastructure in this area will be compounded with the Gateway II project. The issues we have presented in combination with what the City staff has identified clearly indicate that significant mitigation is necessary in order to approve this project. You have the opportunity as the decision makers in our City to have the developer mitigate all of these problems as a condition of approval. In no way should the cost of mitigation be passed on to area residents or to residents throughout the City. And it is our belief that Gateway II should not move forward if these issues are not fully addressed. We appreciate the time City staff has taken to determine the EIR impacts and we agree with their findings that there are significant impacts to transportation, noise, utilities, hydrology and water quality.

Please feel free to contact my wife or me if you have any further questions.

Respectfully,

Tod and Kellie Reddish
1968 Schlotz Ct.
Woodland, CA 95776
(530) 662-3612

Response to Comment 6-1

The comment is an introductory comment and does not address the adequacy of the EIR. Therefore, no further response is required (See State CEQA Guidelines § 15088 [responses should address comments on “environmental issues”]).

Response to Comment 6-2

As discussed in Impact 4.10-5 (increased demand for water supply) in Chapter 4.10, Public Services and Utilities, of the Draft EIR, sufficient water supplies were determined to be available for the proposed project, based on the relatively small water demand of the proposed project and the adequate water supplies projected in the Urban Water Management Plan. As presented in the City of Woodland Urban Water Management Plan (December 2005), the projected water demand is approximately 11,700 gallons per minute (gpm) in 2010 and approximately 15,000 gpm at buildout in 2026. The proposed project water demand is approximately 1.6 percent of the current demand and approximately 1.1 percent of the General Plan buildout demand.

The City of Woodland General Plan and the Water System Master Planning Studies evaluated water demand and water supply through full buildout of the urban limit in the year 2020. Although this evaluation did not include the Gateway Phase II area, it was demonstrated that the Gateway Phase II water demand would be minor with respect to the water demands used in the Water System Model and in the Groundwater Impact Analysis. As such, the Gateway Phase II could be incorporated into these evaluations without altering their conclusions. The conclusions of the study showed that groundwater supply for the City of Woodland is sufficient for full buildout in the year 2026.

It should be noted, however, that the City’s water distribution system would need to provide adequate fire flow pressure for the proposed project pursuant to City standard System Operating Criteria and Fire Flow Criteria. The Draft EIR analysis determined that fire flow pressure for the project would be insufficient and, additionally, fire flow water pressure for Gateway Phase I would remain insufficient. Therefore, adequate pressure would not exist upon development of the project as proposed.

Based on Mitigation Measure 4.10-5 (p. 4.10-28), the project is required to show inclusion of an on-site water supply well and all necessary pipelines for the project, which would improve the water distribution in the area. In addition, the mitigation measure requires that the project applicant fund all necessary improvements.

Response to Comment 6-3

The proposed project is only required to mitigate impacts that were found to be significant with implementation of the project. Impacts related to treatment of the City’s water supply and potential chemicals found within the water are not considered to be the responsibility of the proposed project, nor were any impacts related to this issue found to be significant.

Response to Comment 6-4

As discussed in Impact 4.10-4 (increased demand for wastewater disposal) in Chapter 4.10, Public Services and Utilities, of the Draft EIR, the City's Water Pollution Control Facility (WPCF) located directly east of the project site would serve the development. The Draft EIR analysis determined that adequate sewer trunk capacity exists to convey wastewater from the proposed project, which would result in an estimated maximum average flow of 0.23 million gallons per day (mgd) and a peak wet weather flow of 0.90 mgd, through a connection to the Kentucky Trunk Sewer and Beamer Trunk Sewer lines, and the WPCF has adequate capacity to treat the wastewater from the proposed project. However, the WPCF is expected to be expanded in the future, sometime during buildout of the project; therefore, as indicated in Mitigation Measure 4.10-4, the project will be required to pay the project's fair share for expansion of the WPCF.

In addition, as discussed in Impact 4.3-5 (increased exposure of sensitive receptors to odors) in Chapter 4.3, Air Quality, Climate Change, and Odors, of the Draft EIR, an *Evaluation of Odor Impacts from Wastewater Treatment Facilities on the Proposed Gateway II Project* was prepared for the proposed project in order to determine the project's impacts related to exposure of people to odors from the WPCF. According to the odor study, a number of options would be available to the City to reduce the frequency and intensity of odor generated. Sensitive receptors on the proposed project site would potentially be affected by odors from the WPCF.

Therefore, the EIR included Mitigation Measure 4.3-5 with requirements for the project in regard to controlling odors from the WPCF. Mitigation Measure 4.3-5 was further refined during preparation of the Final EIR for the project and now requires that a one-half mile odor buffer be established and maintained between the project site and the headworks of the City WPCF, as well as between the project site and the Erskine pond. In addition, in the event that a developer of a future site plan within the Gateway site II wishes to encroach within the half-mile odor buffer, the developer will be required to prepare an *Updated Evaluation of Odor Impacts from Wastewater Treatment Facilities on the Proposed Gateway II Project* and submit the updated study to the Community Development Department for review and approval. Should the updated study be prepared and the study determines that a potentially significant impact would occur, mitigation within the study could include, but would not be limited to, enclosing the headworks of the City WPCF and/or relocating the Erskine Pond. Implementation of the mitigation ensures that impacts related to WPCF odors will not be significant.

Response to Comment 6-5

Chapter 4.2, Transportation and Circulation, of the Draft EIR, analyzes and discusses the proposed project's impacts to intersections and roadway segments in the project vicinity, as well as impacts to bicycles and pedestrians. The analysis determined that impacts to some of the intersections and roadway segments would be potentially significant and could be mitigated to a less-than-significant level with implementation of the mitigation measures required within the Draft EIR, which include, but are not limited to, mitigation measures that require widening of roadways and re-optimization of intersection signal timings. However, the analysis also determined that impacts to some intersections and roadway segments would be significant and

unavoidable even with implementation of required mitigation. (It should be noted that several of the mitigation measures were further refined during preparation of the Final EIR.) Ultimately, the final determination of the significance of impacts and the feasibility of mitigation measures will be made by the City as part of the City's EIR certification action.

Response to Comment 6-6

The comment is a concluding comment and does not address the adequacy of the EIR. Further, the comment summarizes the comments that were responded to in Responses to Comments 6-2 through 6-5, above.

ATTACHMENT I

ERRATA TO THE FEIR

ERRATA TO FINAL EIR REVISIONS TO THE DRAFT EIR TEXT

The Woodland Gateway Phase II Final EIR included two typographical errors within the Revisions to the Draft EIR Text chapter. These typographical errors are corrected in these Errata to Revisions to the Draft EIR Text.

2. EXECUTIVE SUMMARY

Page 2-20 of Table 2-1 within Chapter 2, Revisions to the Draft EIR Text, of the Final EIR is hereby revised as follows:

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
	PS	4.2-2(g) <u>Maxwell Avenue / American Drive</u>	SU <u>LS</u>

In addition, page 2-80 of Table 2-1 within Chapter 2, Revisions to the Draft EIR Text, of the Final EIR is hereby revised as follows:

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
4.11-2 <u>4.9-2</u> Impacts related to an	PS	4.9-2 Prior to approval of Improvement Plans for the first	LS

These revisions are for clarification purposes and do not change the analyses presented in the Draft EIR or the Final EIR.

Recorded at request of:)
City Clerk)
City of Woodland)
)
When recorded return to:)
City of Woodland)
300 First Street)
Woodland, CA 95695)
Attention: City Clerk)
)

Exempt from filing fees pursuant to Government Code §6103

DEVELOPMENT AGREEMENT NO. [____]

A DEVELOPMENT AGREEMENT BETWEEN

CITY OF WOODLAND

and

**WOODLAND DEVELOPMENT COMPANY, LLC, A CALIFORNIA LIMITED
LIABILITY COMPANY**

DEVELOPMENT AGREEMENT NO. [_____]

This Development Agreement (hereinafter “Agreement”) is entered into as of this ____ day of _____, 2011 by and between the City of Woodland, California (hereinafter “CITY”), and Woodland Development Company, LLC, a California limited liability company (hereinafter “OWNER”):

RECITALS

WHEREAS, CITY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Section 65864, et seq. of the Government Code; and

WHEREAS, OWNER has requested CITY to enter into a development agreement and proceedings have been taken in accordance with the rules and regulations of CITY; and

WHEREAS, the terms and conditions of this Agreement have undergone extensive review by CITY and OWNER and have been found to be fair, just and reasonable; and

WHEREAS, the best interests of the citizens of the City of Woodland and the public health, safety and welfare will be served by entering into this Agreement; and

WHEREAS, the City Council hereby finds and determines that this development agreement is of major significance because it will enable the City to fund much needed capital improvements and provide much needed public services and will therefore also have a major, beneficial economic impact on the City; and

WHEREAS, the physical effects, if any, of the Project have been or will be separately analyzed pursuant to CEQA and therefore, this Agreement is exempt from further review under CEQA; and

WHEREAS, this Agreement and the Project are consistent with the Woodland General Plan and any specific plan applicable thereto; and

WHEREAS, all actions taken and approvals given by CITY have been duly taken or approved in accordance with all applicable legal requirements for notice, public hearings, findings, votes, and other procedural matters; and

WHEREAS, development of the Property in accordance with this Agreement will provide substantial benefits to CITY and will further important policies and goals of CITY; and

WHEREAS, this Agreement will eliminate uncertainty in planning and provide for the orderly development of the Property, ensure progressive installation of necessary improvements,

provide for public services appropriate to the development of the Project, and generally serve the purposes for which development agreements under Section 65864, et seq. of the Government Code are intended;

COVENANTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

1. DEFINITIONS AND EXHIBITS.

1.1 Definitions. The following terms when used in this Agreement shall be defined as follows:

1.1.1 “Agreement” means this Development Agreement.

1.1.2 “CITY” means the City of Woodland, a California municipal corporation.

1.1.3 “City Council” means the duly elected city council of the City of Woodland.

1.1.4 “Commencement Date” means the date the Term of this Agreement commences.

1.1.5 “Development” means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of buildings and structures; and the installation of landscaping. “Development” does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.1.6 “Development Approvals” means all permits and other entitlements for use subject to approval or issuance by CITY in connection with development of the Property including, but not limited to:

- (a) specific plans and specific plan amendments;
- (b) tentative and final subdivision and parcel maps;
- (c) conditional use permits, public use permits and plot plans;
- (d) zoning;

- (e) grading and building permits.

1.1.7 “Development Exaction” means any requirement of CITY in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of fees in order to lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests.

1.1.8 “Development Impact Fee” a monetary exaction other than a tax or special assessment, whether established for a broad class of projects by legislation of general applicability or imposed on a specific project on an ad hoc basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, but does not include park “in lieu” fees specified in Government Code Section 66477, fees for processing applications for governmental regulatory actions or approvals, fees collected under development agreements adopted pursuant to Article 2.5 of the Government Code (commencing with Section 65864) of Chapter 4, or fees collected pursuant to agreements with redevelopment agencies which provide for the redevelopment of property in furtherance or for the benefit of a redevelopment project for which a redevelopment plan has been adopted pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code).

1.1.9 “Development Plan” means the plan for development of the Property as set forth in Exhibit “C”.

1.1.10 “Effective Date” means the date the ordinance approving and authorizing this Agreement becomes effective.

1.1.11 “Land Use Regulations” means all ordinances, resolutions, codes, rules, regulations and official policies of CITY governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. “Land Use Regulations” does not include any CITY ordinance, resolution, code, rule, regulation or official policy, governing:

- (a) the conduct of businesses, professions, and occupations;
- (b) taxes (special or general) and assessments;
- (c) the control and abatement of nuisances;
- (d) the granting of encroachment permits and the conveyance of rights and interests that provide for the use of or the entry upon public property;
- (e) the exercise of the power of eminent domain.

1.1.12 “OWNER” means the persons and entities listed as OWNER on page 1 of this Agreement and their successors in interest to all or any part of the Property.

1.1.13 “Mortgagee” means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device lender, and their successors and assigns.

1.1.14 “Project” means the development of the Property or any portion thereof contemplated by the Development Plan as such Plan may be further defined, enhanced or modified pursuant to the provisions of this Agreement.

1.1.15 “Property” means the real property described on Exhibit “A” and shown on Exhibit “B” to this Agreement.

1.1.16 “Reservation of Rights” means the rights and authority excepted from the assurances and rights provided to OWNER under this Agreement and reserved to CITY under Section 3.3 of this Agreement.

1.2 Exhibits. The following documents are attached to, and by this reference made a part of, this Agreement:

Exhibit “A” – Legal Description of the Property.

Exhibit “B” – Map showing Property and its location.

Exhibit “C” – Development Plan.

Exhibit “D” – Development Impact Fees.

Exhibit “E” – Agreed Upon Development Issues

Exhibit “F” - Permitted and Conditionally Permitted Uses

2. GENERAL PROVISIONS.

2.1 Binding Effect of Agreement. The Property is hereby made subject to this Agreement. Development of the Property is hereby authorized and shall be carried out in accordance with the terms of the Development Plan and this Agreement.

2.2 Ownership of Property. OWNER represents and covenants that it is the owner of the fee simple title to, or has an equitable interest in, the Property or a portion thereof.

2.3 Term. The term of this Agreement shall commence on the date (the “Commencement Date”) that is the Effective Date, and shall continue for a period of twenty (20) years thereafter, unless this term is modified or extended pursuant to the provisions of this Agreement. Thereafter, the OWNER shall have no vested right under this Agreement, regardless of whether or not OWNER has paid any Development Impact Fee.

2.4 Assignment and Release of Agreement.

2.4.1 Right to Assign. Provided that OWNER is not then in default under this Agreement, OWNER shall have the right to sell, transfer or assign the Property in whole or in part (provided that no such partial transfer shall violate the Subdivision Map Act, Government Code Section 66410, et seq.) to any person, partnership, joint venture, firm or corporation at any time during the Term of this Agreement; provided, however, that any such sale, transfer or assignment shall include the assignment and assumption of the rights, duties and obligations arising under or from this Agreement and be made in strict compliance with the following conditions precedent:

(a) No sale, transfer or assignment of any right or interest under this Agreement shall be made unless made together with the sale, transfer or assignment of all or a part of the Property.

(b) Concurrent with any such sale, transfer or assignment, OWNER shall notify CITY, in writing, of such sale, transfer or assignment and shall provide CITY with an executed agreement (“Assignment and Assumption Agreement”), in a form reasonably acceptable to CITY, by the purchaser, transferee or assignee and providing therein that the purchaser, transferee or assignee expressly and unconditionally assumes all the duties, obligations, agreements, covenants, waivers of OWNER under this Agreement, including, without limitation, the covenants not to sue and waivers contained in Sections 7.2 and 8.4 hereof.

Any sale, transfer or assignment not made in strict compliance with the foregoing conditions shall constitute a default by Owner under this Agreement, provided that CITY may agree in writing to allow a sale, transfer, or assignment of all or a portion of the Property despite OWNER being in breach of this Agreement. Notwithstanding the failure of any purchaser, transferee or assignee to execute the agreement required by Paragraph (b) of this Subsection 2.4.1, the burdens of this Agreement shall be binding upon such purchaser, transferee or assignee, but the benefits of this Agreement shall not inure to such purchaser, transferee or assignee until and unless such agreement is executed.

2.4.2 Release of Transferring Owner. Notwithstanding any sale, transfer or assignment, a transferring OWNER shall continue to be obligated under this Agreement with respect to the transferred Property or any transferred portion thereof, unless such transferring OWNER is given a release in writing by CITY, which release shall be provided by CITY upon the full satisfaction by such transferring OWNER of the following conditions:

(a) OWNER no longer has a legal or equitable interest in all or any part of the Property subject to the transfer.

(b) OWNER is not then in default under this Agreement.

(c) OWNER has provided CITY with the notice and executed agreement required under Paragraph (b) of Subsection 2.4.1 above.

(d) The purchaser, transferee or assignee provides CITY with security equivalent to any security previously provided by OWNER to secure performance of its obligations hereunder.

2.4.3 Subsequent Assignment. Any subsequent sale, transfer or assignment after an initial sale, transfer or assignment shall be made only in accordance with and subject to the terms and conditions of this Section.

2.4.4 Utilities. Prior to the issuance of a certificate of occupancy for any portion of the Project, such portion of the Project shall be connected to all utilities necessary to provide adequate water, sewer, gas, electric, and other utility service to said portion of the Project; provided, however, that OWNER shall provide adequate connections to allow OWNER to provide necessary utilities to the remainder of the Project at a later time.

2.4.5 Sale to Public and Completion of Construction. The provisions of Subsection 2.4.1 shall not apply to the sale or lease of any lot that has been legally subdivided and is sold or leased to a member of the public or other ultimate user. This Agreement shall terminate with respect to any lot and such lot shall be released and no longer be subject to this Agreement without the execution or recordation of any further document upon satisfaction of both of the following conditions:

(a) The lot has been legally subdivided and sold or leased to a member of the public or other ultimate user; and

(b) A certificate of occupancy has been issued for every building on the lot, and the fees for such lot set forth in this Agreement have been paid.

2.5 Amendment or Cancellation of Agreement. This Agreement may be amended or canceled in whole or in part only by written consent of all parties in the manner provided for in Government Code Section 65868. This provision shall not limit any remedy of CITY or OWNER as provided by this Agreement.

2.6 Termination. This Agreement shall be deemed terminated and of no further effect upon the occurrence of any of the following events:

(a) Expiration of the stated Term of this Agreement as set forth in Section 2.3.

(b) Entry of a final judgment setting aside, voiding or annulling the adoption of the ordinance approving this Agreement.

(c) The adoption of a referendum measure not initiated by the City Council overriding or repealing the ordinance approving this Agreement.

(d) Completion of the entire Project in accordance with the terms of this Agreement including issuance of all required occupancy permits and acceptance by CITY or applicable public agency of all required dedications.

Termination of this Agreement shall not constitute termination of any other land use entitlements approved for the Property. Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to any obligation to have been performed prior to such termination or with respect to any default in the performance of the provisions of this Agreement that has occurred prior to such termination or with respect to any obligations that are specifically set forth as surviving this Agreement.

2.7 Notices.

(a) As used in this Agreement, "notice" includes, but is not limited to, the communication of notice, request, demand, approval, statement, report, acceptance, consent, waiver, appointment or other communication required or permitted hereunder.

(b) All notices shall be in writing and shall be considered given either: (i) when delivered in person to the recipient named below; or (ii) on the date of delivery or refusal thereof shown on the return receipt, after deposit in the United States mail in a sealed envelope as either registered or certified mail with return receipt requested, and postage and postal charges prepaid, and addressed to the recipient named below; (iii) on the date of delivery or refusal thereof if mailed by reputable overnight courier service; or (iv) on the date sent by fax if (1) a confirmation of receipt is generated and printed by the transmitting fax machine showing receipt before 5:00 p.m. on the date sent and (2) a copy of such notice is also sent by United States mail, postage prepaid, or overnight or personal delivery, addressed as provided in this Section 2.7 within one (1) business day following such fax transmission. All notices shall be addressed as follows:

If to CITY:

City of Woodland
300 First Street
Woodland, CA 95695
Attn: City Manager
Telephone: (530) 661-5800
Facsimile: (530) 661-5848

Copy to:

Best, Best & Krieger, LLP
400 Capital Mall, Suite 1650
Sacramento, CA 95814
Attn: City Attorney
Telephone: (916) 325-4000
Facsimile: (916) 325-4010

If to OWNER:

Woodland Development Company, LLC
c/o Petrovich Development Company, LLC
825 K Street
Sacramento, CA 95814
Attn: Legal Department
Telephone: (916) 442-4600
Facsimile: (916) 442-6313

(c) Either party may, by notice given at any time, require subsequent notices to be given to another person or entity, whether a party or an officer or representative of a party, or to a different address, or both. Notices given before actual receipt of notice of change shall not be invalidated by the change.

3. DEVELOPMENT OF THE PROPERTY.

3.1 Rights to Develop. Subject to the terms of this Agreement including the Reservation of Rights, OWNER shall have a vested right to develop the Property in accordance with, and to the extent of, this Agreement. Except as expressly provided otherwise herein, the Project shall be subject only to those Land Use Regulations and Development Approvals which are in effect on the Effective Date and that are required to complete the Project as contemplated by the Development Plan. Except as otherwise provided in this Agreement, and notwithstanding the authority of the CITY to further revising the Land Use Regulations pursuant to Government Code section 65866, the permitted uses of the Property, the density and intensity of use, the maximum height and size of proposed buildings, and provisions for reservation and dedication of land for public purposes shall be those set forth in the Land Use Regulations and Development Approvals which are in effect on the Effective Date.

3.2 Effect of Agreement on Land Use Regulations. Except as otherwise provided under the terms of this Agreement including the Reservation of Rights, the rules, regulations and official policies governing permitted uses of the Property, the density and intensity of use of the Property, the maximum height and size of proposed buildings, and the design, improvement and construction standards and specifications applicable to development of the Property shall be the Land Use Regulations and Development Approvals which are in effect on the Effective Date. Except as

specifically provided otherwise herein, including under the Reservation of Rights, CITY may not exercise its discretion in accordance with the Land Use Regulations then in effect. CITY shall accept for processing, review and action all applications for subsequent development approvals, and such applications shall be processed in the same manner and the CITY shall exercise its discretion, when required or authorized to do so, to the same extent it would otherwise be entitled in the absence of this Agreement.

3.3 Reservation of Rights.

3.3.1 Limitations, Reservations and Exceptions. Notwithstanding any other provision of this Agreement, the following regulations shall apply to the development of the Property:

(a) Processing fees and charges of every kind and nature imposed by CITY to cover the estimated actual costs to CITY of processing applications for Development Approvals or for monitoring compliance with any Development Approvals granted or issued. For any period in which CITY has incurred any such fees or charges, then CITY shall, not less than once every thirty (30) days, provide OWNER reasonable documentation of the costs so incurred, if any. Notwithstanding the foregoing, CITY shall not be in default of the foregoing obligation unless OWNER has provided CITY with notice of CITY's failure to provide such documentation and CITY has failed to provide OWNER with such documentation thirty (30) days following receipt of such notice.

(b) Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

(c) Regulations, policies and rules governing engineering and construction standards and specifications applicable to public and private improvements, including, without limitation, all uniform codes adopted by the City and any local amendments to those codes adopted by the CITY, including, without limitation, the CITY's Building Code, Plumbing Code, Mechanical Code, Electrical Code, and Grading Ordinance.

(d) Regulations that may be in material conflict with this Agreement but that are reasonably necessary to protect the residents of the project or the immediate community from a condition perilous to their health or safety. To the extent possible, any such regulations shall be applied and construed so as to provide OWNER with the rights and assurances provided under this Agreement.

(e) Regulations that are not in material conflict with this Agreement or the Development Plan. Any regulation, whether adopted by initiative or otherwise, limiting the rate or timing of development of the Property shall be deemed to materially conflict with the Development Plan and shall therefore not be applicable to the development of the Property.

(f) Regulations that are in material conflict with the Development Plan; provided OWNER has given written consent to the application of such regulations to development of that Property in which the OWNER has a legal or equitable interest.

(g) Regulations that impose, levy, alter or amend fees, or charges not associated with or impact fees for the initial development of the Property, but which relate directly to the consumers or end users. Such regulations may include, without limitation, trash can placement, service charges and limitations on vehicle parking. Notwithstanding anything in this Section 3.3.1(g) to the contrary, the CITY shall have the right to amend building permit fees in compliance with applicable law, provided, however, that the CITY agrees that upon OWNER's submittal of a complete application for any component of the Project or separate application for a building permit for a portion of the Property, the building permit fees and impact fees (i.e. all monies owed at time of issuance of the building permit) shall be frozen at the rate for such fees at the time of OWNER's application, which freeze shall continue for a period of 18 months, it being understood that OWNER may freeze such fees for individual portions of the Project that have separate 18-month tolling periods. The freeze provided for in the previous sentence shall not apply to increases in fees intended to offset inflation, such as fees calculated based on increases in the Consumer Price Index or Engineering News Record cost index.

(h) Regulations, conditions, and requirements of other non-CITY public agencies, including but not limited to conditions imposed by Yolo LAFCO and Development Impact Fees adopted or imposed by such other non-CITY public agencies, although collected by CITY.

3.3.2 Subsequent Development Approvals. This Agreement shall not prevent CITY, in acting on subsequent development approvals for any projects other than this Project and to the same extent it would otherwise be authorized to do so absent this Agreement, from applying subsequently adopted or amended Land Use Regulations applicable to property other than this Project which do not materially conflict with this Agreement.

3.3.3 Modification or Suspension by State or Federal Law. In the event that State, County or Federal laws or regulations, enacted after the Effective Date of this Agreement, prevent or preclude compliance with one or more of the provisions of this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations; provided, however, that this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

3.3.4 Intent. The parties acknowledge and agree that CITY is restricted in its authority to limit certain aspects of its police power by contract and that the foregoing limitations, reservations and exceptions are intended to reserve to CITY all of its police power that cannot be or are not expressly so limited. This Agreement shall be construed, contrary to its stated terms if

necessary, to reserve to CITY all such power and authority that cannot be or is not by this Agreement's express terms so restricted.

3.4 Regulation by Other Public Agencies. It is acknowledged by the parties that other public agencies not within the control of CITY may possess authority to regulate aspects of the development of the Property separately from or jointly with CITY and this Agreement does not limit the authority of such other public agencies which agencies shall include federal agencies, state agencies, and the Yolo County Local Agency Formation Commission. Notwithstanding any provision of this Agreement to the contrary, nothing in this Agreement shall be deemed to prohibit or restrict CITY from imposing conditions, restrictions and/or exactions to the extent necessary to comply with any applicable law, regulation, or directive from a federal or state agency, or from the Yolo County Local Agency Formation Commission, and OWNER agrees to comply with all such conditions, restrictions, and/or exactions.

3.5 Compliance with Mitigation Measures. Notwithstanding any provision of this Agreement or any approval or condition of approval issued by CITY, OWNER shall comply with all mitigation measures required to be undertaken pursuant to any document prepared in compliance with the California Environmental Quality Act ("CEQA") with respect to the Project, except to the extent that such mitigation measures have been deleted or superseded by a subsequent CEQA document, including all milestone dates and events set forth therein. OWNER shall ensure that all mitigation measures have been implemented not later than upon completion of the Project, or earlier if required by the environmental document. OWNER and CITY agree that OWNER shall be obligated to comply with the mitigation measures required under the then-governing CEQA document or documents, whether such obligations are greater than or less than those set forth in this Agreement as of the effective date of this Agreement.

3.6 Agreed Upon Development Issues. The parties agree that, with regards to the Property, each party shall be subject to the terms and conditions listed on Exhibit "E" attached hereto. Notwithstanding the fact that other uses may be permitted at the Property by CITY's General Plan and/or applicable zoning, the only uses permitted at the Property shall be those set forth in Exhibit "F" hereto. Issuance by CITY of the Master CUP described in Exhibit E shall establish the uses set forth therein as those which are approved for the entire Property. This use restriction shall remain in effect in perpetuity, and shall survive the termination or expiration of this Agreement either in its entirety or with respect to specific portions of the Property.

4. PUBLIC BENEFITS.

4.1 Intent. The parties acknowledge and agree that development of the Property will result in substantial public needs that will not be fully met by the Development Plan and further acknowledge and agree that this Agreement confers substantial private benefits on OWNER that should be balanced by commensurate public benefits. Accordingly, the parties intend to provide

consideration to the public to balance the private benefits conferred on OWNER by providing more fully for the satisfaction of the public needs resulting from the Project as set forth in this Agreement.

4.2 Development Impact Fees.

4.2.1 Amount of Fee. The Development Impact Fees set forth in Exhibit “D” shall be charged to the Project. The parties agree that the Project will lie in Area S6a for purposes of calculating the Development Impact Fee for Storm Drainage. The parties also agree that the Development Impact Fees shall be determined according to the use for the building or portion of the Project for which OWNER is seeking a building permit.

4.2.2 Time of Payment. The fees required pursuant to Subsection 4.2.1 shall be paid to CITY prior to the issuance of a building permit for each building comprising the Project. In connection with each building permit application, OWNER shall be required to pay only those fees attributable to the portion of the Project for which OWNER is seeking a building permit. OWNER shall be allowed to participate in any fee deferral program offered to other commercial properties within the City of Woodland, provided that OWNER is eligible under the terms of such program, and further provided that CITY shall have no obligation to offer any such program or continue any such program.

4.2.3 In no event shall the prepayment of any Development Impact Fees required hereunder establish a vested right on the part of OWNER or any other owner of the Property or any person or entity with an interest therein to develop the Project or the Property following the expiration, cancellation or termination of the Term of this Agreement. Following the expiration, cancellation or termination of this Agreement, all Development Impact Fees then in effect shall be applicable to the Project and Property notwithstanding any provision of this Agreement and notwithstanding the prepayment of the Development Impact Fees set forth in Exhibit “D”. Notwithstanding anything to the contrary contained in this Section 4.2.3, OWNER shall not be required to pay any fees retroactively for portions of the Property already issued a building permit, provided that nothing herein shall relieve OWNER of the obligation to pay fees for any new building permit required for the Property.

4.3 Agricultural Conservation Easements. CITY has established specific criteria for agricultural conservation easements, as provided in CITY’s Agricultural Mitigation Program. Pursuant to the CITY’s Agricultural Mitigation Program, OWNER shall not be required to mitigate for those lands which shall remain zoned for agricultural use. Prior to submittal of the first final map and improvement plan package to CITY, OWNER shall provide to CITY executed agricultural conservation easements as required by the Agricultural Mitigation Program, in recordable form for recording with the Yolo County Recorder. Any such easement shall be dedicated to the Yolo Land Trust or another suitable entity selected by CITY. Under the terms of any such easement, CITY shall have no responsibility for the payment of any portion of the required endowment fee. OWNER is responsible for all escrow costs (but not title insurance costs) in association with establishment of easements.

4.4 Swainson's Hawk Mitigation. In addition to the requirements of Section 4.3 above, OWNER shall, prior to submittal of the first final map and improvement plan package to CITY, provide evidence of the approval of the Department of Fish & Game of a plan for the purpose of Swainson's Hawk habitat mitigation. OWNER shall not be required to mitigate for those lands which shall remain zoned for agricultural use or that have already been developed or mitigated prior to the execution of this Agreement.

4.5 Dedication of On-Site Easements and Rights of Way. OWNER shall dedicate to CITY all on-site rights of way and easements deemed necessary for public improvements, in CITY's sole discretion, within 30 days of receipt of written demand from CITY; provided, however, that the CITY's on-site rights of way and easements shall be designed and located in the most efficient and effective way to support the development of the Project in substantial conformance with approved Development Plan, as determined by CITY in its sole discretion.

4.6 Timing of Construction of Off-Site Infrastructure. Approval of any building permits on the Property shall be conditioned upon CITY's determination, in its sole discretion, that sufficient progress is being made on construction of off-site infrastructure serving development of OWNER's Property; provided that in connection with each building permit application OWNER shall be obligated only to construct off-site infrastructure required to serve the structures or portion of the Project for which the building permit is being requested, as determined by CITY.

5. FINANCING OF PUBLIC IMPROVEMENTS. OWNER may propose, and if requested by CITY shall cooperate in, the formation of any special assessment district, community facilities district or alternate financing mechanism to pay for the construction and/or maintenance and operation of public infrastructure facilities required as part of the Development Plan. To the extent any such district or other financing entity is formed and sells bonds in order to finance such reimbursements, OWNER may be reimbursed to the extent that OWNER spends funds or dedicates land for the establishment of public facilities. Notwithstanding the foregoing, it is acknowledged and agreed by the parties that nothing contained in this Agreement shall be construed as requiring CITY or the City Council to form any such district or to issue and sell bonds.

6. REVIEW FOR COMPLIANCE.

6.1 Periodic Review. The CITY shall review this Agreement annually, on or before the anniversary of the Effective Date, in order to ascertain the compliance by OWNER with the terms of the Agreement. OWNER shall submit an Annual Monitoring Report, in a form acceptable to the City Manager, within thirty (30) days of each anniversary of the effective date of this Agreement. The Annual Monitoring Report shall be accompanied by an annual review and administration fee sufficient to defray the estimated costs of review and administration of the Agreement during the succeeding year, if such a fee has been established. The amount of the annual review and administration fee shall be set annually by resolution of the City Council. The failure of OWNER to comply with this Section 6.1 shall not be deemed a default of this Agreement unless CITY gives OWNER notice of such failure and such failure continues for thirty (30) days from such notice.

6.2 Special Review. The City Council may order a special review of compliance with this Agreement at any time. The City Manager, or his or her designee, shall conduct such special reviews with the City Manager having approval of the review and the contents of any report generated as a result of said review, provided that nothing herein shall preclude the City Council from evaluating or participating in the review. At any time OWNER may request from CITY a determination as to whether OWNER is in substantial compliance with the requirements of this Agreement. CITY shall issue such determination within thirty (30) days of receiving from OWNER all materials required to complete CITY's determination.

6.3 Procedure.

(a) During either a periodic review or a special review, OWNER shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on OWNER.

(b) Upon completion of a periodic review or a special review, the Community Development Director, or his or her designee, shall submit a report to the City Manager setting forth the evidence concerning good faith compliance by OWNER with the terms of this Agreement and his or her recommended finding on that issue.

(c) If the City Manager finds and determines on the basis of substantial evidence that OWNER has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded.

(d) If the City Manager finds and determines on the basis of substantial evidence that OWNER has not complied in good faith with the terms and conditions of this Agreement, the Commission may recommend to the City Council modification or termination of this Agreement. OWNER may appeal a City Manager determination pursuant to this Section 6.3(d) pursuant to CITY's rules for consideration of appeals in zoning matters then in effect. Notice of default as provided under Section 7.3 of this Agreement shall be given to OWNER prior to or concurrent with proceedings under Section 6.4 and Section 6.5.

6.4 Proceedings Upon Modification or Termination. If, upon a finding under Section 6.3, CITY determines to proceed with modification or termination of this Agreement, CITY shall give written notice to OWNER of its intention so to do. The notice shall be given at least ten (10) calendar days prior to the scheduled hearing and shall contain:

- (a) The time and place of the hearing;
- (b) A statement as to whether or not CITY proposes to terminate or to modify the Agreement; and,
- (c) Such other information that the CITY considers necessary to inform OWNER

of the nature of the proceeding.

6.5 Hearing on Modification or Termination. At the time and place set for the hearing on modification or termination, OWNER shall be given an opportunity to be heard. OWNER shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. The burden of proof on this issue shall be on OWNER. If the City Council finds, based upon substantial evidence, that OWNER has not complied in good faith with the terms or conditions of the Agreement, the City Council may terminate this Agreement or modify this Agreement and impose such conditions as are reasonably necessary to protect the interests of the CITY. The decision of the City Council shall be final.

6.6 Certificate of Agreement Compliance. If, at the conclusion of a Periodic or Special Review, OWNER is found to be in compliance with this Agreement, CITY shall, upon request by OWNER, issue a Certificate of Agreement Compliance ("Certificate") to OWNER stating that after the most recent Periodic or Special Review and based upon the information known or made known to the Community Development Director and City Council that: (1) this Agreement remains in effect; and (2) OWNER is not in default. The Certificate shall be in recordable form, shall contain information necessary to communicate constructive record notice of the finding of compliance, shall state whether the Certificate is issued after a Periodic or Special Review and shall state the anticipated date of commencement of the next Periodic Review. OWNER may record the Certificate with the County Recorder.

Whether or not the Certificate is relied upon by assignees or other transferees or OWNER, CITY shall not be bound by a Certificate if a default existed at the time of the Periodic or Special Review, but was concealed from or otherwise not known to the Community Development Director or City Council.

7. DEFAULT AND REMEDIES.

7.1 Remedies in General. It is acknowledged by the parties that CITY would not have entered into this Agreement if it were to be liable in damages under this Agreement, or with respect to this Agreement or the application thereof. In general, each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement, except that CITY shall not be liable in damages to OWNER, or to any successor in interest of OWNER, or to any other person, and OWNER covenants not to sue for damages or claim any damages:

- (a) For any breach of this Agreement or for any cause of action that arises out of this Agreement; or
- (b) For the taking, impairment or restriction of any right or interest conveyed or provided under or pursuant to this Agreement; or
- (c) Arising out of or connected with any dispute, controversy or issue regarding

the application or interpretation or effect of the provisions of this Agreement.

7.2 Release. Except for non-monetary remedies, OWNER, for itself, its successors and assignees, hereby releases CITY, its officers, agents and employees from any and all claims, demands, actions, or suits of any kind or nature arising out of any liability, known or unknown, present or future, including, but not limited to, any claim or liability, based or asserted, pursuant to Article I, Section 19 of the California Constitution, the Fifth and Fourteenth Amendments to the United States Constitution, or any other law or ordinance which seeks to impose any other liability or damage, whatsoever, upon CITY because it entered into this Agreement or because of the terms of this Agreement. OWNER hereby acknowledges that it has read and is familiar with the provisions of California Civil Code Section 1542, which is set forth below:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR."

By initialing below, OWNER hereby waives the provisions of Section 1542 in connection with the matters that are the subject of the foregoing waivers and releases.

Owner's Initials

7.3 Termination or Modification of Agreement for Default of OWNER. CITY may terminate or modify this Agreement for any failure of OWNER to perform any material duty or obligation of OWNER under this Agreement, or to comply in good faith with the terms of this Agreement (hereinafter referred to as "default"); provided, however, CITY may terminate or modify this Agreement pursuant to this Section only after providing written notice to OWNER of default setting forth the nature of the default and the actions, if any, required by OWNER to cure such default and, where the default can be cured, OWNER has failed to take such actions and cure such default within sixty (60) days after the effective date of such notice or, in the event that such default cannot be cured within such sixty (60) day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such sixty (60) day period and to diligently proceed to complete such actions and cure such default.

7.4 Termination of Agreement for Default of CITY. OWNER may terminate this Agreement only in the event of a default by CITY in the performance of a material term of this Agreement and only after providing written notice to CITY of default setting forth the nature of the default and the actions, if any, required by CITY to cure such default and, where the default can be cured, CITY has failed to take such actions and cure such default within sixty (60) days after the

effective date of such notice or, in the event that such default cannot be cured within such sixty (60) day period but can be cured within a longer time, has failed to commence the actions necessary to cure such default within such sixty (60) day period and to diligently proceed to complete such actions and cure such default.

8. LITIGATION.

8.1 Third Party Litigation Concerning Agreement. OWNER shall defend, at its expense, including attorneys' fees, indemnify, and hold harmless CITY, its agents, officers and employees from any claim, action or proceeding against CITY, its agents, officers, or employees to attack, set aside, void, or annul the approval of this Agreement, or the approval of any permit granted pursuant to this Agreement. CITY shall promptly notify OWNER of any claim, action, proceeding or determination included within this Section 8.1, and CITY shall cooperate in the defense. If CITY fails to promptly notify OWNER of any such claim, action, proceeding or determination, or if CITY fails to cooperate in the defense, OWNER shall not thereafter be responsible to defend, indemnify, or hold harmless CITY. CITY may in its discretion participate in the defense of any such claim, action, proceeding or determination.

8.2 Environmental Assurances. OWNER shall indemnify and hold CITY, its officers, agents, and employees free and harmless from any liability, based or asserted, upon any act or omission of OWNER, its officers, agents, employees, subcontractors, predecessors in interest, successors, assigns and independent contractors for any violation of any federal, state or local law, ordinance or regulation relating to industrial hygiene or to environmental conditions on, under or about the Property, including, but not limited to, soil and groundwater conditions, and OWNER shall defend, at its expense, including attorneys' fees, CITY, its officers, agents and employees in any action based or asserted upon any such alleged act or omission; provided, however, that the foregoing shall not apply to any intentional or willful release of contaminants or hazardous materials onto the Property by the CITY, its officers, agents, or employees. CITY may in its discretion participate in the defense of any such action. For purposes of this paragraph, "hazardous materials" shall mean any substance, products, waste, or other material of any nature whatsoever which is currently listed, regulated, or addressed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 United States Code Section 9601 et seq.; the Resources Conservation and Recovery Act, 42 United States Code Section 6901 et seq.; the California Hazardous Waste Control Act, Health and Safety Code Section 25100 et seq.; the Hazardous Substance Account Act, Health and Safety Code Section 25330 et seq.; or the California Safe Drinking Water and Toxic Enforcement Act, Health and Safety Code Section 25249.5 et seq.

8.3 Reservation of Rights. With respect to Section 8.1 and Section 8.2 herein, CITY reserves, the right to either (1) approve the attorney(s) that the indemnifying party selects, hires or otherwise engages to defend the indemnified party hereunder, which approval shall not be unreasonably withheld, or (2) conduct its own defense; provided, however, that the indemnifying party shall reimburse the indemnified party forthwith for any and all reasonable expenses incurred for such defense, including attorneys' fees, upon billing and accounting therefor.

8.4 Challenge to Existing Land Use Approvals. By accepting the benefits of this Agreement, OWNER, on behalf of itself and its successors in interest, hereby expressly agrees and covenants not to sue or otherwise challenge any land use approval affecting the Property and in effect as of the Effective Date. Such agreement and covenant includes, without limitation, the covenant against any direct suit by OWNER or its successor in interest, or any participation, encouragement or involvement whatsoever that is adverse to CITY by OWNER or its successor in interest, other than as part of required response to lawful orders of a court or other body of competent jurisdiction. OWNER hereby expressly waives, on behalf of itself and its successors in interest, any claim or challenge to any land use approval affecting the Property and in effect as of the Effective Date. In the event of any breach of the covenant or waiver contained herein, CITY shall, in addition to any other remedies provided for at law or in equity, be entitled to:

- (a) impose and recover (at any time, including after sale to a member of the public or other ultimate user) from the party breaching such covenant or waiver, the full amount of Development Impact Fees that the breaching party would have been required to pay in the absence of this Development Agreement; and
- (b) impose any subsequently adopted land use regulation on those land use approvals for which the breaching party had not, as of the time of such breach, obtained a building permit.

OWNER hereby acknowledges that it has read and is familiar with the provisions of California Civil Code Section 1542, which is set forth below:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR."

By initialing below, OWNER hereby waives the provisions of Section 1542 in connection with the matters that are the subject of the foregoing waivers and releases.

Owner's Initials

8.5 Survival. The provisions of Sections 8.1 through 8.4, inclusive, shall survive the termination of this Agreement and remain in effect in perpetuity.

9. MORTGAGEE PROTECTION.

The parties hereto agree that this Agreement shall not prevent or limit OWNER, in any

manner, at OWNER's sole discretion, from encumbering the Property or any portion thereof or any improvement thereon by any mortgage, deed of trust or other security device securing financing with respect to the Property. CITY acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and agrees upon request, from time to time, to meet with OWNER and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. CITY will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement. Any Mortgagee of the Property shall be entitled to the following rights and privileges:

(a) Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Property made in good faith and for value, unless otherwise required by law.

(b) The Mortgagee of any mortgage or deed of trust encumbering the Property, or any part thereof, which Mortgagee, has submitted a request in writing to the CITY in the manner specified herein for giving notices, shall be entitled to receive written notification from CITY of any default by OWNER in the performance of OWNER's obligations under this Agreement.

(c) If CITY timely receives a request from a mortgagee requesting a copy of any notice of default given to OWNER under the terms of this Agreement, CITY shall provide a copy of that notice to the Mortgagee within ten (10) days of sending the notice of default to OWNER. The Mortgagee shall have the right, but not the obligation, to cure the default during the remaining cure period allowed such party under this Agreement.

(d) Any Mortgagee who comes into possession of the Property, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Property, or part thereof, subject to the terms of this Agreement. Notwithstanding any other provision of this Agreement to the contrary, no Mortgagee shall have an obligation or duty under this Agreement to perform any of OWNER's obligations or other affirmative covenants of OWNER hereunder, or to guarantee such performance; provided, however, that to the extent that any covenant to be performed by OWNER is a condition precedent to the performance of a covenant by CITY, the performance thereof shall continue to be a condition precedent to CITY's performance hereunder, and further provided that any sale, transfer or assignment by any Mortgagee in possession shall be subject to the provisions of Section 2.4 of this Agreement.

10. MISCELLANEOUS PROVISIONS.

10.1 Recordation of Agreement. This Agreement and any amendment or cancellation thereof shall be recorded with the Yolo County Recorder by the Clerk of the City Council within ten (10) days after the City enters into the Agreement, in accordance with Section 65868.5 of the Government Code. If the parties to this Agreement or their successors in interest amend or cancel this Agreement, or if the CITY terminates or modifies this Agreement as provided herein for failure

of the OWNER to comply in good faith with the terms and conditions of this Agreement, the City Clerk shall have notice of such action recorded with the Yolo County Recorder.

10.2 Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the parties, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements that are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

10.3 Severability. If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provision of the Public Benefits set forth in Section 4 of this Agreement, including the payment of the Development Impact Fees set forth therein, are essential elements of this Agreement and CITY would not have entered into this Agreement but for such provisions, and therefore in the event such provisions are determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

10.4 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

10.5 Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

10.6 Singular and Plural. As used herein, the singular of any word includes the plural.

10.7 Joint and Several Obligations. If at any time during the Term of this Agreement the Property is owned, in whole or in part, by more than one OWNER, all obligations of such OWNERS under this Agreement shall be joint and several, and the default of any such OWNER shall be the default of all such OWNERS. Notwithstanding the foregoing, no OWNER of a single lot that has been finally subdivided and sold to such OWNER as a member of the general public or otherwise as an ultimate user shall have any obligation under this Agreement except as expressly provided for herein.

10.8 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

10.9 Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

10.10 No Third Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

10.11 Force Majeure. Neither party shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by floods, earthquakes, other Acts of God, fires, wars, riots or similar hostilities, strikes and other labor difficulties beyond the party's control, (including the party's employment force), government regulations, court actions (such as restraining orders or injunctions), or other causes beyond the party's control. If any such events shall occur, the Term of this Agreement and the time for performance by either party of any of its obligations hereunder may be extended by the written agreement of the parties for the period of time that such events prevented such performance, provided that the Term of this Agreement shall not be extended under any circumstances for more than five (5) years.

10.12 Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

10.13 Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement, provided that nothing herein shall authorize or validate a purported assignment which has not been made in compliance with the requirements set forth herein. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Property: (a) is for the benefit of and is a burden upon every portion of the Property; (b) runs with the Property and each portion thereof; and (c) is binding upon each party and each successor in interest during ownership of the Property or any portion thereof.

10.14 Counterparts. This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same effect as if all of the parties had executed the same instrument.

10.15 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Yolo, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

10.16 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between CITY and OWNER is that of a government entity regulating the development of private property and the owner of such property.

10.17 Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement.

10.18 Eminent Domain. No provision of this Agreement shall be construed to limit or restrict the exercise by CITY of its power of eminent domain.

10.19 Agent for Service of Process. In the event OWNER is not a resident of the State of California or it is an association, partnership or joint venture without a member, partner or joint venturer resident of the State of California, or it is a foreign corporation, then in any such event, OWNER shall file with the Community Development Director, upon its execution of this Agreement, a designation of a natural person residing in the State of California, giving his or her name, residence and business addresses, as its agent for the purpose of service of process in any court action arising out of or based upon this Agreement, and the delivery to such agent of a copy of any process in any such action shall constitute valid service upon OWNER. If for any reason service of such process upon such agent is not feasible, then in such event OWNER may be personally served with such process out of this County and such service shall constitute valid service upon OWNER. OWNER is amenable to the process so served, submits to the jurisdiction of the Court so obtained and waives any and all objections and protests thereto.

10.20 Authority to Execute. The person or persons executing this Agreement on behalf of OWNER warrants and represents that he or she/they have the authority to execute this Agreement on behalf of his or her/their corporation, partnership or business entity and warrants and represents that he or she/they has/have the authority to bind OWNER to the performance of its obligations hereunder.

(Signatures on following page)

IN WITNESS WHEREOF, the parties hereto have executed this Development Agreement on the last day and year set forth below.

OWNER

WOODLAND DEVELOPMENT
COMPANY, LLC, a California limited
liability company

By: _____
Paul S. Petrovich, Manager

Dated: _____

CITY

CITY OF WOODLAND, a California
municipal corporation

By: _____
Art Pimentel
Mayor

Dated: _____

ATTEST:

By: _____
Ana Gonzalez
City Clerk

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP

City Attorney

[Signature Page to Development Agreement No. [_____]]

STATE OF CALIFORNIA)
)
COUNTY OF _____) ss.

On _____, 2011 before me, _____, Notary Public,
personally appeared _____, who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or
the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public

STATE OF CALIFORNIA)
)
COUNTY OF _____) ss.

On _____, 2011 before me, _____, Notary Public,
personally appeared _____, who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or
the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public

STATE OF CALIFORNIA)
)
COUNTY OF _____) ss.

On _____, 2011 before me, _____, Notary Public,
personally appeared _____, who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or
the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public

EXHIBIT “A”

(Legal Description of the Property)

Exhibit A

EXHIBIT “B”

(Map of the Property)

Exhibit B

EXHIBIT “C”

(Development Plan)

[Insert as applicable]

General Plan Amendment No. [_____]

Specific Plan No. [_____]

Tentative Tract Map No(s). [_____]

Variance No. [_____]

PUD No. [_____]

Exhibit C

EXHIBIT “D”

(Development Impact Fees)

Exhibit D

EXHIBIT “E”

(Agreed Upon Development Issues)

1. Use.

a. At the first application for Development on the Property, the OWNER shall submit a request to the Community Development Department for a Master Conditional Use Permit (“Master CUP”). The CUP shall include design guidelines (“CUP Design Guidelines”) and a list of permitted, conditionally permitted, and prohibited uses. The Master CUP shall include the uses which are set forth on Exhibit F as permitted uses A-LL. The Master CUP shall include language indicating that it shall not expire but shall remain in perpetuity.

b. Following annexation, the Property shall be zoned General Commercial C-2 subject to a Development Agreement with Planned Development that specifically identifies uses. The Master CUP specifically outlines the uses that are permitted on the Property, and no other uses are permitted, regardless of whether those uses are otherwise permitted by the applicable zoning.

c. In order to allow comprehensive site planning, the OWNER shall submit the applications for site plan and design review in manageable phases.

d. OWNER shall have the right to construct on the Project a maximum floor area ratio (FAR) of one quarter (.25) for non-residential purposes.

2. Urban Decay. OWNER shall pay its fair share towards (a) a citywide retail strategic plan/suburban urban design and re-use analysis (a “Retail Strategic Plan”) for existing suburban retail strip centers; and (b) an implementation strategy for the Downtown Specific Plan (an “Implementation Strategy”). The Retail Strategic Plan shall evaluate possible re-uses, interventions, strategies, and process evaluations. The Implementation Strategy shall, among other things, help define the strategies for progressing the civic and entertainment focus of downtown. For purposes of this Paragraph 2, OWNER’s “fair share” for both the Retail Strategic Plan and the Implementation Strategy shall be 50% of the actual cost of such studies, provided that OWNER’s collective share for both shall not exceed \$45,000 in the aggregate.

3. Building/Site Design. The building and site design of the Project shall match the existing Gateway I project design, provided that the trash enclosures shall only be required to comply with the building code and applicable state laws existing as of the Effective Date. As such, the Master CUP shall include:

- a. Master site conceptual layout.
- b. CUP Design Guidelines shall be developed and reviewed with the first Project to

Exhibit E

be developed on the Property to address and define building and site design components for review and approval of the Planning Commission.

- c. Focal areas shall be provided within the Project for gathering spots, activities, and visual interest.

4. Bicycle, Pedestrian, and Transit. With the submittal of the Master CUP, the following items shall be addressed:

- a. A master pedestrian and bikeway plan will be developed by OWNER and incorporated into the CUP Design Guidelines. Such plan will emphasize and facilitate multi-modal (pedestrian, bicycle, vehicle, and transit) access within and throughout the Project.

- b. A 10' multi-use path on the east side of CR-102.

- c. OWNER shall provide a Class II bike lane on both sides of CR-102 through the developed area of the Property.

- d. Emphasis shall be placed on developing and designing a pedestrian/bike access plan connecting to the existing access across CR-102 that will allow safe and attractive access to the residential and commercial uses located to the west of CR-102 and connectivity to the west side of Woodland; provided, however, that OWNER shall only be required to develop or design crosswalks or bike crossings at (i) the existing intersections of Maxwell Road and Omaha Beach Drive, and (ii) Gibson Road provided that the crossings at Gibson Road shall not be required until the Development of the Project south of Omaha Beach Drive; and further provided that OWNER shall not be required to implement any overcrossings.

- e. Incorporation of appropriate design features and amenities in each Project developed at the Property to support the bike, pedestrian, and transit environment such as enhanced sidewalks, crosswalks, lighting, and shade trees.

5. Woodland Pollution Control Facility. OWNER, for itself, its successors and assignees, hereby waives and releases, and shall defend, indemnify, and hold harmless CITY, its officers, agents and employees from, any and all claims, demands, actions, or suits of any kind or nature arising out of or in relation to odors generated by CITY's existing wastewater treatment plant, as it may be expanded, reconstructed, replaced, augmented, or modified, whether such claims, demands, actions, or suits are known or unknown, present or future. OWNER's obligation hereunder shall be in addition to, and not a limitation upon, OWNER's obligations elsewhere in this Agreement, and shall remain in effect in perpetuity, surviving the expiration or termination of this Agreement. OWNER hereby acknowledges that it has read and is familiar with the provisions of California Civil Code Section 1542, which is set forth below:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR."

Exhibit E

By initialing below, OWNER hereby waives the provisions of Section 1542 in connection with the matters that are the subject of the foregoing waivers and releases.

Owner's Initials

6. Water, Storm Drain, and Sewer.

a. If the OWNER develops any building on the Property prior to the CITY completing its surface water project, OWNER shall have access to any existing available water to supply the Project so developed, on the same terms as other prospective water users within Woodland, and with no priority over other property owners requiring new or expanded water service. If CITY determines that the available water supply is insufficient to serve the Project, OWNER shall either construct and dedicate to the CITY a new well with sufficient capacity to provide water to the portion of the Project developed, or, working with the CITY staff, find an alternative solution mutually acceptable to the CITY and OWNER to provide desirable water to that portion of the Project which OWNER so develops. If a well is constructed, the well shall be constructed to municipal standards and maintained by the CITY (at CITY's cost). In the event the CITY requires an oversizing of said well, the CITY shall pay its prorata share of the entire cost to construct the well. The foregoing shall not be deemed a guaranty by the CITY to provide water to OWNER, nor shall it be deemed to provide OWNER with a preferential access to any such water over any other person or entity. Notwithstanding any provision of this Agreement, CITY shall have no obligation to issue a building permit for the Project until and unless either a well has been constructed and dedicated, an alternative solution acceptable to the CITY has been implemented, or the surface water project has begun operation.

b. OWNER shall dedicate to the CITY an easement for the existing 10' waterline running along the southern boundary of the Property. Such dedication shall be at no cost to the CITY other than the CITY's cost for title insurance, if any.

7. Traffic.

a. The Development of the Project shall be based upon a 3-access alternative with access points at Maxwell Road, Omaha Beach Drive, and Gibson Road; provided, however, that OWNER shall not be obligated to construct improvements as to any of the above three roads unless the actual Project developed on the Property by OWNER extends to such roads and necessitates such access, as determined by CITY based upon one or more traffic studies and/or mitigation measures in the Environmental Impact Report for the Project.

b. OWNER shall consider from an aesthetic perspective the look and nature of interim improvements along CR-102. Within the developed areas of the Project along the east side of CR-102, OWNER shall provide a 10' sidewalk connection to the existing citywide system

Exhibit E

and a temporary asphalt/concrete curb and interim low-maintenance landscaping. The sidewalk shall be provided along CR-102 from Maxwell Road to the point of access to each building on the Property. At the time of the connection of Omaha Beach Drive to CR-102, the sidewalk shall be provided from Maxwell Road to the Omaha Beach Drive intersection. When the Project is developed south of Omaha Beach Drive, the sidewalk will be extended as necessary between the Omaha Beach Drive/CR-102 intersection and Gibson Road/CR-102 intersection as far as the Project Development extends. A pedestrian crossing on the north side of Gibson Road/CR-102 intersection shall also be constructed at that time in accordance with the terms of Item 4 above. Necessary improvements shall be limited to those identified for and necessary or required by each Project within the Property and only to the extent that the same type of improvements also exist as of the Effective Date on any portion of CR-102.

c. Prior to receiving its first building permit at the Property, OWNER shall submit to the CITY for CITY's approval and adoption (in accordance with Woodland Municipal Code chapter 25-Section 26) a master right of way plan prepared by a licensed engineer, which approved plan OWNER shall fund (the "Master Right of Way Plan"). The Master Right of Way Plan shall be limited to improvements identified for and required or necessary by each Project within the Property and only to the extent that the same type of improvements also exist as of the Effective Date on any portion of CR-102.

d. In conjunction with map requirements, or if determined necessary by the CITY's review of the Project, OWNER shall, by deed or easement (at CITY's option), dedicate necessary public rights of way to the CITY free and clear of liens at no cost to the CITY. Upon dedication to the CITY, all portions of public right of way shall be added to the Landscape and Lighting District maintenance rolls.

e. Concurrently with the issuance of the first building permit that causes an LOS D condition on Maxwell Road from CR-102 to Farnham Avenue, the OWNER shall fund (1) the development of a neighborhood traffic calming plan (a "Calming Plan") and (2) the implementation of such Calming Plan. The development and implementation of the Calming Plan shall be subject only to those impacts caused directly by the specific Project at the Property, and the Calming Plan shall include the cost for neighborhood outreach, design, construction management, construction and all other items associated with the work of implementing the Calming Plan. The cost estimate shall be based on reasonable measures as agreed upon by the CITY and the OWNER and shall consist of improvements approved by the City Engineer, provided that such improvements shall not include stop lights, flashing lights, or landscaping. The OWNER will design and construct the improvements per the City of Woodland Department of Transportation standards.

8. Parking. The OWNER shall allow for a maximum of fifty (50) park and ride spaces in the entire Project, which spaces shall be located in an unmarked designated area.

9. Green, Sustainability, Solar. The Project shall be sustainable to the extent possible. The OWNER shall submit a GHG reduction strategy at the time of the Master CUP. The GHG may include items such as:

Exhibit E

- a. Reuse and recycle construction and demolition waste (including but not limited to soil, vegetation, concrete, lumber, metal, and cardboard).
- b. Low- or No-VOC paints, adhesives and sealants shall be used during the construction of all proposed onsite structures.
- c. Environmentally preferable and low-emitting materials shall be used for interior finished and flooring materials of proposed onsite structures.
- d. Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.
- e. Create water-efficient landscapes.
- f. Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.
- g. Design buildings to be water-efficient.
- h. Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.
- i. Implement low-impact development practices that maintain the existing hydrologic character of the site to manage storm water and protect the environment. (Retaining storm water runoff on-site can drastically reduce the need for energy-intensive imported water at the site.)

10. Public Art. A public art master concept and development plan shall be provided in conjunction with CUP Design Guidelines to be developed with the first Project. A master concept is encouraged which will identify possible locations and theme(s). The concept may include multiple media including monuments, murals, wall mosaics, pedestrian surfacing, interactive fountains, with minor and major installations specified. The Project shall install public art as agreed to between the City Manager and OWNER, provided that the City Council shall make a final determination if the City Manager and OWNER cannot reach agreement.

11. LAFCO. The OWNER shall fund the cost of negotiating and preparing a revenue sharing agreement with Yolo County prior to submittal of a LAFCO application; provided, however, that if the CITY and Yolo County agree to negotiate a Master Tax Sharing Agreement, OWNER shall only be responsible for 25% of the total cost of the Master Tax Sharing Agreement.

12. Lighting and Landscape District. Prior to any development of the Property, OWNER shall request the CITY to annex the Property to the Lighting and Landscape District of which the adjacent Gateway I project is a part as of the Effective Date.

Exhibit E

EXHIBIT “F”

(Permitted and Conditionally Permitted Uses)

1. Following annexation, the property shall be zoned General Commercial with a Planned Development. The Master Conditional Use Permit shall specifically outline the uses that are permitted on the Property, which uses are set forth in this Exhibit F, and no other uses shall be permitted, regardless of whether those uses would otherwise be permitted by the applicable zoning.
2. The Master CUP shall include a provision indicating that the Master CUP is perpetual and shall not expire on a date certain. The Master CUP shall also include a provision that once the Design Guidelines and Master CUP are developed and approved by the Planning Commission and City Council, then staff shall be authorized to administratively approve development plans and design review approvals so long as OWNER is in substantial conformance with the Design Guidelines set forth in the Master CUP. The Design Guidelines will match the design and development plan of Gateway I.
3. Used vehicle sales may comprise no more than 25% of any acreage used for auto sales, except that used vehicle sales by national or regional dealers with ten or more dealerships in the United States, including but not limited to CarMax, shall not be considered to be used vehicle sales for purposes of this limitation.
4. No more than 20% of the square feet of retail space, as described in the project description for the EIR, may be allocated for tenants that are less than 4,000 square feet in size. The foregoing restriction shall not apply to professional service offices (such as a dentist, chiropractor, or insurance).
5. At the time of the submittal of the first future application for development, a market analysis and update to the urban decay analysis shall be provided to assist in review of the list of uses and performance standards consistent with the Program EIR mitigation (MM4.11-2(a)).
6. No motion picture theater shall be allowed on the Property unless a new motion picture theater is first built within the Downtown Specific Plan area. Only one motion picture theater will be allowed in either Gateway I or II.

Exhibit F

7. Any hotel, motel, or conference center use request shall include a market study/Urban decay analysis to assess the impact on other existing hotel/motels in the City consistent with the Program EIR mitigation (MM4.11-2(b)).
8. The following are specific allowed uses pursuant to the City Zoning Ordinance.

Permitted Uses:

- A. Auto sales, new and used; (used vehicle sales limited per Condition #2)
- B. Auto repair allowed as accessory use to an auto sales use;
- C. Auto parts and accessory store;
- D. Auto and service stations – auto fueling and ancillary convenience store only (limit to two), provided that auto fueling stations owned by and ancillary to retailers shall be permitted without limitation in number;
- E. Café, coffee shops and restaurants, including drive thru;
- F. Car washes;
- G. Brew Pub with no more than 49% of gross receipts in liquor sales (excluding off premises sales);
- H. Day Care Center;
- I. Drug stores and pharmacies over 5,000 square feet in size;
- J. Film processing pick-up stations;
- K. Financial Institutions under 5,000 square feet;
- L. Florist;
- M. Food and grocery stores;
- N. Gift shops, curious greater than 5,000 feet;
- O. Park and Ride lots;
- P. Prescription pharmacies in excess of 5,000 square feet in size with or without drive thru.
- Q. Produce outlet – indoor only;
- R. Recreational vehicle, boat, and motorcycle sales – new vehicle sales with limited used sales.
- S. A Regional Office that has a minimum of 30,000 total square feet;
- T. Home Improvement stores;
- U. Home furnishings;
- V. General Bookstores over 5,000 square feet;
- W. Toy stores over 5,000 square feet;
- X. Pet stores over 5,000 square feet;
- Y. Apparel/soft goods;

Exhibit F

- Z. Crafts over 5,000 square feet, such as Hobby Lobby, Party City, and Fabric Land;
- AA. Picture frame stores;
- BB. Scrapbook stores;
- CC. Sporting goods.
- DD. Beauty supply stores
- EE. Import/Export (such as Cost Plus or Pier 1);
- FF. General Merchandise over 5,000 square feet.
- GG. Large Format Retail Stores with taxable and non-taxable goods, such as Target, Super Target, Fred Meyers, Bass Pro Shops, Cabela's, Sam's Club, Sears, or Costco;
- HH. Electronic stores, such as Best Buy, Radio Shack, Fry's, or Apple Store;
- II. Office supply stores;
- JJ. Professional service office (such as medical, dentist, chiropractor, professional massage, or insurance), provided that the square footage of such use, in the aggregate, does not exceed five percent (5%) of the allowable gross leasable area of the Property (proposed use in excess of this limit may be permitted by a new conditional use permit); and a
- KK. Health clubs, and swimming, tennis, and racquetball clubs
- LL. Commercial Recreation uses such as the following:
 - a. Amusement park
 - b. Bowling alleys
 - c. Carnivals
 - d. Commercial recreation facilities
 - e. Drive-in theaters
 - f. Golf courses and golf driving range
 - g. Ice rinks
 - h. Miniature golf courses
 - i. Shooting range
 - j. Skate or skate board park
 - k. Skating rink
 - l. Swimming, tennis, or racquetball clubs
 - m. Theaters (subject to condition #5 above)
 - n. Water slide park
 - o. Youth oriented entertainment

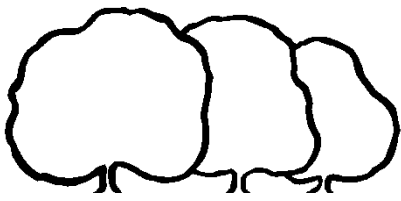
The following uses may be permitted upon issuance of a new Conditional Use Permit:

- A. Bars, tavern, cocktail lounge, (with more than 49% of gross receipts in liquor sales)

Exhibit F

- B. Hotels, motels, convention center (See condition # 6 above)
- C. Research and Development facilities

Exhibit F



City of Woodland

REPORT TO REDEVELOPMENT AGENCY BOARD

AGENDA ITEM

TO: HONORABLE CHAIR AND MEMBERS
OF THE REDEVELOPMENT AGENCY

DATE: September 20, 2011

SUBJECT: Ratification of an Enforceable Obligations Payment Schedule

Report in Brief

The Governor recently signed into law Assembly Bill 1X 26 and Assembly Bill 1X 27 as part of the State budget package which have the combined effect of abolishing every redevelopment agency unless the community that created the agency agrees to participate in an Alternative Voluntary Redevelopment Program (“Alternate Redevelopment Program”) and pay a “community remittance” pursuant to AB 1X 27. Health and Safety Code Section 34169, added by AB 1X 26, requires redevelopment agencies to adopt an Enforceable Obligation Payment Schedule (“EOPS”), which will serve as the basis for payment of the Agency’s outstanding financial obligations if the City does not adopt an ordinance electing to participate in the Alternate Redevelopment Program and the Agency is dissolved.

The City Council adopted an urgency ordinance to agree to pay the community remittance; however, subsequent legal determinations suggest that all agencies, regardless of whether or not they intend to participate in the Alternate Redevelopment Program, must submit an EOPS.

Staff recommends that the Redevelopment Agency of the City of Woodland approve Agency Resolution No. ____ ratifying and adopting an Enforceable Obligation Payment Schedule pursuant to AB1X26 as described herein.

Background

The Redevelopment Agency of the City of Woodland (“Agency”) was created by the City Council for the purposes of implementing redevelopment activities in the City of Woodland in July 1988. The City Council adopted the Redevelopment Plan for the Woodland Project Area in accordance with the Community Redevelopment Law (Health and Safety Code § 33000 *et seq.*) (“CRL”). The Woodland Redevelopment Project Area was found to have a significant number of physical and economic blighting conditions that necessitated adoption of the Redevelopment Plan. The Redevelopment Plan authorizes the Agency to receive tax increment revenue to pay for programs and projects that address these conditions consistent with the CRL.

In January 2011, the Governor announced his intent to eliminate redevelopment agencies as a way to help balance the State budget. The Legislature then enacted, and the Governor signed, Assembly Bill 1X 26 and Assembly Bill 1X 27, which took effect on June 29, 2011.

Assembly Bill 1X 26 immediately suspended all new redevelopment activities and incurrence of indebtedness and dissolves redevelopment agencies effective October 1, 2011 (the "Dissolution Act"). It does this by terminating virtually all otherwise legal functions of the redevelopment agency and mandating a liquidation of any assets for the benefit of local taxing agencies. Some debts would be allowed to be repaid although any such remittances would be managed by a successor agency that would function primarily as a debt repayment administrator. The successor agency could not continue or initiate any new redevelopment projects or programs. The activities of the successor agency would be overseen by an oversight board, comprised primarily of representatives of other taxing agencies, until such time as the remaining debts of the former redevelopment agency were paid off, all agency assets liquidated and all property taxes were redirected to local taxing agencies.

Assembly Bill 1X 27 allows a city or county that has created a redevelopment agency to avoid the consequences of the Dissolution Act by adopting an ordinance ("Continuation Ordinance") stating it will comply with the Alternate Redevelopment Program and pay specified "community remittances." The City of Woodland adopted a Continuation Ordinance on July 19, 2011. The City agreed to make the Fiscal Year 2011-2012 community remittance, currently estimated to be \$481,084, as well as the subsequent annual community remittances as set forth in the CRL.

Discussion

On July 18, 2011, the League of California Cities and the California Redevelopment Association filed suit in the Supreme Court of the State of California challenging the constitutionality of these bills. On August 11, 2011, the Supreme Court agreed to consider the constitutionality of the legislation and issued an immediate stay of enforcement of AB 1X 26 in part and a stay of AB 1X 27 in its entirety.

On August 17, 2011, the Supreme Court modified the stay to clarify that Health and Safety Code sections 34161 through 34169.5 were not subject to the stay and remain in effect. These sections preclude agencies from incurring new indebtedness, transferring assets, acquiring real property, entering into new contracts or modifying existing contracts, or adopting or amending redevelopment plans. Section 34169 requires agencies to adopt an Enforceable Obligation Payment Scheduled ("EOPS"). The EOPS must be adopted by August 27, 2011 at a public meeting, and posted on the Agency or City website. The Supreme Court stayed enforcement of AB 1X 26 in all other respects.

Because the Agency Board does not meet during the month of August, Agency counsel advised that the Agency ratify the submittal of the EOPS as soon as possible in September.

The EOPS must list all of the "enforceable obligations" of the Agency, and is subject to approval by the State Department of Finance. "Enforceable obligations" include bonds, loans legally required to be repaid pursuant to a payment schedule with mandatory repayment terms, payments required by

the federal government, preexisting obligations to the state or obligations imposed by state law; judgments, settlements or binding arbitration decisions that bind the agency; legally binding and enforceable agreements or contracts; and contracts or agreements necessary for the continued administration or operation of the agency, including agreements to purchase or rent office space, equipment and supplies. While the stay is in effect, the Agency cannot make any payment unless it is listed in an adopted EOPS.

The California Supreme Court has announced its intent to decide the case by January 15, 2012, which would be the date of the first payment required under AB1X27.

Fiscal Impact

Adoption of the EOPS does not create any fiscal impact; it is only intended to provide information regarding Agency obligations that must be paid, regardless of whether the Agency continues to operate or ceases to exist under AB1X26. The City intends to operate under the Alternative Redevelopment Program, which will require a payment of approximately \$481,084 in Fiscal Year 2012.

Public Contact

Posting of the City Council/Redevelopment Agency Board agenda.

Alternative Courses of Action

1. Approve Agency Resolution No. ____ ratifying and adopting an Enforceable Obligation Payment Schedule pursuant to AB1X26 as described herein.
2. Do not approve the resolution ratifying the EOPS.

Recommendation for Action

Staff recommends that the City Council approve Alternative No. 1.

SUBJECT: Ratification of an Enforceable Obligation Payment Schedule

PAGE: 4

ITEM:

Prepared by: Cynthia Shallit
Redevelopment Manager

Reviewed by: Kimberly McKinney
Finance Officer

Mark G. Deven
Executive Director

Attachment: Resolution with Enforceable Obligations Payment Schedule

AGENCY RESOLUTION NO. _____

**A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY
OF WOODLAND RATIFYING AND ADOPTING AN ENFORCEABLE
OBLIGATION PAYMENT SCHEDULE PURSUANT TO AB 1X 26**

WHEREAS, pursuant to the Community Redevelopment Law (Health and Safety Code Sections 33000 *et seq.*), the City Council of the City of Woodland (“City”) created the Redevelopment Agency of the City of Woodland (“Agency”); and

WHEREAS, the Agency has been responsible for implementing the Redevelopment Plan(s) for the _Woodland Redevelopment Project(s) covering certain properties within the City (“Project Area(s)”); and

WHEREAS, as part of the 2011-2012 State budget bill, the California State Legislature recently enacted, and the Governor signed, companion bills AB 1X 26 and AB 1X 27, which eliminate every redevelopment agency unless the community that created it adopts an ordinance (“Continuation Ordinance”) agreeing to participate in an Alternative Voluntary Redevelopment Program (“Alternate Redevelopment Program”) which requires the payment of an annual “community remittance” payment; and

WHEREAS, Health and Safety Code Section 34169, enacted by AB 1X 26, requires redevelopment agencies to adopt an Enforceable Obligation Payment Schedule (“EOPS”) which will serve as the basis for the payment of the Agency’s outstanding financial obligations if the City does not adopt the Continuation Ordinance and the Agency is dissolved; and

WHEREAS, on July 18, 2011, the League of California Cities and the California Redevelopment Association filed suit in the Supreme Court of the State of California challenging the constitutionality of and requesting a stay of enforcement of AB 1X 26 and AB 1X 27; and

WHEREAS, on August 11, 2011, the Supreme Court agreed to take the case and issued and order for the immediate stay of the enforcement of AB 1X 26 in part and AB 1X 27 in its entirety; and

WHEREAS, on August 17, 2011, the Court modified its stay to clarify that Health and Safety Code Sections 34161 through 34169.5 are not subject to the stay; and

WHEREAS, Health and Safety Code section 34169 requires agencies to adopt an EOPS; and

WHEREAS, adoption of the EOPS would allow the Agency to make payments on debts and obligations listed on the EOPS while the stay is in effect.

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF WOODLAND DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

Section 2. Approval of EOPS. The Agency hereby ratifies and adopts the Enforceable Obligation Payment Schedule, in substantially the form attached hereto as Exhibit A, as required by Health and Safety Code Section 34167 and in accordance with the requirements of Health and Safety Code Section 34169, added by the recently enacted legislation AB 1X 26.

Section 3. Posting; Transmittal to Appropriate Agencies. The Executive Director is hereby authorized and directed to post a copy of the EOPS on the City's website. The Executive Director is further authorized and directed to transmit, by mail or electronic means, to the Yolo County Auditor-Controller, the State Controller and the Department of Finance, notification providing the website location of the posted EOPS and other information as required by AB 1X 26.

Section 4. Effective Date. Pursuant to Health and Safety Code Section 34169(i), the Agency's action to ratify the EOPS as set forth herein shall not be effective for three (3) business days following adoption of this Resolution, pending a request for review of the EOPS by the Department of Finance.

PASSED AND ADOPTED at a regular meeting of the Redevelopment Agency of the City of Woodland on the 20th day of September, 2011, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair

ATTEST:

Agency Secretary

EXHIBIT A

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE										
Per AB 26 - Section 34167 and 34169 (*)										
			Total Outstandi ng Debt or Obligation	Total Due During Fiscal Year						
					Payments by month					
Project Name / Debt Obligation	Payee	Description			Aug**	Sept	Oct	Nov	Dec	Total
OPA	Jackson LLC	Jackson Building	245,000							\$ -
Façade Maintenance Agreement	Jackson LLC	Jackson Building renovation	45,000							
Contract for consulting services	Clark-Wolcott	Appraisal for State Theater	15,000							\$ -
EDA Grant Award Obligation	EDA	Match for federal grant obligation	125,000							
Façade Maintenance Agreement	Black Pine	Façade Renovation for Maria's Cantina	30,000							
Façade Maintenance Agreement	Sean Denny	Façade Renovation for 416-418 First St.	3,000							
Freeman Park Design	Indigo Architects	Re-design of Freeman Park &Farmer's Mrkt.	50,000							
Legal Services	Best, Best & Krieger	legal services	40,000							
State Theater	McCandless	Architectural	2,000							

Architectural Services		services for State Theater								
Historic Train Depot restoration	SacValley His. RR	Rehab historic train depot	50,000							\$ -
		Total Outstanding Debt or Obligation	605,000							\$ -
				Payments by month						\$ -
2007 Tax Allocation Bond Series A	US Bank Trust N.A.	Bonds issued to fund non-housing projects (tax exempt)	7,240,000	341,152					170,576	170,576
2008 Tax Allocation Bond Series B	US Bank Trust N.A.	Bonds issued to fund non-housing projects (taxable)	1,035,000	235,987					210,581	210,581
	City of Woodland	Payroll costs			42,500	42,500	42,500	42,500	42,500	212,500
Totals - This Page			\$ 9,485,000	\$ 577,140	\$ 42,500	\$ 42,500	\$ 42,500	\$ 42,500	\$ 423,657	\$ 593,657
Totals - Page 2			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Page 3			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Page 4			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Other Obligations			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Grand total - All Pages			\$ 9,485,000	\$ 577,140	\$ 42,500	\$ 42,500	\$ 42,500	\$ 42,500	\$ 423,657	\$ 593,657