CITY OF WOODLAND
300 FIRST STREET
WOODLAND, CALIFORNIA

CITY COUNCIL
CLOSED SESSION AGENDA

AUGUST 21, 2012

5:00 P.M.

A. CALL TO ORDER

B. CLOSED SESSION

B.1 Conference with Legal Counsel - Anticipated Litigation, Pursuant to Section 54956.9(b)
Name of Case: Pulte Homes

B.2 Conference with Legal Counsel – Anticipated Litigation, Pursuant to Section 54956.9(b)
Name of Case: Citizens for Urban Renewal vs. City of Woodland

JOINT REGULAR CITY COUNCIL/
WOODLAND FINANCE AUTHORITY

6:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. COMMUNICATIONS-PUBLIC COMMENT

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

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. CITY COUNCIL MINUTES

F.1 *Recommendation:* Approve the Minutes of the Woodland City Council's May 22, 2012 Study Session

G. WRITTEN COMMUNICATIONS

G.1 Notice from PG&E dated June 12, 2012 regarding 2013 Energy Resource Recovery Account and Generation Non-Bypasssable Charges Forecast

G.2 Notice from PG&E dated June 28, 2012 regarding the Compressor Station Forecast Costs Application

G.3 Notice from PG&E dated July 10, 2012 regarding Energy Efficiency 2013-2014 Portfolio

H. COMMISSION/COMMITTEE REPORTS

H.1 Receive Commission on Aging Meeting Minutes for April 12, 2012 May 10, 2012 and June 14, 2012

H.2 Receive Parks & Recreation Commission Meeting Minutes of April 23, 2012 and May 21, 2012

H.3 Receive Library Board of Trustees Meeting Minutes of June 12, 2012

I. PRESENTATIONS

1. Certificate of Appreciation for former Planning Commissioner Steve A. Barzo

2. Certificate of Appreciation for former Planning Commissioner David A. Sanders

3. Certificate of Appreciation for former Library Board Member Jorel Difuntorum

4. Certificate of Appreciation for former Library Board Member Kay Hodges

5. Parks & Recreation Commission Annual Report for 2011/2012

J. CONSENT CALENDAR

6. <u>Consideration of Homebuyer Program guidelines and Revisions to Standard Guidelines Template</u>
Recommendation: Approve the City of Woodland's HOME Homebuyer Program Guidelines and the following revisions to HCD's HOME standard guidelines template for use with the City's FTHB program.
   a. Change the housing ratio range to 30 – 35 percent of gross monthly income;
   b. Adjust the total debt ratio range to 35 – 45 percent of gross monthly income;
   c. Revise the limit on total first time homebuyer assistance to 49 percent of total indebtedness or $75,000, whichever is less, and establish that assistance shall not exceed the amount of the principal mortgage; and
   d. Clarify that interest forgiveness starts after 20 years of home ownership and all the accrued interest is forgiven after 30 years of home ownership.

7. <u>Yolo County Commission on Aging and Adult Services Appointment</u>
Recommendation: Adopt Resolution Approving the Appointment of Commission on Aging Chair Benjamin Garman as the City's representative on the Yolo County Commission on Aging and Adult Services

K. PUBLIC HEARING

8. <u>Adoption of Mitigated Negative Declaration for the County Road 25A Widening and Construction Project</u>
Recommendation: Hold a Public Hearing and Adopt Resolution to Approve the Mitigated Negative Declaration for the CR 25A Widening and Reconstruction Project

L. REGULAR CALENDAR

9. Ordinance Repealing Selected Sections of Chapter 5 of the Municipal code Relating to Bicycles
Recommendation: Adopt the first reading of the attached Ordinance, by title only, repealing Sections 5-2 through 5-10, subsections 5-20 (a) and (b) of the Woodland Municipal Code related to Bicycles

10. City Council's Consideration to Rescind Approval of the Panattoni Mitigated Negative Declaration, Tentative Parcel Map No. 5009 and Mixed Use Project
Recommendation: Adopt the attached Resolution No _____ rescinding the previous City Council denial on June 19, 2012 of the appeal of Planning Commission's May 17, 2012 approvals for the Project, and grant approval of the appeal, thereby rescinding the approvals for the Project including the adoption of the Mitigated Negative Declaration, approval of the Mitigation Monitoring and Reporting Program, and approval of the Tentative Parcel Map No. 5009, the Site Plan, Landscape Plan and Comprehensive Sign Plan for Parcels 1 and 2 for the Project

11. Appointment of Member to Board of Building Appeals
Recommendation: Appoint member to the Board of Building Appeals

M. ADJOURN

I declare under penalty of perjury that the foregoing Agenda for the Joint Regular City Council/Woodland Finance Authority of the City of Woodland scheduled for Tuesday, August 21, 2012 was posted on August 17, 2012 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
F. 1

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: August 21, 2012

SUBJECT: Council Minutes – May 22, 2012 Study Session

Recommendation for Action

It is recommended that Council approve the minutes of the Woodland City Council's May 22, 2012 Study Session.

Prepared by: Ana Gonzalez
City Clerk

____
Paul Navazio
City Manager

Attachment

WOODLAND CITY COUNCIL DRAFT MINUTES

TUESDAY, MAY 22, 2012

City Hall – 300 First Street – 2ND Floor Council Chambers

6:00 P.M.

OPEN SESSION

The City Council Study Session was called to order by Mayor Pimentel at 6:05 p.m. on Tuesday, May 22, 2012 at the Woodland City Hall Council Chambers.

Closed Session Report – Gave direction to staff.

ROLL CALL

Council Members Present:	Mayor Artemio Pimentel Vice Mayor Skip Davies Council Member Martie Dote Council Member Bill Marble Council Member Tom Stallard
Council Members Absent:	None
Staff Present:	City Manager Paul Navazio City Attorney Andrew Morris Public Works Director Greg Meyer Community Development Director Nick Ponticello City Clerk Ana Gonzalez

PLEDGE OF ALLEGIANCE

Led by City Attorney Andrew Morris.

COMMUNICATIONS-PUBLIC COMMENT

None

COMMUNICATIONS–COUNCIL/STAFF STATEMENTS AND REQUESTS

Vice Mayor Davies – Talked about the Senior Resource Fair, services offered to Seniors. Staff did an outstanding job and event was well attended. Also attended the Redevelopment Agency Oversight Board meeting. Reviewed letter from the Dept. of Finance regarding Enforceable Obligation. Members of the UCDavis Real Estate Group, City Manager and Vice Chancellor on a tour of open land and vacant buildings. Vice Mayor Davies watched the Planning Commission in its entirety and the Planning Commission went forward and approved the new auto site. He has concerns about traffic impact issues at that location.

Council Member Dote – Commented about the same concerns Vice Mayor Davies addressed and asked if the Traffic Safety Commission could look at that area. Since last Council meeting, Council Member Dote has a attended a couple of JPA meetings, Habitat Conservation meetings.

Council Member Marble – Attended JPA meeting held last week and approved the budget.

CONSENT CALENDAR

Action: Adopted
Moved/Seconded: Council Member Stallard, Council Member Dote
Motion carried by the following roll call vote:
Ayes: Davies, Dote, Marble, Stallard and Pimentel
Noes: None

1. Approved **Resolution No. 6059 and 6060** for 2009 and 2010 Permanent Supportive Housing Grant; Authorized City Manager Execution Authorities

2. Approved Project Design and Bid Package for City Hall Remodel Project, CIP 12-15; Authorized Bid Advertisement and City Manager Award

3. Approved Visitor Attraction District Assessment Report for Fiscal Year 2012-2013; Adopted **Resolution No. 6061**; Approved Public Hearing for June 19, 2012

4. **Adopted Resolutions No. 6062, 6063, 6064, 6065, 6066, 6067, 6068 and 6069** to Initiate Proceedings for the Annual Levy and Collection of Assessments; Approved the Engineer's Annual Levy Report; Declare Intention to Levy and Collect Annual Assessments for the Gibson Ranch, West Wood, North Park and Streng Pond Landscaping and Lighting Districts; Approved Public Hearing for June 19, 2012

REPORTS OF THE CITY MANAGER

5. Received Fiscal Year 2012/13 Proposed Budget. This was an informational item only; no action was taken.

ADJOURNMENT

Mayor Pimentel declared the meeting adjourned at 7:27 PM.

Ana B. Gonzalez
City Clerk

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
G. 1-3

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: August 21, 2012

SUBJECT: Council Communications

Report in Brief

Attached are three separate communications received from PG&E for information only.

G. 1. Notice from Pacific Gas and Electric dated June 12, 2012 regarding 2013 Energy Resource Recovery Account and Generation Non-Bypasssable Charges Forecast

G. 2. Notice from Pacific Gas and Electric dated June 28, 2012 regarding the Compressor Station Forecast Costs Application

G. 3. Notice from Pacific Gas and Electric dated July 10, 2012 regarding Energy Efficiency 2013-2014 Portfolio

Prepared by: Ana Gonzalez
City Clerk

____
Paul Navazio
City Manager

Attachment

June 12, 2012
TO: STATE, COUNTY AND CITY OFFICIALS

NOTICE OF APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY'S 2013 ENERGY RESOURCE RECOVERY ACCOUNT AND GENERATION NON-BYPASSABLE CHARGES FORECAST

On June 1, 2012, Pacific Gas and Electric Company (PG&E) filed an application with the California Public Utilities Commission (CPUC) seeking approval of a $4.412 billion electric procurement forecast, which is a $539.5 million increase compared to revenues at present rates. It is important to note that these costs represent less than half of the total costs that are reflected in customers' rates. Other costs include the day-to-day operations of the utility's business, among other things. It is also important to note that this application is simply a forecast and is likely to change before the end of 2012. PG&E will file an updated application in November 2012.

Each year, PG&E is required to file an application that forecasts how much it will cost in the following year to obtain enough electricity to serve its customers. The CPUC reviews this forecast and then PG&E includes any approved costs in the next year's electric rates. Throughout the year, PG&E tracks actual costs and revenues, which it reports to the CPUC on a monthly basis, and any difference is allocated to customers. PG&E does not profit from the costs of procuring energy on behalf of its customers.

Will rates increase as a result of this application?
Based on the current forecast, rates would increase for most customers, although impacts for individual customers may vary. Bundled customers, who receive electric generation as well as transmission and distribution service from PG&E, will see rate increases. The magnitude of the increase depends upon the outcome of Rulemaking 11-03-012; approval of PG&E's proposal to return 100 percent of the forecast auction revenue for greenhouse gas allowances in the distribution rate would reduce proposed rate changes.

PG&E will provide an illustrative allocation of the proposed rate changes among customer classes in a bill insert to be mailed to customers beginning in Mid-June.

If the CPUC approves this application, a typical bundled residential customer using 550 kilowatt-hours (kWh) per month will see his or her average monthly bill change from $89.73 to $92.80, an increase of $3.07 per month. A residential customer using 850 kWh per month, which is about twice the baseline allowance, will see his or her average monthly bill change from $185.92 to $198.12, an increase of $12.20 per month. Individual customer bills may differ.

PG&E's electric procurement forecast includes the ERRA revenue requirement, which applies to bundled customers only, and revenue requirements for three non-bypassable charges (NBC), which apply to direct access (DA) and community choice aggregation (CAA) customers, who purchase their energy from a non-utility supplier, as well as departing load (DL) customers, who self-generate or receive service from a publicly owned utility. For CCA and DA customers, the NBC rate component will decrease an average of 9% with the actual change varying by customer class. For departing load customers, the NBC rate component will increase for some customers and decrease for others, depending on customer class. The total NBC revenue change for DL customers is $1,347,000, or an average 2.8% increase in the NBC rate component.

FOR FURTHER INFORMATION
To request a copy of the application and exhibits or for more details, call PG&E at
1-800-743-5000.
For TDD/TTY (speech-hearing impaired), call **1-800-652-4712**
Para más detalles llame al **1-800-660-6789**
詳 情 請 致 電**1-800-893-9555**
Please specify that you are inquiring about A.12-06-002

You may request a copy of the application and exhibits by writing to:
Pacific Gas and Electric Company
2013 ERRA Forecast
P.O. Box 7442, San Francisco, CA 94120.

THE CPUC PROCESS
The CPUC's Division of Ratepayer Advocates (DRA) will review this application.

The DRA is an independent arm of the CPUC, created by the Legislature to represent the interests of all utility customers throughout the state and obtain the lowest possible rate for service consistent with reliable and safe service levels. The DRA has a multi-disciplinary staff with expertise in economics, finance, accounting and engineering. The DRA's views do not necessarily reflect those of the CPUC. Other parties of record will also participate.

EVIDENTIARY HEARINGS
The CPUC may hold evidentiary hearings where parties of record present their proposals in testimony and are subject to cross-examination before an Administrative Law Judge (ALJ). These hearings are open to the public, but only those who are parties of record may present evidence or cross-examine witnesses during evidentiary hearings. Members of the public may attend, but not participate in, these hearings.

After considering all proposals and evidence presented during the hearing process, the ALJ will issue a draft decision. When the CPUC acts on this application, it may adopt all or part of PG&E's request, amend or modify it, or deny the application. The CPUC's final decision may be different from PG&E's application.

If you would like to learn how you can participate in this proceeding or if you have comments or questions, you may contact the CPUC's Public Advisor as follows:

Public Advisor's Office
505 Van Ness Avenue
Room 2103
San Francisco, CA 94102
1-415-703-2074 or **1-866-849-8390** (toll free)
TTY **1-415-703-5282** or **1-866-836-7825** (toll free)
E-mail to **public.advisor@cpuc.ca.gov**

If you are writing a letter to the Public Advisor's Office, please include the name of the application to which you are referring. All comments will be circulated to the Commissioners, the assigned Administrative Law Judge and the Energy Division staff.

A copy of PG&E's 2013 ERRA Forecast application and exhibits is also available for review at the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102, Monday–Friday, 8 a.m.–noon, **and on the CPUC's website at http:/www.cpuc.ca.gov/puc.**

June 28, 2012
TO: STATE, COUNTY AND CITY OFFICIALS

NOTICE OF PACIFIC GAS AND ELECTRIC COMPANY'S COMPRESSOR STATION FORECAST COSTS APPLICATION (A.12-06-010)

On June 18, 2012, Pacific Gas & Electric Company (PG&E) filed Application A.12-06-010 with the California Public Utilities Commission (CPUC) requesting approval of a $7.5 million gas procurement forecast to assist in recovering Greenhouse Gas (GHG) compliance costs associated with California Assembly Bill (AB) 32. The projected procurement forecast equals a $3.3 million increase in 2013 gas rates, and a $4.2 million increase in 2014 gas rates.

California Assembly Bill (AB 32) requires the reduction of statewide GHG emissions to 1990 levels by 2020. As part of this legislation, the California Air Resources Board (ARB) has adopted a Cap and Trade regulation, which will be implemented on January 1, 2013. As a result of this state law, PG&E will be required to purchase allowances for its GHG emissions. This application requests cost recovery for six gas compressor stations operated by PG&E that emit GHG, and for which PG&E will be required to purchase compliance instruments in the form of allowance and/or offsets.

To pay for the compliance instrument purchases for our gas compressor stations, PG&E proposes an adjustment to its 2013 and 2014 gas rates. PG&E also proposes to track the difference between actual and forecast GHG compliance costs and to adjust rates for any differences in the following year.

Will rates increase as a result of this application?

Yes, approval of this application will result in a slight rate increase to gas rates of less than one percent for bundled core customers (those who receive gas, distribution and transmission service from PG&E). Approval of this application will increase bundled rates by less than 1 percent. Using the 2014 (the highest single year) cost of $4.2 million, the bundled average residential non-CARE gas rate increase will be 0.07 percent. The impact on currently adopted total illustrative annual gas revenue is an increase in 2014 of 0.12%.

If the CPUC approves this application, a typical non-CARE residential customer using 37 therms of natural gas per month will see his or her average monthly bill change from $46.13 to $46.16, an increase of <u>three cents per month</u>.

FOR FURTHER INFORMATION
To request a copy of the application and exhibits or for more details, call PG&E at **1-800-743-5000**.
For TDD/TTY (speech-hearing impaired), call **1-800-652-4712**.
Para más detalles llame al **1-800-660-6789**
詳情請致電 **1-800-893-9555**

Please specify that you are inquiring about A.12-06-010.

You may request a copy of the application and exhibits by writing to:
Pacific Gas and Electric Company
Compressor Station Forecast
P.O. Box 7442, San Francisco, CA 94120

THE CPUC PROCESS
The CPUC's Division of Ratepayer Advocates (DRA) will review this application.

The DRA is an independent arm of the CPUC, created by the Legislature to represent the interests of all utility customers throughout the state and obtain the lowest possible rate for service consistent with reliable and safe service levels. The DRA has a multi-disciplinary staff with expertise in economics, finance, accounting and engineering. The DRA's views do not necessarily reflect those of the CPUC. Other parties of record will also participate.

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After considering all proposals and evidence presented during the hearing process, the ALJ will issue a draft decision. When the CPUC acts on this application, it may adopt all or part of PG&E's request, amend or modify it, or deny the application. The CPUC's final decision may be different from PG&E's application.

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If you are writing a letter to the Public Advisor's Office, please include the number of the application (12-06-010) to which you are referring. All comments will be circulated to the Commissioners, the assigned Administrative Law Judge and the Energy Division staff.

A copy of PG&E's Compressor Station Forecast application and exhibits are also available for review at the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102, Monday–Friday, 8 a.m.–noon, **and on the CPUC's website at http:/www.cpuc.ca.gov/puc.**

July 10, 2012

TO: STATE, COUNTY AND CITY OFFICIALS

NOTICE OF APPLICATION OF PACIFIC GAS AND ELECTRIC COMPANY'S ENERGY EFFICIENCY 2013-2014 PORTFOLIO (A.12-07-001)

On July 2, 2012, Pacific Gas and Electric Company (PG&E) filed its 2013-2014 Energy Efficiency Portfolio Application (12-07-001) with the California Public Utilities Commission (CPUC) as required by Commission Decision 12-05-015. The application proposes a budget for the design, administration, implementation and evaluation of the company's proposed energy efficiency programs for the years 2013–2014. As directed by the CPUC, this application also proposes a budget for demand response integrated demand side management activities. PG&E's currently authorized energy efficiency funding for 2012 is $446 million. PG&E's proposed energy efficiency funding for 2013 is $429.7 million.

What Is the Energy Efficiency Portfolio?

The Energy Efficiency Portfolio is comprised of a number of programs aimed at promoting the use of high efficiency products, appliances, equipment, services, and practices to reduce energy usage while maintaining a comparable level of service. Energy efficiency activities typically require replacement of older, energy-using equipment with more efficient models. Some examples of these types of equipment include energy efficient heating and air conditioning equipment, refrigerators, clothes washers, and electronic equipment. These upgrades and replacements allow customers to save energy and reduce their impact on the environment. PG&E's energy efficiency programs provide incentives on equipment and energy information to residential, commercial, agricultural, and industrial customers to increase energy efficiency at home and in the work place to reduce energy demand. Through conservation and these energy efficiency measures, PG&E's customers minimize the need to build new power plants, reduce carbon emissions and other pollutants and improve energy reliability.

What Is the Demand Response Portfolio?

PG&E has a separate budget for its portfolio of demand response programs that was approved by the CPUC in April 2012. Demand response is a reduction or shift in electricity by customers in response to a request by the utility to decrease consumption. This application seeks funding to integrate the Demand Response Portfolio with the Energy Efficiency Portfolio, which is referred to as Integrated Demand Side Management.

What Is the Impact of PG&E's request on existing rates?

Approval of this application would result in a **slight decrease of** **less than one percent** to customer rates. As directed by the CPUC, this application also proposes a budget of $3.3 million for demand response integrated demand side management.

PG&E will provide an illustrative allocation of the proposed rate changes in a bill insert to be mailed to customers beginning in Mid-July.

Approval of PG&E's proposed energy efficiency portfolio budget for 2013–2014 will result in a slight decrease to the gas and electric public purpose program charges. The annual electric energy efficiency budget request will result in a slight decrease in public purpose program charges paid by all electric customers including bundled[1], direct access[2] and departing load customers that are required to pay public purpose program charges. The annual gas energy efficiency budget request will result in a slight decrease in the 2013–2014 gas public purpose program surcharges paid by residential, commercial and industrial customers.

Approval of PG&E's proposed demand response integrated demand side management budget is also included in this application and will be incorporated into electric distribution rates. PG&E expects that the rate changes associated with this application will be consolidated with changes in other CPUC proceedings, so the eventual net change in rates for individual customers is difficult to predict.

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Please specify that you are inquiring about A.12-07-001.

You may request a copy of the application and exhibits by writing to:
Pacific Gas and Electric Company
Energy Efficiency 2013-2014 Portfolio
P.O. Box 7442, San Francisco, CA 94120.

THE CPUC PROCESS
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A copy of PG&E's Energy Efficiency 2013-2014 Portfolio application and exhibits are also available for review at the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102, Monday–Friday, 8 a.m.–noon, and on the **CPUC's website at http://www.cpuc.ca.gov/puc.**

[1] Customers who receive electric generation as well as transmission and distribution service from PG&E.
[2] Customers who purchase energy from an energy provider other than PG&E.

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
H. 1

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: August 21, 2012

SUBJECT: Commission on Aging Minutes: April through June 2012

Recommendation for Action

Staff recommends that the City Council receive the Commission on Aging meeting minutes for April 12, May 10, and June 14, 2012 as an informational report.

Prepared by: Christine Engel
Recreation Superintendent

____
Paul Navazio
City Manager

Attachments

Commission on Aging

Woodland Community & Senior Center, 2001 East Street, Woodland, CA 95776

Regular Meeting Minutes

April 12, 2012

Call to Order

Meeting convened at 3:30 p.m. at the Community & Senior Center, 2001 East Street, Woodland, California; Chair Garman presiding.

Commissioners Present:	Garman, Overholt, Campbell, Wright,
Absent:	Talkington
Staff:	Haynie, Engel
Guests:	

Pledge of Allegiance

Minutes and Staff Report

Commissioner Campbell moved to accept the minutes from March 8, 2012 and the Staff Report; Commissioner Overholt seconded the motion. Motion carried 4-0.

Correspondence (None)

Commissioner Garman shared newspaper clippings with the Commission.

Public Comment (None)

Communications Written-Staff Reports

Bain explained the steps she had taken to advertise the Guest Speaker event on April 24, 2012 and the Resource Fair on May 16, 2012: Creating flyers, notice to the Daily Democrat, Web Pages and Facebook. Bain, Commissioner Wright and Commissioner Talkington are working together on the Guest Speaker event on April 14, 2012. Commissioner Garman will forward the information on to the Davis Enterprise.

Bain reported to the Commission that staff is moving forward with the grout repairs to the front of the building.

A new support group has started using the Senior Center Prostate Support held their first meeting with 30 attendees.

The new "Loop System" has solved the problems that the Hear! Here! Group was having with the Community & Senior Centers "Assisted Listening Devices". Staff is planning to add this loop to the game room for the Senior Movie days.

City of Woodland PARKS & RECREATION

Commission on Aging

Woodland Community & Senior Center, 2001 East Street, Woodland, CA 95776

Tax Aide has finished for the year and is booked in the building for next year's tax season. Commissioner Garman asked how many were served through the Tax Aide program. Bain responded that there were 16 spots each day and most days these were full.

Commissioner Campbell stated that a rider of the Care Car wanted to read the newspaper at the Center but there wasn't one available. Commissioner Campbell asked staff to make the newspaper available to seniors.

Important Document Discussion
This item was tabled. Commissioner Overholt will present the documents at the May Commission meeting.

Review COA Code
Commissioner Garman read the code to the Commission.
Sec. 2-7-86. Powers and duties
The commission on aging shall have the following powers, functions and duties:

1. To act as advisory body to the city council by studying, evaluating, and making recommendations on grant and program proposals affecting the well being of senior citizens' programs in the city;
2. To define unmet needs of senior citizens and to indentify ways to meet these needs;
3. To identify and inventory various services available to senior citizens';
    a. Bain's staff report addresses this.
4. To disseminate information to senior citizens regarding the availability and uses of the various activities and services;
    a. The Speaker Series addresses this.
5. To lend strength and support to existing programs;
    a. Commission needs to add more support for this.
6. To discuss and recommend appropriate action on all legislative bills concerning senior citizens;
    a. Consider in future.
7. To recommend and coordinate senior citizens' programs or services of general interest, including, but not limited to, nutrition, transportation, health, housing and recreation;
    a. ENP, Care Car, Support Groups, Apartment List, Programs meet this.
8. To act as advisory body to the city council concerning the operation and maintenance of the senior center;
    a. Advisory, Covered.

Commission on Aging

Woodland Community & Senior Center, 2001 East Street, Woodland, CA 95776

9. To review the portion of the city budget related to senior programs as developed by the department staff and make recommendations to the city council.
    a. Would like to see what the budget is for the Senior Center.
        i. Engel stated that there wasn't much budget for the Senior Center since most of the administration needs are being funded by the Administration Division's budget. Though funding has been added for the part time staff position (Paula Crum) for the next fiscal year. Staff recognizes that this position is crucial to the Senior Center day to day operation.

This item will be added to the June agenda as a Discussion Item.

Council Presentation-May 15, 2012

May is older Americans month; Commissioner Overholt will work on the presentation. Staff will supply her with current pictures of computer, exercise, card games, and past resource fair. Commissioner Garman will present to Council.

Resource Fair-May 16, 2012

Commissioner Wright reported that 40 vendors have committed to attend the Resource Fair. Commissioner Wright asked staff if electricity would be available for vendors. Staff responded that electricity is available around the room, so those vendors who need electricity should be identified and place near the outlets. Commissioner Wright and Talkington will give staff the room set up requirements and staff will set up the room.

Guest Speaker Series-April 24, 2012

Apartment List

This item was tabled.

Communication-Commission/Staff Statements and Requests

Business Items for Next Meeting:

Speaker Guidelines

Grout at front entrance

Important Documents

Next Meeting Date: May 10, 2012

Commission on Aging

Woodland Community & Senior Center, 2001 East Street, Woodland, CA 95776

Adjourn: Commissioner Overholt made the motion to adjourn the meeting at 4:35 p.m., Commissioner Wright seconded the motion, and motion carried 4-0.

Respectfully submitted,

Cathy Haynie, Administrative Secretary
Parks & Recreation Department

Agenda Item #1

Commission on Aging

Woodland Community & Senior Center, 2001 East Street, Woodland, CA 95776

Regular Meeting Minutes

May 10, 2012

Call to Order

Meeting convened at 3:30 p.m. at the Community & Senior Center, 2001 East Street, Woodland, California; Chair Garman presiding.

Commissioners Present:	Garman, Overholt, Campbell, Wright, and Talkington
Absent:	
Staff:	Haynie, Bain, and Engel
Guests:	

Pledge of Allegiance

Minutes and Staff Report

Commissioner Overholt moved to accept the minutes from April 12, 2012 as written; Commissioner Campbell seconded the motion. Motion carried 5-0.

Correspondence (None)

Public Comment (None)

Communications Written-Staff Reports

Bain reported to Commission that staff is receiving formal quotes to repair the front grout at the Community & Senior Center. Senior Movie Day has outgrown the game room and is moving into the youth center. Restorative Yoga & Meditation will begin in June on the 2nd, 3rd and 4th Thursday, Garrie Wright is the instructor.

Elizabeth DiDio is a grant-writer and assisting with a needs accesment in hopes we can identify senior needs within our community to be able to apply for grants. Volunteers can respond to the accessment that will be in the Senior Gram. Commissioner Talkington informed the Commission that TLC uses the same process to get needed information. Bain stated that she was going to start emailing the Senior Gram out to COA and Council. She has created an email list and will add any interested parties. Commissioner Campbell made the motion to accept staff's report as written; Commissioner Wright seconded the motion. Motion carried 5-0.

Commission on Aging

Woodland Community & Senior Center, 2001 East Street, Woodland, CA 95776

Important Documents

Commissioner Overholt will email the documents to Haynie and Administrative staff will recreate the document into a word document. Frost (Bain's Coordinator) will then convert the documents into a PDF fill in version.

Guest Speaker Series-April 24, 2012

Speaker Joan Hatchett provided handouts of information. The event was well received and very positive. Ms. Hatchett would be able to do additional subjects for the speaker series and could be a fill in. Commission will write a thank you note to Ms. Hatchett. Next series October/November should either be about identity theft or security and "Hi Grandma". Engel will contact PD about their ability to be a Guest Speaker. Commissioners Talkington and Wright will contact the DA Office at the resource fair for a presentation in late October or early November.

Council Presentation-May 15, 2012

Bain will send resource fair flyer to Commissioner Garman to add to presentation. February 2013 COA meeting will include the first draft of the annual report for next year. Commissioner Garman will present to Council.

Resource Fair-May 16, 2012

Commissioner Wright reported that 50 vendors are registered for the Resource Fair. Commissioner Campbell will check in vendors. Commissioner Wright and Talkington will map and organize the vendors with attention to the vendors who need electrical access. Commissioner Wright and Talkington will give staff the room set up requirements and staff will set up the room. Commissioner Talkington will send document of vendors to staff for future use.

Apartment List

Haynie asked that the Commission check the highlighted information in the list. If there are no changes then staff will remove highlights, post and send the document out. Commission asked that Haynie proceed with no additional changes to the document.

Communication-Commission/Staff Statements and Requests

Business Items for Next Meeting:

Speaker Guidelines

Work Plan

Commission on Aging

Woodland Community & Senior Center, 2001 East Street, Woodland, CA 95776

Next Meeting Date: June 14, 2012

Adjourn: Commissioner Wright made the motion to adjourn the meeting at 4:35 p.m., Commissioner Talkington seconded the motion, and motion carried 5-0.

Respectfully submitted,

Cathy Haynie, Administrative Secretary
Parks & Recreation Department

Commission on Aging

Woodland Community & Senior Center, 2001 East Street, Woodland, CA 95776

Regular Meeting Minutes

June 14, 2012

Call to Order

Meeting convened at 3:30 p.m. at the Community & Senior Center, 2001 East Street, Woodland, California; Chair Garman presiding.

Commissioners Present:	Garman, Campbell, Wright, and Talkington
Absent:	Overholt
Staff:	Haynie, Bain, and Engel
Guests:	

Pledge of Allegiance

Minutes and Staff Report

Commissioner Talkington moved to accept the minutes from May 10, 2012 with changes; "*Speaker Joan Hatchett provided handouts of information. The event was well received and very positive. Ms. Hatchett would be able to do additional subjects for the speaker series and could be a fill in. Commission will write a thank you note to Ms. Hatchett. Next series October/November should either be about identity theft or home security and "Hi Grandma". Engel will contact PD about their ability to be a Guest Speaker. Commissioners Talkington and Wright will contact the DA Office at the resource fair for a presentation in late October or early November. Important Documents in January 2013".* Commissioner Campbell seconded the motion. Motion carried 5-0.

Public Comment (None)

Communications Written-Staff Reports

Bain reported to Commission that staff was printing 20 copies of the survey and using the Care Car, SCI and ENP to distribute the trial run. Commissioner Talkington asked if a larger font version could be available. Bain responded that she would supply Commissioner Talkington with the larger font version. The survey will be available through July.

Bain stated that Christina Cruz's, the ENP site manager, last day would be August 3, 2012. SCI member Ed Marquez has stepped down from the board. Ice Cream Social put on by the Senior Center Computer Club times were listed as 12-3 p.m. in the Senior Gram. In reality the social's times are 1-3 p.m. Bain has corrected the Senior Grams at the front counter and the online version. The Pier 39 trip was a huge success. Restorative Yoga had 7 participants for the first class and will be offered on the 2, 3, & 4 Thursday of each month. Badminton had 16

Commission on Aging

Woodland Community & Senior Center, 2001 East Street, Woodland, CA 95776

participants on Wednesday and has lower numbers on Mondays. Prostate Support Group will be at the Community & Senior Center on the odd months and in Davis on the even months.

Commissioner Wright made the motion to accept the staff report as written; Commissioner Campbell seconded the motion. Motion carried 4-0.

Correspondence

Commissioner Garman stated that he attended the Yolo County Commission on Aging (Area 4) meeting where they were discussing their three year plan. This is a state funded program and the state is requesting input from each county. The information will then be used for the three year budget.

Representative to Yolo County Commission on Aging

Commissioner Garman stated that when he attended the Yolo County Commission on Aging meeting that discussed the Three Year Plan. Commissioner Garman was informed that their was a vacant seat on the Commission for Woodland and that this is a voting member seat. Engel stated that this seat should be assigned through the City Council. Bain stated that the Yolo County Commission on Aging seat would keep the COA informed about State issues relating to seniors. Minutes are available online and YCCOA meets on the fourth Wednesday of even months 9-10 a.m. in Davis. Commissioner Campbell made the motion to make a recommendation to Council that they appoint Commissioner Garman to the Yolo County Commission on Aging; Commissioner Wright seconded the motion. Motion carried 4-0.

Work Plan

Commissioner Talkington handed out a document that listed the things that went well and the Resource Fair and the things that did not go well. COA discussed sending thank you cards to vendors and Save the Date for the next resource fair. Bain will talk to the YMCA about doing the Resource Fair on the same day as the YMCA annual event. Resource Fair will be put on January's COA agenda.

Communication-Commission/Staff Statements and Requests

Haynie handed out the Important Documents for the Commission to approve before staff posts the document online.

Commission on Aging

Woodland Community & Senior Center, 2001 East Street, Woodland, CA 95776

Business Items for Next Meeting:

Representative to Yolo County Commission on Aging

Work Plan Update: Resource Fair Date, Important Documents

Next Meeting Date: July 12, 2012

Adjourn: Commissioner Campbell made the motion to adjourn the meeting at 4:35 p.m., Commissioner Wright seconded the motion, and motion carried 4-0.

Respectfully submitted,

Cathy Haynie, Administrative Secretary
Parks & Recreation Department

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
H. 2

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: August 21, 2012

SUBJECT: Parks & Recreation Commission Minutes for April 23 and May 21, 2012

Recommendation for Action

Staff recommends that the City Council receive the Parks & Recreation Commission meeting minutes for April 23, 2012 and May 21, 2012 as an informational report.

Prepared by: Christine Engel
Recreation Superintendent

Paul Navazio
City Manager

Attachments

Parks & Recreation Commission
Woodland Community & Senior Center
2001 East Street, Woodland, CA 95776

Commission Meeting Minutes April 23, 2012

Call to Order
Meeting convened at 6:32 p.m. at the Woodland Community & Senior Center, 2001 East Street, Woodland, California by Commissioner Groom.

Commissioners Present: Murphy, Stephens, Salinas, Groom, Romero, 2 Vacant
Absent:
Staff: Engel, Haynie, Sanders

Pledge of Allegiance

Public Comment
Vice Mayor Skip Davies informed the Commission of the 4th of July plans for 2012. Woodland Recreation Foundations Chair Tanya McKay informed the City that the Foundation can no longer coordinate the 4th of July events. With the staff shortages in the Parks & Recreation Department, staff is not available to take over the duties that the Foundation is giving up. The Mayor Art Pimentel and Vice Mayor Skip Davies have taken up the Foundation's duties. With Woodland High School's plans to reseed the turf at the stadium, the 4th of July event will be held at Pioneer High School Stadium. There is a planned closure of Pioneer Avenue for street widening that will have an impact on the 4th of July events. Woodland Community College is making their parking lot available for the event. Vice Mayor Davies informed the Commission that they are looking for a group to take over the Bike Parade. Fire Station 3 will hold their annual pancake breakfast. Pool will be open for free swim, staff had informed Vice Mayor Davies that since the 4th falls on a Wednesday, and there would be no additional cost to the City for the event. The budget for the event is $20,000.00 and has raised $10,000.00 to date. Davies stated that there was some money left over from last year's event. The Mayor and Vice Mayor will be collecting all donations. They still need volunteers to assist with the events. Freeman Park event will not be held this year. Recreation staff will provide the bounce houses at the stadium and staff it with summer staff. Vice Mayor Davies has asked Pioneer High School to use the event as an opportunity to raise funds for their needed programs. Vice Mayor Davies asked the Commission to take over the Bike Parade.

Commissioner Romero asked where the money from last year came from. Vice Mayor stated that the Foundation is making these funds available there was a balance leftover from last year's event. The Foundation will continue to collect the funds for the event since they are a 501c3 non profit and the donations can be tax deductible to the donor.

Commissioner Murphy thanked the Mayor and Vice Mayor for the hard work and planning this event.

Commissioner Salinas stated that the word needs to get out to all user groups, asking for volunteers for the 4th of July event.

Consent Calendar

Commission Minutes of February 27, 2012

Commissioner Groom made motion to accept the February 27, 2012 minutes, Commissioner Salinas seconded the motion. Motion carried 5-0. *(Note: no meeting in March due to lack of quorum.)*

Communications Written-Staff Reports

Recreation Division Report-Christine Engel

Engel informed the Commission that revenue is on track. The Camperships being offered for Summer Time Fun Club are being given out but slowly. There were 30 Camperships available and there are 15 left to give out.

Parks Report/Street/Tree Report-Rob Sanders

Sanders informed the Commission that Volunteers "Season of Service" will work at the Cemetery, Campbell Park, Pioneer Park and Woodside Park on the morning of May 5th. Staff is hoping that this event will become an annual event. The City has been selling equipment from the Parks Division, with the limited staff and the mowing contract, this equipment was not being used. $25,000.00 was added to the Parks budget from these sells to buy a Gator for Parks which will save $40,000.00. Park Supervisor Eric Dexter has taken a job with the City of Roseville; his last day with the City was April 20, 2012.

Commissioner Groom stated that Eric Dexter would be a hard act to follow; he did a great job for the City. Commissioner Stephens asked about the failed trees and what their replacements would be. Sanders stated that they would be replaced with a species that is known to thrive in Springlake. Commissioner Murphy stated that it's is great that the roof and decking will be repaired at Charles Brooks Swim Center.

Presentations-None

New Business-Action Items

Formalize Officers - Cycle

Commissioner Groom moved to accept the new Cycle for the Commission officers, Vice Chair moves into the Chair position and a new Vice Chair is elected annually; Commissioner Stephens seconded the motion. Motion carried 5-0.

May meeting change to May 21 instead of Memorial Day May 28?
Commissioner Groom moved to change the May meeting date of the Commission from May 28 to May 21; Commissioner Salinas seconded the motion. Motion carried 5-0.

New Business- Information Items

Old Business-Action Items

Old Business-Information Items

Boxing Event Update
Commissioner Romero stated that he attended the Boxing Event held at the Woodland Community & Senior Center on March 3, 2012. The event was sold out and Vicente knocked out his opponent in the first round. Commissioner Murphy told the Commission that he watched the event on T.V. since he was in Southern California.

Engel informed the Commission that Vicente will be defending his title on May 12, 2012 at the Woodland Community & Senior Center. The promoters are pleased with the Woodland Community & Senior Center as a venue for these events. Commissioner Murphy stated that these events are a boost to the economy with everyone staying in town for the event. It is good to see the multi use of the Woodland Community & Senior Center. Thank you to staff for the work they do to make these events a success. Engel told the Commission that David Zaragoza and Luis Delgado are very organized and do a great job.

Work Plan
There is no current update for the Work Plan.

Committee Reports

Budget & Finance Committee Report
Commissioner Groom informed the Commission that with the March meeting cancellation Meyer wanted to make sure the Commission was informed of the planned budget cuts to the Park Division. Closure of 4 parks, possible transfer of Buchignani Field lease to Little League, closure of Charles Brooks Swim Center, reduction of tree pruning, elimination of officials for adult and youth sports, cancellation of fall adult softball and elimination of 4th of July activities.

Sanders stated that at the Council Budget study session in March, Council stated that they would not approve anymore cuts to the Parks & Recreation budgets or to the Library. These departments have been cut too much already and staff needs to look somewhere else for additional cuts. Commissioner

Salinas asked staff to keep the Commission informed if things change with the budget for Parks & Recreation.

Communications-Commission/Staff Statements and Requests
Commissioner Murphy informed the Commission that he has accepted a seat on the Planning Commission and was resigning his seat on the Parks & Recreation Commission. This is his last meeting on the Commission. Sanders wanted to thank Commissioner Murphy for all the help he has supplied staff over the past 8 years. Engel stated that she first met Murphy 12 years ago when she was a Commissioner with Murphy on the Tree Commission. Murphy has been an active supporter of the City of Woodland and its residents. Commissioner Murphy responded that he has enjoyed his years of service to the Commission and would encourage new Commissioner to “Not bring work for staff but bring what you can do for the Commission”. Commissioner Salinas appreciated being mentored by Commissioner Murphy. Commission asked Art Williams, from Woodland Tennis Club if he would consider serving on the Commission since he attends most meetings and is a supporter of Parks & Recreation. Commissioner Murphy stated that it is nice to work with staff that does their job because they want to do the job. Staff presented Commissioner Murphy with a plaque of appreciation for his years of service on the Parks & Recreation Commission.

Other Business (None)

Business Items for Next Meeting:
Budget Update
New Commissioner

Next Meeting Date: May 21, 2012, 6:30 p.m.

Adjourn: meeting adjourned at 7:22 p.m.

Respectfully submitted,

Cathy Haynie, Administrative Secretary
Parks & Recreation Department

Parks & Recreation Commission
Woodland Community & Senior Center
2001 East Street, Woodland, CA 95776

Commission Meeting Minutes May 21, 2012

Call to Order
Meeting convened at 6:32 p.m. at the Woodland Community & Senior Center, 2001 East Street, Woodland, California by Commissioner Romero.

Commissioners Present: Murphy, Stephens, Salinas, Groom, Romero, 2 Vacant
Absent:
Staff: Engel, Haynie, Sanders

Pledge of Allegiance

Public Comment

Consent Calendar

Commission Minutes of April 23, 2012
Commissioner Stephens made motion to accept the April 23, 2012 minutes as written; Commissioner Groom seconded the motion. Motion carried 5-0.

Communications Written-Staff Reports
Recreation Division Report-Christine Engel
Engel informed the Commission the May 12 boxing event held at the Community & Senior Center was successful. Turn out was low and a donation was made to the Woodland Boxing Program. Swim Lessons and Woodland Wreckers sign ups are going well. There are only 3 scholarships left for the summer parks programs. Adult volleyball and softball sign ups have started.

Parks Report/Street/Tree Report-Rob Sanders
Sanders informed the Commission that Volunteers “Season of Service” had 75 volunteers show up to work at the Cemetery, Campbell Park, Pioneer Park and Woodside Park on the morning of May 5th. Staff is researching a program “Adopt a plot” where the individual and/or groups would maintain cemetery plots for the City. There are issues with the Pear trees in Heritage Plaza lifting the pavers and being close to the Daily Democrat office. The Woodland Tree Foundation has concerns about removing the trees and would like staff to find another solution. The Woodland Tree Foundation are good partners and concerned about the loss of shade in that area of Heritage Plaza.

Commissioner Salinas asked who picked the date for the volunteers in the parks. Sanders responded that the volunteer picked the date.

Presentations-None

New Business-Action Items

Annual Council Report
Engel informed the Commission that the Commission's Presentation to Council will either be on July 3, July 19 or August 21, 2012 Council Agenda. Commissioner Groom will prepare the draft presentation for the June Commission meeting.

New Business- Information Items

New Commissioner-Enrique Fernandez
Commissioner Fernandez is a cousin of Commissioner Romero and is excited to serve on the Parks & Recreation Commission. Commissioner Fernandez stated that he may be the least experienced Commissioner and is looking forward to learning.

Old Business-Action Items

Old Business-Information Items

Budget Update
Council is scheduled for a Budget Study Session on May 22, 2012. City Manager will present to Council the present City budget.

Committee Reports

No Committee reports at this time.

Communications-Commission/Staff Statements and Requests

Engel will be absent for the June 25th Commission Meeting, Kris Bain will take Engel's place for the meeting.

Commissioner Fernandez wondered if the Commission would organize an event for May 2013, Bike Month.

Commissioner Salinas stated that Community Outreach in the Work Plan needs to be filled out with desires and goals.

Engel informed the Commission of the events being scheduled for the 4th of July, adding that staff will not be involved with the Bike Parade.

- Fun Run-*Woodland Schools Foundation & Fleet Feet Sports*
- Pancake Breakfast-*Woodland Professional Firefighters Association*
- Bike Parade-*looking for someone to take over this event*
- Freeman Park Family Fun Fest-*Bounce A Lot Bounce Houses, La Superior, Bayside Church, and Watermelon Music*
- Ice Cream Social-*Senior Center Computer Club*
- Free Swim-1-4 p.m.
- Fireworks-*Sponsored by City of Woodland and Pioneer High School*

Any help from the Commission on these events would be greatly appreciated.

Other Business (None)

Parks & Recreation Commission
Woodland Community & Senior Center
2001 East Street, Woodland, CA 95776

Business Items for Next Meeting:

Committee Assignment
Council Annual Report-Draft
Annual Plan-Work Plan update

Next Meeting Date: June 25, 2012, 6:30 p.m.

Adjourn: meeting adjourned at 7:05 p.m.

Respectfully submitted,

Cathy Haynie, Administrative Secretary
Parks & Recreation Department

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
H. 3

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: August 21, 2012

SUBJECT: Library Board of Trustees Minutes for the June 12, 2012, Regular Meeting.

Recommendation for Action

Staff recommends that the City Council receive the Library Board of Trustees minutes for the June 12, 2012, regular meeting as an informational report.

Prepared by: Heather Muller
Library Services Director

Reviewed by: Woodland Library Board of Trustees

Paul Navazio
City Manager

Attachments

WOODLAND PUBLIC LIBRARY
BOARD OF TRUSTEES
Minutes, June 12, 2012

Present: Alain Traig, Tom Pavao and Kay Hodges
Staff: Heather Muller, Sue Bigelow
Excused Absence: Jorel Difuntorum and Bud Goding

The meeting was called to order at 4:00 pm.

I. Welcome Visitors
Alain welcomed representatives from the Rose Club and the Friends of the Library and Bobby Harris.

II. Public Comment:
No public comment.

III. Review of Agenda
The agenda was accepted as submitted.

IV. Approval of Minutes
The minutes of the May 3, 2012 meeting were approved as submitted.

V. Communications

The newly elected City Council members will be sworn in on July 10, 2012.

CALPERS has clarified the language addressing the issue of whether retired employees who are not eligible for benefits can return to work on a part time basis and it appears that Sue Peterson will be able to continue her employment.

A bequest from the estate of Evelyn “Brigid” Davis will be coming to the Library once the estate has been settled. The bequest in the amount of two percent of the estate is to be used for materials.

The California State Library has awarded the Literacy Department $19,439 under the provisions of the Library Services and Technology Act (LSTA). This award is in addition to $20,000 of LSTA funds previously granted.

A letter from Diana Dearmore, President of the Friends, regarding increasing space for the FOL Book Room as a part of the potential Literacy Learning Center expansion was reviewed. Alain stated this idea is definitely being considered in the planning process.

VI. Old Business

A. Literacy Learning Center update/Status of Measure E

A local architectural firm developed and presented to the City's Infrastructure Committee a cost estimate for the Literacy Learning Center expansion. The $457,850 estimate is considerably greater than the amount the Board has been led to believe might be available for such a project; there would also be funding needed for City management of the project. In addition, a revised Measure E spending plan indicates no funding would be available until 2016. The Measure E spending plan is scheduled to be discussed at the next City Council meeting.

B. Budget Update

In order for the State Library to be eligible for federal funding under LSTA, it must demonstrate "maintenance of effort" and have a minimum of $5 million state funding. At present, the State Library has $4.7 million of funding and it is exploring other options to ensure they remain eligible for federal funding of $15 million.

The Board reviewed the Library's current budget report which is basically on track. The final City budget is scheduled to be presented on June 19th and it will go into effect July 1st.

VII. New Business

A. Courtyard/Leake Center improvements proposed by the Rose Club

Members of the Rose Club presented a plan for improving and enhancing the courtyard and the Leake Center patio area. They are partnering with the Friends on this project and will provide ongoing maintenance. The Board agreed to support this project and expressed their appreciation for both groups' dedication to the library. In addition, an alternative signage plan for the Rose Garden was presented and approved.

B. Policing Program

There were no new updates.

C. Status of Board position replacements

Members of the City Council have interviewed applicants and recommendations will go to the City Council on June 19th.

VII. Reports

A. Director: The staff is currently moving to electronic timesheets
B. Board: None

The meeting was adjourned at 5:35 pm.
The next meeting will be July 12, 2012, at 4:00 pm.
Minutes prepared by Kay Hodges

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
1.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: August 21, 2012

SUBJECT: Presentation of Certificate of Appreciation to Steve A. Barzo

Report in Brief

The City Council recognizes the years of service and dedication to the City of Woodland by Steve A. Barzo as a member of the Planning Commission for fifteen years.

Steve was appointed to the City of Woodland Planning Commission in February 1997 and in that time has served in leadership capacity as both Chair and Vice-Chair to the Commission. During his fifteen year tenure, Steve was involved in many key projects and issues and devoted much time and energy on the review and ultimate result of several key plans and developments including the East Street Corridor Specific Plan, the Southeast Area Specific Plan, Gibson Plaza, the Downtown Specific Plan Update, the Community Design Standards, the 2002 General Plan update, and the Gateway Shopping Center. The project Steve is particularly proud to have worked on is the development of the Spring Lake Specific Plan from its beginning through many late night meetings.

The City Council extends our sincere appreciation to Steve A. Barzo for his years of service and wishes him well in his retirement and future endeavors.

Prepared by: Cindy A. Norris
Principal Planner

Reviewed by: Nicholas J. Ponticello
CDD Director

Paul Navazio
City Manager

Attachment

City of Woodland

CERTIFICATE OF APPRECIATION
RECOGNIZING STEVE A. BARZO FOR FIFTEEN YEARS OF SERVICE

WHEREAS, Steve was appointed to the City of Woodland Planning Commission in February 1997; and

WHEREAS, Steve has served as Chair and Vice Chair of the Woodland Planning Commission; and

WHEREAS, Steve's outstanding professional skills and military bearing have been essential in his service to the City of Woodland on the Planning Commission; and

WHEREAS, Steve Barzo entered the US Army in 1963 and retired in April 1984. Mr. Barzo served in 11 Battle Campaigns in Vietnam, received three Bronze Stars, a Joint Services Commendation Medal, and four Army Commendation Medals. After retiring from the Army, Steve went to work for the IRS at the district office in Sacramento. He left the IRS for the University of California-Davis and served as a Management Services Officer for the Military Science Department until his retirement in 2012. Steve has lived in Woodland since 1995; and

WHEREAS, During Steve's tenure he was involved in key projects and issues and devoted his time and energy to the development of the East Street Corridor Plan, the Southeast Area Specific Plan, Gibson Plaza, the Downtown Specific Plan update, the Community Design Standards, the General Plan Update in 2002, and the Gateway Shopping Center. The project Steve is particularly proud to have worked on is the development of the Spring Lake Specific Plan from its beginning through many late night meetings.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF WOODLAND DOES HEREBY thank Steve A. Barzo for his years of service and congratulates him upon his resignation from the City of Woodland Planning Commission and wishes him well in his retirement and future endeavors.

DATED: August 21, 2012.

____

Marlin H. Davies, Mayor

Tom Stallard, Vice Mayor ***William L. Marble, Council Member***

Jim Hilliard, Council Member ***Sean Denny, Council Member***

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
2.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: August 21, 2012

SUBJECT: Presentation of Certificate of Appreciation to David A. Sanders

Report in Brief

The City Council recognizes the years of service, leadership and dedication to the City of Woodland by David A. Sanders as a member of the Planning Commission for ten years.

David was appointed to the City of Woodland Planning Commission in September 2002 and in that time has served in leadership capacity as both Chair and Vice-Chair to the Commission, recently completing his fifth term as Commission Chair. During his tenure, David was involved in many key projects and issues and devoted much time and energy on the review of several key plans and developments including the 2002 General Plan update, the Spring Lake Specific Plan, and Measure A the Urban Limit Line initiative. Other projects he was involved in during his tenure included the Downtown Specific Plan update, Community Design Standards update and the Gateway Shopping Center.

The City Council extends our sincere appreciation to David A. Sanders for his years of service and wishes him well in his retirement and future endeavors.

Prepared by: Cindy A. Norris
Principal Planner

Reviewed by: Nicholas J. Ponticello
CDD Director

Paul Navazio
City Manager

Attachment

City of Woodland

CERTIFICATE OF APPRECIATION
RECOGNIZING DAVID A. SANDERS FOR TEN YEARS OF SERVICE

WHEREAS, David was appointed to the City of Woodland Planning Commission in September 2002; and

WHEREAS, David has served as Vice Chair and has recently completed his fifth term as Commission Chair; and

WHEREAS, David's outstanding professional skills and leadership abilities have been essential in his service to the City of Woodland on the Planning Commission; and

WHEREAS, David and his family have made Woodland their home for over a decade. He is retired form the US Air Force and is a graduate of Chico State and the UC Davis School of Law. He is the Chief Operations Officer and Senior Council for the California Correctional Peace Officer's Association; and

WHEREAS, During David's tenure he was involved in key projects and issues and devoted his time and energy to the development of the Spring Lake Specific Plan, The General Plan Update, and Measure A the Urban Limit Line Initiative. Other projects during David's tenure included the Downtown Specific Plan update, Community Design Standards update, and the Gateway Shopping Center.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF WOODLAND DOES HEREBY thank David A. Sanders for his years of service and congratulates him upon his resignation from the City of Woodland Planning Commission and wishes him well in his retirement and future endeavors.

DATED: August 21, 2012.

Marlin H. Davies, Mayor

Tom Stallard, Vice Mayor ***William L. Marble, Council Member***

Jim Hilliard, Council Member ***Sean Denny, Council Member***

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
3.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: August 21, 2012

SUBJECT: Presentation of Certificate of Appreciation to Jorel Difuntorum

Report in Brief

The City Council recognizes the seven years of service, leadership and dedication to the City of Woodland and the Woodland Public Library by Jorel Difuntorum as a member of the Woodland Public Library Board of Trustees.

Jorel was appointed to the Woodland Public Library in October 2005. Jorel contributed to many significant Library issues including the passage of Measures S & V in 2010. Jorel devoted much time and energy to the Library and the City of Woodland.

The City Council extends our sincere appreciation to Jorel Difuntorum for his years of service and wishes him well in future endeavors.

Prepared by: Heather Muller
Library Services Director

____
Paul Navazio
City Manager

Attachment

City of Woodland

Certificate of Appreciation

presented to

Jorel Difuntorum

Library Board of Trustees - 2005-2012

WHEREAS, Jorel Difuntorum was appointed to the position of Member of the Library Board of Trustees on October 5, 2005; and,

WHEREAS, during his tenure as Trustee, Library programs and services have been significantly improved; and,

WHEREAS, Jorel was sincerely staff-oriented and consistently supportive of their efforts; and,

WHEREAS, Jorel's knowledge and experience in issues of importance to the Library has been of great assistance in planning efforts that have guided the community; and,

WHEREAS, Jorel's leadership, collaborative, and partnership skills have increased participation by individual and community groups; and,

WHEREAS, Jorel's experience in business and technology provided an important resource to the Library Board during his tenure; and,

WHEREAS, Jorel's value to the Library Services Department and to the City of Woodland is immeasurable.

NOW, THEREFORE, the City Council of the City of Woodland, does hereby recognize and commend Jorel Difuntorum for his service to the community and wish him well in all future endeavors.

Dated this 21st day of August, 2012.

Marlin H. Davies, Mayor

Tom Stallard, Vice-Mayor

William H. Marble, Council Member

Sean Denny, Council Member

Jim Hilliard, Council Member

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
4.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: August 21, 2012

SUBJECT: Presentation of Certificate of Appreciation to Kay Hodges

Report in Brief

The City Council recognizes the six years of service, leadership and dedication to the City of Woodland and the Woodland Public Library by Kay Hodges as a member of the Woodland Public Library Board of Trustees.

Kay was appointed to the Woodland Public Library in May 2006 and in that time has served in a leadership capacity as Secretary to the Board. Kay contributed to many significant Library issues including the passage of Measures S & V in 2010. Kay devoted much time and energy to the Library and the City of Woodland.

The City Council extends our sincere appreciation to Kay Hodges for her years of service and wishes her well in future endeavors.

Prepared by: Heather Muller
Library Services Director

____
Paul Navazio
City Manager

Attachment

City of Woodland

Certificate of Appreciation

presented to

Kay Hodges

Library Board of Trustees - 2006-2012

WHEREAS, Kay Hodges was appointed to the position of Member of the Library Board of Trustees on May 16, 2006; and,

WHEREAS, during her tenure as Trustee, Library programs and services have been significantly improved; and,

WHEREAS, Kay was sincerely staff-oriented and consistently supportive of their efforts; and,

WHEREAS, Kay's knowledge and experience in issues of importance to the Library has been of great assistance in planning efforts that have guided the community; and,

WHEREAS, Kay's leadership, collaborative, and partnership skills have increased participation by individual and community groups; and,

WHEREAS, Kay's experience in the Human Resources profession provided an important resource to the Library Board during her tenure; and,

WHEREAS, Kay's value to the Library Services Department and to the City of Woodland is immeasurable.

NOW, THEREFORE, the City Council of the City of Woodland, does hereby recognize and commend Kay Hodges for her service to the community and wish her well in all future endeavors.

Dated this 21st day of August, 2012.

____

Marlin H. Davies, Mayor

Tom Stallard, Vice-Mayor	William H. Marble, Council Member
Sean Denny, Council Member	Jim Hilliard, Council Member

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
5.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: August 21, 2012

SUBJECT: Parks & Recreation Commission Annual Report for 2011/12

Recommendation for Action

Staff recommends that the City Council receive the annual report from the Parks & Recreation Commission as an informational item.

Fiscal Impact

None

Report in Brief

The City Council annually reviews the activities of the City Board and Commissions. This report provides a review of the actions of the Parks & Recreation Commission for 2011/2012.

Background

The role of the Parks & Recreation Commission is to advise and make recommendations to the City Council on all parks, recreation, and community service matters, including the planting and maintenance of trees on public property. The current commission members are: Chairperson Joe Romero, Sheila Groom, Jesse Salinas, Nathan Stephens, and Enrique Fernandez.

Discussion

Accomplishments of the Commission in 2011/12 include:

1. **Urban Forest Master Plan**
   Objective: Upon Council approval, develop outline of policies necessary for formalizing Urban Forest Master Plan.

Outcome: Council approved request in July 2011. Urban Forest sub-committee continues work to develop outline of policies. ***Work will continue in FY13.***

2. **Funding for Parks Capital Projects**
Objective: Review Parks long term capital plan and identify funding sources to offset budgetary reductions.
Outcome: Commissioners were unable to identify private parties willing to fund parks capital projects. ***Closed.***
3. **Develop Dave Douglass Field Use Guidelines**
Objective: Develop formal guidelines for use of Dave Douglass Field by the community.
Outcome: Sub-committee met with neighbors, users and City staff and reached a compromise for use that included formal agreements for soccer and cricket organizations that were implemented in January 2012; no formal guidelines were issued. ***Closed.***

4. **Review Field Use Priorities**
Objective: Review field use priorities as approved by Council in the fee schedule and recommend revisions as needed.
Outcome: Sub-committee attended allocation sessions and reviewed process documentation. A report was issued to the Commission in October 2011 with no recommendations for changes. ***Closed***.

5. **Review Policies as Needed**
Objective: Review /revise policies as needed throughout the year.
Outcome: No policy reviews were requested in FY12. ***Closed***.

The Commission is currently preparing the work plan for 2012/13.

Public Contact

Posting of the Council Agenda. These accomplishments were also discussed throughout the year during the Commission meetings.

Prepared by: Sheila Groom
P&R Commissioner

Reviewed by: Christine Engel
Recreation Manager

Rob Sanders
Public Works Superintendent

Paul Navazio
City Manager

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
6.

TO: THE HONORABLE MAYOR AND CITY COUNCIL

DATE: August 21, 2012

SUBJECT: Consideration of Homebuyer Program Guidelines and Revisions to Standard Guidelines Template

Recommendation for Action

Staff recommends that the City Council take the following action.

1. Approve the City of Woodland's HOME Homebuyer Program Guidelines and the following revisions to HCD's HOME standard guidelines template for use with the City's FTHB program.
    a. Change the housing ratio range to 30 – 35 percent of gross monthly income;
    b. Adjust the total debt ratio range to 35 – 45 percent of gross monthly income;
    c. Revise the limit on total first time homebuyer assistance to 49 percent of total indebtedness or $75,000, whichever is less, and establish that assistance shall not exceed the amount of the principal mortgage; and
    d. Clarify that interest forgiveness starts after 20 years of home ownership and all the accrued interest is forgiven after 30 years of home ownership.

Fiscal Impact

The proposed revisions to the City's HOME Homebuyer Program Guidelines will not result in a fiscal impact. The loans are funded through a current HOME grant and HOME Program Income (Home loan repayments) received by the City.

Background

The City received an $800,000 grant last year through the HOME Investment Partnerships Program for first time homebuyer (FTHB) assistance. City staff is seeking City Council approval of the Homebuyer Program Guidelines, which are derived from the standard guidelines template prepared by the California Department of Housing and Community Development (HCD), to administer the

FTHB program and approval of revisions to the HCD's HOME standard guidelines template for use with the City's FTHB program.
The City applied for grant funding through the HOME Investment Partnerships Program in 2010 and received an $800,000 award in 2011 from the California Department of Housing and Community Development. The City has used the funds to provide first time homebuyer assistance to low income households purchasing homes within City Limits and has a goal of assistance 15 households. Low income is defined as a household that earns 80 percent or less of the countywide median income adjusted for household size. For a household of four persons, the household cannot earn more than $61,500 (80 percent level) in order to be considered low income. The City's assistance is intended to bridge the "gap" between what a principal lender will loan and the cost of a home.

To date, the City has closed four loans through its first time homebuyer program. One of the loans was funded through HOME Program Income which is HOME funds that have been repaid to the City, while a second loan was funded through a combination of HOME Program Income and the City's current HOME grant. The City assistance provides for the deferral of principal and interest for up to 30 years and interest starts to be forgiven after 20 years of home ownership. The interest rate is three percent simple.

Discussion

The City's housing consultant, NeighborWorks, helps administer the City's first time homebuyer program. The staffs of the City and NeighborWorks have received a number of inquiries from lenders and real estate agents about the City's program. The current housing ratio range of 28 – 40 percent for the program leads to a number of questions on the amount of City loan assistance available. The housing ratio is the percentage of a borrower's gross monthly income (before deductions) that would cover cost of the loan principal and interest payment, property taxes, property insurance, mortgage insurance, and homeowners association dues, if any. The existing housing ratio range is fairly wide and results in some instance of lenders being unsure of how to structure the amount of their loans. In addition, staff members from the City and NeighborWorks are concerned that the current housing ratio range may have the potential of providing assistance to borrowers who do not need gap assistance or who are receiving more gap assistance than they need. Staff recommends that the housing ratio range be narrowed to 30 – 35 percent.

Adjusting the housing ratio range will also require an adjustment to the total debt ratio range. The debt ratio is the percentage of a borrower's gross monthly income that would cover the cost of housing (loan principal and interest payment, property taxes, property insurance, mortgage insurance, and homeowners association dues, if any) and other monthly debt payments such as car or personal loans, credit card debt, and child support and/or alimony payments. The current total debt ratio range is 41 to 49 percent. Staff recommends that the ratio be reduced to 35 to 45 percent. This may prevent some households from participating in the City's first time homebuyer assistance program until they can reduce their debt levels.

The amount of assistance available through the City's program cannot exceed the maximum HOME subsidy limit for Yolo County per bedroom as designated by Section 221(d)(3) of the HOME Final

Rule and shall never exceed more than 49% of the total indebtedness. Potentially this could allow one or more borrowers to receive more than $75,000 in assistance. This limits the City's ability to spread the use of limited resources to as many low income households as possible. Staff recommends that the amount of assistance be limited to 49% percent of the total indebtedness or $75,000, whichever is less. Furthermore, staff supports requiring that the assistance provided not exceed the amount of the principal mortgage to be consistent with the "gap" assistance intent of the City's program.

The promissory note used for the City's program states that interest shall start to be forgiven after 20 years of home ownership and that all the interest shall be forgiven after 30 years of ownership. This provision incentivizes continued home ownership. However, the City's Homebuyer Program Guidelines do not contain the interest forgiveness provision. In order to be consistent, staff recommends a change to the guidelines to incorporate a provision for interest forgiveness.

Public Contact

Posting of the City Council agenda.

Conclusion

Staff recommends that the City Council approve the revisions to HCD's HOME standard guidelines template for use with the City's FTHB program as referenced in this report.

Prepared by: Dan Sokolow
Senior Planner

Reviewed by: Nick Ponticello
CDD Director

____

Paul Navazio
City Manager

Attachment: City of Woodland Homebuyer Program Guidelines for HOME Investment Partnerships Program (*Revisions to Guidelines located on pages 14 and 15.)*

City of Woodland

Homebuyer
Program Guidelines

For:

HOME Investment Partnerships Program

Serving the City of Woodland

HOME Approved August x, 2012

HOMEBUYER PROGRAM GUIDELINES

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ATTACHMENTS

HOMEBUYER PROGRAM GUIDELINES

1.0. GENERAL

The above–named entity, hereinafter referred to as the "Sponsor," has entered into a contractual relationship with the California Department of Housing and Community Development ("HCD") to administer one or more HCD-funded homebuyer programs. The homebuyer program described herein (the "Program") is designed to provide assistance to eligible homebuyers in purchasing homes, also referred to herein as "housing units", located within the Program's eligible area, as described in Section 3.1.A. The Program provides this assistance in the form of deferred payment "silent" second priority loans as "Gap" financing toward the purchase price and closing costs of affordable housing units that will be occupied by the homebuyers as their primary residence. The Program will be administered by the City of Woodland, (the "Program Operator").

1.1. PROGRAM OUTREACH AND MARKETING

All outreach efforts will be done in accordance with state and federal fair lending regulations to assure nondiscriminatory treatment, outreach and access to the Program. No person shall, on the grounds of age, ancestry, color, creed, physical or mental disability or handicap, marital or familial status, medical condition, national origin, race, religion, gender or sexual orientation be excluded, denied benefits or subjected to discrimination under the Program. The Sponsor will ensure that all persons, including those qualified individuals with handicaps, have access to the Program.

A. The Fair Housing Lender and Accessibility logos will be placed on all outreach materials. Fair housing marketing actions will be based upon a characteristic analysis comparison (census data may be used) of the Program's eligible area compared to the ethnicity of the population served by the Program (includes, separately, all applications given out and those receiving assistance) and an explanation of any underserved segments of the population. This information is used to show that protected classes (age, gender, ethnicity, race, and disability) are not being excluded from the Program. Flyers or other outreach materials, in English and any other language that is the primary language of a significant portion of the area residents, will be widely distributed in the Program-eligible area and will be provided to any local social service agencies. The Program may sponsor homebuyer classes to help educate homebuyers about the home buying process and future responsibilities. Persons who have participated in local homebuyer seminars will be notified about the Program.

B. The Program Operator will work with local real estate agents and primary lenders to explain the Program requirements for eligible housing units and homebuyers, and to review Program processes. Local real estate agents and primary lenders will also be encouraged to have their customers participate in the Program.

C. Section 504 of the Rehabilitation Act of 1973 prohibits the exclusion of an otherwise qualified individual, solely by reason of disability, from participation under any program receiving Federal funds. The Program Sponsor will take appropriate steps to ensure effective communication with disabled housing applicants, residents and members of the public.

1.2. APPLICATION PROCESS AND SELECTION

A. The Sponsor maintains a waiting list of applicants. Each applicant is asked to complete an application form, which asks for sufficient information concerning income, employment, and credit history to establish preliminary eligibility for Program participation. Completed applications are processed on a first-come-first-served basis. Applications are deemed complete only if all information is completed, the application is signed and dated, and a primary lender's pre-qualification letter is attached to the application. Incomplete applications are returned to the applicant and will not be date/time stamped until complete.

B. Once the applicant's name comes to the top of the waiting list, their Program eligibility is confirmed and they are invited to a briefing regarding participation in the Program. At the briefing the application is reviewed and the potential homebuyer is given a "Preliminary Eligibility Letter" for the Program along with the following forms: Program Brochure, Attachment (G) Instructions to Home Buyer, List of Participating Lenders, Attachment (E) Sellers Lead-Based Paint Disclosure and the EPA Booklet (Protect Your Family from Lead in Your Home) and (F) Notice to Seller.

If the Program Operator encounters material discrepancies and/or misrepresentations, and/or there are income, asset, household composition, or other important questions that can't be resolved, the Sponsor reserves the right to deny assistance to the household. In this case, the applicant may re-apply after six months have elapsed from the time of written assistance denial.

C. Each applicant must participate in individual Homebuyer Counseling approved by the Program Operator and receive a certificate of completion.

D. The potential homebuyer is given 90 days in order to find a qualified home and begin securing a primary loan for the housing unit. If during the 90-day time frame, the potential homebuyer is unable to purchase a home, an extension may be given. However, if it appears the potential homebuyer cannot participate in the Program, the reservation of funds expires and the next person on the waiting list is given an opportunity to participate in the Program.

1.3. THE HOME PURCHASE PROCESS

A. The following is a simplified example of how a primary lender would analyze a homebuyer's finances to determine how much the homebuyer could afford to borrow from the primary lender towards homeownership.

DEBT SERVICE FOR A FAMILY OF FOUR EARNING $3,388 PER MONTH

HOUSING PAYMENTS		TOTAL OVERALL PAYMENTS	
Principal & Interest Payment	$ 865	$1,180	Housing
Insurance	82	+200	Other Debt Service
Taxes	233	$1,380	Total Debt Service
Total Housing Expense	$1,180	(Overall debt service per month is 41% of $3,388)	
(PITI is 35% of $3,388)			

OTHER HOUSEHOLD DEBT SERVICE

Car Payment	$ 150
Credit Card Payment	50
Total Other Debt	$ 200

A $865 per month loan payment equates to borrowing $143,000 at 5.88% for a 30 year term.

SUBSIDY CALCULATION
FOR A FAMILY OF FOUR EARNING $3,388 PER MONTH

Purchase Price of Property	$ 280,000
Less Primary loan amount	**143,000**
Less down payment of 1%	2,800
Equals **"GAP"**	**$ 134,200**
Plus estimated allowable settlement charges	8,400
Equals **Total Subsidy**	**$ 142,600**

B. The housing unit selection process will be conducted by the homebuyers. Prior to making an offer to purchase an eligible housing unit (see Section 3.0), homebuyer shall provide seller with a disclosure containing the following provisions:

1) Homebuyer has no power of eminent domain and, therefore, will not acquire the property if negotiations fail to result in an amicable agreement; and
2) Homebuyer's offer is an estimate of the fair market value of the housing unit, to be finally determined by a state licensed appraiser;
3) The housing unit will be subject to inspection. The housing unit must comply with local codes at the time of construction and local health and safety standards.
4) All housing units built prior to January 1, 1978 will require a lead paint disclosure to be signed by both the homebuyer and Seller (Attachment E);
5) Since the purchase would be voluntary, the seller would not be eligible for relocation payments or other relocation assistance;
6) The seller understands that the housing unit must be either: currently owner-occupied, newly constructed, or vacant for three months prior to submission of the purchase offer.
7) If the seller is not provided with a statement of the above six provisions prior

to the purchase offer, the seller may withdraw from the agreement after this information is provided.

C. Applicant submits executed standard form purchase and sale agreement and primary lender prequalification letter to Program Operator. The purchase and sale agreement will be contingent on the household and housing unit meeting Program eligibility requirements and receiving Program loan approval. Program Operator verifies applicant eligibility, housing unit and loan eligibility and amount of assistance to be provided consistent with these guidelines.

D. Program Operator, where Program Operator is not the Sponsor, submits recommendation to the Sponsor for approval or denial, including the reasons for the recommendation. Sponsor determines Applicant's approval or denial, and instructs Program Operator to notify Applicant. Program Operator provides written notification to Applicant of approval or denial with reason and, if denied, a copy of the Program's appeal procedures.

E. When Primary Lender requirements are met, Program funds are deposited into escrow, with required closing instructions and loan documents.

F. At the time of escrow closing, the Sponsor shall be named as an additional loss payee on fire, flood (if required), and extended coverage insurance for the length of the loan and in an amount sufficient to cover all encumbrances or full replacement cost of the housing unit. A policy of Title Insurance naming the Sponsor as insured is also required.

1.4. HOMEBUYER COSTS

A. Eligible households must document that they have the funds necessary for down payment and closing costs as required by the Primary Lender and the Sponsor. The Program's down payment requirement (below) is in place even if the Primary Lender has a lower down payment requirement. If the Primary Lender has a higher down payment requirement, there is no additional down payment requirement required by the Program.

B. Homebuyer must contribute a minimum down payment of one percent (1%) of the purchase price, but may contribute more if desired.

C. Sponsor will not provide more than fifty percent (50%) of the purchase price. The subsidy will write down the cost of the primary lender's loan so that the payments of PITI are within approximately 25 to 30% of the gross household income. The Program Operator will determine the level of subsidy and affordability during underwriting of the Program's loan to make sure that it conforms to the requirements of the HCD funding Program.

1.5. HOMEBUYER EDUCATION

Buying a home can be one of the most confusing and complicated transactions anyone can make. Providing the future homebuyer with informative homebuyer education training, can bring success to the Sponsor, Program Operator, the Program and most importantly, the homebuyer. It has been documented that first-time homebuyers that have had homebuyer education have the ability to handle problems that occur with homeownership. All Program participants are required to attend a Sponsor-approved homebuyer education class. The homebuyer education class will cover such topics as the following: preparing for homeownership; available financing; credit analysis; loan closing; homeownership responsibilities; home maintenance; impact of refinancing and loan servicing. Methods of homebuyer counseling and education may include, but are not limited to: one-on-one counseling between homebuyer, counselor and family/individual and/or group workshops and informational sessions. Tools of instruction may include fliers, brochures, power point presentations, worksheets, etc.

1.6. CONFLICT OF INTEREST REQUIREMENTS

When the Sponsor's program contains Federal funds, the applicable Conflict of Interest requirements Section 92.356 of the HOME Final Rule shall be followed for HOME assistance.

1.7. NON-DISCRIMINATION REQUIREMENTS

The Program will be implemented in ways consistent with the Sponsor's commitment to non-discrimination. No person shall be excluded from participation in, denied the benefit of, or be subject to discrimination under any program or activity funded in whole or in part with State funds on the basis of his or her religion or religious affiliation, age, race, color, creed, gender, sexual orientation, marital status, familial status (children), physical or mental disability, national origin, or ancestry, or other arbitrary cause.

2.0 APPLICANT QUALIFICATIONS

2.1. CURRENT INCOME LIMITS FOR THE AREA, BY HOUSEHOLD SIZE

All applicants must certify that they meet the household income eligibility requirements for the applicable HCD program(s) and have their household income documented. The income limits in place at the time of loan approval will apply when determining applicant income eligibility. All applicants must have incomes at or below 80% of the County's area median income (AMI), adjusted for household size, as published by HCD. (Attachment C).

Household: Means one or more persons who will occupy a housing unit. Unborn children count in family size determination.

Annual Income: Generally, the gross amount of income of all adult household members that is anticipated to be received during the coming 12-month period.

2.2. INCOME QUALIFICATION CRITERIA

Projected annual gross income of the applicant household will be used to determine whether they are above or below the published HCD income limits. Income qualification criteria, as shown in the most recent HCD program-specific guidance at http://www.hcd.ca.gov/fa/cdbg/GuideFedPrograms.html, will be followed to independently determine and certify the household's annual gross income. The Program Operator should compare this annual gross income to the income the Primary Lender used when qualifying the household. The Primary Lender is usually underwriting to FHA or conventional guidelines and may not calculate the household income or assets in the same way as required by the Program. Income will be verified by reviewing and documenting tax returns, copies of wage receipts, subsidy checks, bank statements and third-party verification of employment forms sent to employers. All documentation shall be dated within six months prior to loan closing and kept in the applicant file and held in strict confidence.

A. HOUSEHOLD INCOME DEFINITION:

Household income is the annual gross income of all adult household members that is projected to be received during the coming 12-month period, and will be used to determine program eligibility. Refer to Income Inclusions and Exclusions for further guidance to the types of incomes to be included or excluded when calculating gross annual income. For those types of income counted, gross amounts (before any deductions have been taken) are used. Two types of income that are not considered would be income of minors and live-in aides. Certain other household members living apart from the household also require special consideration. The household's projected ability to pay must be used, rather than past earnings, when calculating income.

The link to Annual Income Inclusions and Exclusions is:
http://www.hcd.ca.gov/fa/cdbg/FedProgGuideDocs/AppendixB_AnnualIncomeInclusionsExclusions.doc
See Attachment A: 24 CFR Part 5 Annual Income Inclusions and Exclusions

B. ASSETS:

There is no asset limitation for participation in the Program. Income from assets, however, is recognized as part of annual income under the Part 5 definition. An asset is a cash or non-cash item that can be converted to cash. The value of necessary items such as furniture and automobiles are not included. *(Note: it is the income earned – e.g. interest on a savings account – not the asset value, which is counted in annual income.)*

An asset's cash value is the market value less reasonable expenses required to convert the asset to cash, including, for example, penalties or fees for converting financial holdings, and costs for selling real property. The cash value (rather than the market value) of an item is counted as an asset.

The Link to Asset Inclusions and Exclusions is:
http://www.hcd.ca.gov/fa/cdbg/FedProgGuideDocs/AppendixC_AnnualIncomeAssetInclusionsExclusions.doc
See Attachment B: Part 5 Annual Income Net Family Asset Inclusions and Exclusions

2.3. DEFINITION OF AN ELIGIBLE HOMEBUYER

HOME funded Programs are required to use the following definition of an eligible homebuyer, which is a “first-time homebuyer” from 8201(l) Title 25 California Code of Regulations:

> “First-time homebuyer” means an individual or individuals or an individual and his or her spouse who have not owned a home during the three-year period before the purchase of a home with subsidy assistance, except that the following individual or individuals may not be excluded from consideration as a first-time homebuyer under this definition:
>
> 1. a displaced homemaker who, while a homemaker, owned a home with his or her spouse or resided in a home owned by the spouse. A displaced homemaker is an adult who has not, within the preceding two years, worked on a full-time basis as a member of the labor force for a consecutive twelve-month period and who has been unemployed or underemployed, experienced difficulty in obtaining or upgrading employment and worked primarily without remuneration to care for his or her home and family;
> 2. a single parent who, while married, owned a home with his or her spouse or resided in a home owned by the spouse. A single parent is an individual who is unmarried or legally separated from a spouse and has one or more minor children for whom the individual has custody or joint custody or is pregnant; or
> 3. an individual or individuals who owns or owned, as a principal residence during the three-year period before the purchase of a home with assistance, a dwelling unit whose structure is:
>   a. not permanently affixed to a permanent foundation in accordance with local or state regulations; or
>   b. not in compliance with state, local, or model building codes and cannot be brought into compliance with such codes for less than the cost of constructing a permanent structure.

3.0. HOUSING UNIT ELIGIBILITY

3.1. LOCATION AND CHARACTERISTICS

A. Housing units to be purchased must be located within the eligible area. The eligible area is described as follows: “Within City of Woodland.”

B. Housing unit types eligible for the homebuyer Program are new or previously owned single-family residences; condominiums; or manufactured homes in mobilehome parks, in common-interest developments or on a single-family lot and placed on a permanent foundation system. HOME does not allow manufactured homes unless on a permanent foundation system.

C. All housing units must be in compliance with State and local codes and ordinances.

D. Housing units located within a 100-year flood zone will be required to provide proof of flood insurance with an endorsement naming the City as loss payee in order to close escrow.

E. Housing must be "modest", so it may not exceed three bedrooms and two bathrooms unless there are documented extenuating circumstances (e.g. it would create an overcrowding situation, there is not a reasonable inventory of homes of this size, etc.) and the Loan Committee approves the exception request.

3.2. CONDITIONS

A. Construction Inspection and Determining Need for Repairs.

Once the participating homebuyer has executed a purchase agreement for a housing unit, and prior to a commitment of Program funds, the following steps must be taken for the housing unit to be eligible for purchase under the Program:

1) When the Sponsor's Program utilizes Federal funds and if the housing unit was constructed prior to 1978 then the lead-based paint requirements of Section 3.2.C will apply.

2) The Program Operator, a certified housing inspector, or a Sponsor representative will walk through the housing unit, determine if it is structurally sound, and identify any code related and health and safety deficiencies that need to be corrected. A list of code related repair items will be given to the homebuyers and their Realtor to be negotiated with the seller.

3) Upon completion of all work required by the Program Operator, Sponsor, appraiser, pest inspector and/or certified housing inspector, a final inspection will be conducted prior to close of escrow. The inspector will sign off on all required construction work assuring that each housing unit receiving Program assistance is in compliance with local codes and health and safety requirements at the time of purchase and prior to occupancy.

B. Per Section 8208 of the State HOME regulations, no additional HOME assistance, including rehabilitation funds, may be provided during the period starting one year following the filing of the Project Completion Report through the end of the Affordability Period.

The HOME Affordability Period is as follows (amount includes Activity Delivery Costs paid to the State Recipient by HCD):

Amount of HOME Assistance	Period of Affordability in Years
Under $15,000	5 years
$15,000 to $40,000	10 years
Over $40,000	15 years

C. Lead-Based Paint Hazards: All housing units built prior to 1978 for which HOME funding is anticipated are subject to the requirements of this section 3.2.C. Such homes must undergo a visual assessment by a person who has taken HUD's online Visual Assessment course. Deteriorated paint must be stabilized using work safe methods. Clearance must be obtained after paint stabilization by a DHS certified LBP Risk Assessor/Inspector. HOME general administrative and activity delivery funds may be used to pay for lead-based paint visual assessments, and if lead mitigation and clearance costs are incurred, these programs may incorporate the costs into the calculation of Program assistance.

The following requirements must be met:

1) **Notification**: a) Prior to homebuyer's obligation to purchase a pre-1978 home, the Buyer will be given the most recent copy of and asked to read the EPA pamphlet "*Protect Your Family From Lead in Your Home*" (EPA 747-K-94-001). A signed receipt of the pamphlet will be kept in the Sponsor's homebuyer file; b) A notice to residents is required following a risk assessment/inspection using form DHS 8552, which is provided by the DHS-certified Risk Assessor/Inspector; c) a notice to residents is required following lead-based paint mitigation work using Visual Assessment and Lead-based Paint Notice of Presumption and Hazard Reduction form, LBP – 1 (Attachment H).

2) **Disclosure:** Prior to the homebuyer's obligation to purchase a pre-1978 housing unit, the HUD disclosure (Attachment E), "Seller's Lead-based Paint Disclosure" notice must be provided by the seller to the homebuyer.

3) **Inspections:** The Inspector shall conduct a "Visual Assessment" of all the dwelling unit's painted surfaces in order to identify deteriorated paint. All deteriorated paint will be stabilized in accordance with CFR 35.1330 (a) and (b); and a Clearance shall be made in accordance with CFR 35.1340.

4) **Mitigation:** If stabilization is required, the contractor performing the mitigation work must use appropriately trained workers. Prior to the contractor starting mitigation work the Program Operator shall obtain copies of the contractor's and workers' appropriate proof of LBP training, as applicable to the job in order to assure that only qualified contractors and workers are allowed to perform the mitigation.

D. The Program Operator will: 1) confirm that the housing unit is within the eligible area, 2) will review each proposed housing unit to ensure that it meets all eligibility criteria before funding, and 3) ensure a completed Lead Compliance Document Checklist is placed in each purchaser's file (see Attachment I).

3.3 ANTI-DISPLACEMENT POLICY AND RELOCATION ASSISTANCE

Eligible homes will be those that are currently owner-occupied or have been vacant for three months prior to the acceptance of a contract to purchase. A unit is ineligible if its purchase would result in the displacement of a tenant. It is not anticipated that the implementation of the Program will result in the displacement of any persons, households, or families. However, if tenant-occupied homes are included in the Program and relocation becomes necessary, the activity will be carried out in compliance with Sponsor's relocation plan, which describes how those permanently displaced will be relocated and paid benefits in accordance with the following Federal laws.

A. **Uniform Relocation Assistance (URA) and Real Property Acquisition Policies Act of 1970**

The federal URA and Real Property Acquisition Policies, as amended by the URA Amendments of 1987, contains requirements for carrying out real property acquisition or the displacement of a person, regardless of income status, for a project or program for which HUD financial assistance (including CDBG and HOME) is provided. Requirements governing real property acquisition are described in Chapter VIII. The implementing regulations, 49 CFR Part 24, require developers and owners to take certain steps in regard to tenants of housing to be acquired, rehabbed or demolished, including tenants who will not be relocated even temporarily.

B. **Section104(d) of the Housing and Community Development Act of 1974**

Section 104(d) requires each contractor (State Recipient), as a condition of receiving assistance under HOME, to certify that it is following a residential anti-displacement plan and relocation assistance plan. Section 104(d) also requires relocation benefits to be provided to low-income persons who are physically displaced or economically displaced as the result of a HOME assisted project, and requires the replacement of low-income housing, which is demolished or converted. The implementing regulations for Section 104(d) can be found in 24 CFR Part 570(a).

3.4. PROPER NOTIFICATION AND DISCLOSURES

A. Upon selection of a housing unit, a qualified seller and homebuyer will be given the necessary disclosures for the Program. The homebuyer must have read and signed all Program disclosure forms. Any and all property disclosures must be reviewed and signed by the homebuyer and seller.

B. All owners who wish to sell their housing units must receive an acquisition notice (Attachment F) prior to submission of the homebuyer's original offer. This notice will be included in the contract and must be signed by all owners on title. The disclosure must contain the items listed in 1.3.B. (required for federally-funded programs).

4.0. PURCHASE PRICE LIMITS

The purchase price limits for this Program shall not exceed the Maximum HOME Program Purchase Price/After-Rehab Value Limit for Sponsor's County as updated by HCD or HUD.

Note: For HOME-funded Programs the home purchase price of owner-occupied and homebuyer properties must be limited as follows: the value (with or without rehabilitation) can not exceed 95 percent of the area median purchase price as established by HCD and HUD.

Attachment C: MAXIMUM PURCHASE PRICE/AFTER-REHAB VALUE LIMITS
*Sponsor will update these limits annually as HCD provides new information.

5.0. THE PRIMARY LOAN

Prior to obtaining a loan from the Sponsor, a homebuyer must provide evidence of financing for the maximum amount the Primary Lender is willing to loan (the "primary loan").

A. QUALIFYING RATIOS

The front-end (housing) debt-to-income ratio shall be between ~~28~~30% and ~~40~~35% and is the percentage of a borrower's gross monthly income (before deductions) that would cover the cost of the loan principal and interest payment, property taxes, property insurance, mortgage insurance, and HOA dues, if any.

The back-end (total) debt-to-income ratio shall be between ~~41~~35% and ~~49~~45% and is the percentage of a borrower's gross monthly income that would cover the cost of housing as described in the paragraph above, plus any other monthly debt payments like car or personal loans and credit card debt, as well as child support and alimony payments.

B. INTEREST RATE

The primary loan must have a fixed interest rate that does not exceed the current market rate, as established by an index identified in the most recent NOFA. No temporary interest rate buy-downs are permitted.

C. LOAN TYPE AND TERM

The primary loan shall be fully amortized and have a term "all due and payable" in no fewer than 30 years. There shall not be a balloon payment due before the maturity date of the Program loan.

D. IMPOUND ACCOUNT

All households will be required to have impound accounts for the payment of taxes and insurance to ensure they remain current.

6.0. THE PROGRAM LOAN

A. MAXIMUM AMOUNT OF PROGRAM ASSISTANCE

The amount of Program assistance to a homebuyer toward purchase of a home shall not exceed the maximum HOME subsidy limit for Sponsor's County per bedroom as designated by Section 221(d)(3) and shall never exceed more than 49% of the total indebtedness or $75,000, whichever is less. In no instance shall the Program assistance exceed the amount of the principal mortgage. **See Attachment C.** Any approved "grant" amount for lead-based paint evaluation and reduction activities or for relocation assistance shall be included in this amount.

B. NON-RECURRING CLOSING COSTS

Non-recurring costs such as credit report, escrow, closing and recording fees, and title report and title insurance, title updates and/or related costs may be included in the Program loan.

C. AFFORDABILITY PARAMETERS FOR HOMEBUYERS

The actual amount of a buyer's Program subsidy shall be computed according to the housing ratio parameters specified in Section 5.0.A.. Each borrower shall receive only the subsidy needed to allow them to become homeowners ("the Gap") while keeping their housing costs affordable. The Program Operator will use the "front-end ratio" of housing-expense-to-income to determine if the amount of the proposed primary loan is acceptable and, ultimately, the Program subsidy amount required, bridging the gap between the acquisition cost (purchase price plus closing costs) less down payment, and the amount of the primary loan.

D. RATE AND TERMS FOR PROGRAM LOAN

All Program assistance to individual households shall be made in the form of deferred payment (interest and principal) loan (DPL).

The Program loan's term shall be for 30 years.

The Program loan's interest rate shall be 3% simple interest. Commencing with the 20th anniversary date of the recording of the Deed of Trust, and on each anniversary date thereafter, an amount equal to ten percent (10%) of the total interest accrued shall be forgiven such that at year 30 only the original balance of the loan needs to be repaid. All Program loan payments shall be deferred because the borrowers will have their repayment ability fully utilized under the primary loan. Loan principal shall not be forgiven, and the loan period cannot be extended.

E. COMBINED LOAN-TO-VALUE RATIO

The loan-to-value ratio for a Program loan, when combined with all other indebtedness to be secured by the property, shall not exceed 100 percent of the sales price plus a maximum of up to 5 percent of the sales price to cover actual closing costs.

7.0. PROGRAM LOAN REPAYMENT

7.1. PAYMENTS ARE VOLUNTARY

Borrowers may begin making voluntary payments at any time.

7.2. RECEIVING LOAN PAYMENTS

A. Program loan payments will be made to:

The City of Woodland
300 First Street
Woodland, CA 95695

B. The Sponsor will be the receiver of loan payments or recaptured funds and will maintain a financial record-keeping system to record payments and file statements on payment status. Payments shall be deposited and accounted for in the Sponsor's Program Income Account, as required by HCD programs. The Program lender will accept loan payments from borrowers prepaying deferred loans, and from borrowers making payments in full upon sale or transfer of the property. All loan payments are payable to the Sponsor. The Sponsor may at its discretion, enter into an agreement with a third party to collect and distribute payments and/or complete all loan servicing aspects of the Program.

7.3. DUE UPON SALE OR TRANSFER

In the event that an owner sells, transfers title, or discontinues residence in the purchased property for any reason, the principal balance of the DPL is due and payable, except:

A. The owner shall be assured a fair return on investment including the owner's investment and any capital improvement. If the Net proceeds are insufficient for the Sponsor to recapture the balance of Program Loan owed, the Sponsor shall share the Net proceeds with the owner in proportion to each party's investment in the property. The Net proceeds are the sales price less repayment of the primary loan, and closing costs.

B. If the owner of the property dies, and the heir to the property meets income requirements, the First-Time Homebuyer definition, and intends to occupy the home as a principal residence, the heir may be permitted, upon approval of the Sponsor, to assume the loan at the rate and terms the heir qualifies for under the current participation guidelines. If the property owner dies and the heir does not meet eligibility requirements, the loan is due and payable.

C. If an owner wants to convert the property to a rental unit, or any commercial or non-residential use, the loan is due and payable.

D. The loan will be in default if the borrower fails to maintain required fire or flood insurance or fails to pay property taxes. See Attachment D on loan defaults for further information on property restrictions.

7.4. LOAN SERVICING POLICIES AND PROCEDURES

See Attachment D for local loan servicing policies and procedures. While the attached policy outlines a system that can accommodate a crisis that restricts borrower repayment ability, it should in no way be misunderstood: The loan must be repaid. All legal means to ensure the repayment of a delinquent loan as outlined in the Loan Servicing Policies and Procedures will be pursued.

7.5. LOAN MONITORING PROCEDURES

Sponsor will monitor Borrowers and their housing units to ensure adherence to Program requirements including, but not limited to, the following:

A. Owner-occupancy
B. Property tax payment
C. Hazard insurance coverage
D. Good standing on Primary loans
E. General upkeep of housing units

8.0. PROGRAM LOAN PROCESSING AND APPROVAL

A. Loan Processing

All homebuyers or their representatives will be sent out an eligibility packet with all the necessary forms, disclosures, information, and application. They should submit a complete application packet with all the Sponsor's Program loan documents executed as well as all the information from the Primary Lender. The Primary Lender should submit: 1) accepted property sales contract with proper seller notification; 2) mortgage application with good faith estimates and first mortgage disclosures; 3) full mortgage credit report and rent verification; 4) current third party income verifications and verifications of assets; 5) homeownership education certificate, if applicable; and 6) signed underwriting transmittal summary and final signed loan application, both from primary lender. Staff will work with local lenders to ensure qualified participants receive only the benefit from the Sponsor's Program needed to purchase the housing unit and that leveraged funds will be used when possible.

B. Creditworthiness

Qualifying ratios are only a rough guideline in determining a potential borrower's creditworthiness. Many factors such as excellent or poor credit history, amount of down payment, and size of loan will influence the decision to approve or disapprove a particular loan. The borrower's credit history will be reviewed by the Sponsor and documentation of such maintained in the loan file. The Sponsor may elect to obtain a credit report or rely on a current copy obtained by the primary lender.

C. Documents from Primary Lender

After initial review of the qualified homebuyer's application packet, the Program Operator will request any additional documents needed. Documents may be faxed, but originals shall be received through the mail before Program funds are committed to escrow. Based on receipt and review of the final documents, the Program Operator will do an income certification (using most recent HCD program's guidance on income calculation and determination), and homebuyer certification (review of credit report and income taxes). Documentation of affordability will then be verified and subsidy requirement determined.

D. Disclosure of Program and Loan Information to Homebuyers

The Program's application and disclosure forms will contain a summary of the loan qualifications of the borrower with and without Program assistance. Housing ratios with and without Program assistance are also outlined in these guidelines. Information on the Program's application will be documented with third party verifications in the file. For example, the sales contact will provide the final purchase price and outline how much of the closing costs are to be paid by the seller, etc. The appraisal, termite and title report will provide information to substantiate the information in the sales contract and guide the construction inspection. The Program loan application will provide current debt and housing information and will be documented by the credit report and income/asset verifications. The Primary Lender's approval letter and estimated closing cost statement should reflect all the information in the loan package and show any contingencies of loan funding. Reviewing the Primary Lender's loan underwriting documentation will provide basic information about the qualification of the applicant and substantiate the affordability provided by the Program loan. By reviewing and crosschecking all the Primary Lender information, the final Program loan amount approved will fall within the affordability parameters of the Program.

8.1. COMPLETION OF UNDERWRITING AND APPROVAL OF PROGRAM LOAN

Once the loan approval package has been completed the Program Operator will submit it to the Sponsor for approval. Sponsor will review the request and may approve it with or without conditions. Upon approval, a final closing date for escrow is set and Program funds are accessed for the homebuyer.

8.2. PRIMARY AND PROGRAM LOAN DOCUMENT SIGNING

The homebuyer(s) sign promissory notes, loan agreements, deeds of trust, and statutory lending notices (Truth In Lending (TIL), etc.); the Deeds of Trust are recorded with the County Clerk/Recorder at the same time, and the request(s) for copy of Notice of Default are also recorded with the County Clerk/Recorder.

8.3. ESCROW PROCEDURES

The escrow/title company shall review the escrow instruction provided by the Program lender and shall issue a California Land Title Association (CLTA) and the American Land Title Association (ALTA) after closing. The CLTA policy is issued to the homebuyer and protects them against failure of title based on public records and against such unrecorded risks as forgery of a deed. The ALTA is issued to each lender providing additional coverage for the physical aspects of the property as well as the homebuyer's title failure. These aspects include anything which can be determined by only physical inspection, such as correct survey lines; encroachments; mechanics liens; mining claims and water rights. The Program lender instructs the escrow/title company in the escrow instructions as to what may show on the policy; the amount of insurance on the policy (all liens should be covered) and the loss payee (each lender should be listed as a loss payee and receive an original ALTA).

9.0. SUBORDINATE FINANCING

With today's high costs, in order for a low-income household to obtain a home, several funding sources might be required. Subordinate loans may be used to cover mortgage subsidy costs that exceed the Program maximum loan amount. All subordinate liens must have the payments deferred and the term must be for at least as long as the term of the Program loan.

10.0. EXCEPTIONS AND SPECIAL CIRCUMSTANCES

The Sponsor may make amendments to these Participation Guidelines. Any changes shall be made in accordance with regulations and approved by the Sponsor's governing body. Changes shall then be sent to HCD for approval.

10.1. DEFINITION OF EXCEPTION

Any case to which a standard policy or procedure, as stated in the guidelines, does not apply or an applicant treated differently from others of the same class would be an exception.

10.2. PROCEDURES FOR EXCEPTIONAL CIRCUMSTANCES

A. The Sponsor or its agent may initiate consideration of an exception and prepare a report. This report shall contain a narrative, including the Sponsor's recommended course of action and any written or verbal information supplied by the applicant.

B. The Sponsor shall make a determination of the exception based on the recommendation of the Program Operator. The request can be presented to the Sponsor's loan committee and/or governing body for a decision.

11.0. DISPUTE RESOLUTION AND APPEALS PROCEDURE

Any applicant denied assistance from the Program has the right to appeal. Complaints concerning the Program should be made to the Program Operator first. If unresolved in this manner, the complaint or appeal must be made in writing and filed with the Sponsor. The Sponsor will then schedule a meeting with the Loan Review Committee. Their written response will be made within thirty (30) working days. If the applicant is not satisfied with the Committee's decision, a request for an appeal may be filed with the Sponsor's governing body. Final appeal must be filed in writing with HCD within one year after denial.

ATTACHMENT A

24 CFR Part 5 ANNUAL INCOME INCLUSIONS AND EXCLUSIONS

Part 5 Inclusions

This table presents the Part 5 income inclusions as stated in the HUD Technical Guide for Determining Income and Allowances for HOME Program (Third Edition; January 2005).

General Category	(Last Modified: January 2005)
1. Income from wages, salaries, tips, etc.	The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
2. Business Income	The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
3. Interest & Dividend Income	Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in number 2 (above). Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of $5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.
4. Retirement & Insurance Income	The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment (except for certain exclusions, listed in Income Exclusions, number 14).
5. Unemployment & Disability Income	Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except for certain exclusions, listed in Income Exclusions, number 3).
6. Welfare Assistance	Welfare Assistance. Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income: • Qualify as assistance under the TANF program definition at 45 CFR 260.31; and • Are otherwise excluded from the calculation of annual income per 24 CFR 5.609(c). If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of: • the amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; **plus**: • the maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family welfare assistance is reduced from the standard of need by applying a percentage, the amount calculated under 24 CFR 5.609 shall be the amount resulting from one application of the percentage.
7. Alimony, Child Support, & Gift Income	Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
8. Armed Forces Income	All regular pay, special day, and allowances of a member of the Armed Forces (except as provided in number 8 of Income Exclusions).

Part 5 exclusions

This table presents the Part 5 income exclusions as stated in the HUD Technical Guide for Determining Income and Allowances for HOME Program (Third Edition; January 2005).

General Category	(Last Modified: January 2005)
1. Income of Children	Income from employment of children (including foster children) under the age of 18 years.
2. Foster Care Payments	Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone).
3. Inheritance and	Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under

Insurance Income	health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses (except for certain exclusions, listed in Income Inclusions, number 5).
4. Medical Expense Reimbursements	Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member.
5. Income of Live-in Aides	Income of a live-in aide (as defined in 24 CFR5.403).
6. Income from a Disabled Member	Certain increase in income of a disabled member of qualified families residing in HOME-assisted housing or receiving HOME tenant-based rental assistance (24 CFR 5.671 (a)).
7. Student Financial Aid	The full amount of student financial assistance paid directly to the student or to the educational institution.
8. "Hostile Fire" Pay	The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
9. Self-Sufficiency Program Income	a. Amounts received under training programs funded by HUD. b. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set side for use under a Plan to Attain Self-Sufficiency (PASS). c. Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) and which are made solely to allow participation in a specific program. d. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed $200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving s a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time. e. Incremental earnings and benefits resulting to any family member from participation in qualifying state or local employment training programs (including training not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment-training program.
10. Gifts	Temporary, nonrecurring, or sporadic income (including gifts).
11. Reparation Payments	Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.
12. Income from Full-time Students	Earnings in excess of $480 for each full-time student 18 years old or older (excluding the head of household or spouse).
13. Adoption Assistance Payments	Adoption assistance payments in excess of $480 per adopted child.
14. Social Security & SSI Income	Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.
15. Property Tax Refunds	Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit.
16. Home Care Assistance	Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep this developmentally disabled family member at home.
17. Other Federal Exclusions	Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the Federal Register and distributed to housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary. The following is a list of income sources that qualify for that exclusion: - The value of the allotment provided to an eligible household under the Food Stamp Act of 1977; - Payments to volunteers under the Domestic Volunteer Service Act of 1973 (employment through AmeriCorps, VISTA, Retired Senior Volunteer Program, Foster Grandparents Program, youthful offender incarceration alternatives, senior companions); - Payments received under the Alaskan Native Claims Settlement Act; - Income derived from the disposition of funds to the Grand River Band of Ottawa Indians; - Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes; - Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program. - Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721); - The first $2,000 of per capita shares received from judgment funds awarded by the Indian Claims

	Commission or the U.S. Claims Court and the interests of individual Indians in trust or restricted lands, including the first $2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands; • Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs; • Payments received from programs funded under Title V of the Older Americans Act of 1985 (Green Thumb, Senior Aides, Older American Community Service Employment Program); • Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.); • Earned income tax credit refund payments received on or after January 1, 1991, including advanced earned income credit payments; • The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990; • Payments received under programs funded in whole or in part under the Job Training Partnership Act (employment and training programs for Native Americans and migrant and seasonal farm workers, Job Corps, veterans employment programs, state job training programs and career intern programs, AmeriCorps). • Payments by the Indians Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation; • Allowances, earnings, and payments to AmeriCorps participants under the National and Community Services Act of 1990; • Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran; • Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act; and • Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998.

ATTACHMENT B
PART 5 ANNUAL INCOME NET FAMILY ASSET INCLUSIONS AND EXCLUSIONS

This table presents the Part 5 asset inclusions and exclusions as stated in the HUD Technical Guide for Determining Income and Allowances for HOME Program (Third Edition; January 2005).

Statements from 24 CFR Part 5 – Last Modified: January 2005

Inclusions

1. Cash held in savings accounts, checking accounts, safe deposit boxes, homes, etc. For savings accounts, use the current balance. For checking accounts, use the average 6-month balance. Assets held in foreign countries are considered assets.
2. Cash value of revocable trusts available to the applicant.
3. Equity in rental property or other capital investments. Equity is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and all reasonable costs (e.g., broker fees) that would be incurred in selling the asset. Under HOME, equity in the family's primary residence is not considered in the calculation of assets for owner-occupied rehabilitation projects.
4. Cash value of stocks, bonds, Treasury bills, certificates of deposit and money market accounts.
5. Individual retirement, 401(K), and Keogh accounts (even though withdrawal would result in a penalty).
6. Retirement and pension funds.
7. Cash value of life insurance policies available to the individual before death (e.g., surrender value of a whole life or universal life policy).
8. Personal property held as an investment such as gems, jewelry, coin collections, antique cars, etc.
9. Lump sum or one-time receipts, such as inheritances, capital gains, lottery winnings, victim's restitution, insurance settlements and other amounts not intended as periodic payments.
10. Mortgages or deeds of trust held by an applicant.

Exclusions

1. Necessary personal property, except as noted in number 8 of Inclusions, such as clothing, furniture, cars and vehicles specially equipped for persons with disabilities.
2. Interest in Indian trust lands.
3. Assets not effectively owned by the applicant. That is, when assets are held in an individual's name, but the assets and any income they earn accrue to the benefit of someone else who is not a member of the household and that other person is responsible for income taxes incurred on income generated by the asset.
4. Equity in cooperatives in which the family lives.
5. Assets not accessible to and that provide no income for the applicant.
6. Term life insurance policies (i.e., where there is no cash value).
7. Assets that are part of an active business. "Business" does not include rental of properties that are held as an investment and not a main occupation.

ATTACHMENT C

MAXIMUM PURCHASE PRICE/AFTER-REHAB VALUE LIMIT FOR YOLO COUNTY

(HOME Value Limits as of 1/1/2011)

COUNTY NAME	One-Family
YOLO	$362,790

HOME SUBSIDY LIMITS PER UNIT – SECTION 221(d)(3) FOR YOLO COUNTY
(Limits are effective 11/28/11)

COUNTY NAME	O-BDR	1-BDR	2-BDR	3-BDR	4-BDR
YOLO	$128,698	$147,531	$179,398	$232,080	$254,753

INCOME LIMITS FOR YOLO COUNTY*
(Limits are effective 02/01/12)

Number of Persons in Household								
	1	**2**	**3**	**4**	**5**	**6**	**7**	**8**
80% of AMI	$43,050	$49,200	$55,350	$61,500	$66,450	$71,350	$76,300	$81,200

*Sponsor will insert the limits for the county in which the Program is located, and will update the income limits annually as HCD provides new information. The link to the official, HCD-maintained, income limits is:
http://www.hcd.ca.gov/hpd/hrc/rep/state/incNote.html

ATTACHMENT D

LOAN SERVICING POLICIES AND PROCEDURES FOR CITY OF WOODLAND

The City of Woodland, hereafter called "Lender," has adopted these policies and procedures in order to preserve its financial interest in properties whose "Borrowers" have been assisted with public funds. The Lender will to the greatest extent possible follow these policies and procedures, but each loan will be evaluated and handled on a case-by-case basis. The Lender has formulated this document to comply with state and federal regulations regarding the use of these public funds and any property restrictions, which are associated with them.

The policies and procedures are broken down into the following areas: 1) making required monthly payments or voluntary payments on a loan's principal and interest; 2) required payment of property taxes and insurance; 3) required Request for Notice of Default on all second mortgages; 4) loans with annual occupancy restrictions and certifications 5) required noticing and limitations on any changes in title or use of property; 6) required noticing and process for requesting a subordination during a refinance; 7) processing of foreclosure in case of default on the loan.

1. <u>Loan Repayments:</u>

The Lender will collect monthly payments from those borrowers who are obligated to do so under Notes which are amortized promissory notes. Late fees will be charged for payments received after the assigned monthly due date.

For Notes which are deferred payment loans, the Lender must accept voluntary payments on the loan. Loan payments will be credited to principal. The borrower may repay the loan balance at any time with no penalty.

2. <u>Payment of Property Taxes and Insurance:</u>

As part of keeping the loan from going into default, borrower must maintain property insurance coverage naming the Lender as loss payee in first position or additional insured if the loan is a junior lien. If borrower fails to maintain the necessary insurance, the Lender may take out force placed insurance to cover the property while the Borrower puts a new insurance policy in place. All costs for installing the necessary insurance will be added to the loan balance at time of installation of Borrower's new insurance.

When a property is located in a 100-year flood plain, the Borrower will be required to carry the necessary flood insurance. A certificate of insurance for flood and for standard property insurance with an endorsement naming the City of Woodland as additional insured will be required at close of escrow. The lender will verify the insurance on an annual basis.

Property taxes must be kept current during the term of the loan. If the Borrower fails to maintain payment of property taxes then the lender may pay the taxes current and add the balance of the tax payment plus any penalties to the balance of the loan. Wherever possible, the Lender encourages Borrower to have impound accounts set up with their first mortgagee wherein they pay their taxes and insurance as part of their monthly mortgage payment.

3. <u>Required Request for Notice of Default:</u>

When the Borrower's loan is in second position behind an existing first mortgage, it is the Lender's policy to prepare and record a "Request for Notice of Default" for each senior lien in front of Lender's loan. This document requires any senior lien holder listed in the notice to notify the lender of initiation of a foreclosure action. The Lender will then have time to contact the Borrower and assist them in bringing the first loan current, if possible. The Lender can also monitor the foreclosure process and go through the necessary analysis to determine if the loan can be made whole or preserved. When the Lender is in a third position and receives notification of foreclosure from only one senior lien holder, it is in their best interest to contact any other senior lien holders regarding the status of their loans.

4. Annual Occupancy Restrictions and Certifications:

On owner-occupant loans, the Lender will require that Borrowers submit utility bills and/or other documentation annually to prove occupancy during the term of the loan. Some loans may have income and housing cost evaluations, which require a household to document that they are not able to make amortized loan payments, typically every five years. These loan terms are incorporated in the original Note and Deed of Trust.

5. Required Noticing and Restrictions on Any Changes of Title or Occupancy:

In all cases where there is a change in title or occupancy or use, the Borrower must notify the Lender in writing of any change. Lender and borrower will work together to ensure the property is kept in compliance with the original Program terms and conditions such that it remains available as an affordable home for low-income families. These types of changes are typical when Borrowers do estate planning (adding a relative to title) or if a Borrower dies and property is transferred to heirs or when the property is sold or transferred as part of a business transaction. In some cases the Borrower may move and turn the property into a rental unit without notifying the Lender. Changes in title or occupancy must be in keeping with the objective of benefit to low-income households (below 80 percent of AMI).

Change from owner-occupant to owner-occupant occurs at a sale. When a new owner-occupant is not low-income, the loan is not assumable and the loan balance is immediately due and payable. If the new owner-occupant qualifies as low-income, the purchaser may either pay the loan in full or assume all loan repayment obligations of the original owner-occupant, subject to the approval of the Lender's Loan Committee (depends on the HCD program).

If a transfer of the property occurs through inheritance, the heir (as owner-occupant) may be provided the opportunity to assume the loan at an interest rate based on household size and household income, provided the heir is income eligible. If the heir intends to occupy the property and is not low-income, the balance of the loan is due and payable. If the heir intends to act as an owner-investor, the balance of the loan may be converted to an owner/investor interest rate and loan term and a rent limitation agreement is signed and recorded on title. All such changes are subject to the review and approval of the Lender's Loan Committee.

Change from owner-occupant to owner-investor occurs when an owner-occupant decides to move out and rent the assisted property, or if the property is sold to an investor. If the owner converts any assisted unit from owner-occupied to rental, the loan is due in full.

Conversion to use other than residential use is not allowable where the full use of the property is changed from residential to commercial or other. In some cases, Borrowers may request that the Lender allow for a partial conversion where some of the residence is used for a business but the household still resides in the property. Partial conversions can be allowed if it is reviewed and approved by any and all agencies required by local statute. If the use of the property is converted to a fully non-residential use, the loan balance is due and payable.

6. Requests for Subordinations:

When a Borrower wishes to refinance the property, they must request a subordination request to the Lender. The Lender will subordinate their loan only when there is no "cash out" as part of the refinance. No cash out means that there are no additional charges on the transaction above loan and escrow closing fees. There can be no third-party debt payoffs or additional encumbrance on the property above traditional refinance transaction costs. Furthermore, the refinance should lower the housing cost of the household with a lower interest rate, and the total indebtedness on the property should not exceed the current market value.

Also, provisions of Section 5.0.B and 5.0.C of these guidelines still apply, which state that the loan must:

a) be fully amortized and have a fixed interest rate that does not exceed the current market rate, as established by an index identified in the most recent NOFA;
b) not have a temporary interest rate buy-down;
c) have a term "all due and payable" in no fewer than 30 years; and;
d) not have a balloon payment due before the maturity date of the Program loan.

Upon receiving the proper documentation from the refinance lender, the request will be considered by the loan committee for review and approval. Upon approval, the escrow company will provide the proper subordination document for execution and recordation by the Lender.

7. Process for Loan Foreclosure:

Upon any condition of loan default: 1) non-payment; 2) lack of insurance or property tax payment; 3) change in title or use without approval; 4) default on senior loans, the Lender will send out a letter to the Borrower notifying them of the default situation. If the default situation continues then the Lender may start a formal process of foreclosure.

When a senior lien holder starts a foreclosure process and the Lender is notified via a Request for Notice of Default, the Lender, who is the junior lien holder, may cancel the foreclosure proceedings by "reinstating" the senior lien holder. The reinstatement amount or payoff amount must be obtained by contacting the senior lien holder. This amount will include all delinquent payments, late charges and fees to date. Lender must confer with Borrower to determine if, upon paying the senior lien holder current, the Borrower can provide future payments. If this is the case then the Lender may cure the foreclosure and add the costs to the balance of the loan with a Notice of Additional Advance on the existing note.

If the Lender determines, based on information on the reinstatement amount and status of borrower, that bringing the loan current will not preserve the loan, then staff must determine if it is cost effective to protect their position by paying off the senior lien holder in total and restructure the debt such that the unit is made affordable to the Borrower. If the Lender does not have sufficient funds to pay the senior lien holder in full, then they may choose to cure the senior lien holder and foreclose on the property themselves. As long as there is sufficient value in the property, the Lender can afford to pay for the foreclosure process and pay off the senior lien holder and retain some or all of their investment.

If the Lender decides to reinstate, the senior lien holder will accept the amount to reinstate the loan up until five (5) days prior to the set "foreclosure sale date." This "foreclosure sale date" usually occurs about four (4) to six (6) months from the date of recording of the "Notice of Default." If the Lender fails to reinstate the senior lien holder before five (5) days prior to the foreclosure sale date, the senior lien holder would then require a full pay off of the balance, plus costs, to cancel foreclosure. If the Lender determines the reinstatement and maintenance of the property not to be cost effective and allows the senior lien holder to complete foreclosure, the Lender's lien may be eliminated due to insufficient sales proceeds.

Lender as Senior Lien holder

When the Lender is first position as a senior lien holder, active collection efforts will begin on any loan that is 31 or more days in arrears. Attempts will be made to assist the homeowner in bringing and keeping the loan current. These attempts will be conveyed in an increasingly urgent manner until loan payments have reached 90 days in arrears, at which time the Lender may consider foreclosure. Lender’s staff will consider the following factors before initiating foreclosure:

1) Can the loan be cured and can the rates and terms be adjusted to allow for affordable payments such that foreclosure is not necessary?

2) Can the Borrower refinance with a private lender and pay off the Lender?

3) Can the Borrower sell the property and pay off the Lender?

4) Does the balance warrant foreclosure? (If the balance is under $5,000, the expense to foreclose may not be worth pursuing.)

5) Will the sales price of home "as is" cover the principal balance owing, necessary advances, (maintain fire insurance, maintain or bring current delinquent property taxes, monthly yard maintenance, periodic inspections of property to prevent vandalism, etc.) foreclosure, and marketing costs?

If the balance is substantial and all of the above factors have been considered, the Lender may opt to initiate foreclosure. The Borrower must receive, by certified mail, a thirty-day notification of foreclosure initiation. This notification must include the exact amount of funds to be remitted to the Lender to prevent foreclosure (such as, funds to bring a delinquent BMIR current or pay off a DPL).

At the end of thirty days, the Lender should contact a reputable foreclosure service or local title company to prepare and record foreclosure documents and make all necessary notifications to the owner and junior lien holders. The service will advise the Lender of all required documentation to initiate foreclosure (Note and Deed of Trust usually) and funds required from the owner to cancel foreclosure proceedings. The service will keep the Lender informed of the progress of the foreclosure proceedings.

When the process is completed, and the property has "reverted to the beneficiary" at the foreclosure sale, the Lender could sell the home themselves under a homebuyer program or use it for an affordable rental property managed by a local housing authority or use it for transitional housing facility or other eligible use. The Lender could contract with a local real estate broker to list and sell the home and use those funds for program income eligible uses.

ATTACHMENT E

SELLERS LEAD-BASED PAINT DISCLOSURE

Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards

Lead Warning Statement

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

Seller's Disclosure

(a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below):

(i) ____ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

____

(ii)____ Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the seller (check (i) or (ii) below):

(i) ____ Seller has provided the purchaser with all available records and reports pertaining to Lead-based paint and/or lead-based paint hazards in the housing (list documents below).

____

(ii) ____Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Purchaser's Acknowledgment (initial)

(c)____Purchaser has received copies of all information listed above.

(d)____Purchaser has received the pamphlet Protect Your Family from Lead in Your Home.

(e)____Purchaser has (check (i) or (ii) below):

(i) _____ received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; or

(ii) _____waived the opportunity to conduct a risk assessment or inspection for the presence of Lead-based paint and/or lead-based paint hazards (NOT PERMISSIBLE FOR HOME AND CDBG).

Agent's Acknowledgment (initial)

(f)____ Agent has informed the seller of the seller's obligations under 42 U.S.C. 4852d and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

Seller	Date	Seller	Date
Purchaser	Date	Purchaser	Date
Agent	Date	Agent	Date

ATTACHMENT F

Disclosure to Seller with Voluntary, Arm's Length Purchase Offer

DECLARATION

This is to inform you that _____________________ would like to purchase the property, located at ________________________, if a satisfactory agreement can be reached. We are prepared to pay $____________ for a clear title to the property under conditions described in the attached proposed contract of sale.

Because Federal funds may be used in the purchase, however, we are required to disclose to you the following information:

1. The sale is voluntary. If you do not wish to sell, the buyer, ___________________, thru the agency,____________________ will not acquire your property. The buyer does not have the power of eminent domain to acquire your property by condemnation (i.e. eminent domain) and the agency/Sponsor ________________________________ will not use the power of eminent domain to acquire the property.
2. The estimated fair market value of the property is $__________ and was estimated by ____, to be finally determined by a professional appraiser prior to close of escrow.

Since the purchase would be a voluntary, arms length, transaction you would not be eligible for relocation payments or other relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), or any other law or regulation. Also, as indicated in the contract of sale, this offer is made on the condition that no tenant will be permitted to occupy the property before the sale is completed.

Again, please understand that if you do not wish to sell your property, we will take no further action to acquire it. If you are willing to sell the property under the conditions described in the attached contract of sale, please sign the contract and return it to us at: ____. If you have any questions about this matter, please contact __________________________at ______________________.

Sincerely,

____

Title

_________________________________ _____________________

Buyer Date

_________________________________ _____________________

Buyer Date

Form continues on next page with Seller’s Acknowledgment

Acknowledgement

As the Seller I/we understand that the City of Woodland will inspect the property for health and safety deficiencies. I/we also understand that public funds may be involved in this transaction and, as such, if the property was built before 1978, a lead-based paint disclosure must be signed by both the buyer and seller, and that a Visual Assessment will be conducted to determine the presence of deteriorated paint.

As the Seller, I/we understand that under the City of Woodland program, the property must be currently owner-occupied, vacant for three months at the time of submission of purchase offer, new (never occupied), or renter purchasing the unit. I/we hereby certify that the property is:

☐ Vacant at least 3 months; ☐ Owner-occupied; ☐ New; or ☐ Being Purchased by Occupant

I/we hereby certify that I have read and understand this "Declaration" and ☐ a copy of said Notice was given to me prior to the offer to purchase. If received after presentation of the purchase offer, I/We choose ☐ to withdraw or ☐ not to withdraw, from the Purchase Agreement.

________________________________ ______________________
Seller Date

________________________________ ______________________
Seller Date

ATTACHMENT G
CITY OF WOODLAND

INSTRUCTIONS TO HOMEBUYER

A. Participant works with lender of choice to obtain the primary lender's pre-qualification letter.

B. After consultation with Program Operator regarding approved bedroom and bathroom maximums (always 3 bedrooms and 2 bathrooms unless extenuating circumstances justify more to be approved), participant works with real estate agent to select home. Program disclosures are reviewed with agent for presentation to seller. The HOME Program allows only homes vacant for three months or more prior to the date of the purchase contract, unless the current tenant is purchasing the home.

C. Participant selects home and enters into a purchase contract (contingent upon receiving Program loan approval). Lender provides the Program Operator with a copy of:
- real estate sales contract
- residential loan application and credit report
- verified income documentation
- disclosure statement
- proof of personal funds for participation in program
- breakdown of closing costs
- structural pest control clearance
- appraisal with photos and preliminary title report

D. Program Operator reviews paperwork to determine program eligibility and financing affordability for participant.

E. Program Operator staff meets with qualified applicant to provide information relative to the program requirements, the lending process, and homeownership responsibilities.

F. Program Operator has home inspected to document health & safety and code compliance. Notice of any deficiencies or needed corrections are given to participant's real estate agent, with recommended course of action.

G. Program Operator requests loan approval from Sponsor's Loan Review Committee. Following loan approval, Program Operator prepares Deed of Trust, Promissory Note, Request for Notice of Default, Grant Agreement, Owner-Occupant Agreement with City of Woodland, and Escrow Instructions, and requests check and deposits same into escrow.

H. Escrow company furnishes Program Operator with proof of documents to be recorded, and any escrow closeout information. After receipt of recorded loan documents, Final HUD-1, Insurance Loss Payee Certification and Final Title Insurance Policy (Program Operator) closes out the loan file.

ATTACHMENT H
LEAD-BASED PAINT
VISUAL ASSESSMENT, NOTICE OF PRESUMPTION, AND HAZARD REDUCTION FORM

Section 1: Background Information			
Property Address:			No LBP found or LBP exempt ☐
Select one:	Visual Assessment ☐	Presumption ☐	Hazard Reduction ☐

Section 2: Visual Assessment. Fill out Sections 1, 2, and 6. If paint stabilization is performed, also fill out Sections 4 and 5 after the work is completed.	
Visual Assessment Date:	Report Date:
Check if no deteriorated paint found ☐	
Attachment A: Summary where deteriorated paint was found.	

Section 3: Notice of Presumption. Fill out Sections 1, 3, 5, and 6. Provide to occupant w/in 15 days of presumption.
Date of Presumption Notice:
Lead-based paint is presumed to be present ☐ and/or Lead-based paint ***hazards*** are presumed to be present ☐
Attachment B: Summary of Presumption:

Section 4: Notice of Lead-Based Paint Hazard Reduction Activity. Fill out Sections 1, 4, 5, and 6. Provide to occupant w/in 15 days of after work completed.	
Date of Hazard Reduction Notice:	
Initial Hazard Reduction Notice? Yes ☐ No ☐	Start & Completion Dates:
If "No", dates of previous Hazard Reduction Activity Notices:	
Attachment C: Activity locations and types.	
Attachment D: Location of building components with <u>lead-based paint remaining</u> in the rooms, spaces or areas where activities were conducted.	
Attachment E: Attach clearance report(s), using DHS form 8552 (and 8551 for abatement activities)	

Section 5: Resident Receipt of Notice for Presumption or Lead-Based Paint Hazard Reduction Activity		
Printed Name:	Signature:	Date:

Section 6: Contact Information	Organization:	
Contact Name:		Contact Signature:
Date:	Address:	Phone:

ATTACHMENT I

Homebuyer Program Lead Compliance Document Checklist

The following documents should be in each Homebuyer unit file to document compliance with the lead requirements:

Document Name	Purpose	✓
Lead Safe Housing Rule Screening Sheet	Documents exemptions	
Physical inspection form (HQS or equivalent)	Documents visual assessment results	
Seller Certification	Seller certifies that paint was stabilized by qualified workers and that safe work practices were followed during paint stabilization	
Clearance Report and Clearance Review Worksheet	Documents that unit passed clearance	
Disclosure Form	Documents that buyer received disclosure and pamphlet.	
Lead Hazard Reduction Notice	Documents that buyer received required lead hazard reduction notification.	

This was taken from the HUD Website at:

http://www.hud.gov/offices/cpd/affordablehousing/training/leadsafe/usefulforms/index.cfm#crosscutting

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
7.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: August 21, 2012

SUBJECT: Yolo County Commission on Aging and Adult Services Appointment

Recommendation for Action

Staff recommends that the City Council adopt Resolution No.________ approving the appointment of Commission on Aging Chair Benjamin Garman as the City's representative on the Yolo County Commission on Aging & Adult Services.

Fiscal Impact

None.

Background

The Yolo County Commission on Aging & Adult Services reviews and makes recommendations, upon the request of the Board of Supervisors, on specific issues and policy questions, as well as state and federal legislation and regulations related to the aged, disabled, or other adults. This Commission also serves as the County's policy liaison to the Area 4 Agency on Aging. Additionally, the Commission reviews, considers, develops, and advances plans for the Board of Supervisors consideration for better coordination of County resources devoted to the aged, disabled and other adults needing the protection of authority and state.

Membership in the Commission includes one representative each from the cities of Woodland, Davis, and West Sacramento; one from each of the supervisorial districts; four members at large appointed by the Supervisors; and one each representing the County Administrator's office and the Public Guardian's office.

The City's representation on this Commission has been vacant for several years.

Discussion

On June 14, 2012, the Commission on Aging approved a recommendation to the City Council to have Chair Benjamin Garman represent the City Commission on Aging on the County's Commission on Aging & Adult Services.

Public Contact

Posting of the City Council agenda

Prepared by: Christine Engel
Recreation Superintendent

____
Paul Navazio
City Manager

Attachments: Commission on Aging & Adult Services Summary and Appointment Resolution

Commission on Aging & Adult Services

Purpose: Upon request of the Board of Supervisors, this commission reviews and makes recommendations on specific issues and policy questions, as well as state and federal legislation and regulations relating to the aged, disabled, or other adults needing the protection of authority and state; serves as the County's policy liaison to the Area 4 Agency on Aging; reviews, considers, develops and advances plans for Board of Supervisors' consideration for better coordination of County resources devoted to the aged, disabled and other adults needing the protection of authority and state.

Authority: Resolution No. 04-90 (5/4/04) based on 42 USC Sec. 3026…45 CFR – 1321.57

Related County Department:

Staff Liaison: Sandra Rodriguez **Telephone:** 530-666-8235 **Email:** sandra.rodriguez@yolocounty.org

Board of Supervisors representative: Supervisor Jim Provenza

Telephone: 530-666-8624 **Email:** jim.provenza@yolocounty.org

Makeup of membership: 14 members appointed by the Board of Supervisors:

One - appointed from each supervisorial district
Four - at large members. (Board appointed)
One - each representing the County Administrator's office and Public Guardian's office (Board appointed)
Three - members from the Commission On Aging from Woodland, Davis, and West Sacramento (Board appointed)

Membership terms: Two year terms commencing Jan 31

Frequency and time of meetings: 4th Wednesday every other month from 9:00 to 10:00 A.M. at the Davis 600 A Street Building.

Current Committee membership and terms:

Member	District	Category	Date Appointed	Expiration of Term
Joyce Miller	1		6/7/2011	1/31/2013
Davis Campbell	2		1/25/2011	1/31/2013
Georgeanne Hulbert	3		11/8/2011	1/31/2013
Elaine Roberts Musser	4		7/12/2011	1/31/2013
VACANT	5			1/31/2013
Jesse Salinas	(Board Apptd)	CAO or designee	7/12/2011	1/31/2013
Cass Sylvia	(Board Apptd)	Public Guardian	1/26/2010	1/31/2012
VACANT	(Board Apptd)	Wdld Comm. on Aging		1/31/2012
VACANT	(Board Apptd)	Davis Commission on Aging		1/31/2012
Elena Birch	(Board Apptd)	W. Sac. Comm. on Aging	3/16/2010	1/31/2012
Peggy Goldstein	(Board Apptd)	At-large	3/15/2011	1/31/2013
Dawn Myers Purkey	(Board Apptd)	At-large	7/12/2011	1/31/2013
Deborah Francis	(Board Apptd)	At-large	7/12/2011	1/31/2013
Louise Bettner	(Board Apptd)	At-large	8/2/2011	1/31/2013

How to apply to be a member of this committee:

Individuals interested in serving on this advisory body may submit an application to the Yolo County Board of Supervisors. Applications are available online. For more information please call the Clerk of the Board at (530) 666-8195.

Last updated: 11/21/11

CITY OF WOODLAND

RESOLUTION NO. ______________

A RESOLUTION APPOINTING A REPRESENTATIVE TO SERVE ON THE YOLO COUNTY COMMISSION ON AGING & ADULT SERVICES

WHEREAS, the City of Woodland City Code Section 2-7-81 establishes a Commission on Aging; and

WHEREAS, the County of Yolo adopted Resolution No. 04-90 to create a Commission on Aging & Adult Services; and

WHEREAS, said Yolo County Commission on Aging & Adult Services includes a representative of the City of Woodland Commission on Aging who is appointed by the City Council; and

WHEREAS, the City of Woodland Commission on Aging approved Chair Benjamin Garman to represent the Commission on Aging on Yolo County's Commission on Aging & Adult Services.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Woodland appoints Benjamin Garman to serve as the City's representative to said Commission on Aging & Adult Services.

PASSED AND ADOPTED this 21st day of August 2012, by the following vote:

AYES: Council Members:
NOES: Council Members:
ABSENT: Council Members:
ABSTAIN: Council Members

____
Marlin H. Davies, Mayor

ATTEST:

____
Ana Gonzalez, City Clerk

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
8.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: August 21, 2012

SUBJECT: Adoption of Mitigated Negative Declaration for the County Road 25A Widening and Construction Project

Recommendation for Action

Staff recommends that the City Council hold a public hearing and adopt Resolution No._____ to approve the Mitigated Negative Declaration for the CR 25A Widening and Reconstruction Project.

Fiscal Impact

The project design is included in the Capital Budget. The design is funded from interest earnings on Spring Lake bond proceeds that the City currently has on hand. Construction funding will be negotiated with a future developer that is conditioned to build this improvement.

There is no impact to the general fund from this project.

Report in Brief

This item seeks City Council approval of the Mitigated Negative Declaration (MND) and Mitigation Monitoring Plan (MMP) for the County Road (CR) 25A Widening and Reconstruction Project (Project). Any development in the Spring Lake Specific Plan (SLSP) that triggers a connection to Harry Lorenzo Drive (A.K.A.: CR 101) is required to construct the improvement project.

The City is currently working with the Spring Lake Development Community to design the Project and has identified that Environmental Clearance was necessary for the project due the proposed removal of existing trees along CR 25A. The original Turn of the Century Specific Plan Final Environmental Impact Report (EIR) and Supplemental EIR identified the need for the off-site improvements and assessed their impacts at a general level, but did not anticipate that the existing trees along CR 25A between CR 101 and SR 113 would be removed. Further, because the improvement project will be approved by City Council action, staff is bringing the MND and MMP directly to City Council for consideration.

Background

The project is an interim safety project that involves the removal, widening, and reconstruction of a portion of County Road 25A for approximately 2,450 linear feet, between County Road 101 and the edge of the Caltrans Right of Way (ROW) at SR 113. The existing road is approximately 16 to 18 feet wide with roadside drainage ditches and no shoulders. The existing public ROW (held by the County) is 50-feet.

The interim cross-section is two 12-foot travel lanes, with four-foot shoulders and a nine-foot drainage swale on either side. Total interim cross-section will be 50 feet and will fit within the existing ROW. The existing roadway within this section will be completely removed and reconstructed as a part of the project. The total project area is approximately 2.8 acres. Project exhibits are provided in Attachment I.

The project will be funded from SLSP developer fees. The proposed interim safety improvement is expected to remain in place until development of the Master Plan Remainder Area proceeds, at which time the road will be widened beyond the existing 50-foot ROW and improved to the planned two-lane arterial standard, (83-foot right of way), in accordance with the SLSP.

The subject segment of County Road (CR) 25A is located at the southerly boundary and “urban edge” of the Master Plan Remainder Area depicted in the SLSP adopted December 18, 2001 by the City of Woodland (Resolution No 4330). An Environmental Impact Report (EIR) was certified for the SLSP on August 15, 2000 (Resolution No. 4215). This document identified Impact 4.6-2 related to traffic increases on non-standard roadways. Mitigation Measure 4.6-2(b) required offsite roadways (including the subject segment of CR 25A) needed to serve the specific plan to be improved to meet City design standards.

Any development in the Spring Lake Specific Plan (SLSP) that triggers a connection to Harry Lorenzo Drive (A.K.A.: CR 101) is required to construct the Project. It is anticipated that development in Spring Lake that triggers a connection to Harry Lorenzo Drive (A.K.A.: CR 101) will happen in the near future at which point the subject improvements would be required to be in place for purposes of safety and to provide secondary access. In anticipation of this, the interim road design is currently being prepared by a design consultant and the CEQA review completed at this time in order to allow the project to move forward when required.

Discussion

The following is the City analysis of the Project’s MND.

ACQUIRE JURISDICTION -- The project currently resides fully within Yolo County and Yolo County is the current owner of the existing ROW along CR 25A. City Staff has discussed the Project with County staff and both are in agreement that the City will work to acquire the ROW from

the County prior to any construction activity. City staff will provide Council with the ROW status update in future Council Communications.
CEQA CLEARANCE – A Mitigated Negative Declaration (see Attachment II) and Mitigation Monitoring Plan (see Attachment III) were prepared for the project and released for public and agency review on June 15, 2012 for a 30-day comment period that ended July 16, 2012. The following are the key subject areas discussed in the Initial Study and Mitigated Negative Declaration:

Tree Removal -- The project includes the removal of 22 mature black walnut trees and approximately 15 additional walnut, almond, and willow trees of various sizes that lie within the existing ROW. These trees have been evaluated for historical and biological significance. Biological impacts are discussed below. The trees were determined not to have particular historical significance; however they are of a size that triggers compliance with the City's Tree Ordinance

Biological Impacts – An active Swainson's hawk nest is located in the second black walnut tree from the east end of the project corridor along the south side of County Road 25A. A second active Swainson's hawk nest is located in a small black walnut tree 0.5 miles south of the west end of the project corridor at the end of County Road 100A. This nest is approximately 200 feet east of County Road 100A. There are three additional Swainson's hawk nest sites and one white-tailed kite nest site within approximately 1 mile of the project corridor. No other special-status species were detected or have been reported by CNDDB within or near the project corridor. Mitigation Measures from the 1999 EIR prepared for the SLSP address hawk impacts and a new mitigation measure has been added in the Mitigated Negative Declaration. The following is the new mitigation measure:

MM #1 - *There are 22 Black Walnut trees and approximately 15 smaller trees within the ROW. Removal of the trees may occur anytime between September 16th and February 29th. Tree removal may occur from March 1 to September 15 if surveys indicate that nesting Swainson's hawks are not present in the project area or within 0.25 miles of the project area.*

As mitigation for removal of the identified Swainson's hawk nest tree, the City shall plant 15 replacement trees (in addition to those planted under the City's Tree Replacement Program [Section 20A-1-100 of the City Code]) to provide future Swainson's hawk nesting habitat. The trees shall be minimum 15-gallon container size Fremont cottonwood, valley oak, and/or California black walnut and shall be planted in an area with high potential for future occupancy by nesting Swainson's hawks. The City shall coordinate with the Yolo County Natural Heritage Program, with assistance from DFG, to locate an appropriate receiving site and develop a planting and monitoring plan. The monitoring plan shall include remedial actions in case of tree mortality to ensure new trees are immediately replanted until one-hundred percent survivability is achieved. This mitigation shall be implemented within one year of removal of the trees.

Comment Letters and Responses - Five comment letters were received as outlined below (see Attachment IV). Staff responses are provided as follows.

Central Valley Regional Water Control Board, 6 July 2012 – The letter notifies the City of standard requirements for a Storm Water Pollution Prevention Plan during construction to ensure the use of best management practices (BMPs) to reduce pollutants and run-off flows. Staff is aware of this requirement and it is identified in the Mitigated Negative Declaration. Staff recommends that this be memorialized in the form of the following condition of approval:

1) *The project shall comply with the requirements of the State Water Resources Board Construction General Permit for stormwater discharges associated with construction.*

Caltrans, 9 July 2012 -- The letter notifies the City that an Encroachment Permit is required for any work or traffic control that encroaches onto the State ROW. Staff is aware of this requirement and recommends that this be memorialized in the form of the following condition of approval:

2) *A Caltrans Encroachment Permit is required for any work or traffic control that encroaches onto the State right-of-way*

Michael Beeman, 12 July 2012 – This letter is from an adjoining property owner to the north. Mr. Beeman objects to removal of trees along the south side of the road and requests that the staff reevaluate whether the trees require removal and whether the existing drainage ditch along the south can continue to be used thus avoiding the need to impact the trees. It is not feasible to avoid removing all trees along the south; however, in response, a recommended condition of approval has been provided which addresses Mr. Beeman's concern to the extent possible.

3) *Staff shall verify in the field the necessity of removing trees at the edge of the right-of-way, and avoid removal where possible as long as engineering standards and vehicle clear recovery zone issues are addressed. Where removal of trees at the edge of the right-of-way can be avoided but there is concern regarding root health due to construction impacts, individual trees shall be evaluated by an arborist so that a determination can be made regarding long-term effects on tree health from specific construction impacts.*

Sarah Smith, 12 July 2012 – This letter is from another adjoining property owner to the north, adjacent to Mr. Beeman. Ms. Smith objects to the use of eminent domain and asks other questions about maintenance responsibility for specified improvements that do not appear to relate to the Project as proposed. It appears the commenter misunderstands the project. The staff sent a letter to this property owner 20 July 2012 responding to each point and providing correct information about the project (see Attachment V). There is no eminent domain action associated with the Project.

Governor's Office of Planning and Research (OPR), State Clearinghouse (SCH), 13 July 2012 – This letter is a form letter issued by this agency reflecting the results of the state agency review process. No response is necessary.

Public Contact

Notice of availability of the Mitigated Negative Declaration (MND) was sent to property owners and interested parties on June 15, 2012. The MND was also logged into the State Clearinghouse on June 12, 2012. Notice was published in the Daily Democrat August 11, 2012. In addition the agenda was posted.

Prepared by: Christopher Fong, P.E.
Associate Civil Engineer

Reviewed by: Cindy Norris
Principal Planner

Reviewed by: Brent Meyer, PE
City Engineer/Principal
Civil Engineer

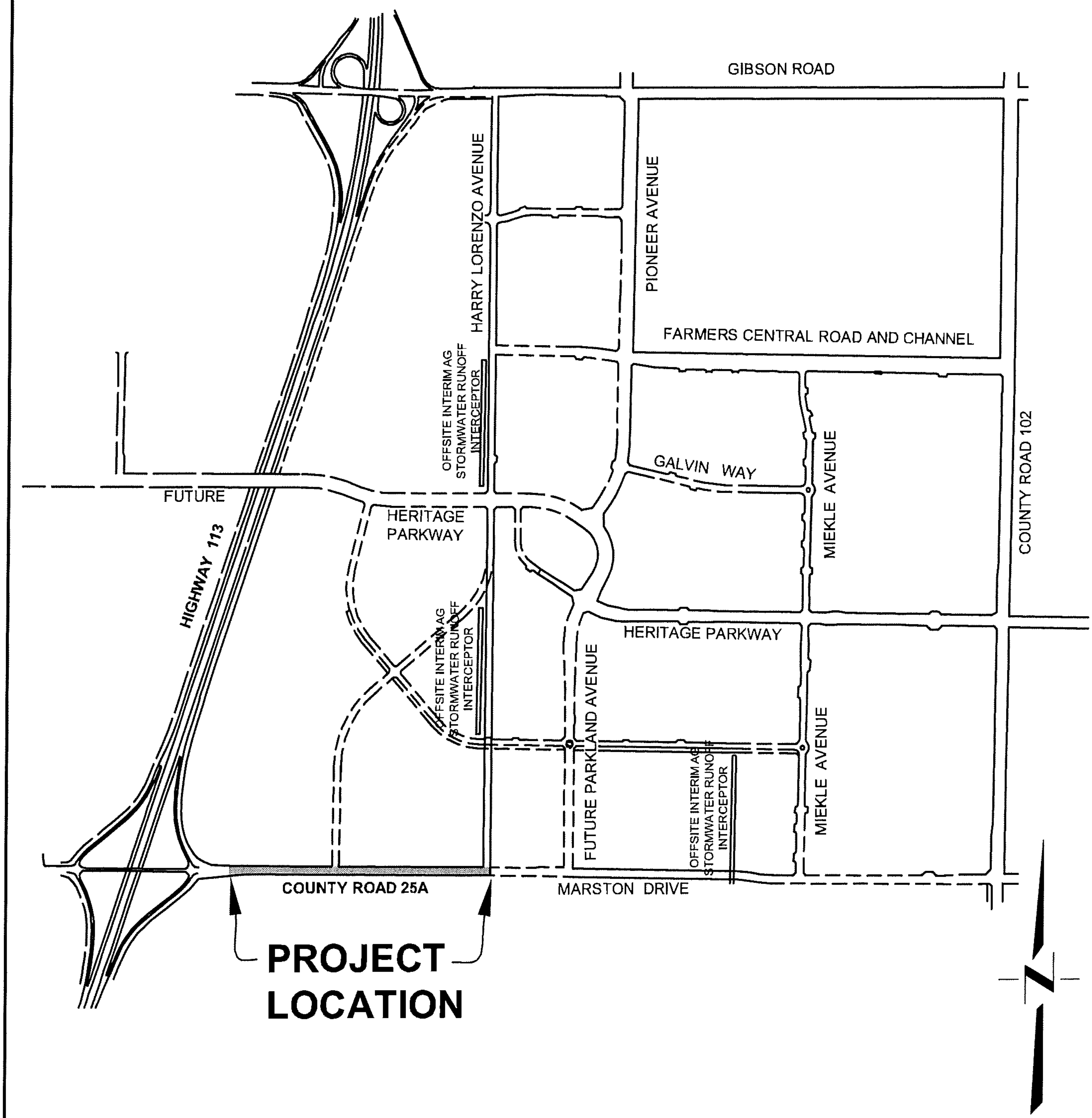
Reviewed by: Nicholas J. Ponticello
CDD Director

____

Paul Navazio
City Manager

Attachments:

I Project Exhibits
II Mitigated Negative Declaration (MND)
III Mitigation Monitoring Program (MMP)
IV Comment Letters (5)
V Response Letter to Ms. Sarah Smith
VI Resolution



DESIGNED ____ DRAWN AB CHECKED ____ DATE: 05/30/12 JOB No: 1108.01	**COUNTY ROAD 25A** **VICINITY MAP** CITY OF WOODLAND CALIFORNIA	CECWEST.COM Project Planning ■ Civil Engineering ■ Landscape Architecture ■ Sacramento Office 2120 20th Street, Suite Three Sacramento, CA 95818 (916) 455-2026 ■ Davis Office 2940 Spafford Street, Suite 200 Davis, CA 95618 (530) 758-2026	SCALE N/A SHEET 1 OF 1

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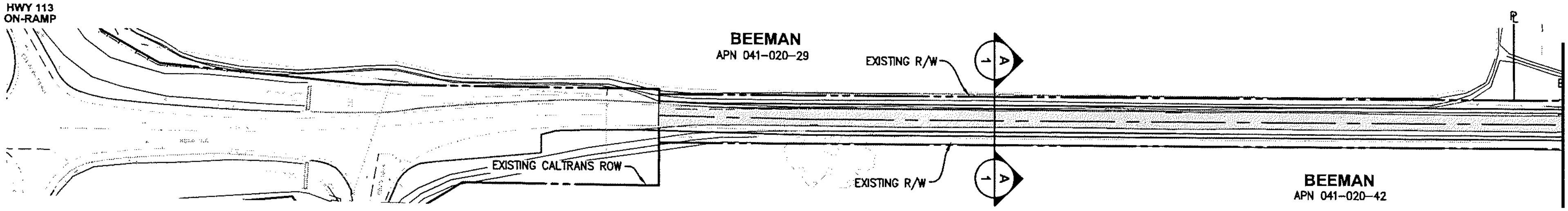
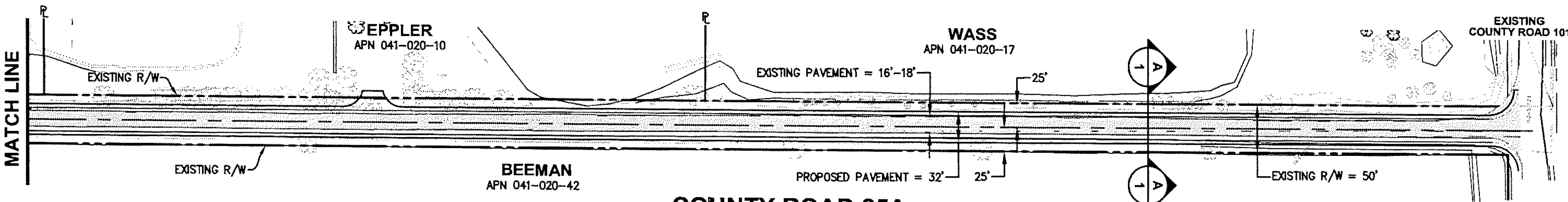
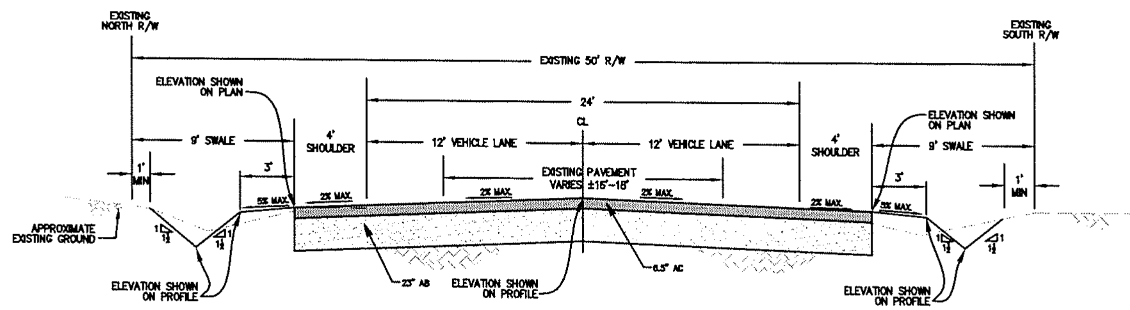


COUNTY ROAD 25A



COUNTY ROAD 25A



SECTION A - COUNTY ROAD 25A

NOT TO SCALE

DESIGNED BY: AB DRAWN BY: LE CHECKED BY: SG SCALE 1" = 100'	CUNNINGHAM ENGINEERING CECWEST.COM Project Planning ◦ Civil Engineering ◦ Landscape Architecture ◦ Sacramento Office 2120 20th Street, Suite Three Sacramento, CA 95818 (916) 455-2026 ◦ Davis Office 2940 Spafford Street, Suite 200 Davis, CA 95618 (530) 758-2026	WOODLAND EXHIBIT COUNTY ROAD 25A PROJECT MAP CALIFORNIA		SHEET 1 OF 1 DATE: 02/29/12 JOB NO: 1108.01

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MITIGATED NEGATIVE DECLARATION

Pursuant to Division 6, Title 14, Chapter 3, Article 6, Sections 15070 and 15071 of the California Code of Regulations, the **City of Woodland** does prepare, make, declare, publish, and cause to be filed with the County Clerk of Yolo County, State of California, this Negative Declaration for the Project, described as follows:

PROJECT TITLE: **County Road 25A Widening and Reconstruction Project** (CIP Project 09-25: CR 25A Improvements between CR 101 and SR 113)

PROJECT DESCRIPTION: Proposed removal, widening, and reconstruction of a portion of County Road 25A for approximately 2,450 linear feet totaling approximately 2.8 acres, within existing 50-foot right-of-way, between County Road 101 and the edge of the Caltrans ROW at SR 113

Necessary approvals for the proposed project are as follows:

- Approval of a resolution adopting the Negative Declaration for purposes of satisfying CEQA;
- Authorization to enter into an agreement with Yolo County to acquire jurisdiction over the road and ROW;
- Approval of the County Road 25A Widening and Reconstruction Project (CIP Project 09-25: CR 25A Improvements between CR 101 and SR 113)

PROJECT LOCATION: The segment of CR 25A between CR 101 and SR 113, on the southerly boundary of the City of Woodland, within Yolo County, California.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of Woodland, Community Development Department

CONTACT PERSON: Christopher Fong, Associate Civil Engineer, (530) 661-5972.

NAME OF ENTITY OR AGENCY CARRYING OUT PROJECT: City of Woodland, Community Development Department.

NEGATIVE DECLARATION: The City of Woodland has determined that the subject project, further defined and discussed in the attached Environmental Checklist/Initial Study will not have any unmitigated significant effects on the environment. As a result thereof, the preparation of an environmental impact report pursuant to the California Environmental Quality Act (Division 13 of the Public Resources Code of the State of California) is not required.

The attached Environmental Checklist/Initial Study has been prepared by the City of Woodland in support of this Negative Declaration. Further information including the project file and supporting reports and studies may be reviewed at the Community Development Department, City Hall Annex, 520 Court Street, Woodland, California, 95695.

MITIGATION MEASURES: Mitigation measures have been identified for the project.

Christopher Fong

Christopher Fong, Associate Civil Engineer
Woodland Community Development Department

Cindy Norris

Cindy Norris, Principal Planner

June 11, 2012

ENVIRONMENTAL CHECKLIST AND INITIAL STUDY

(City of Woodland, June 11, 2012)

Project Title: **County Road 25A Widening and Reconstruction Project (CIP Project 09-25: CR 25A Improvements between CR 101 and SR 113)**

Lead Agency: City of Woodland
Community Development Department
520 Court Street
Woodland, CA 95695

Lead Agency Contact: Christopher Fong, Associate Civil Engineer
(530) 661-5972
Chris.fong@cityofwoodland.org

Heidi Tschudin, Contract Planner
(916) 447-1809
htschudin@sbcglobal.net

Project Location: The segment of CR 25A between CR 101 and SR 113, on the southerly boundary of the City of Woodland (see Exhibit 1, Vicinity Map)

Project Proponent: City of Woodland

Property Owner: County of Yolo

Land Use Designations: CR 25A is a designated arterial in the Spring Lake Specific Plan (SLSP) with an 83-foot right-of-way (ROW), comprised of a 40-foot paved section that includes two 12-foot travel lanes, no median, and two 8-foot combined emergency parking/bicycle lanes, with 8-feet of landscaping on the south side, and 35-feet of landscaping on the north side including a 10-foot multi-use trail, as depicted in Figure 4.9 on page 4-21 of the SLSP.

CR 25A is identified (SLSP, p. 4-22) as receiving "special treatment" because it forms the "urban edge" that bounds the SLSP. The 35-foot landscaped area on the north side is described as being heavily planted with more natural appearing (as opposed to formal) trees, shrubs, and grasses that reflect the transition from urban to rural. Drought tolerant species are to be used. The trail is to be decomposed granite, asphalt, or concrete. There is no planned curb, gutter, or sidewalk on either side, nor will parking (other than emergency) be allowed. Landscaping on the south side is also to be drought-tolerant.

The road ROW does not have a specified land use or zoning designation. The acreage to the north is designated for business park and unspecified residential uses within the "Master Plan Remainder Area" of the SLSP. This land has not been annexed to the

City. However, the City will be acquiring the land for the right of way. The land to the south is designated Agriculture in the County General Plan and zoned a combination of A-P (Agricultural-Preserve) between SR 113 and CR 100A, and A-1 (General Agriculture) between CR 110A and CR 101. The A-P parcel is in a Williamson Act contract until 2016.

Description of Project: The proposed project is an interim safety project that involves the proposed removal, widening, and reconstruction of a portion of County Road 25A for approximately 2,450 linear feet, between County Road 101 and the edge of the Caltrans ROW at SR 113. The existing road is approximately 16 to 18 feet wide with roadside drainage ditches and no shoulders. The existing public ROW (held by the County) is 50-feet.

The proposed interim cross-section is two 12-foot travel lanes, with four-foot shoulders and a nine-foot drainage swale on either side (see Exhibit 2, Project Maps). Total interim cross-section will be 50 feet and will fit within the existing ROW. The existing roadway within this section will be completely removed and reconstructed as a part of the project. The total project area is approximately 2.8 acres.

The project will be funded from SLSP developer fees. The proposed interim safety improvement is expected to remain in place until development of the Master Plan Remainder Area proceeds at which time the road will be widened beyond the existing ROW and improved to the planned two-lane arterial standard in accordance with the cross section depicted in Figure 4.9 on page 4-21 of the SLSP.

Project Approvals: This project will be brought before the City for action on the following approvals necessary to undertake the proposed improvements:

- Approval of a resolution adopting the Mitigated Negative Declaration for purposes of satisfying CEQA;
- Authorization to enter into an agreement with Yolo County to acquire jurisdiction over the road and ROW;
- Approval of the County Road 25A Widening and Reconstruction Project (CIP Project 09-25: CR 25A Improvements between CR 101 and SR 113)

Surrounding Land Uses and Setting: Surrounding land uses are as follows:

North	One existing farm complex, planned residential and business park (within SLSP Remainder Area)
East	CR 25A
South	Agricultural land within unincorporated Yolo County
West	SR 113 overpass

The roadway is currently a rural two-lane road. Existing land use in the project corridor consists of irrigated farm land and one rural residential property on the north side.

Existing crops include wa..ermelon, wheat, and corn on the no...i side and tomatoes on the south side. There is a former rural residential site on the northwest corner of CR 25A and CR 101. Former structures have been demolished and the site contains old foundations and overgrown ornamental vegetation.

The project segment is bounded by State Highway 113 to the west and CR 101 to the east. The terrain along the corridor consists primarily of moderately flat land with elevations of about 45 to 60 feet above mean sea level.

Vegetation immediately adjacent to the roadway is sparse consisting primarily of black walnut trees and ruderal brush. Ground cover includes dense seasonal grasses and weeds. The project includes the removal of 22 mature black walnut trees and approximately 15 additional walnut, almond, and willow trees of various sizes that lie within the existing ROW.

An unlined drainage ditch is located on both sides of the roadway, approximately 1.5 to 2-feet deep and 3 to 4-feet wide.

Background: Development has occurred in Spring Lake, although, connection to CR 101 (Harry Lorenzo Drive) has not yet been triggered. It is anticipated, however, that this will happen in the near future and when that occurs improvement of CR25A will be required for safety and secondary access purposes. The final CEQA analysis is being completed in anticipation of this future development activity.

Previous Relevant Environmental Analysis: The subject segment of County Road (CR) 25A is the southerly boundary and "urban edge" of the Master Plan Remainder Area depicted in the SLSP adopted December 18, 2001 by the City of Woodland (Resolution No. 4330). An Environmental Impact Report (EIR) was certified for the SLSP on August 12, 2000 (Resolution No. 4215). This document identified Impact 4.6-2 related to traffic increases on non-standard roadways. Mitigation Measure 4.6-2(b) required offsite roadways (including the subject segment of CR 25a) needed to serve the specific plan to be improved to meet City design standards. For the adopted specific plan (referred to as Plan A in the EIR), this impact was identified as less-than-significant after implementation of mitigation. Impact 4.6-6 and associated mitigations addresses signal warrants along CR 25A as future development occurs within the Master Plan Remainder Area.

While the original EIR contemplated various off-site facilities, the environmental impacts associated with these facilities were only examined at a general level in that document. Subsequent to adoption of the SLSP, off-site infrastructure needs were examined in more detail and more precise plans for siting and routing of various facilities were developed. A Supplement to the original EIR (SCH #99022069, certified August 2003) was prepared in order to examine biological and air quality impacts associated with the modifications and greater level of detail, and to provide construction-level CEQA clearance.

The Supplement (Draft Volume, page 2-4) analyzes impacts associated with the construction of improvements within a corridor extending 200 feet to the south of the subject segment of CR 25A. However on page 4.1-33 it is clear that removal of the trees (described as heritage oak trees) within that corridor was not anticipated at that time and therefore no CEQA clearance for tree removal was provided.

Other public agencies whose approval may be required:

- Yolo Natural Heritage Program (NHP) Joint Powers Authority (JPA) Swainson's hawk mitigation

- Caltrans encroachment permit (for construction signage that will be placed on the ramps)

- Yolo County roadway jurisdiction agreement

Other Project Assumptions: The Initial Study assumes compliance with all applicable State, federal, and local codes and regulations.

Reference Documents:

Biological Resources Assessment of the County Road 25A Widening Project in Yolo County, Estep Environmental Consulting, August 6, 2010).

Cultural Resources Inventory of the County Road 25A Project, PAR Environmental Services, Inc, August 2010.

Final Supplement to the Turn of the Century Specific Plan EIR (Supplement to the TOC EIR) to Address Offsite Infrastructure (SCH# 990022069), two volumes, certified August 19, 2003 (Resolution No. 4467).

General Plan Update, City of Woodland, Adopted December 17, 2002 (Resolution No. 4404).

General Plan Final EIR, February 27, 1996 (SCH# 95053061, Resolution No. 3944).

Geotechnical Report, County Road 101 and County Road 25A Overlay and Widening Project, Blackburn Consulting Inc, February 2006).

Mitigation Monitoring Program for the SLSP, adopted August 15, 2000, (Resolution No. 4215).

Mitigation Monitoring Program for the SLSP Off-Site Infrastructure Facilities EIR, adopted August 19, 2003, (Resolution No. 4467).

Phase I Environmental Site Assessment, County Road 25A Widening and Reconstruction Project, Woodland California, Enercon Services, March 30, 2012.

Spring Lake Specific Plan, adopted December 18, 2001 (Resolution No. 4330).

Turn of the Century Specific Plan Final EIR (TOC EIR) (SCH# 99022069), four volumes, certified August 12, 2000 (Resolution No. 4215).

Zoning Code, 2006.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below potentially would be significantly affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- ☐ Aesthetics
- ☐ Agricultural and Forest Resources
- ☐ Air Quality
- ■ Biological Resources
- ☐ Cultural Resources
- ☐ Geology and Soils
- ☐ Greenhouse Gas Emissions
- ☐ Hazards and Hazardous Materials
- ☐ Hydrology and Water Quality
- ☐ Land Use and Planning
- ☐ Mineral Resources
- ☐ Noise
- ☐ Population and Housing
- ☐ Public Services
- ☐ Recreation
- ☐ Transportation and Traffic
- ☐ Utilities and Service Systems
- ☐ Mandatory Findings of Significance
- ☐ None Identified

DETERMINATION:

On the basis of this initial evaluation:

☐ I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

■ I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the Proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards; and 2) has been addressed by mitigation measures based on the earlier analysis as described in the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects: (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards; and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Proposed Project, nothing further is required.

Signature

June 11, 2012
Date

Christopher Fong
Printed Name

Woodland Comm Development Dept
Lead Agency

Signature

June 11, 2012
Date

Cindy Norris
Printed Name

Woodland Comm Development Dept
Lead Agency

EVALUATION OF ENVIRONMENTAL IMPACTS:

Introduction

Following is the environmental checklist form (also known as an "Initial Study") presented in Appendix G of the State CEQA Guidelines. The checklist form is used to describe the impacts of the Proposed Project. A discussion follows each environmental issue identified in the checklist. Included in each discussion are project-specific mitigation measures recommended as appropriate as part of the Proposed Project.

For this checklist, the following designations are used:

Potentially Significant Impact: An impact that could be significant, and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

Less Than Significant With Mitigation Incorporated: An impact that requires mitigation to reduce the impact to a less-than-significant level.

Less Than Significant Impact: Any impact that would not be considered significant under CEQA, relative to existing standards.

No Impact: The project would not have any impact.

Instructions

1. A brief evaluation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does

not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, potentially significant unless mitigation is incorporated, or less than significant. "Potentially significant impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact". The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5. Earlier analyses may be used where, pursuant to tiering, a program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:

   a. Earlier Analysis Used – Identify and state where available for review.

   b. Impacts Adequately Addressed – Identify which effects from the above checklist were within the scope of and adequately addressed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c. Mitigation Measures – For effects that are "Less That Significant with Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources in the form of a source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format in selected.

9. The explanation of each issue area should identify: a) the significance criteria or threshold, if any, used to evaluate each question; and b) the mitigation measure identified, if any, to reduce the impact to less than significant.

Issues		Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
1.	**AESTHETICS.** *Would the project:*				
	a. Have a substantial adverse effect on a scenic vista?	☐	☐	■	☐
	b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	☐	☐	■	☐
	c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	■	☐
	d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	■	☐

Discussion

The proposed project is an interim safety improvement to widen and reconstruct the section of CR 25A, between CR 101 and SR 113, to a new 50-foot cross-section within the existing 50-foot ROW. The existing 16 to 18 foot wide road will be completely removed and reconstructed as a part of the project. A total of 22 mature black walnut trees and approximately 15 other smaller trees that are adjacent to the road within the ROW will be removed as a part of the project.

This project would change the visual characteristics of the roadway; however, this roadway has been planned for an ultimate ROW of 83-feet since December of 2001. Visual resources and aesthetic impacts are addressed on pages 4.9-14 through 4.9-20 of Section 4.9 of the TOC EIR, as revised in the final volume. The TOC EIR found aesthetic impacts in general to be less-than-significant and/or fully mitigated assuming compliance with the General Plan and SLSP.

The TOC EIR identified one measure, Mitigation Measure 4.9-1, related to modifications to specific plan exhibits portraying garages and setbacks. This mitigation is not applicable to the project which is a road reconstruction project.

Tree preservation is discussed on page 4.5-21 of the TOC EIR (DEIR Volume) where tree removal within City-approved ROW is anticipated. Impact 4.5-5 on page 4.5-31 of the DEIR identifies tree loss as a less-than-significant impact based on assumed compliance with the City's Tree Replacement requirements of the Tree Ordinance which requires replacement of any native tree species greater than six-inches. This is discussed further below under Biological Resources and a project-specific mitigation measure is identified.

The TOC EIR and Findings of Fact are hereby relied upon for this analysis.

a. There are no General Plan or Specific Plan designated scenic vistas that would be adversely affected by implementation of this project. For these reasons, the proposed project would not substantially or adversely affect views of a scenic vista, and this impact would be less than significant.

b. The City has not designated any scenic resources along this corridor. There are no historic buildings or rock outcroppings on the corridor. There are 22 Black Walnut trees and approximately 15 smaller trees within the ROW. These trees will be removed in order to widen and reconstruct the roadway within the existing ROW. Removal of these trees is considered a less-than-significant impact in terms of aesthetic and visual impacts, assuming compliance with the City's Tree Ordinance (Chapter 20A of the City Code) and in particular the Tree Replacement Program outlined in Section 20A-1-100. For this reason, the potential for aesthetic impact would be less than significant. The trees have biological value which is analyzed separately under item 4 in this Initial Study. The potential for historic value is discussed under item 5.

c. The proposed project would not result in significant degradation of the visual surroundings of the site or surrounding area. The area is designated for future development and the TOC EIR concluded that there would be no unmitigated aesthetic or visual impacts. Page 4-29 of the SLSP identified the intersection of CR 25A and SR 113 as a community 'gateway" for which a masonry wall and/or public art, with landscaping and signage is anticipated. This will be constructed as a requirement of the planned business park at the northeast quadrant when the Master Plan Remainder area is annexed and developed. Therefore, this impact would be less-than-significant.

d. The interim road project will not include street lights. The proposed project would result in no new sources of light and/or glare in the area beyond what has already been anticipated in the TOC EIR (see Impact 4.9-4 on page 4.9-18 of the DEIR volume). Potential light and glare impacts are, therefore, considered less-than-significant.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
2. AGRICULTURE AND FOREST RESOURCES. *In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.*				
In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.				
Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	■	☐
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	■
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	■
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	■
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	■	☐

Discussion

The ultimate cross-section for this roadway will require the acquisition of additional ROW. However, the proposed project is an interim safety improvement to widen and reconstruct the section of CR 25A, between CR 101 and SR 113, to a new 50-foot cross-section within the existing 50-foot ROW. There is no additional ROW proposed to be acquired at this time as a part of this interim improvement and therefore no unanticipated impacts would result.

Agricultural impacts are discussed in Section 4.2, on pages 4.2-11 through 4.2-22 of the TOC EIR, as revised in the final volume. The TOC EIR analyzed loss of agricultural land associated with build-out of the Specific Plan only (not the Master Plan Remainder

Area) and found it to be a significant and unavoidable impact (page 4.2-12 of the Draft EIR volume). Mitigation Measures 4.2-1 (1:1 mitigation for converted agricultural land), 4.2-3 (Right-To-Farm Ordinance), and 4.2-4 (500 foot buffer) are not applicable because the project does not convert any agricultural land. The project involves road reconstruction within the existing right-of-way. Mitigation Measure 4.2-2 is not applicable because it applies to another property. The TOC EIR and Findings of Fact are hereby relied upon for this analysis.

a. The proposed roadway improvements would take place within an existing ROW owned by Yolo County. Currently the paved section is approximately 16 to 18 feet in width, with roadside ditches and generally graded and cleared area beyond that on both sides of the roadway. There does appear to be some ongoing agricultural operations occurring within the outer edges of the existing ROW. The project will result in cessation of these activities; however the loss of this "opportunistic" agriculture would not be considered a significant farmland loss that would trigger CEQA mitigation as this is ROW land that has been in public ownership for the purposes of widening of this roadway for many years. Impacts to agricultural land in general that could occur as a result of roadway improvements within existing arterial and collector ROWs have already been analyzed under the 1996 General Plan EIR and determined by the City Council to be unavoidable but acceptable. Implementation of the subject project will result in no new impacts not already analyzed in prior EIRs and therefore, the impact in this category is considered less-than-significant as allowed under CEQA including Sections 15152(f)(1) and 15153(c) of the State CEQA Guidelines and other sections that may apply.

b. Land within the ROW is not under a Williamson Act contract or zoned for agricultural uses.

c,d. Land within the ROW is not considered forest resources.

e. There is no aspect of the project that would result in other known impacts to agricultural or loss of agricultural land beyond those already addressed in the General Plan EIR and the TOC EIR.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
3. AIR QUALITY. *Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:*				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	■	☐
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	■	☐
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	■	☐
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	■	☐
e. Create objectionable odors affecting a substantial number of people?	☐	☐	■	☐

Discussion

Construction of the planned roadway improvements will release air emissions. However these are considered mitigated to the greatest feasible extent through compliance with Development Regulations 7.3 and 7.4 of the SLSP (p. 7-4).

Air quality is discussed on pages 4.7-19 through 4.7-33 of the TOC EIR, as revised in the final volume and Section 4.2-1 through 4.2-10 of the Supplement to the TOC EIR. Construction emissions are identified as short-term significant and unavoidable during build-out of the SLSP area. Mitigation Measure 4.7-1 from the TOC EIR addresses control of dust at construction sites. Mitigation Measure 4.7-1 from the Supplement to the TOC EIR requires that the City or the City's construction manager coordinate with the Yolo Solano Air Quality Management District to address emissions from heavy equipment, including preparation of an enforcement plan and identification of a certified Environmental Coordinator, pursuant to the terms of the measure. Mitigation Measure 4.7-3 (solar water heaters, clean-burning wood stoves, and other related measures) are applicable to the construction of residential homes and other buildings, and are not applicable to the project.

Operation of the roadway will result in pollutant emissions; however this is already captured and analyzed in the TOC EIR analysis of build-out of the SLSP, and the Supplement to the TOC EIR which examined air quality impacts from specified off-site storm drainage, sewer, and water conveyance improvements.

The TOC EIR, Supplement to the TOC EIR, and related Findings of Fact are hereby relied upon for this analysis. Implementation of Mitigation Measure 4.7-1 from the TOC

EIR and 4.7-1 from the Supplement to the TOC EIR, pursuant to the relevant MMP, is applicable and required.

a. The proposed project would not conflict with or obstruct implementation of applicable air quality plans, because the development that would result from implementation of this project is consistent with land uses planned for the site in the City General Plan since at least 1996. Build-out of the City's 1996 General Plan and the 2001 SLSP are included in the air emissions inventory for the Sacramento region which is included in applicable air quality plans. These impacts have already been analyzed under the General Plan EIR, TOC EIR, and Supplement to the TOC EIR and determined by the City Council to be unavoidable but acceptable. The prior adopted Statement of Overriding Consideration is relied upon in this determination. Implementation of the subject project will result in no new impacts not already analyzed in the prior EIRs and therefore, the impact in this category is considered less-than-significant as allowed under CEQA including Sections 15152(f)(1) and 15153(c) of the State CEQA Guidelines and other sections that may apply.

b,c,d. Yolo County is designated as non-attainment for ozone under both State and federal standards, non-attainment for PM_{10} under State standards, and partial nonattainment for $PM_{2.5}$ (see table below).

POLLUTANT	FEDERAL STANDARD	STATE STANDARD
Ozone	**Nonattainment**	**Nonattainment**
NO_x	Attainment	Attainment
PM_{10}	Unclassified	**Nonattainment**
$PM_{2.5}$	**Partial nonattainment (24hr)** Unclassified (annual)	N/A
SO_x	Attainment	Attainment
CO	Unclassified	Attainment

However, the potential for air quality impacts from the proposed project is unchanged from the prior analyses identified above. These impacts have already been analyzed under the General Plan EIR, TOC EIR, and Supplement to the TOC EIR and determined by the City Council to be unavoidable but acceptable. The prior adopted Statement of Overriding Consideration is relied upon in this determination. Implementation of the subject project will result in no new impacts not already analyzed in the prior EIRs and therefore, the impact in this category is considered less-than-significant as allowed under CEQA including Sections 15152(f)(1) and 15153(c) of the State CEQA Guidelines and other sections that may apply.

e. The potential for impacts due to objectionable odors is unlikely for this type of project. Furthermore, there is only one residence in the vicinity. The potential for impact is considered less-than-significant.

Issues		Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
4.	**BIOLOGICAL RESOURCES.** *Would the project:*				
	a. Have a substantial adversely effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	■	☐	☐
	b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	■
	c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	■
	d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	☐	☐	■	☐
	e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	■	☐
	f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	■	☐

Discussion

a-d. A survey of the project area was conducted on July 12, 2010 by a qualified biologist familiar with the area (Biological Resource Assessment, Estep Environmental Consulting, August 6, 2010). The project corridor was walked and all portions of the corridor were inspected and evaluated with respect to vegetation, wildlife associations, hydrological characteristics, the presence of important, unique, or regulated biological resources (e.g., jurisdictional wetlands), and potential for special-status plant and wildlife occurrences. The California Natural Diversity Data Base (CNDDB) was queried for locations of special-status species in the vicinity of the project area. The surrounding landscape was also examined and characterized relative to land use and key characteristics, and other nearby trees and other non-agricultural resources within approximately 0.5 miles were checked for special-status species use. Wildlife species were observed and identified using binoculars and spotting scope. Resources were noted and mapped on a field map.

Land use within the project corridor consists of the edges of cultivated fields. Vegetation within the corridor consists of ruderal/weedy plants, mature walnut trees, and several other native and nonnative trees. There are a total of 22 mature Northern California black walnut trees (*Juglans hindsii*) and aproximately

15 smaller walnut trees corridor several almond trees (*Prunus dulcis*), and two willow trees (*Salix* sp.) along the roadside within the project. In addition there are numerous other trees around the occupied farm residence and at the vacant former residential site.

Wildlife use of the project corridor is typical of rural Yolo County. The trees provide nesting, roosting, and cover habitat for a variety of birds. The most abundant bird using the walnut trees was the American crow (*Corvus brachyrhynchos*). Other birds observed within the project corridor during the survey include Brewer's blackbird (*Euphagus cyanocephalus*), mourning dove (*Zenaida macroura*), house finch (*Carpodacus mexicanus*), yellow-billed magpie (*Pica nuttalli*), and northern mockingbird (*Mimus polyglottos*). Understory shrubs and grassy areas supported cottontail rabbits (*Sylvilagus audubonii*) and small rodents.

Of the special status species with potential to be located in or near the project corridor, habitat is present for only three (Swainson's hawk. White-tailed kite, and Burrowing owl), and only the Swainson's hawk was observed. The project site does not contain Swainson's hawk foraging habitat because it is comprised primarily of paved roadway, and graveled road shoulder. It does however contain Swainson's hawk nesting habitat in the roadside trees.

An active Swainson's hawk nest, which contained two 6-to 7-week-old young at the time of the survey, was in the second black walnut tree from the east end of the project corridor along the south side of County Road 25A.

A second Swainson's hawk nest was identified in a small black walnut tree 0.5 miles south of the west end of the project corridor at the end of County Road 100A. This nest, also with two young, was approximately 200 feet east of County Road 100A.

There are three additional Swainson's hawk nest sites and one white-tailed kite nest site within approximately 1 mile of the project corridor. No other special-status species were detected or have been reported by CNDDB within or near the project corridor.

Biological impacts were discussed in Section 4.5, on pages 4.5-1 through 4.5-37 of the TOC EIR as revised in the final volume, and in Section 4.1, on pages 4.1-1 through 4.1-45 of the Supplement to the TOC EIR as revised in the final volume. The occupied nest tree within the ROW was identified as active in 1999 in the TOC EIR (Figure 4.5-1, p. 4.5-3, Draft volume).

Mitigation Measures 4.5-1 (impacts to salt brush and alkali sink habitat), 4.5-2 (impacts to valley elderberry longhorn beetle), 4.5-4 (loss of foraging habitat for Swainson's hawks and other raptors), and 4.5-6 (impacts to wetlands) are not applicable because the project corridor does not contain or impact these resources. The TOC EIR, Supplement to the TOC EIR, and related Findings of Fact are hereby relied upon for this analysis.

Mitigation Measures 4.5-3 (impacts to nesting Swainson's hawks and other raptors) and 4.5-7 (loss of general wildlife habitat and pre-construction habitat surveys) are applicable to this project. Mitigation Measure 4.5-3 identified the requirement that nest trees be protected during the nesting period (March 1 through September 15) and/or until juvenile hawks are no longer dependent upon the tree. Mitigation Measure 4.5-7 requires habitat surveys and identification of appropriate habitat mitigation prior to commencement of construction of infrastructure. Based on the site-specific biological assessment prepared for this project, Swainson's hawk nesting does occur on and adjacent to the project site. Therefore implementation of Mitigation Measure 4.5-7 is accomplished through implementation of Mitigation Measure 4.5-3 prior to commencement of the proposed work.

Implementation of Mitigation Measures 4.5-3 and 4.5-7, is applicable and required. This mitigation measure provides the standard seasonal and distance avoidance measures recommended by DFG to avoid disturbances to active nests. Implementation successfully mitigates this impact to a less-than-significant level. Because the proposed activity would result in the actual removal of the identified nest tree, the following additional project-specific mitigation measure is also required:

Mitigation Measure #1: There are 22 Black Walnut trees and approximately 15 smaller trees within the ROW. Removal of the trees may occur anytime between September 16th and February 29th. Tree removal may occur from March 1 to September 15 if surveys indicate that nesting Swainson's hawks are not present in the project area or within 0.25 miles of the project area.

As mitigation for removal of the identified Swainson's hawk nest tree, the City shall plant 15 replacement trees (in addition to those planted under the City's Tree Replacement Program [Section 20A-1-100 of the City Code]) to provide future Swainson's hawk nesting habitat. The trees shall be minimum 15-gallon container size Fremont cottonwood, valley oak, and/or California black walnut and shall be planted in an area with high potential for future occupancy by nesting Swainson's hawks. The City shall coordinate with the Yolo County Natural Heritage Program, with assistance from DFG, to locate an appropriate receiving site and develop a planting and monitoring plan. The monitoring plan shall include remedial actions in case of tree mortality to ensure new trees are immediately replanted until one-hundred percent survivability is achieved. This mitigation shall be implemented within one year of removal of the trees.

e. There are 22 Black Walnut trees and approximately 15 smaller trees within the ROW. These trees will be removed in order to widen and reconstruct the roadway within the existing ROW. Northern California black walnut is a native endemic to northern California that was recently listed by California Native Plant Society (CNPS) as a List 1B.1 species (seriously endangered in California). However, because these trees were planted at their current location, and are not naturally occurring, they are not considered native occurrences and are not included by CNPS as List 1B.1 species. The 22 mature black walnut trees do, however, provide value to local and migratory wildlife. Their removal would reduce available habitat primarily for a variety of resident birds, including at least two special-status species, Swainson's hawk and white-tailed kite.

The City's Tree Replacement Program (Section 20A-1-100 of the City Code) addresses tree replacement for heritage trees. The Program requirements include:

Subsection 2: For each six inches or fraction thereof of the diameter of a tree which was approved for removal, four trees of an approved species, each of a minimum fifteen gallon container size, shall be planted on the project site. However, an increased number of smaller size trees may be planted if approved by the director, or a fewer number of such trees of a larger size if approved by the director.

Subsection 3: If the development site is inadequate in size to accommodate the replacement trees, the trees shall be planted on public property with the approval of the director. Upon the request of the developer and the approval of the director, the city may accept an in-lieu payment of the current retail price per fifteen-gallon replacement tree on condition that all such payments shall be used for tree-related educational projects and/or planting programs of the city.

Subsection 4: All trees planted under the provisions of this section shall be guaranteed for a period of one year from the date of final acceptance of the development project by the city. Any tree which does not survive for one year from that date shall be replaced by the developer and the replacement tree shall be guaranteed for one year. (Ord. No. 1230, § 4 (part); Ord. No. 1300 § 4 (part).)

Participation in this program will mitigate for the loss of these trees to an acceptable level.

f. No Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved regional or state habitat conservation plan has been adopted for the project site. The County and cities are in the process of developing a countywide HCP/NCCP plan, but it is not complete. The mitigation for impacts to the Swainson's hawk nest has been coordinated with the Yolo NHP staff to ensure full compliance with that program. This impact is less-than-significant.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
5. CULTURAL RESOURCES. *Would the project:*				
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	□	□	■	□
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	□	□	■	□
c. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	□	□	■	□
d. Disturb any human remains, including those interred outside of formal cemeteries.	□	□	■	□

Discussion

a-d. A cultural resources assessment and survey of the project area was conducted for the purposes of this Initial Study (Cultural Resources Inventory, PAR Environmental Services, Inc., August 2010). The report reaches the following conclusions. CR 25A appears on USGS maps as early as 1907. However, the road as it currently exists has been widened from the typical width of an early farm road and is macadam-paved. It therefore does not resemble the original agricultural road construction. The presence of the large black walnut trees shading the road is of interest. The trees were likely planted as orchard remnants, street trees, a wind break, or as shade for road side activities in the adjoining agricultural fields.

The road as it presently exists is of a common type and presents no unique or historically important features or associations. CR 25A therefore does not appear to satisfy the criteria of CEQA for historical resources.

The walnut trees are over 50 years of age. In the early twentieth century roads were often lined with palm, eucalyptus, walnut or other trees for wind breaks or aesthetics. There are other roads in the region lined with trees. The trees along the road do not meet California Register criteria and are not considered historical resources for the purposes of CEQA. Their importance as biological resources or species trees is discussed in Item 4 of this Initial Study.

SLSP Development Regulation 7.22 (p. 7-7) contains a standard mitigation for unknown and/or subsurface cultural resources finds. Impacts on cultural resources are discussed in Section 4.10, on pages 4.10-1 through 4.10-12 of the TOC EIR, as revised in the final volume. Compliance with the SLSP and TOC EIR Mitigation Measures 4.10-1 (consultation with Native Americans and the County Coroner in the event of a find), 4.10-2 (architectural assessment of historic structures), and 4.10-3 (archeological surveys) as appropriate are identified to mitigate the potential for impact to a less than significant level. The

TOC EIR, Supplement to the TOC EIR, and related Findings of Fact are hereby relied upon for this analysis.

These measures have been satisfied by the preparation of the project-level cultural resources assessment and survey and no resources or particular sensitivity were identified. Unknown sub-surface finds would be addressed through compliance with SLSP and TOC EIR Mitigation Measure 4.10-1. Implementation of Mitigation Measure 4.10-1 continues to be applicable and required as related to the discovery of unknown sub-surface resources.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
6. GEOLOGY AND SOILS. *Would the project:*				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault as delineated on the most recent Alquist - Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	□	□	■	□
ii. Strong seismic ground shaking?	□	□	■	□
iii. Seismic-related ground failure, including liquefaction?	□	□	■	□
iv. Landslides?	□	□	■	□
b. Result in substantial soil erosion or the loss of topsoil?	□	□	■	□
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	□	□	■	□
d. Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	□	□	■	□
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	□	□	□	■

Discussion

A geotechnical analysis was prepared for this project in 2006 (Geotechnical Report, Blackburn Consulting Inc, February 2006). The existing roadway pavement is characterized in that report as being in fair to poor condition. The report does not identify any unusual or problematic geological or soils conditions that would require anything but typical grading and construction methods.

This is consistent with the TOC EIR which found all potential geological, soils, and seismicity impacts to be less-than–significant based on compliance with engineering recommendations for design and construction. Geological impacts are discussed on pages 4.3-11 through 4.3-18 of Section 4.3 of the TOC EIR, as revised in the final volume. No mitigation measures were identified as necessary. The TOC EIR and related Findings of Fact are hereby relied upon for this analysis.

a-d. The Alquist-Priolo Special Studies Zones Act of 1972 regulates development near active faults to mitigate the hazard of surface fault rupture and prohibits the development of structures for human occupancy across the traces of active faults. There are no parts of the City located within an Alquist-Priolo Special Studies Zone. Therefore, people and structures would not be exposed to potential substantial adverse effects involving strong seismic ground shaking, and this would be a less-than-significant impact.

e. This item is not applicable to the project therefore; there is no potential for impact.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
7. GREENHOUSE GAS EMISSIONS. *Would the project:*				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant effect on the environment?	☐	☐	■	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	■	☐

Discussion

Assembly Bill 32 adopted in 2006 established the Global Warming Solutions Act of 2006 which requires the State to reduce greenhouse gases (GHGs) to 1990 levels by 2020. GHGs contribute to global warming/climate change and associated environmental impacts. The major GHGs that are released from human activity include carbon dioxide, methane, and nitrous oxide. The primary sources of GHGs are vehicles (including planes and trains), energy plants, and industrial and agricultural activities (such as dairies and hog farms). New development results in the direct and indirect release of GHGs.

"Climate change" as a specific or distinct topic was not mentioned in the 1992 General Plan nor in the 2001 SLSP; however, the related topics of pedestrian-friendly land use and design features, transportation and circulation, energy efficiency, air quality, and waste management were addressed and are prominent in both documents. The General Plan includes the following policies relevant to this topic:

- Mixed use development (Policy 1-A-10; 1-H-7)
- Urban limit line (Policy 1-A-12)
- Infill and reuse (Policy 1-B-5 and-6; 1-D-2; 1-E-8; 1-G-5)
- Pedestrian and bicycle orientation (Policy 1-A-9; 1-E-3 and 1-E-4; 3-E-1 to 3-E-21)
- Transit (Policy 1-A-9; 1-E-3; 7-F-3 and -4)
- Trip reduction (Policy 1-E-7; 3-D-1 to 3-D-11; 9-B-4; 9-B-11)
- Compact development (Policy 1-A-8; 1-I-1 to 1-I-3)
- Local food (Policy 1-I-8)
- Tree canopy (Policy 1-K-5; 1-K-7 to 1-K-9)
- Protection of habitat (Policy 7-B-1 to 7-B-9; 7-C-1 to 7-C-10)
- Open space (Policy 7-D-1 to 7-D-9)
- Protection of air quality (Policy 7-E-1 to 7-E-11; 7-F-1 and -2; 7-F-5)
- Emergency response (Policy 8-F-1 to 8-F-6)
- Energy conservation (Policy 1-B-8l; 2-D-1 to 2-D-6; H-2-A to H-2-FI I-3-A to I-3-D)
- Interconnected grid streets (Policy 1-C-2; 3-B-4
- Jobs housing balance (Policy C-2-K; C-3-V)

The SLSP embodies all of these policies and applies them to the specific plan area. These policies are effective in reducing GHGs and minimizing impacts from climate change. The subject project will provide infrastructure to serve existing, approved, and planned growth, consistent with the goals or land use designations of the General Plan and SLSP. Compliance with these policies will be effective in minimizing GHG emissions and climate change impacts from this already planned new development, including associated infrastructure.

a. Construction equipment necessary to undertake the proposed road improvements are regulated at the state and federal level and must comply with all applicable emission control requirements and technology. This aspect of GHG reduction is outside of local control and can not be regulated by the City. Use of compliant construction equipment and consistency with the requirements of the Yolo Solano Air Quality Management District for construction site management and dust control is assumed as a part of this analysis. Impacts in this category will be less than significant.

b. Given the relevant policies already built into the General Plan and SLSP (see discussion above), the small scale of the project (safety improvement to reconstruct approximately one-half mile portion of an existing road within existing ROW), and the fact that it this project is consistent with established development plans, the proposed project would not result in a conflict with the State's AB 32 goals. This impact is considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
8. HAZARDS AND HAZARDOUS MATERIALS. *Would the project*				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	□	□	■	□
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	□	□	■	□
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	□	□	■	□
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	□	□	■	□
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	□	□	□	■
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	□	□	□	■
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	□	□	■	□
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	□	□	□	■

Discussion

The proposed project is an interim safety improvement to widen and reconstruct the section of CR 25A, between CR 101 and SR 113, to a new 50-foot cross-section within the existing 50-foot ROW. The existing 16 to 18 foot wide road will be completely removed and reconstructed as a part of the project. Other than materials and exposure that would occur during construction, there would be no change in this impact area as a result of the project. State and federal law regulate transport of materials on public roadways. The City has no regulatory authority to control load content on its streets other than through weight controls. However, this street has no truck restrictions nor are any proposed.

Impacts related to hazards and hazardous materials were addressed in Section 4.12, on pages 4.12-8 through 4.12-19 of the TOC EIR, as revised in the final volume. The TOC EIR found impacts associated with hazards and hazardous materials in general to be less-than-significant and/or fully mitigated assuming compliance with the SLSP and TOC EIR Mitigation Measures 4.12-1, 4.12-4, and 4.12-5. Mitigation Measure 4.12-1 requires the preparation of a Phase I Environmental Site Assessment prior to development. Mitigation Measures 4.12-4 and 4.12-5 require coordination with the Sacramento-Yolo Mosquito and Vector Control District regarding control of black gnats and mosquitoes. Mitigation Measure 4.12-6 (proximity to private airstrip) is not applicable because the air strip is no longer in operation. The TOC EIR and Findings of Fact are hereby relied upon for this analysis.

Pursuant to Mitigation Measure 4.12-1, a Phase I Environmental Site Assessment was prepared for this project. This report concluded that the corridor was not listed on any databases of facilities with known environmental conditions or impairment. Implementation of Mitigation Measures 4.12-4 and 4.12-5 from the TOC EIR, pursuant to the TOC Specific Plan EIR MMP, is applicable and required.

a-c. During construction, oil, diesel fuel, gasoline, hydraulic fluid, and other liquid hazardous materials would be used. Similarly, paints, solvents, and various architectural finishes may also be used.

If spilled, these substances could pose a risk to the environment and to human health. In the event of a spill, the Woodland Fire Department is responsible for responding to non-emergency hazardous materials reports. The use, handling, and storage of hazardous materials are highly regulated by both the Federal Occupational Safety and Health Administration (Fed/OSHA) and the California Occupational Safety and Health Administration (Cal/OSHA). Cal/OSHA is responsible for developing and enforcing workplace safety regulations. Both federal and State laws include special provisions/training for safe methods for handling any type of hazardous substance. The City has an Emergency Response Plan and complies with the Yolo County Hazardous Waste Management Plan.

Because the routine transport, use, and disposal of hazardous materials is regulated by federal, State, and local regulations, this impact is considered less than significant.

d. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment. The proposed project would not result in new hazards or exposure to new hazards beyond what was analyzed in the General Plan and TOC EIRs. Impacts in this area are considered less-than-significant.

e,f. The site is not within two miles of any public or private airports or air strips, and is not within any runway clearance zones established to protect adjoining land uses in the vicinity from noise and/or safety hazards associated with aviation. Therefore, there would be no impact.

g. The proposed project would have no known adverse effect on adopted emergency response plans or emergency evacuation plans. The planned improvements would benefit emergency response vehicles that use the subject roadway by improving safety and access. This would be considered less-than-significant under CEQA.

h. The project area does not qualify as "wildlands" where wildland fires are a risk; therefore, no adverse impact would occur in this category.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
9. HYDROLOGY AND WATER QUALITY *Would the project:*				
a. Violate any water quality standards or waste discharge requirements?	□	□	■	□
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	□	□	□	■
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	□	□	■	□
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	□	□	■	□
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	□	□	■	□
f. Otherwise substantially degrade water quality?	□	□	■	□
g. Place housing within a 100-year flood hazard area, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	□	□	□	■
h. Place within a 100-year floodplain structures which would impede or redirect flood flows?	□	□	□	■
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	□	□	□	■
j. Inundation by seiche, tsunami, or mudflow?	□	□	□	■

Discussion

The project includes a five-foot wide drainage swale on either side of the roadway corridor to replace the existing more narrow roadside drainage ditches that currently convey storm water run-off from the roadway and adjoining agricultural fields. As a part of the project, these swales will be hydroseeded to provide water quality benefits using best management practices. The swales convey runoff to a buried culvert at the intersection of CR 25A and CR 101 (Harry Lorenzo Drive) that feeds into the Spring Lake drainage system. The Spring Lake drainage system directs drainage runoff to the existing Agricultural Interceptor which ties into the South Canal and flows north to the East Main Street Canal and out to the Yolo Bypass. Treatment along this route consists of vegetation in the swales and canals.

Hydrology, water quality, and drainage impacts associated with build-out of the SLSP were addressed in Section 4.4, on pages 4.4-24 through 4.4-41 of the TOC EIR, as revised in the final volume. In addition the Supplement to the TOC EIR examined impacts from construction and operation of the SLSP storm drain system. The TOC EIR and Findings of Fact, and the Supplement to the TOC EIR and Findings of Fact, are hereby relied upon for this analysis.

The TOC EIR concluded that hydrology impacts would be fully mitigated by compliance with the SLSP and TOC EIR Mitigation Measures 4.4-1, 4.4-3, 4.4-5, and 4.4-7. Mitigation Measure 4.4-1 requires development of and compliance with a Storm Drainage Facilities Plan for the SLSP area. This was completed and this project is requires to comply with applicable components of that plan.

Mitigation Measure 4.4-3 requires compliance with applicable City Grading and Erosion Control Standards, compliance with a Storm Water Pollution Prevention Plan (SWPPP) during construction, and compliance with applicable best management practices.

Mitigation Measure 4.4-5 requires that steps be taken to minimize project effects on pre-existing agricultural wells. This mitigation is not applicable because the project does not require any permanent source/use of water.

Mitigation Measure 4.4-7 requires that any structures placed in the floodplain be developed so as not to impede flood flows. This mitigation is not applicable because the project consists of road reconstruction and would not result in the development of structures that would impede flood flows.

Implementation of Mitigation Measures 4.4-1 and 4.4-3 from the TOC EIR, pursuant to the TOC Specific Plan EIR MMP, is applicable and required.

a,f. Surface water quality can be adversely affected by erosion during project construction, or after the project is completed, if urban contaminants in stormwater runoff are allowed to reach a receiving water. Construction activities disturbing one or more acres are required by the Central Valley Regional Water Quality Control Board (CVRWQCB) to obtain a General Construction Activity Stormwater Permit and a National Discharge Elimination System (NPDES) permit. These permits are required to control both construction and operation activities that could adversely affect water quality. Permit applicants are required to prepare and retain at the construction site a Stormwater Pollution Prevention Plan (SWPPP) that describes the site, erosion and sediment controls, means of waste disposal, implementation of approved local plans, control of post-construction sediment and erosion control measures and maintenance responsibilities, and non-stormwater management controls. Dischargers are also required to inspect construction sites before and after storms to identify stormwater discharge from construction activity, and to identify and implement controls where necessary.

Compliance with these required permits would ensure that runoff during construction of the project would not substantially degrade water quality. Therefore, this is a less-than-significant impact.

b. The roadway corridor is not a recharge site nor are dewatering activities required for the proposed project.

c,d. Drainage improvements proposed as a part of the proposed project would accommodate higher runoff volumes than under current conditions. Thus potential affecting the rate and amount of surface runoff, but would not alter the course of a river or stream. As indicated, roadside drainage and run-off is proposed to be addressed in the same manner as it is currently, through the use of roadside ditches. Run-off from this roadway is already entering the system. Therefore this impact is considered less than significant.

e. Drainage and run-off from the proposed project is required to be addressed in a manner consistent with the SLSP and SLSP Storm Drainage Facilities Plan. The project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems. The potential for impact in this category would be less than significant.

g. There is no housing proposed as a part of the project.

h,i. The site is not located within a federally designated Special Flood Hazard Area. There are no anticipated impacts in this category.

j. The project area is not located near any bodies of water that would pose a seiche or tsunami hazard. In addition, there are no physical or geologic features that would produce a mudflow hazard. Therefore, no impact would occur.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
10. LAND USE AND PLANNING. *Would the project:*				
a. Physically divide an established community?	□	□	□	■
b. Conflict with any applicable land use plan, policy, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect?	□	□	□	■
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	□	□	■	□

<u>Discussion</u>

Land use and planning issues were addressed in Section 4.1, pages 4.1-30 to 4.1-64 of the TOC EIR, as revised in the final volume. The TOC EIR and Findings of Fact are hereby relied upon for this analysis.

Mitigation Measures 4.1-1 (proximity of residential to agriculture), 4.1-2 (proximity of residential to recreation), 4.1-3 (proximity to private airstrip), 4.1-4 (sports park CUP and school design) are not applicable to the project which is a road reconstruction project.

a. The project involves reconstruction and widening of about a half-mile section of CR 25A. Construction of the project is consistent with the General Plan and SLSP Circulation Elements and would not divide an established community. Therefore, no impact will occur in this category.

b. The project would not conflict with the General Plan, the SLSP, or any applicable policies or regulations. Therefore there will be no impact in this category.

c. See response to Item 4(f).

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
11. MINERAL RESOURCES. *Would the project:*				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	□	□	□	■
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	□	□	□	■

Discussion

Mineral resources were addressed on pages 4.3-7 and 4.3-15 in the TOC EIR, as revised in the final volume. No mitigation measures were identified as necessary because all impacts were found to be less-than-significant. The TOC EIR and Findings of Fact are hereby relied upon for this analysis.

a,b. The project corridor is not designated as a mineral resource zone or locally important mineral resource recovery site. No impacts will occur in this category.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
12. NOISE. *Would the project result in:*				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	■	☐
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	■	☐
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	■	☐
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	■	☐
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	■
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	■

Discussion

Noise impacts are addressed in Section 4.8, page 4.8-20 to 4.8-35 of the TOC EIR, as revised in the final volume. Mitigation Measures 4.8-2 (noise study required with tentative map), 4.8-4 (airplane noise disclosure for occupied structures), 4.8-5 (disclosure regarding private air strip), 4.8-7 (disclosure regarding regional park operation), and 4.8-8 (proximity of residential to recreation, loading, car washes, and fire station) are not applicable to the subject project which is a road reconstruction project. The TOC EIR and Findings of Fact are hereby relied upon for this analysis.

a-d. Construction of the planned roadway improvements will generate noise during the construction period. This is addressed in Impact 4.8-3 of the TOC EIR which identified compliance with the City's noise policies and regulations as providing acceptable mitigation. The Noise Element of the City General Plan establishes standards for the evaluation of noise compatibility (including land use compatibility standards, exterior noise levels limits, and interior noise level limits) and requirements for noise studies. The City has a Noise Ordinance that regulates construction noise. These regulations restrict construction activities to certain days and hours. Construction of the project would be subject to these policies and regulations.

Noise associated with traffic on area roadways, including CR 25A, was addressed in Impact 4.8-1. Predicted noise levels were identified as falling below thresholds of significance. There are no new noise impacts that would result from the proposed project. Impacts in these categories remain less-than-significant.

e,f. The proposed project is not in the vicinity of an airport or private airstrip. Therefore, development of the site would result in no impact regarding airport noise.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
13. POPULATION AND HOUSING. *Would the project:*				
a. Induce substantial growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	■	☐
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	■
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	■

Discussion

Population and housing impacts were discussed in Section 4.11, on pages 4.11-11 through 4.11-21 of the TOC EIR, as revised in the final volume. Mitigation Measures 4.11-1 and 4.11-2 related to the provision of affordable housing, housing mix, and density are not applicable to the subject road reconstruction project. The TOC EIR and Findings of Fact are hereby relied upon for this analysis.

a. The proposed roadway improvements will accommodate growth already identified and analyzed in the TCP EIR. The project would not result in any new growth related impacts beyond those already analyzed in the TOC EIR. This impact is less-than-significant.

b,c. The project involves no displacement of housing or people. There would be no impacts in these categories.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
14. PUBLIC SERVICES. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*				
a. Fire protection?	☐	☐	☐	■
b. Police protection?	☐	☐	☐	■
c. Schools?	☐	☐	☐	■
d. Parks?	☐	☐	☐	■
e. Other public facilities?	☐	☐	☐	■

Discussion

Public services were addressed in sections 4.13, and 4.14 of the TOC EIR. The TOC EIR and Findings of Fact are hereby relied upon for this analysis. Mitigation Measures 4.13-1 and 4.13-2 address phasing and financing of the fire station prior to development. These measures are not applicable because the proposed project would have no effect on fire risk or exposure.

Mitigation Measures 4.13-6 and 4.13-7 related to police staffing are not applicable because the project would have no effect of law enforcement. Mitigation Measure 4.13-9 and 4.13-11 addressing sewer treatment capacity and collection are not applicable to the project because it does not utilize sewer services. Mitigation Measure 4.13-13 related to wells and potable water is not applicable to the project because it does not require water service.

Mitigation Measures 4.14-4 (demand for schools) and 4.14-8 (demand for library services) are not applicable to the project because it does not generate demand for schools or library services. Regarding Parks, please see discussion below.

a-e. The proposed project would not result in an increase in population or structures beyond the levels analyzed in the TOC EIR therefore no impacts are expected in these categories.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
15. RECREATION.				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	□	□	□	■
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	□	□	□	■

<u>Discussion</u>

Recreation was addressed in Section 4.14 of the TOC EIR. The TOC EIR and Findings of Fact are hereby relied upon for this analysis.

Mitigation Measure 4.14-1 (park fees) is not applicable to this project because it does not affect park or recreation demand.

a,b. The project includes no residential uses or facilities. Therefore, there would be no impact in this category.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
16. TRANSPORTATION/CIRCULATION. *Would the project:*				
a. Conflict with as applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	■	☐
b. Conflict with an applicable congestion management program, including but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	■	☐
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	■
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	■	☐
e. Result in inadequate emergency access?	☐	☐	■	☐
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety or such facilities?	☐	☐	■	☐

Discussion

The proposed project is an interim safety improvement to widen and reconstruct the section of CR 25A, between CR 101 and SR 113, to a new 50-foot cross-section within the existing 50-foot ROW. There is no additional ROW proposed to be acquired at this time as a part of this interim improvement

Transportation and traffic impacts were discussed in Section 4.6, on pages 4.6-52 through 4.6-74 of the TOC EIR, as revised in the final volume. Mitigation Measure 4.6-1 through 4.6-8 are required as a part of implementation of the SLSP to mitigate the specific plan growth. The TOC EIR and Findings of Fact are hereby relied upon for this analysis.

The subject project is an interim safety improvement that serves to upgrade existing substandard roadway allowing a safe route from CR 101 south and west to SR 113. This interim improvement serves development occurring in the area south of the high school and college, and east of Pioneer Avenue. The proposed project does not directly implement any of the TOC EIR mitigation measures nor does it conflict with or preclude any of them. The extent of existing and short-term anticipate development does not yet trigger implementation of ultimate circulation requirements spelled out in the SLSP however these improvements will occur in the future, thus implementing the applicable mitigation measures.

The Supplement to the TOC EIR contained Supplemental Mitigation Measure 3 requiring that during construction at least one lane remain open, and requiring adequate marking of the construction zone and a flagger to direct traffic. Implementation of this measure is applicable and required of the subject project.

a,b. The proposed project is consistent with and helps achieve the ultimate roadway improvements planned for in the SLSP, and necessary to support planned growth while still meeting the City's adopted service levels. The proposed project accommodates planned growth and would not result in new traffic impacts beyond what was analyzed in the TOC EIR. Impacts in these areas are considered less-than-significant.

c. The project area is not located near an airport and it does not include any improvements to airports or change in air traffic patterns. No impact would occur.

d,e. The proposed roadway construction would be built according to adopted City standards and specifications and would satisfy requirements for emergency access. For this reason, the potential for design hazards would be less-than-significant.

f. The proposed project will result in a wider safer roadway for both urban and agricultural users, with improved shoulders and surface. Though it will remain in the interim, a rural cross-section, this will result in a safer roadway for bicycles and pedestrian users as well. Therefore, this impact would be less than significant.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
17. UTILITIES AND SERVICE SYSTEMS. *Would the project:*				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	■	☐
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	■	☐
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	■	☐
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	■	☐
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	■	☐
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	■	☐
g. Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	■	☐

Discussion

Water, wastewater, and solid waste were addressed in Section 4.13, on pages 4.13-22 through 4.13-55 of the TOC EIR, as revised in the final volume. The TOC EIR and Findings of Fact are hereby relied upon for this analysis.

Mitigation Measure 4.13-3 addressing the water distribution is indirectly relevant. To the extent that water distribution lines are installed as a part of the proposed road reconstruction, this measure would be applicable.

Mitigation Measure 4.13-18 related to construction waste is applicable to the project.

Mitigation Measure 4.13-22 related to a PGE high pressure gas line and sewer infrastructure is not applicable to this project because it is not located near the pipeline facility on the east side of the plan area.

Mitigation Measure 4.13-26 (undergrounding of utilities) is applicable to this project.

Implementation of Mitigation Measures 4.13-3. 4.13-18, and 4.13-26 from the TOC EIR, pursuant to the TOC Specific Plan EIR MMP, is applicable and required.

a-e. The construction of the project would not increase demand for water, wastewater, or storm drainage beyond levels analyzed in the TOC EIR. These would be less-than-significant impacts.

f, g. Solid waste from the project site will be disposed of at the Yolo County Central Landfill, a 722-acre facility. The landfill has a capacity of 11 million tons with capacity for planned growth through 2025. The City's General Plan build-out (including the SLSP area) is part of the planned growth for which the landfill has been sized and therefore solid waste generated as a result of this project would not have unanticipated impacts on the life of the landfill. This impact is considered less than significant.

Issues	Potentially Significant Impact	Less Than Significant w/Mitigation Incorporated	Less Than Significant Impact	No Impact
18. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	■	☐
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	■	☐
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	■	☐

Discussion

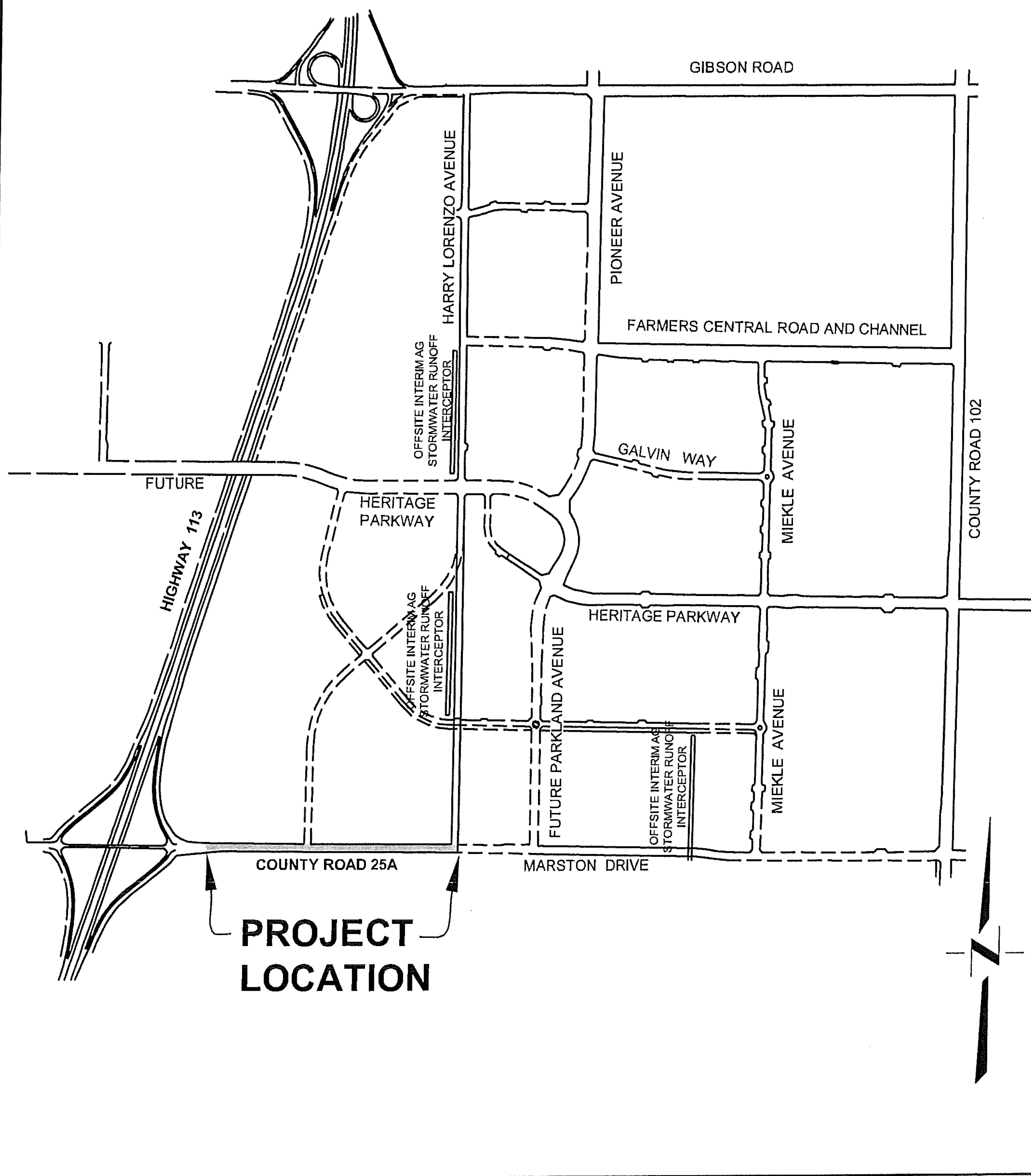
a-c. The full range of impacts from this project were anticipated and examined in the TOC EIR upon which this analysis relies. The Supplement to the TOC EIR is also referenced where appropriate and relevant. There are no new impacts associated with the project that were not previously analyzed and mitigated. Impacts in these categories are therefore considered less-than-significant.

Cumulative greenhouse gas emissions and associated climate change impacts for the entire County were examined in the County's certified General Plan Final EIR (SCH# 2008102034 certified November 10, 2010) (pages 805-817, DEIR and pages 438-441, FEIR). Build-out of the Woodland General Plan, including the SLSP, is clearly included in that cumulative analysis. To the extent necessary, pursuant to CEQA Guidelines 15152 (see also Section 15130(b)(1)(B)) this analysis tiers from the analysis of cumulative climate change impacts contained in the Yolo County Certified General Plan FEIR. This document can be viewed online at:

http://www.yolocounty.org/Index.aspx?page=1683

ATTACHMENTS:

Exhibit 1, Vicinity Map
Exhibit 2, Project Maps



DESIGNED ____	COUNTY ROAD 25A VICINITY MAP	CECWEST.COM	SCALE N/A
DRAWN AB		Project Planning ▪ Civil Engineering ▪ Landscape Architecture	SHEET 1 OF 1
CHECKED ____		▪ Sacramento Office 2120 20th Street, Suite Three Sacramento, CA 95818 (916) 456-2026	▪ Davis Office 2940 Spafford Street, Suite 200 Davis, CA 95618 (530) 758-2026
DATE: 05/30/12			
JOB No: 1108.01	CITY OF WOODLAND CALIFORNIA		

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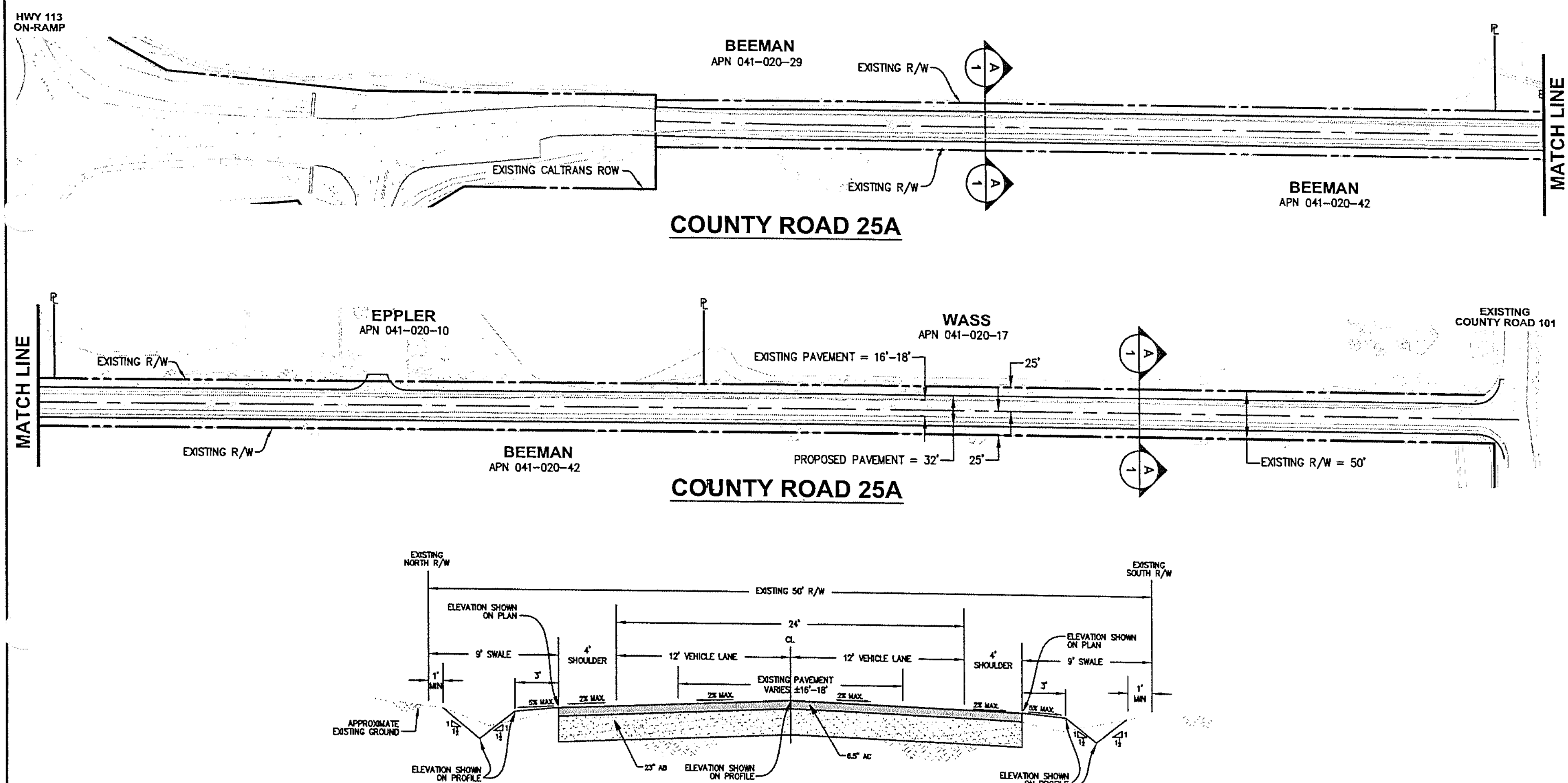

SECTION A - COUNTY ROAD 25A

NOT TO SCALE

DESIGNED BY: AB		
DRAWN BY: LE		
CHECKED BY: SG		
SCALE		
1" = 100'		

CUNNINGHAM ENGINEERING

CECWEST.COM

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WOODLAND

EXHIBIT
COUNTY ROAD 25A PROJECT MAP

CALIFORNIA

SHEET 1 OF 1

DATE: 02/29/12

JOB NO: 1108.01

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County Road 25A Widening and Reconstruction Project
MITIGATION MONITORING PLAN

INTRODUCTION

This Chapter constitutes the Mitigation Monitoring Plan (MMP) for the County Road 25A Widening and Reconstruction Project. The California Environmental Quality Act (CEQA) requires public agencies to report on and monitor measures adopted as part of the environmental review process (PRC Section 21081.6 and CEQA Guidelines Sections 15091.d and 15097). This Mitigation Monitoring Plan (MMP) is designed to fulfill that requirement.

This MMP is designed to ensure that the measures identified in the Mitigated Negative Declaration are fully implemented. The MMP describes the actions that must take place as a part of each measure, the timing of these actions, the entity responsible for implementation, and the agency responsible for enforcing each action.

The City of Woodland has the ultimate responsibility to oversee implementation of this MMP. Designated staff in the Community Development Department serve as the Project Monitor responsible for assigning monitoring actions to responsible agencies where applicable. Because this is a public project, the City of Woodland is responsible for all costs associated with implementation of this MMP.

As required by Section 21081.6 of the Public Resources Code, the Community Development Department is the "custodian of documents and other material" which constitutes the "record of proceedings" upon which the action on the project was based. Inquiries should be directed to:

Christopher Fong, Associate Civil Engineer
Woodland Community Development Department
520 Court Street
Woodland, CA 95695
(530) 661-5972

The location of this information is:

City of Woodland
Community Development Department
520 Court Street
Woodland, CA 95695

In order to assist implementation of the mitigation measures, the MMP includes the following information:

<u>Mitigation Measure:</u> The mitigation measures are taken verbatim from the Negative Declaration.

<u>Timing /Milestone:</u> This section identifies the point by which the mitigation measure must be completed.

<u>Responsibility for Oversight:</u> The City of Woodland has responsibility for implementation of most mitigation measures. This section indicates which entity will oversee implementation of the measure, conduct the actual monitoring and reporting, and take corrective actions when a measure has not been properly implemented.

<u>Implementation of Mitigation Measure</u>: This section identifies how actions will be implemented and verified.

<u>Responsibility for Implementation</u>: This section identifies the entity that will undertake the required action.

<u>Checkoff Date/Initials</u>: This verifies that mitigation measures have been implemented.

MITIGATION MONITORING PLAN

The project is responsible for implementation of the following applicable Mitigation Measures from the TOC EIR and Supplement to the TOC EIR, in accordance with the adopted Mitigation Monitoring Plans for those measures (as specified):

- Mitigation Measure 4.4-1 from the TOC EIR requires development of and compliance with a Storm Drainage Facilities Plan for the SLSP area.
- Mitigation Measure 4.4-3 from the TOC EIR requires compliance with applicable City Grading and Erosion Control Standards, compliance with a Storm Water Pollution Prevention Plan (SWPPP) during construction, and compliance with applicable best management practices.
- Mitigation Measure 4.5-3 from the TOC EIR and the Supplement to the TOC EIR addresses impacts to nesting Swainson's hawks and other raptors.
- Mitigation Measure 4.5-7 from the TOC EIR and the Supplement to the TOC EIR addresses loss of general wildlife habitat and pre-construction habitat surveys.
- Mitigation Measure 4.7-1 from the TOC EIR addresses control of dust at construction sites.
- Mitigation Measure 4.7-1 from the Supplement to the TOC EIR requires that the City or the City's construction manager coordinate with the Yolo Solano Air Quality Management District to address emissions from heavy equipment, including preparation of an enforcement plan and identification of a certified Environmental Coordinator, pursuant to the terms of the measure.
- Mitigation Measure 4.10-1 from the TOC EIR addresses discovery of unknown sub-surface resources.
- Mitigation Measures 4.12-4 and 4.12-5 from the TOC EIR require coordination with the Sacramento-Yolo Mosquito and Vector Control District regarding control of black gnats and mosquitoes.
- Mitigation Measure 4.13-3 from the TOC EIR addresses water distribution. To the extent that water distribution lines are installed as a part of the proposed road reconstruction, this measure would be applicable.
- Mitigation Measure 4.13-18 from the TOC EIR related to construction waste.
- Mitigation Measure 4.13-26 from the TOC EIR related to undergrounding of utilities.
- Supplemental Mitigation Measure 3 from the Supplement to the TOC EIR related to construction lane closures and circulation.

In addition the project is responsible for the following project specific mitigations:

Mitigation Measure #1: There are 22 Black Walnut trees and approximately 15 smaller trees within the ROW. Removal of the trees may occur anytime between September 16th and February 29th. Tree removal may occur from March 1 to September 15 if surveys indicate that nesting Swainson's hawks are not present in the project area or within 0.25 miles of the project area.

As mitigation for removal of the identified Swainson's hawk nest tree, the City shall plant 15 replacement trees (in addition to those planted under the City's Tree Replacement Program [Section 20A-1-100 of the City Code]) to provide future Swainson's hawk nesting habitat. The trees shall be minimum 15-gallon container size Fremont cottonwood, valley oak, and/or California black walnut and shall be planted in an area with high potential for future occupancy by nesting Swainson's hawks. The City shall coordinate with the Yolo County Natural Heritage Program, with assistance from DFG, to locate an appropriate receiving site and develop a planting and monitoring plan. The monitoring plan shall include remedial actions in case of tree mortality to ensure new trees are immediately replanted until one-hundred percent survivability is achieved. This mitigation shall be implemented within one year of removal of the trees.

<u>Timing/Milestone</u> – The mitigation shall be fully satisfied within one year of removal of the trees along/within the project corridor.

<u>Responsibility for Oversight</u> – Woodland Community Development Department in coordination with the Yolo County Natural Heritage Program.

<u>Implementation of Mitigation Measure</u> – Pursuant to Mitigation Measure 4.5-3 from the SLSP Mitigation Monitoring Program, all active nest trees shall be protected during the nesting period (March 1 through September 15) and/or until juvenile hawks are no longer dependent upon the tree. Also pursuant to Mitigation Measure 4.5-3, no construction activities will be permitted within a 0.25 mile radius of active nest trees, including tree removal, from March 1 through September 15, without approval of DFG.

Removal of the trees may occur anytime between September 16th and February 29th. Tree removal may occur from March 1 to September 15 if surveys, as described below, indicate that nesting Swainson's hawks are not present in the project area or within 0.25 miles of the project area.

DFG and the Yolo County Natural Heritage Program (YNHP) shall be notified as a courtesy prior to tree removal. For informational purposes, a copy of this MMP shall be provided to DFG and YNHP at the time of notification.

Because the birds begin arriving again in early March of each subsequent year, a new hawk survey will be required as of March 1st of each construction year if potential nest trees are present within 0.25 miles of the project site, to identify active nests. From March 1 to April 7, a survey should be conducted within one day prior to tree removal to avoid taking an active nest. This is the period when birds are arriving in their breeding territories, so the survey must be conducted close to the removal date to avoid removing nests of just-arriving birds. From April 9 to September 15, the survey shall occur two weeks prior to tree removal.

Because a Swainson's hawk could potentially occupy one of the trees before it is scheduled for removal, the survey protocol described above should continue to be implemented until all of the trees are removed.

Planting of the replacement trees shall be undertaken as specified in the measure. Monitoring shall occur for a ten year period.

<u>Responsibility for Implementation</u> – Woodland Community Development Department. Note, this mitigation requirement is in addition to the requirements for tree replacement contained in the City's Tree Replacement Program (Section 20A-1-100 of the City Code).

<u>Checkoff Date/Initials/Notes</u> --

OTHER PROJECT REQUIREMENTS

In addition to the CEQA Mitigation measures identified above, the City has imposed the following requirements on the project as enforceable conditions of approval:

1) The project shall comply with the requirements of the State Water Resources Board Construction General Permit for stormwater discharges associated with construction.

2) A Caltrans Encroachment Permit is required for any work or traffic control that encroaches onto the State right-of-way.

3) Staff shall verify in the field the necessity of removing trees at the edge of the right-of-way, and avoid removal where possible as long as engineering standards and vehicle clear recovery zone issues are addressed. Where removal of trees at the edge of the right-of-way can be avoided but there is concern regarding root health due to construction impacts, individual trees shall be evaluated by an arborist so that a determination can be made regarding long-term effects on tree health from specific construction impacts.

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

6 July 2012

Chris Fong
City of Woodland
300 First Street
Woodland, CA 95695

CERTIFIED MAIL
7011 2970 0003 8939 1224

COMMENTS TO THE DRAFT MITIGATED NEGATIVE DECLARATION, COUNTRY ROAD 25A WIDENING AND RECONSTRUCTION PROJECT, SCH NO. 2012062044, YOLO COUNTY

Pursuant to the State Clearinghouse's 13 June 2012 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Draft Mitigated Negative Declaration* for the County Road 25A Widening and Reconstruction 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.

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.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]

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/.

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.

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 from 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.

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. There are no waivers for 401 Water Quality Certifications.

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[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.

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. 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/help/business_help/permit2.shtml.

If you have questions regarding these comments, please contact me at (916) 464-4745 or gsparks@waterboards.ca.gov.

Genevieve Sparks

Genevieve (Gen) Sparks
Environmental Scientist
401 Water Quality Certification Program

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento

DEPARTMENT OF TRANSPORTATION
DISTRICT 3—SACRAMENTO AREA OFFICE
2379 GATEWAY OAKS DRIVE, SUITE 150
SACRAMENTO, CA 95833
PHONE (916) 274-0635
FAX (916) 274-0602
TTY 711
www.dot.ca.gov

Flex your power!
Be energy efficient!

July 9, 2012

0312YOL0017
03-YOL-113 PM 7.66
SCH #2012062044

Chris Fong
City of Woodland
300 First Street
Woodland, CA 95695

County Road 25A Widening and Reconstruction Project - Mitigated Negative Declaration

Dear Mr. Fong,

We appreciate the opportunity to review and comment on the Mitigated Negative Declaration (MND) for the County Road (CR) 25A Widening and Reconstruction Project. The project proposes removal, widening, and reconstruction of CR 25A for approximately 2,450 linear feet totaling approximately 2.8 acres, within existing 50-feet right-of-way (ROW), between CR 101 and the edge of Caltrans ROW at the State Route (SR) 113/CR25A north bound on-ramp. Our comments are as follows:

Encroachment Permit
Please be advised that any work or traffic control that encroaches onto the State right-of-way (ROW) requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to: Bruce Capaul, District Office Chief, Office of Permits, California Department of Transportation, District 3, 703 B Street, Marysville, CA 95901. Contact the Office of Permits at (530) 741-4403 or see the following website for more information: http://www.dot.ca.gov/hq/traffops/developserv/permits/

Please provide our office with copies of any further actions regarding this development. If you have any questions regarding these comments please contact Arthur Murray, Yolo County Intergovernmental Review Coordinator, at (916) 274-0616.

Sincerely,

for
ERIC FREDERICKS, Chief
Office of Transportation Planning – South

Michael Beeman

20123 East ST
WOODLAND, CA 95776
mbb@bullseyefarms.com

July 12, 2012

Chris Fong, Associate Civil Engineer
City of Woodland

Chris as I related to you in our discussion on Monday, I would like to object to the cutting down of any of the trees on the south side of 25A. This land is owned by my family. The trees are out of the right of way or barely in it.

The present drainage ditch on the south has been maintained by Bullseye Farms for the past few years. The runoff into this ditch is minimal. All drainage goes to the south with the exception of a small parcel between SR 113 and CR 100A perhaps less than 2 acres. The only other runoff would come from the road or the east side of overpass on 113. Even in a very wet year, this is minimal.

The north side of the road has no drainage ditch on the Eppler and Wass properties. Bullseye farms has also maintained a drainage ditch on my property to the west. Even with this lack of existing drainage, road 25A has never flooded.

Planting a few token trees will not replace these majestic black walnuts. As opposed to most of the black walnut trees in the county, these are still in good health. Compare them to the trees along East Street south of Gibson Road and the difference is striking.

Item e. on page 17 states that these trees were planted at their current location. This is highly unlikely. These trees were more likely to have begun naturally. Compare to the planted trees on road 101 south or 24 or the trees on East Street. The spacing and variation of these trees on both sides of Road 25A would indicate that these trees started on their own.

I would like to urge the city to work with and use the existing drainage ditch on the south and not do any removal of the existing trees. The present ditch could even be made smaller.

Perhaps you can do a flowage study this winter and observe how little water is involved.

On page 28 there is reference to a buried culvert at 25a and 101. There is no culvert at this intersection.

Thank you for your time in this matter.

Michael Beeman

Michael Beeman

RECEIV
JUL 16 201
BY:

7-12-12

Christopher Fong, Associate Civil Engineer
Woodland Community Development
520 Court Street
Woodland, CA 95695

Re: CR 25A between CR 101 and SR 113, on the southerly boundary of the City of Woodland within Yolo County, California.

Dear Mr. Fong,

SEWMAWPAW West Lane LLC has many questions that need to be addressed with regards to the above said property:

1. We need to know about eminent domain compensation.
2. Is the city responsible for the maintenance of the path, berm, and the shrubbery along Road 25A? We do not want this job or the liability of maintaining said path and berm, etc.
3. We will not be responsible for the removal of the house foundation and existing plants.
4. Is land to be taken under eminent domain for the run-off interceptor abutting Rd 101?
5. Will the city be responsible for the maintenance of the interceptor?

Please keep us informed of all matters concerning our property. We are retaining an attorney to help us in this matter.

Sincerely,

Sarah W. Smith

Sarah W. Smith, Manager

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

July 13, 2012

Chris Fong
City of Woodland
300 First Street
Woodland, CA 95695

Subject: County Road 25A Widening and Reconstruction Project
SCH#: 2012062044

Dear Chris Fong:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 12, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Document Details Report
State Clearinghouse Data Base

SCH#	**2012062044**
Project Title	County Road 25A Widening and Reconstruction Project
Lead Agency	Woodland, City of

Type	**MND** Mitigated Negative Declaration
Description	Remove, widening, and reconstruct approximately 2,450 linear feet of existing roadway totaling approximately 2.8 acres.

Lead Agency Contact

Name	Chris Fong				
Agency	City of Woodland				
Phone	530 661 5972	*Fax*			
email					
Address	300 First Street				
City	Woodland	*State*	CA	*Zip*	95695

Project Location

County	Yolo						
City	Woodland						
Region							
Lat / Long							
Cross Streets	CR 25A and CR 101 to CR 25A and SR 113						
Parcel No.							
Township		*Range*		*Section*		*Base*	

Proximity to:

Highways	SR 113
Airports	
Railways	
Waterways	
Schools	
Land Use	Existing road within existing right-of-way

Project Issues	Recreation/Parks; Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Landuse; Growth Inducing; Cumulative Effects

Reviewing Agencies	Resources Agency; Department of Fish and Game, Region 2; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 3; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission; Delta Stewardship Council

Date Received	06/13/2012	*Start of Review*	06/13/2012	*End of Review*	07/12/2012

Note: Blanks in data fields result from insufficient information provided by lead agency.

Central Valley Regional Water Quality Control Board

7/12/12
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l

RECEIVED
JUL 06 2012
STATE CLEARING HOUSE

6 July 2012

Chris Fong
City of Woodland
300 First Street
Woodland, CA 95695

CERTIFIED MAIL
7011 2970 0003 8939 1224

COMMENTS TO THE DRAFT MITIGATED NEGATIVE DECLARATION, COUNTRY ROAD 25A WIDENING AND RECONSTRUCTION PROJECT, SCH NO. 2012062044, YOLO COUNTY

Pursuant to the State Clearinghouse's 13 June 2012 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Draft Mitigated Negative Declaration* for the County Road 25A Widening and Reconstruction 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.

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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:
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Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]

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For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
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Industrial Storm Water General Permit

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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 from 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.

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. There are no waivers for 401 Water Quality Certifications.

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[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.

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. 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/help/business_help/permit2.shtml.

If you have questions regarding these comments, please contact me at (916) 464-4745 or gsparks@waterboards.ca.gov.

Genevieve Sparks

Genevieve (Gen) Sparks
Environmental Scientist
401 Water Quality Certification Program

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento

July 20, 2012

SEWMAWPAW West Lane LLC
Attn: Sarah W. Smith
PO Box 10628
Salinas, CA 93912-7628

SUBJECT: RESPONSE TO PUBLIC COMMENT RECEIVED FOR NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION AND NOTICE OF PUBLIC HEARING FOR THE PROPOSED CR 25A WIDENING AND RECONSTRUCTION PROJECT

Dear Ms. Smith,

The City is in receipt of your letter, dated July 12, 2012, regarding the proposed widening of CR 25A between CR 101 and SR 113. Your letter is in response to the City's circulation of the Notice of Intent and Notice of Public Hearing regarding the upcoming proposed CR 25A widening and reconstruction project.

As a preface before the detailed responses to your letter (copy attached), I am providing a summary of the project description: "Proposed removal, widening, and reconstruction of a portion of County Road 25A for approximately 2,450 linear feet totaling approximately 2.8 acres, within the existing 50-foot right-of-way, between County Road 101 and the edge of the Caltrans ROW at SR 113."

The City's response to the 5 points on your letter is as follows:

1. There is no eminent domain compensation as the proposed project does not include any eminent domain proceedings. The project will stick fully within the existing 50-foot right of way.

2. You are inquiring about the maintenance of the path, berm and shrubbery along CR 25A. I am assuming you are talking specifically about the north side of CR 25A fronting your property. There are future plans for a path, berm and shrubbery to be located along a 35-foot wide greenbelt on the north side of the road. However, the future plan for CR 25A

will not materialize until the Spring Lake Master Plan Remainder Area (MPRA) is annexed into the City and developed. Due to the current economic slump, the City does not envision the MPRA to be developed until decades from now. The proposed road project is located fully within the existing ROW. There will not be any pathway or berms on either side of the road. The proposed road section is as follows: 9' swale, 4' shoulder, 24' road, 4' shoulder, and 9' swale (9+4+24+4+9=50).

3. As stated previously, the City has no intention of encroaching into your property. The house foundation and existing plants on your property will remain and not be touched as part of the proposed project.

4. The proposed project is not taking any lands under eminent domain. There is a short section of interceptor along the eastern portion of your property along Harry Lorenzo but that section is a ways north of the intersection of Harry Lorenzo (AKA: CR 101) and CR 25A. The proposed project is located only along CR25A and there is no interceptor proposed along CR 25A.

5. Yes the City will be responsible for the maintenance of any interceptor but again, there is no existing or planned interceptor fronting your property along CR 25A.

Pleased contact me at (530) 661-5972 if you have any further questions or concerns.

Sincerely,

Christopher Fong
Associate Civil Engineer

Attachments: Copy of 7-12-12 Letter from SEWMAWPAW West Lane LLC

7-12-12

RECEIV
JUL 16 201
BY:

Christopher Fong, Associate Civil Engineer
Woodland Community Development
520 Court Street
Woodland, CA 95695

Re: CR 25A between CR 101 and SR 113, on the southerly boundary of the City of Woodland within Yolo County, California.

Dear Mr. Fong,

SEWMAWPAW West Lane LLC has many questions that need to be addressed with regards to the above said property:

1. We need to know about eminent domain compensation.
2. Is the city responsible for the maintenance of the path, berm, and the shrubbery along Road 25A? We do not want this job or the liability of maintaining said path and berm, etc.
3. We will not be responsible for the removal of the house foundation and existing plants.
4. Is land to be taken under eminent domain for the run-off interceptor abutting Rd 101?
5. Will the city be responsible for the maintenance of the interceptor?

Please keep us informed of all matters concerning our property. We are retaining an attorney to help us in this matter.

Sincerely,

Sarah W. Smith

Sarah W. Smith, Manager

RESOLUTION NO. ___________

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND FINALIZING AND APPROVING THE MITGATED NEGATIVE DECLARATION FOR THE COUNTY ROAD 25A WIDENING AND RECONSTRUCTION PROJECT

WHEREAS, the proposed project is County Road 25A Widening and Reconstruction Project which is an interim safety project that involves the proposed removal, widening, and reconstruction of a portion of County Road 25A for approximately 2,450 linear feet, between County Road 101 and the edge of the Caltrans ROW at SR 113, in Yolo County, California;

WHEREAS, on December 18, 2001 the City Council adopted the Spring Lake Specific Plan (SLSP) based on the certified Turn of the Century Specific Plan Final EIR and CEQA Addendum.;

WHEREAS, this project is consistent with the General Plan, the SLSP, prior environmental analysis for the SLSP, and the applicable infrastructure plans for the city and for the SLSP area;

WHEREAS, on June 15, 2012 an Environmental Checklist and Initial Study were prepared to examine potential areas of impact, and it was determined that an Environmental Impact Report was not required and a Negative Declaration should be prepared;

WHEREAS, a Mitigated Negative Declaration was prepared and circulated for a 30-day period from June 15, 2012 through July 16, 2012 during which time 5 comment letters were received; and

WHEREAS, a public hearing was held on August 21, 2012 to receive the staff report and responses to comments, hear testimony on the project and the CEQA determination, and make a final decision regarding the project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Woodland that:

1) The City Council has considered the proposed Mitigated Negative Declaration before making a decision on the project.

2) The City Council has considered the comments received during the public review process.

3) The City Council has determined that the project, as mitigated, is consistent with the General Plan and SLSP.

4) The City Council finds, on the basis of the whole record before it, that the initial study identified potentially significant effects, but: a) mitigation measures agreed to by the applicant (the City) before the mitigated negative declaration and initial study were released for public review would avoid the effects or mitigate the effects to a point where clearly no significant

impact would occur; and b) there is no substantial evidence, in light of the whole record before the City, that the project, including the mitigation measures, may have a significant effect on the environment.

5) The City Council finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the City of Woodland.

6) The City Council has determined that the Mitigated Negative Declaration has been prepared in compliance with CEQA and the State CEQA Guidelines, and is determined to be complete and final.

7) The custodian of the documents and other materials, which constitute the record of proceedings, is the staff of the Community Development Department located at 520 Court Street, Woodland, California 95695.

8) The County Road 25A Widening and Reconstruction Project Mitigation Monitoring Plan (MMP) is hereby adopted to ensure implementation of mitigation measures identified in the Mitigated Negative Declaration. The City Council finds that these mitigation measures are fully enforceable as conditions of approval of the project, and shall be binding on the City, future property owners, and affected parties.

9) The City Council has determined that no special findings related to proximity to public use airports, pursuant to Section 15074(e) of the CEQA Guidelines, are required.

10) The City Council hereby finalizes and adopts the County Road 25A Widening and Reconstruction Project Mitigated Negative Declaration.

11) A Notice of Determination (NOD) shall be filed with the County Clerk immediately following approval of the project. Appropriate Department of Fish and Game fees shall be filed.

I HEREBY CERTIFY THAT the foregoing resolution was duly and regularly adopted by the City Council of the City of Woodland, County of Yolo, State of California, on the ____ day of August, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

____

Mayor

ATTEST:

____
City Clerk

APPROVED AS TO FORM:

____
City Attorney

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
9.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: August 21, 2012

SUBJECT: Ordinance Repealing Selected Sections of Chapter 5 of the Municipal Code Relating to Bicycles

Recommendation for Action

Staff recommends that the City Council adopt the first reading of the attached ordinance, by title only, repealing Sections 5-2 through 5-10, subsections 5-20 (a) and (b) of the Woodland Municipal Code related to bicycles.

Fiscal Impact

Adoption of this ordinance would have a small positive fiscal impact by relieving the Police Department of the duty to issue bicycle licenses, the fee for which does not cover the cost of the staff time involved.

Background

It has come to the attention of the Police Department that the City's existing bicycle ordinance contains a number of outmoded requirements that simply do not make sense to enforce any more. The Police Department has worked with the City Attorney's office to prepare an ordinance repealing these obsolete requirements, and requests that the City Council consider adoption of this ordinance or provide alternative direction to staff.

Chapter 5 of the Woodland Municipal Code contains an extensive and detailed set of requirements related to bicycles. This ordinance was adopted decades ago and has not been updated much. Many of its requirements do not make sense to enforce in modern times, and the Police Department simply does not have the staffing available to enforce them. In this context, it makes sense to repeal the obsolete provisions, rather than having them remain in the Municipal Code.

The ordinance sections proposed for repeal are 5-2 (requiring bicycle licenses for all bicycles), 5-3 (bicycle license applications), 5-4 (bicycle license issuance and recordkeeping), 5-5 (bicycle license plates), 5-6 (impoundment of unlicensed bicycles), 5-7 (license renewals), 5-8 (license transfers), 5-9 (regulations for bicycle rental agencies), 5-10 (reporting requirements for bicycle dealers), and subsections (a) and (b) of 5-20 (handlebar and pedal specifications). The Police Department believes these sections can be repealed without issue.

Prepared by: Andrew Morris
City Attorney

____

Paul Navazio
City Manager

Attachment: Ordinance

82093.00015\7539318.1

ORDINANCE NO. __________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND, CALIFORNIA REPEALING SECTIONS 5-2, 5-3, 5-4, 5-5, 5-6, 5-7, 5-8, 5-9, 5-10, 5-20(a), 5-20(b), AND 5-23 OF THE WOODLAND MUNICIPAL CODE RELATED TO BICYCLE LICENSES, BICYCLE TRANSACTIONS, AND STANDARDS FOR BICYCLE STANDS, HANDLE BARS, AND PEDALS

WHEREAS, the City Council finds that requiring bicycle licenses, enforcing standards for bicycle handle bars, pedals, and stands, and requiring the reporting of bicycle transactions is no longer necessary to protect the health and safety of City and is no longer an efficient use of City resources; and

WHEREAS, the City Council wishes to repeal those Woodland Municipal Code sections related to bicycle licenses, standards for bicycle handle bars, pedals, and stands, and the reporting of bicycle transactions;

The City Council of the City of Woodland, California, does hereby ordain as follows:

Section 1. Recitals. The recitals set forth above are true and correct and are incorporated as though fully set forth herein.

Section 2. Repeal. Sections 5-2, 5-3, 5-4, 5-5, 5-6, 5-7, 5-8, 5-9, 5-10, 5-20(a), 5-20(b), and 5-23 of the Woodland Municipal Code are hereby repealed and of no further force or effect. Subsections (c) and (d) of Section 5-20 are hereby renumbered as subsections (a) and (b), respectively.

Section 3. Further Efforts. The Chief of Police is hereby authorized and directed to take any and all actions necessary to cease the enforcement of bicycle license requirements, standards for bicycle handle bars, pedals, and stands, and the reporting of bicycle transactions including, but not limited to, ceasing the collection of license fees. Notwithstanding the foregoing, any license fees imposed prior to the effective date of this ordinance shall remain valid and any outstanding amounts owed to the City may be billed and collected as permitted by applicable law.

Section 4. Severability. If any provision or clause of this ordinance or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are declared to be severable.

Section 5. **Effective Date and Notice**. This ordinance shall take effect thirty (30) days after its adoption and, within fifteen (15) days after its passage, shall be published at least once in a newspaper of general circulation published and circulated within the City of Woodland.

PASSED AND ADOPTED this ________ day of ____________, 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

____
Marlin H. Davies
Mayor

ATTEST:

____
Ana Gonzalez
City Clerk

Woodland, California, Code of Ordinances >> - THE CODE OF THE CITY OF WOODLAND, CALIFORNIA >> CHAPTER 5. - BICYCLES.* >>

CHAPTER 5. - BICYCLES.* [1]

Sections:

Sec. 5.1. - Compliance with chapter required; applicability of chapter.

(a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

(c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

(Ord. No. 633, § 1.)

Sec. 5.1-1. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Bicycle lane. That portion of a roadway set aside for the use of bicycles and so designated as provided in section 5.25.

Bicycle path. A pathway for bicycles and pedestrians paralleling a roadway. Persons riding bicycles upon such pathways shall be subject to the provisions of section 5.16.

(Ord. No. 839, § 1.)

Sec. 5.2. - License and license plate—Required; impoundment of bicycles.

No person who resides within this city shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license plate is attached thereto as provided herein.

Bicycles parked or left standing in public places, which bear no city license, may be impounded until such time as owner purchases license as required above and pays penalty as required by this chapter.

(Ord. No. 633, § 1; Ord. No. 717, § 1.)

Sec. 5.3. - Same—Application; fee.

Application for a bicycle license and license plate after July 1, 1975, shall be made upon a form provided by the city and shall be made to the chief of police. A license fee as provided in the following section shall be paid to the city for each license issued.

(Ord. No. 633, § 1; Ord. No. 647, § 1; Ord. No. 873, § 1.)

Sec. 5.4. - Same—Issuance and term of licenses; records of chief of police; inspection of bicycles.

(a) The chief of police shall issue a license provided by the state pursuant to the provisions of Vehicle Code sections 39,000 and following, except that a license shall not be issued to a nonresident owner of a bicycle who resides in a city or county which has adopted a bicycle licensing ordinance pursuant to the Vehicle Code sections. The fee for issuance of such license shall be based upon the number of whole years remaining before such license expires, provided that a portion of a year exceeding six months shall be counted as a whole year. The fee for issuance of such license shall be equal to one dollar for each such year and portion thereof exceeding six months. Provided, further, that if the application is made less than six months before the expiration date of the state issued license plate, a minimum fee of one dollar shall be charged.

(b)

The chief of police shall not issue a license for any bicycle when he knows or has reasonable ground to believe that the applicant is not the owner of or enTitled to possession of such bicycle.

(c) The chief of police shall keep a record of the license number, the serial number of the bicycle, the make, type, and model of the bicycle, the name and address of the owner to whom the license is issued and a record of all bicycle license fees collected for such bicycle. The record shall be maintained during the period of validity of the license so issued, or upon notification that the bicycle is no longer to be operated.

(d) The chief of police or an officer assigned such responsibility shall inspect each bicycle before licensing the same and shall refuse a license for any bicycle which he determines is in unsafe mechanical condition, or fails to have all the required safety equipment.

(Ord. No. 633, § 1; Ord. No. 839, § 2, Ord. No. 873, § 1; Ord. No. 881, § 1.)

Sec. 5.5. - Same—Attaching plates to bicycles; removal of plates from bicycles.

(a) The chief of police shall cause such license plate to be firmly attached to the rear mudguard or frame of the bicycle for which issued in such a position as to be plainly visible from the rear.

(b) No person shall remove a license plate from a bicycle except in the event the bicycle is dismantled and no longer operated.

(Ord. No. 633, § 1; Ord. No. 873, § 1.)

Sec. 5.6. - Impoundment of unlicensed bicycles.

Bicycles parked or left standing in public places, which bear no city license, may be impounded until such time as the owner purchases licenses as required and pays the penalty as required by this chapter.

(Ord. No. 839, § 3.)

Sec. 5.7. - Same—Annual renewal of license.

A bicycle license shall be renewed upon its expiration upon application and payment of the annual fee of one dollar for which the state renewal device shall be effective, such device to be issued to the owner upon payment of the renewal fee.

(Ord. No. 633, § 1; Ord. No. 647, § 1; Ord. No. 858, § 1; Ord. No. 873, § 1.)

Sec. 5.8. - Same—Transfer of ownership.

Upon the sale or other transfer of a bicycle, the new owner shall make application for transfer of the license plate. Such application shall be accompanied by a transfer fee of one dollar.

(Ord. No. 633, § 1; Ord. No. 647, § 1; Ord. No. 873, § 1.)

Sec. 5.9. - Same—Rental agencies; required equipment on bicycles to be rented.

A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate is attached thereto as provided herein and such bicycle is equipped with the lamps and other equipment required in this chapter.

(Ord. No. 633, § 1.)

Sec. 5.10. - Bicycle dealers to report transactions.* [2]

Every person engaged in the business of buying or selling new or secondhand bicycles shall make a report to the chief of police of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycle by name or make, the frame number thereof and the number of license plate, if any, found thereon.

(Ord. No. 633, § 1.)

Sec. 5.11. - Applicability of traffic regulations to bicycle riders.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by the traffic ordinances of this city applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which by their nature can have no application.

(Ord. No. 633, § 1.)

Sec. 5.12. - Compliance with traffic-control devices.

(a) Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles unless otherwise directed by a police officer.

(b) Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

(Ord. No. 633, § 1.)

Sec. 5.13. - Manner of riding bicycle; carrying passengers.

(a) A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(c) No person operating a bicycle shall permit any person to ride on the handle bars.

(Ord. No. 633, § 1.)

Sec. 5.14. - Riding on roadways or bicycle paths; clinging to moving vehicles.

(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(c)

Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

(d) No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any streetcar or vehicle on the roadway.

(Ord. No. 633, § 1.)

Sec. 5.15. - Speed restrictions.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing or a speed in excess of the posted specified speed limits.

(Ord. No. 633, § 1.)

Sec. 5.16. - Yielding right of way upon emerging from alley, driveway, building or bicycle path; entering bicycle lane or roadway.

The operator of a bicycle emerging from an alley, driveway, bicycle path, building or otherwise approaching upon a sidewalk or a sidewalk area extending along any such area shall yield the right of way to all pedestrians approaching on such sidewalk or sidewalk area, and upon entering a bicycle lane, shall yield the right of way to all bicycles approaching on such lane, and upon entering the roadway shall yield the right of way to all vehicles or bicycles approaching on such roadway.

(Ord. No. 633, § 2; Ord. No. 839, § 4.)

Sec. 5.17. - Carrying articles on bicycles.

No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars.

(Ord. No. 633, § 2.)

Sec. 5.18. - Manner of parking bicycles.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb in such manner as to afford the least obstruction to pedestrian traffic.

When a parking rack is provided, no person shall park a bicycle, except in such rack, on an adjacent street or sidewalk within a distance of one hundred feet from such rack.

(Ord. No. 633, § 2; Ord. No. 717, § 2.)

Sec. 5.19. - Riding on sidewalks, playgrounds, school grounds, etc.

No person shall ride a bicycle upon a sidewalk within the central traffic district.

The city traffic engineer, with the approval of the city council, is authorized to erect or place signs in any other district on any sidewalk or roadway, and when such signs are in place no person shall disobey the same, Before such a sign is erected or placed, it must be found by the city council, (1) that the riding of bicycles on such sidewalk or roadway will endanger pedestrian traffic or the public safety, or (2) that a property right or interest belonging to the city may be terminated or forfeited if the riding of bicycles on such sidewalk or roadway is not prohibited.

Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

No person shall ride or operate a bicycle upon any playground, park or school ground, where children are playing, without the permission of the persons having supervision of such playground, park or school ground.

(Ord. No. 633, § 2; Ord. No. 717, § 3.)

Sec. 5.20. - Restrictions as to handle bars and pedals; safety equipment required.

(a) No bicycle shall be operated on a street or bicycle path in the city equipped with handle bars so raised that the operator must elevate his hands above the level of his shoulders in order to grasp the normal steering grip area.

(b) No bicycle shall be operated on any street or bicycle path in the city which has been modified or altered in such a way as to cause the pedal at its lower most position to be more than twelve inches above the ground.

(c) Every bicycle operated upon any street or bicycle path in the city during darkness shall be equipped with a lamp emitting a white light maintained so as to be visible from a distance of three hundred feet in front of the bicycle. A lamp emitting a red light maintained so as to be visible from three hundred feet to the rear may be used in addition to the red reflector required in the following subpart of this section.

(d) Every bicycle operated on a street or bicycle path in the city shall have the following reflectors:

(1) A white or yellow reflector on each pedal maintained so as to be visible from the front and rear of the bicycle during darkness from a distance of two hundred feet.

(2) A white reflector on the front.

(3) A red reflector on the rear.

(4) A white or yellow reflector on each side forward of the center of the bicycle and a white or red reflector on each side of the rear of the center of the bicycle. Bicycles which are equipped with reflectorized tires on the front and rear need not be equipped with side reflectors.

(Ord. No. 717, § 4; Ord. No. 873, § 1.)

Sec. 5.21. - Passengers.

No person riding or operating a bicycle in the city shall carry another person on the bicycle, unless such person or passenger is seated upon an individual seat or carrier separate from that intended to be used by the operator. No person shall ride upon a bicycle as a passenger, unless he is seated upon an individual seat or carrier separate from that intended to be used by the operator.

(Ord. No. 839, § 5.)

Sec. 5.22. - Brakes.

Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

(Ord. No. 839, § 5.)

Sec. 5.23. - Stands.

Every bicycle shall be equipped with a stand, and such stand shall be of a type approved by the chief of police.

(Ord. No. 839, § 5)

Sec. 5.24. - Bicycle lanes—Signs indicating existence.

The city traffic engineer, upon approval of the traffic committee, is authorized to erect or place signs upon any street or adjacent to any street in the city indicating the existence of a bicycle lane and otherwise regulating the operation and use of vehicles and bicycles with respect thereto, so long as the same are consistent with this chapter. Before such a sign is erected, the subject bicycle lane shall be designated on such street by a raised curb, appropriate painting, reflectorized buttons or in such other manner as the city traffic engineer, upon approval of the traffic committee, shall determine will provide sufficient notice of existence of such bicycle lane. When such signs are in place, no person shall disobey the same. Before such a sign is erected or placed, it shall be found by the traffic committee that without the establishment of a bicycle lane separated from a vehicle lane, the public is endangered.

(Ord. No. 839, § 5.)

Sec. 5.25. - Same—Riding on adjacent roadways.

No person shall ride or operate a bicycle upon a roadway adjacent to which or upon which bicycle lanes have been designated, except within such bicycle lane or except as otherwise permitted by the provisions of this chapter. No person shall ride or operate a bicycle upon a roadway adjacent to which there is a bicycle path which parallels such roadway and which bicycle path, when measured from the edge of the roadway, is not more than seventy-five feet distant, except within such bicycle path or except as otherwise permitted by the provisions of this chapter.

(Ord. No. 839, § 5.)

Sec. 5.26. - Same—Direction of travel.

No person shall ride or operate a bicycle within a bicycle lane in any direction except that permitted of vehicular traffic traveling on the same side of the roadway; provided, that bicycles may proceed either way along a line where arrows appear on the surface of the lane designated two-way traffic.

(Ord. No. 839, § 5.)

Sec. 5.27. - Same—Right-of-way at intersections.

Upon approaching an intersection, any person riding or operating a bicycle in a bicycle lane shall yield the right-of-way to all vehicles within or approaching such intersection; except, that all vehicles which must stop before entering an intersection because of a stop sign and all vehicles making a left-hand turn at an intersection shall not proceed into such intersection nor make such a turn without first yielding the right-of-way to all bicycles within or approaching such intersection, and shall proceed only when it is safe to do so.

(Ord. No. 839, § 5.)

Sec. 5.28. - Same—Procedure as to leaving lanes.

Once having entered a bicycle lane, no person riding or operating a bicycle shall leave such lane except at intersections; provided, that such person may leave a bicycle lane upon dismounting from a bicycle, walking the same, and being subject then to all laws applicable to pedestrians; provided further, that such person may leave the bicycle lane between intersections ill order to make a U-turn, where such a turn is permissible for vehicular traffic or to turn into driveways on the right or left hand sides of the bicycle lane. Upon leaving a bicycle lane, the rider or operator of such bicycle shall yield the right-of-way to all vehicles and shall not leave the bicycle lane until it is safe to do so.

(Ord. No. 839, § 5.)

Sec. 5.29. - Walking bicycles.

Bicycles may be walked subject to all provisions of law applicable to pedestrians.

(Ord. No. 839, § 5.)

Sec. 5.30. - Driving vehicles across paths or lanes.

No person shall drive a vehicle upon or cross a bicycle path or lane, except to enter a driveway and except to park such vehicle or leave a parking space. No person shall drive upon or across a bicycle lane as permitted by this section except after giving the right-of-way to all bicycles within the lane.

(Ord. No. 839, § 5.)

Sec. 5.31. - Enforcement of chapter; violations by minors.

The chief of police is hereby required to enforce the provisions of this chapter and shall have the authority to issue juvenile citations, "Notice to appear at the probation office," to any minor person who violates any provision of this chapter, with a copy of such citation mailed to the parent or guardian of the violator.

(Ord. No. 839, § 6.)

FOOTNOTE(S):

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(1) * *For state law providing that traffic laws apply to persons riding bicycles, see Veh. C., § 21050. For provisions prohibiting bicycles from vehicular crossings except when signs indicate otherwise, see Veh. C., § 23330.* (Back)

(2) * *As to secondhand dealers generally, see §§ 16.1 to 16.10 of this Code.* (Back)

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
10.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: August 21, 2012

SUBJECT: City Council's Consideration to Rescind Approval of the Pannattoni Mitigated Negative Declaration, Tentative Parcel Map No. 5009 and Mixed Use Project

Recommendation for Action

Staff recommends that the City Council take the following actions:

> Adopt the attached Resolution No _____ rescinding the previous City Council denial on June 19, 2012 of the appeal of Planning Commission's May 17, 2012 approvals for the Project, and grant approval of the appeal, thereby rescinding the approvals for the Project including the adoption of the Mitigated Negative Declaration, approval of the Mitigation Monitoring and Reporting Program, and approval of the Tentative Parcel Map No. 5009, the Site Plan, Landscape Plan and Comprehensive Sign Plan for Parcels 1 and 2 for the Project.

Fiscal Impact

The City has incurred attorneys' fees and staff costs associated with evaluation and response to the writ of mandate. Further, there are outstanding costs for consultant and attorney time associated with the initial appeal. The City is entitled to recover costs from Panattoni through the advanced funding agreement as well as a result of the indemnity clause contained in the project approvals.

Report in Brief

On July 20, 2012, Steve A. Herum, an attorney representing a group calling itself Citizens for Urban Renewal, filed a writ petition challenging the City's approval of the Mitigated Negative Declaration (MND) prepared and adopted for the Panattoni Mixed Use Project, seeking to compel the City Council to revoke its approval of development of two auto dealerships and office and retail space and other improvements permitted by the Tentative Parcel Map# 5009, the Site Plan, Landscape Plan and Comprehensive Sign Plan ("Project") and to compel the City to prepare an Environmental Impact Report for the project. **(Petition for Writ of Mandate - Attachment "A")**. The writ petition concerns the adequacy of the environmental review for the project, set forth in the MND, and the consistency of the Project with the zoning for the Project site. The CEQA issues raised in the lawsuit include cumulative impacts related to greenhouse gas emissions and urban decay.

The Applicant, Panattoni Development, has requested that the City Council rescind the project approvals in lieu of defending against the writ petition.

Background

Panattoni Development Company filed an application for a Tentative Parcel Map and Mixed Use Development on December 20, 2011. The site is located south of East Main Street and a multi-tenant industrial development, north of the I-5 Freeway, west of the existing health club and John Deere dealership, and east of warehouse and commercial trucking operations between Freeway Drive and Quality Circle. The site is adjacent to the I-5 freeway and directly across from the Costco and Woodland Gateway I development. The proposed application provides for two auto dealerships to be located at the south end of the site adjacent to the freeway frontage, with office and retail mixed uses to the north end of the site.

On May 17, 2012, following a hearing the Planning Commission voted 5 - 0 to adopt the Mitigated Negative Declaration, approve the Mitigation Monitoring and Reporting Program for the Project, and approve Tentative Map #5009, Conceptual Master Site Plan, Site Plan for Phase I, Comprehensive Sign Program, and landscape design exception. The Commission did not approve the Architectural Design Review for the Project.

On May 24, 2012, an appeal of the Planning Commission decision was filed by Scott Littlehale representing the Carpenters' Local Union No. 46. On May 25, 2012, a second appeal was filed via email to the City Clerk by Steven A. Herum, representing Citizens for Urban Renewal.

On June 19, 2012, the City Council, in a 5 - 0 vote, denied the appeals and upheld the Planning Commission's May 17, 2012, approval of the Mitigated Negative Declaration and the land use approvals for the Panattoni Tentative Parcel Map #5009 and Mixed-Use Project **(Attachment "B")**.

On July 20, 2012, Steve Herum, representing Citizens for Urban Renewal filed a lawsuit against the City challenging the City's approval of the Panattoni Tentative Parcel Map and Mixed-Use Project. In addition to naming the City of Woodland, the Writ of Mandate also names Panattoni Development Company, Hoblit Motors and Woodland Motors (**Attachment "A").**

Discussion

Staff has discussed the lawsuit with the Panattoni Development Company, which is obligated through its agreement with the City to pay all the costs of defending the suit, including attorneys' fees. The applicant has indicated that they do not wish to pursue the lawsuit and has requested that the City rescind its prior approval. As of the writing of this staff report, it has not been determined whether the City will reach a settlement with Citizens for Urban Renewal if the City Council rescinds the project approvals, or whether the City would simply file what is known as a return to writ, essentially telling the court that the Council has taken the actions requested in the writ petition.

Public Contact

Posting of the agenda 72 hours before the meeting.

Alternative Courses of Action

Alternative #1 (Rescission)

Staff recommends that the City Council take the following actions:

> Adopt the attached Resolution No _____ rescinding the previous City Council denial on June 19, 2012 of the appeal of Planning Commission's May 17, 2012, approvals, and granting approval of the current appeal, thereby rescinding the approval for the Panattoni Mixed-Use Project including the adoption of the Mitigated Negative Declaration, approval of the Mitigation Monitoring and Reporting Program, and approval of the Tentative Parcel Map No. 5009, the Site Plan, Landscape Plan and Comprehensive Sign Plan for Parcels 1 and 2 for the Project.

Alternative #2: (Litigation)

> The City Council could direct that staff and the City Attorney's office continue to to defend against the appeal, thereby working to protect the approval of the Mitigated Negative Declaration and entitlement approvals for the Tentative Parcel Map No. 5009, Site Plan, Landscape Plan and Comprehensive Sign Plan for Parcels 1 and 2 for the Panattoni Mixed Use project.

Recommendation for Action

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

Prepared by: Paul L Hanson, AICP,
Senior Planner

Prepared by: Cindy A. Norris,
Principal Planner

Reviewed by: Andrew Morris
City Attorney

Paul Navazio
City Manager

Attachment(s): Attachment A: – Writ of Mandate
Attachment B:– Appeal of Planning Commission Approval of the Panattoni Tentative Map and Mixed-Use Council Communication from June 19, 2012 (cover only)

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ATTACHMENT A

STEVEN A. HERUM - State Bar No. 90462
BRETT S. JOLLEY – State Bar No. 210072
HERUM CRABTREE BROWN
A Professional Corporation
2291 W. March Lane, Suite B-100
Stockton, CA 95207
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Attorneys for Petitioner,
CITIZENS FOR URBAN RENEWAL

FILED
YOLO SUPERIOR COURT
JUL 20 2012
By L. CORREIA
Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF YOLO

CITIZENS FOR URBAN RENEWAL, Petitioner, vs. CITY OF WOODLAND, BY AND THROUGH THE CITY COUNCIL; and DOES I THROUGH XXX, Respondents, PANATTONI DEVELOPMENT COMPANY, HOBLIT MOTORS, WOODLAND MOTORS CORPORATION, and DOES XXX THROUGH XXXXX, Real Parties in Interest.	Case No.: PT12-1447 **PETITION FOR WRIT OF MANDATE** (CCP §§ 1085 and 1094.5; Pub. Res. C. §§ 21168 and 21168.5 and Gov. C. §§ 65009 and 66499.37) **Filed Pursuant to the** **<u>California Environmental Quality Act and the State Planning and Zoning Law</u>**

BY FAX
ONE LEGAL LLC

INTRODUCTION

Petitioner, CITIZENS FOR URBAN RENEWAL ("Petitioner" or "Citizens") respectfully petitions this Court for a Writ of Mandate pursuant to Code of Civil Procedure sections 1085 and 1094.5, and for a declaration of rights directed at the CITY OF WOODLAND ("City" or "Woodland"), by and through the City Council, to revoke the Mitigated Negative Declaration ("MND") prepared and adopted for the Panattoni Mixed Use Project, to revoke the approval of development of two auto dealerships and office and retail space and other

RECEIVED
JUL 23 2012
CITY CLERK'S OFFICE

STEVEN A. HERUM - State Bar No. 90462
BRETT S. JOLLEY – State Bar No. 210072
HERUM CRABTREE BROWN
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Stockton, CA 95207
Telephone: (209) 472-7700

Attorneys for Petitioner,
CITIZENS FOR URBAN RENEWAL

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF YOLO

CITIZENS FOR URBAN RENEWAL, Petitioner, vs. CITY OF WOODLAND, BY AND THROUGH THE CITY COUNCIL; and DOES I THROUGH XXX, Respondents, PANATTONI DEVELOPMENT COMPANY, HOBLIT MOTORS, WOODLAND MOTORS CORPORATION, and DOES XXX THROUGH XXXXX, Real Parties in Interest.	Case No.: **PETITION FOR WRIT OF MANDATE** (CCP §§ 1085 and 1094.5; Pub. Res. C. §§ 21168 and 21168.5 and Gov. C. §§ 65009 and 66499.37) **Filed Pursuant to the** **<u>California Environmental Quality Act and the State Planning and Zoning Law</u>**

INTRODUCTION

Petitioner, CITIZENS FOR URBAN RENEWAL ("Petitioner" or "Citizens") respectfully petitions this Court for a Writ of Mandate pursuant to Code of Civil Procedure sections 1085 and 1094.5, and for a declaration of rights directed at the CITY OF WOODLAND ("City" or "Woodland"), by and through the City Council, to revoke the Mitigated Negative Declaration ("MND") prepared and adopted for the Panattoni Mixed Use Project, to revoke the approval of development of two auto dealerships and office and retail space and other improvements permitted by Tentative Parcel Map No. 5009, the Site Plan, Landscape Plan, and Comprehensive Sign Plan for the Panattoni Mixed Use Project (collectively, the "Land Use Approvals" or "Project"), and to compel the City to prepare an environmental impact report and comply with State Planning and Zoning Law prior to approving the Project. The City's actions violate State and local land use and environmental laws and amount to a prejudicial abuse of discretion. A writ of mandate and preliminary and permanent injunctions are necessary to remedy the City's failure to adequately address the Land Use Approvals' environmental impacts; to ensure that the City complies with all applicable laws, and to ensure proper review, disclosure, and mitigation of the potential environmental impacts resulting from the approval and development of the Project pursuant to the California Environmental Quality Act ("CEQA"). By this Verified Petition, Petitioner represents the following:

PARTIES

1. Petitioner is, and at all times mentioned herein was, an unincorporated association. Petitioner's members include residents, voters, property owners, business owners and/or taxpayers in and around the City of Woodland. Petitioner's members are vitally and beneficially interested in the land use decisions made by the City. Petitioner's members and/or representatives participated in the public hearing process regarding the Land Use Approvals by filing an appeal of the Planning Commission's decision to approve the Project, and submitting written and oral comments at the City Council's meeting on or about June 19, 2012.

2. Petitioner's members and representatives and other members of the public presented oral and written testimony during Woodland's public hearing process objecting to the Land Use Approvals.

3. The City is, and all times mentioned herein was, a general law city existing under the laws of the State of California. The City has a duty under state law to comply with state law requirements, including CEQA and State Planning and Zoning Law when considering land use requests.

4. Petitioner is informed and believes and thereon alleges that Real Party in Interest, PANATTONI DEVELOPMENT COMPANY ("Panattoni") is a California Corporation authorized to do business in California and is informed and believes and thereon alleges that Panattoni applied for and received the requested Land Use Approvals from the City.

5. Petitioner is informed and believes and thereon alleges that Real Party in Interest, HOBLIT MOTORS ("Hoblit") is a California Corporation authorized to do business in California and is informed and believes and thereon alleges that Hoblit will occupy a portion of the Project and received or otherwise benefitted from the requested Land Use Approvals.

6. Petitioner is informed and believes and thereon alleges that Real Party in Interest, WOODLAND MOTORS CORPORATION ("Woodland Motors") is a California Corporation authorized to do business in California and is informed and believes and thereon alleges that Woodland Motors will occupy a portion of the Project and received or otherwise benefitted from the Land Use Approvals.

7. Petitioner does not know the true names or capacities, whether individual, corporate, or otherwise, of those Respondents and Real Parties in Interest sued herein as Does I through XXXXX. Petitioner is informed and believes and thereon alleges that said Respondents and Real Parties in Interest are in some manner responsible for the adoption of, imposition of, or administration of those laws, ordinances, regulations of which Petitioner complains herein. Petitioner will amend this Petition to set forth the true names and capacities of the fictitiously named Respondents and Real Parties in Interest when such information has been ascertained.

8. Petitioner is informed and believes and thereon alleges that each fictitiously named Respondent and Real Party in Interest is responsible in some manner for the occurrences herein alleged.

<u>MND AND LAND USE APPROVALS</u>

9. On or about December 20, 2011 Panattoni filed an application for the Land Use Approvals with the City of Woodland.

10. The City prepared an initial study and proposed adopting the MND.

11. On or about May 17, 2012 the City Planning Commission considered the MND and Land Use Approvals and voted to adopt the MND and approve the Project.

12. On or about May 25, 2012 Petitioner timely appealed the Planning Commission's decision to approve the Project to the City Council ("Appeal").

13. On or about May 24, 2012 another party, Carpenters' Local Union No. 46 also timely appealed the Planning Commission's decision to approve the Project to the City Council ("Carpenters' Appeal").

14. On or about June 19, 2012 the City Council conducted a public hearing to consider the Appeal and the Carpenters' Appeal. Petitioner's representative and others again objected to the Project and the MND, encouraging the preparation of an EIR. Several Councilmembers expressed concerns about the Project and whether the MND was the appropriate environmental document. After the close of the public hearing, the City Council voted to adopt the MND and approve the Project.

15. On or about June 20, 2012 the City filed a notice of determination on the Project.

STANDING, EXHAUSTION, AND RIPENESS

16. The Land Use Approvals were discretionary in nature, requiring mandatory subjective findings. The decision-makers were required to exercise judgment and deliberation in determining whether and how to approve the Project.

17. The Woodland City Council was presented with substantial evidence supporting a "fair argument" that the Project would result in significant environmental effects that had not been adequately studied or mitigated in the MND and that the City had failed to proceed in the manner required by law including CEQA, State Planning and Zoning Law, and the Woodland General Plan.

18. Petitioner has exhausted all administrative remedies concerning the Project. Petitioner's members and/or representatives and/or other members of the public objected to the Project at all Planning Commission and City Council hearings on the Project, presented substantial evidence that the Project will cause significant environmental impacts not adequately addressed in the MND and that the environmental review considered for the Project does not

satisfy the minimum requirements of CEQA. Petitioner's members and other members of the public presented evidence and arguments that the Land Use Approvals are inconsistent with the Woodland General Plan and Zoning Ordinance.

19. Petitioner and its members have a direct and beneficial interest in the City's full compliance with CEQA and all other applicable laws when approving the Project.

20. The City has a mandatory and public duty to comply with CEQA, State Planning and Zoning Law, the Woodland General Plan and Municipal Code, and all other applicable laws when approving the Project.

21. Because the City Council has taken final action on the Land Use Approvals, Petitioner's claim is ripe for review.

22. Petitioner and its members will be directly and substantially affected by the adverse environmental impacts that may result from the Project.

23. Petitioner has standing to bring this action as its members include residents, property owners, business owners, voters, and/or taxpayers in and around the City of Woodland and because they seek to compel a public duty in the form of City and Real Parties complying with State and local land use and environmental laws.

24. Petitioner will comply with the requirements of Pub. Res. Code §21167.5 by mailing written notice of this action to the City.

25. Petitioner will comply with Pub. Res. Code §21167.7 and Code of Civ. Proc. §388 by notifying the Attorney General of California of the commencement of this action.

26. Petitioner has a right to enforce the City's mandatory duties under State and local law related to the Land Use Approvals.

27. Petitioner does not have a plain, speedy, or adequate remedy in the ordinary course of law.

28. A clear and significant benefit will be conferred upon the general public and Petitioner by City fully satisfying the requirements of State and local law prior to certifying the EIR and/or approving the Land Use Approvals. A clear and significant benefit will be independently conferred upon the general public by the Respondent fully satisfying the

requirements of CEQA, State Planning and Zoning Law, and applicable City zoning ordinances and planning documents. In instituting this action, Petitioner seeks to procure enforcement of a mandatory duty. The public of which Petitioner's members are members is vitally and beneficially interested in assuring that the mandate of law is fully satisfied and fulfilled. Granting the relief requested by Petitioner would confer a significant benefit on a large class of persons, in that fundamental rules of law would be affected.

29. By the authority of Code of Civil Procedure sections 1085 and 1094.5, Government Code sections 65009 and 66499.37, and Public Resources Code sections 21168, 21168.5, and 21168.9, this Court has jurisdiction to issue a Writ of Mandate to set aside the City's approval of the Land Use Approvals.

30. Venue is proper in this Court because the causes of action alleged in this Petition arose in Yolo County where both the Project and the City that approved the Project are located.

FIRST CAUSE OF ACTION

(Prejudicial Abuse of Discretion: Failure to Comply with CEQA)

31. Petitioner realleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 30, above.

32. The City committed a prejudicial abuse of discretion and failed to proceed in the manner required by law in certifying adopting the MND that fails to sufficiently identify, analyze, disclose, and mitigate significant environmental impacts from the Project.

URBAN DECAY AND PHYSICAL DETERIORATION

33. Section 15064(f)(1) of the CEQA Guidelines states: "If a lead agency is presented with a Fair Argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect."

34. Urban decay is a physical change caused by an economic effect and is a recognized environmental effect to be considered in an environmental impact analysis conducted pursuant to CEQA. *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184

35. Even though the Project entails the development of 171,180 square feet of commercial space on 24.3 acres which will cause the relocation two existing automotive dealerships within Woodland, the initial study prepared by the City in support of the MND did not evaluate or consider urban decay impacts and did not append any study or report regarding the project's potential to cause or contribute to such impacts.

36. The City Council received a fair argument in the form of studies, expert opinion based upon fact, and relevant personal observation that the Land Use Approvals have the potential to result in a significant environmental impact of urban decay. Petitioner presented the City with an expert report prepared by Philip King, Ph.D., a professor of economics ("King Report") that warned the Project would "cause or contribute to significant urban decay impacts in Woodland." The King Report noted that the EIR prepared for the Gateway 2 project and recently certified by the City disclosed high commercial vacancy rates in Woodland and found that, based on existing physical conditions in Woodland, that project would individually and cumulatively cause or contribute to significant urban decay effects in Woodland necessitating mitigation and evaluation in an EIR.

37. The King Report concluded, "Given that Woodland already certified an EIR stating that further development of peripheral retail could exacerbate urban decay, it is surprising that the City accepted a Mitigated Negative Declaration with absolutely no discussion of urban decay. CEQA requires analysis of cumulative impacts and it is abundantly clear that the [Panattoni] project would significantly add to the potential for urban decay already recognized by the City of Woodland... it is my professional opinion that this project, either individually or in connection with other similar projects such as the approved Woodland Gateway 2, will cause or contribute to significant urban decay impacts in Woodland and therefore the negative declaration prepared in inadequate."

38. Accordingly the City prejudicially abused its discretion in failing to prepare an EIR that adequately evaluates and mitigates individual and cumulative urban decay impacts from the Project.

AIR POLLUTION AND HEALTH EFFECTS

39. CEQA Guideline §15126.2(a) and *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, require that a project's air pollution impacts be correlated to increased human health effects.

40. The City received a fair argument that the Project would cause significant human health effects from increased air pollution but the MND did not address this impact.

41. Accordingly the City committed a prejudicial abuse of discretion in adopting the MND and approving the Project.

GLOBAL WARMING AND CLIMATE CHANGE

42. Global warming and climate change from increased greenhouse gas ("GHG") emissions is a physical effect within the scope of CEQA.

43. While the MND concluded GHG emissions would not be significant, the City received a fair argument that the increased GHG emissions from the project would be significant.

44. The Carpenters presented to the City a report prepared by Swape environmental consulting ("Swape Report") opining that, even after mitigation imposed by the MND the Project will have significant impacts triggering the need for an EIR. According to the Swape Report, the Project will generate 6517.78 MT/yr of CO2E emissions which the MND admits substantially exceeds the California Air Pollution Control Officer's Association adopted threshold of 900 MT/yr. The mitigation measures proposed by the MND only reduce the GHG emissions to 4626.92 MT/yr – still substantially above the 900 MT/yr significance threshold. Accordingly, the impact remains significant and the MND is inadequate.

45. The Swape Report further noted that reducing building square footage will not meaningfully reduce GHG emissions and identified "routine feasible measures that are considered in CEQA projects" but were ignored by the MND. Petitioner also cited to the June 19, 2008 handbook published by OPR titled "CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review" which provides feasible mitigation measures to reduce GHG emissions not considered in the MND.

46. The Swape Report also explained that the MND and appended "CalEEmod" study used inconsistent square footage descriptions for drive-through and sit down restaurant space on the Project site. Vehicle trips generated by drive through restaurants are typically four times as high as those of sit-down restaurants. CEQA requires a stable, accurate, and finite project description. By failing to provide a consistent description of the Project's restaurant facilities the MND could not appropriate study, disclose, and mitigate the GHG emission effects from the Project.

47. The Swape Report also presented substantial evidence that the Project's cumulative effects, when combined with Woodland Gateway Phase II Project would be significant and unavoidable.

48. Consequently, the City of Woodland did not proceed in the manner required by law by and committed a prejudicial abuse of discretion in adopting a MND and approving the Project.

SECOND CAUSE OF ACTION

(Prejudicial Abuse of Discretion: Violations of State Planning and Zoning Law, Woodland General Plan, and the Woodland Municipal Code)

49. Petitioner realleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 48, above.

50. City violated the Woodland General Plan and Municipal Code in approving the Project and therefore prejudicially abused its discretion.

51. State law provides that the General Plan is the "Constitution" for planning and development and sits atop the land use hierarchy. All land use decisions, including approving discretionary projects, must comply with and be consistent with applicable general plan policies and zoning ordinances.

52. The Land Use Approvals are inconsistent with or conflict with the Woodland Municipal Code and/or General Plan.

53. Policy 1.E.1. of the Woodland General Plan states that the City shall strive to avoid creating an oversupply of commercially designated land to prevent the dilution or deterioration of currently viable commercial areas.

54. The "Staubach Study" prepared by Woodland as part of the Gateway 2 project EIR found that no additional land would be needed for auto dealerships. This study, combined with the King Report, reveal that Woodland's approval of the Project fails to satisfy this mandatory requirement of the General Plan and therefore creates and inconsistency between the project and the General Plan.

55. According to page one of the Environmental Checklist for the Project, the General Plan designation is Industrial and the Zoning Classification is Industrial/PD. The Property is also subject to an Entryway Overlay Zone ("EOZ") zoning designation. Yet the Environmental Checklist describes the proposal as a "commercial project". Environmental Checklist at 1.

56. Section 25-18-10 of the Woodland Municipal Code explains the authorized uses in for land classified as Industrial:

> "The uses permitted in the I zone shall be those uses specified in Table 3, the Industrial Land Use Table, and subject to the special conditions accompanying that table."

57. Table 3 C entitled, "**AUTO, BOAT, RV, BUS, TRUCK & TRUCK TRAILER SERVICE**" does not include the sales of new automobiles as one of the authorized use in the zone. Permitting a use in a zone that is not authorized under the zoning scheme eviscerates the entire purpose for creating zoning districts within a city.

58. The Table in intended to be inclusive and include all uses authorized by the EOZ:

> "To determine whether a specific use is allowed:
>
> 1. Find the use in the left-hand column.
> 2. Read across the table until either a "letter" or an "x" appears in the right hand column.
> 3. If a letter appears this means that the use is allowed in the Industrial zone, but only if certain conditions are complied with. The conditions

applicable to that use are those corresponding to the letter listed in Section 25-18-20.
4. If an "x" appears in that column the use is allowed in the Industrial zone without being subject to any of the conditions listed in Section 25-18-20.
5. The Planning Commission shall interpret the appropriate zone for any land use not specifically listed in the Table, based on a finding of consistency with the purpose of the zone and that use is of the same general character as that of the uses permitted in that zone.
<u>6. Entryway Overlay zones is included in Table.</u>"

Woodland Zoning Ordinance section 25-18-10 (bolding and underscoring added.)

59. The problem is caused because the EOZ creates a conflict between the Industrial portion of the General plan and the Industrial Zone and the conflicting uses allowed in the EOZ. The EOZ proposed uses that are not authorized by the Table of authorized uses in the Industrial zone.

60. The EOZ provides as follows:

"SEC. 25-17.5-01 PURPOSE

To provide areas adjacent to freeway interchanges for uses which serve the traveling public and other limited commercial uses that need freeway exposure or which enhance the entrances into the City. To apply a Planned Development (PD) overlay to industrial zone land with the EOZ to encourage a creative and more efficient approach to the use of land and to provide for greater flexibility in the design of integrated developments than otherwise possible through strict application of zoning regulations.

***

SEC. 25-17.5-10 PERMITTED USES

The uses permitted in the Entryway Overlay Zone shall be those uses specified in the Commercial Land Use Table (Article 13) and subject to the special conditions accompanying those tables. (Ord. No. 1347, § 6 (part).)"

61. Introducing a "mixed use" overlay zone for land designated on the General Plan as "Industrial" creates a fatal inconsistency with the General Plan.

62. Accordingly, City committed a prejudicial abuse of discretion in adopting the Project and the Land Use Approvals must be set aside.

WHEREFORE, Petitioner prays:

1. That this Court issue a peremptory writ of mandate:

A. Commanding Respondents City of Woodland to immediately set aside its approval of the Land Use Approvals;

B. Commanding Respondent City of Woodland and Real Parties in Interest Panattoni, et al to immediately suspend all activities in furtherance of the Land Use Approvals, including but not limited to issuing grading permits, building permits, certificates of occupancy and/or engaging in any activities in furtherance of subdividing the property or constructing a mixed use development;

C. Commanding Respondent and Real Parties in Interest to prepare an EIR for the Project and otherwise to comply with CEQA in any subsequent action taken to approve the Project;

2. For a temporary restraining order, preliminary injunction, and/or stay restraining Respondent City of Woodland and Real Parties in Interest Panattoni, et al. from taking any action to carry out the Land Use Approvals pending entry of judgment.

3. That Petitioner be awarded the cost incurred in bringing this action, including reasonable attorney fees pursuant to Code of Civil Procedure 1021.5, the "common benefit" theory, Government Code Section 800, or as otherwise provided by law or equity.

4. That the Court grant such other and further relief as may be equitable and just.

Respectfully submitted;

DATED: July 20, 2012

HERUM CRABTREE
A California Professional Corporation

By: ______________________
STEVEN A. HERUM
Attorneys for Petitioner
Citizens for Urban Renewal

VERIFICATION

I am one of the Attorneys of Record on whose behalf the foregoing Petition for Writ of Mandate is verified. I have read it and know the content thereof. I am informed and believe the matters therein to be true and on that ground allege the matters stated therein are true. I make this Verification because the party I represent is absent from the County of San Joaquin where I have my office.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed at Stockton, California on July 20, 2012.

STEVEN A.HERUM

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
Steven A. Herum - SBN: 90462 Brett S. Jolley - SBN: 210072 Herum\Crabtree 5757 Pacific Avenue, Suite 222 Stockton, CA 95207 TELEPHONE NO.: (209) 472-7700 FAX NO.: (209) 472-7986 ATTORNEY FOR (Name): Petitioner Citizens for Urban Renewal	FILED YOLO SUPERIOR COURT JUL 20 2012 By L. CORREIA Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Yolo STREET ADDRESS: 725 Court Street MAILING ADDRESS: CITY AND ZIP CODE: Woodland, CA 95695 BRANCH NAME:	
CASE NAME: Citizens for Urban Renewal v. City of Woodland, et al.	

CIVIL CASE COVER SHEET	Complex Case Designation	CASE NUMBER: PT12-1447
[X] Unlimited (Amount demanded exceeds $25,000) [ ] Limited (Amount demanded is $25,000 or less)	[ ] Counter [ ] Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort
- [ ] Auto (22)
- [ ] Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
- [ ] Asbestos (04)
- [ ] Product liability (24)
- [ ] Medical malpractice (45)
- [ ] Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
- [ ] Business tort/unfair business practice (07)
- [ ] Civil rights (08)
- [ ] Defamation (13)
- [ ] Fraud (16)
- [ ] Intellectual property (19)
- [ ] Professional negligence (25)
- [ ] Other non-PI/PD/WD tort (35)

Employment
- [ ] Wrongful termination (36)
- [ ] Other employment (15)

Contract
- [ ] Breach of contract/warranty (06)
- [ ] Rule 3.740 collections (09)
- [ ] Other collections (09)
- [ ] Insurance coverage (18)
- [ ] Other contract (37)

Real Property
- [ ] Eminent domain/Inverse condemnation (14)
- [ ] Wrongful eviction (33)
- [ ] Other real property (26)

Unlawful Detainer
- [ ] Commercial (31)
- [ ] Residential (32)
- [ ] Drugs (38)

Judicial Review
- [ ] Asset forfeiture (05)
- [ ] Petition re: arbitration award (11)
- [X] Writ of mandate (02)
- [ ] Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
- [ ] Antitrust/Trade regulation (03)
- [ ] Construction defect (10)
- [ ] Mass tort (40)
- [ ] Securities litigation (28)
- [ ] Environmental/Toxic tort (30)
- [ ] Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
- [ ] Enforcement of judgment (20)

Miscellaneous Civil Complaint
- [ ] RICO (27)
- [ ] Other complaint *(not specified above)* (42)

Miscellaneous Civil Petition
- [ ] Partnership and corporate governance (21)
- [ ] Other petition *(not specified above)* (43)

2. This case [ ] is [X] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
   - a. [ ] Large number of separately represented parties
   - b. [ ] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   - c. [ ] Substantial amount of documentary evidence
   - d. [ ] Large number of witnesses
   - e. [ ] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   - f. [ ] Substantial postjudgment judicial supervision
3. Remedies sought *(check all that apply)*: a. [ ] monetary b. [X] nonmonetary; declaratory or injunctive relief c. [ ] punitive
4. Number of causes of action *(specify)*: 2
5. This case [ ] is [X] is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. *(You may use form CM-015.)*

Date: July 20, 2012

BY FAX
ONE LEGAL LLC

Steven A. Herum - SBN: 90462
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE
- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Form Adopted for Mandatory Use
Judicial Council of California
CM-010 [Rev. July 1, 2007]

CIVIL CASE COVER SHEET

Legal Solutions Plus

Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, 3.740;
Cal. Standards of Judicial Administration, std. 3.10

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than $25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort
- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other PI/PD/WD (Personal Injury/ Property Damage/Wrongful Death) Tort
- Asbestos (04)
  - Asbestos Property Damage
  - Asbestos Personal Injury/ Wrongful Death
- Product Liability *(not asbestos or toxic/environmental)* (24)
- Medical Malpractice (45)
  - Medical Malpractice– Physicians & Surgeons
  - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
  - Premises Liability (e.g., slip and fall)
  - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
  - Intentional Infliction of Emotional Distress
  - Negligent Infliction of Emotional Distress
  - Other PI/PD/WD

Non-PI/PD/WD (Other) Tort
- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
  - Legal Malpractice
  - Other Professional Malpractice *(not medical or legal)*
- Other Non-PI/PD/WD Tort (35)

Employment
- Wrongful Termination (36)
- Other Employment (15)

Contract
- Breach of Contract/Warranty (06)
  - Breach of Rental/Lease
    - Contract *(not unlawful detainer or wrongful eviction)*
  - Contract/Warranty Breach—Seller Plaintiff *(not fraud or negligence)*
  - Negligent Breach of Contract/ Warranty
  - Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
  - Collection Case—Seller Plaintiff
  - Other Promissory Note/Collections Case
- Insurance Coverage *(not provisionally complex)* (18)
  - Auto Subrogation
  - Other Coverage
- Other Contract (37)
  - Contractual Fraud
  - Other Contract Dispute

Real Property
- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
  - Writ of Possession of Real Property
  - Mortgage Foreclosure
  - Quiet Title
  - Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer
- Commercial (31)
- Residential (32)
- Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)*

Judicial Review
- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
  - Writ–Administrative Mandamus
  - Writ–Mandamus on Limited Court Case Matter
  - Writ–Other Limited Court Case Review
- Other Judicial Review (39)
  - Review of Health Officer Order
  - Notice of Appeal–Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)
- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

Enforcement of Judgment
- Enforcement of Judgment (20)
  - Abstract of Judgment (Out of County)
  - Confession of Judgment *(non-domestic relations)*
  - Sister State Judgment
  - Administrative Agency Award *(not unpaid taxes)*
  - Petition/Certification of Entry of Judgment on Unpaid Taxes
  - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint
- RICO (27)
- Other Complaint *(not specified above)* (42)
  - Declaratory Relief Only
  - Injunctive Relief Only *(non-harassment)*
  - Mechanics Lien
  - Other Commercial Complaint Case *(non-tort/non-complex)*
  - Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition
- Partnership and Corporate Governance (21)
- Other Petition *(not specified above)* (43)
  - Civil Harassment
  - Workplace Violence
  - Elder/Dependent Adult Abuse
  - Election Contest
  - Petition for Name Change
  - Petition for Relief from Late Claim
  - Other Civil Petition

Steven A. Herum – SBN: 90462
Brett S. Jolley – SBN: 210072
HERUM CRABTREE
A California Professional Corporation
2291 West March Lane, Suite B-100
Stockton, CA 95207
Telephone: (209) 472-7700

FILED
YOLO SUPERIOR COURT
JUL 20 2012
By L. CORREIA
Deputy

Attorneys for Petitioner
Citizens for Urban Renewal

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF YOLO

CITIZENS FOR URBAN RENEWAL, Petitioner, vs. CITY OF WOODLAND, BY AND THROUGH THE CITY COUNCIL; and DOES I THROUGH XXX, Respondents,	Case No.: PT12-1447 NOTICE TO ATTORNEY GENERAL
PANATTONI DEVELOPMENT COMPANY, HOBLIT MOTORS, WOODLAND MOTORS CORPORATION, and DOES XXX THROUGH XXXXX, Real Parties in Interest.	BY FAX ONE LEGAL LLC

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THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA

PLEASE TAKE NOTICE, pursuant to Public Resources Code section 21167.7 and Code of Civil Procedure section 388, that on or about July 20, 2012, Petitioner CITIZENS FOR URBAN RENEWAL ("Petitioner") will file a Petition for Writ of Mandate against the CITY OF WOODLAND. The Petition alleges, among other things, that the City of Woodland violated the

HERUM\CRABTREE

California Environmental Quality Act and State Planning and Zoning Law by adopting a Mitigated Negative Declaration and approving the Panattoni Mixed Use Project. A copy of the Petition is attached to this notice.

Dated: July 20, 2012

HERUM CRABTREE
A California Professional Corporation

By: ______________________
STEVEN A. HERUM
Attorneys for Petitioner
Citizens for Urban Renewal

HERUM\CRABTREE

PROOF OF SERVICE

I, Laura Cummings, certify and declare as follows:

I am over the age of 18 years, and not a party to this action. My business address is 5757 Pacific Avenue, Suite 222, Stockton, California 95207, which is located in the county where the mailing described below took place.

I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing. On July 20, 2012 at my place of business a copy of **NOTICE TO ATTORNEY GENERAL** was placed for deposit following ordinary course of business as follows:

[XX] **BY U.S. MAIL** with the United States Postal Service in a sealed envelope, with postage thereon fully prepaid.

The envelope(s) were addressed as follows:

Kamala D. Harris
Attorney General
Attorney General's Office
1300 I Street
Post Office Box 944255
Sacramento, California 94244-2550

[ ] **BY FEDERAL EXPRESS/OVERNIGHT MAIL** in a sealed envelope, with postage thereon fully prepaid. [Code Civ. Proc., §§ 1013(c), 2015.5.]

[ ] **BY PERSONAL SERVICE/HAND DELIVERY.**

[ ] **BY FACSIMILE** at approximately ______ __.m. by use of facsimile machine telephone number (209) 472-7986. I caused the facsimile machine to print a transmission record of the transmission, a copy of which is attached to this declaration. The transmission was reported as complete and without error. [Cal. Rule of Court 2008 and 2003(3).]

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: July 20, 2012

Laura Cummings
LAURA CUMMINGS

HERUM\CRABTREE

Steven A. Herum – SBN: 90462
Brett S. Jolley – SBN: 210072
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Stockton, CA 95207
Telephone: (209) 472-7700

Attorneys for Petitioner
Citizens for Urban Renewal

FILED
YOLO SUPERIOR COURT
JUL 20 2012
By . L. CORREIA
Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF YOLO

CITIZENS FOR URBAN RENEWAL,

Petitioner,

vs.

CITY OF WOODLAND, BY AND THROUGH THE CITY COUNCIL; and DOES I THROUGH XXX,

Respondents,

PANATTONI DEVELOPMENT COMPANY, HOBLIT MOTORS, WOODLAND MOTORS CORPORATION, and DOES XXX THROUGH XXXXX,

Real Parties in Interest.

Case No.: PT12-1447

NOTICE OF COMMENCEMENT OF ACTION

BY FAX
ONE LEGAL LLC

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TO: CITY OF WOODLAND

Pursuant to Public Resources Code section 21167.5, notice is hereby given that an action will be commenced against the City of Woodland by filing a Petition for Writ of Mandate challenging the City's adoption of a Mitigated Negative Declaration for and approval of the

HERUM\CRABTREE

Panattoni Mixed Use Project. The Petition will be filed in the above-entitled court today and will be served pursuant to the requirement of Pub. Res. C. §§ 21167.6(a) and 21167.6.5.

Dated: July 20, 2012

HERUM CRABTREE
A California Professional Corporation

By: ______________________
STEVEN A. HERUM
Attorneys for Petitioner
Citizens for Urban Renewal

HERUM CRABTREE

<u>PROOF OF SERVICE</u>

I, Laura Cummings, certify and declare as follows:

I am over the age of 18 years, and not a party to this action. My business address is 5757 Pacific Avenue, Suite 222, Stockton, California 95207, which is located in the county where the mailing described below took place.

I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing. On July 20, 2012 at my place of business a copy of **NOTICE OF COMMENCEMENT OF ACTION** was placed for deposit following ordinary course of business as follows:

[XX] BY U.S. MAIL with the United States Postal Service in a sealed envelope, with postage thereon fully prepaid.

The envelope(s) were addressed as follows:

Woodland City Council
Attn: Ms. Ana Gonzalez, City Clerk
City of Woodland
520 Court Street
Woodland, CA 95695
Telephone: (530) 661-5806
Facsimile: (530) 661-5813

[ ] BY FEDERAL EXPRESS/OVERNIGHT MAIL in a sealed envelope, with postage thereon fully prepaid. [Code Civ. Proc., §§ 1013(c), 2015.5.]

[ ] BY PERSONAL SERVICE/HAND DELIVERY.

[XX] BY FACSIMILE at approximately 9:08a.m. by use of facsimile machine telephone number (209) 472-7986. I caused the facsimile machine to print a transmission record of the transmission, a copy of which is attached to this declaration. The transmission was reported as complete and without error. [Cal. Rule of Court 2008 and 2003(3).]

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: July 20, 2012

Laura Cummings
LAURA CUMMINGS

HERUM\CRABTREE

* * * COMMUNICATION RESULT REPORT (JUL. 20. 2012 9:08AM) * * *

FAX HEADER 1: HERUMMO
FAX HEADER 2:

TRANSMITTED/STORED : JUL. 20. 2012 9:07AM

FILE MODE	OPTION	ADDRESS	RESULT	PAGE
0591 MEMORY TX		03 :CITY OF WOODLAND	OK	5/5

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER
E-5) MAIL SIZE OVER
E-2) BUSY
E-4) NO FACSIMILE CONNECTION

HERUM\CRABTREE
ATTORNEYS

FAX COVER SHEET

This is a confidential communication and is not to be delivered to or read by any person other than the addressee. Facsimile transmission is not intended to waive the attorney-client privilege or any other privilege.

TRANSMISSION DATE: July 20, 2012

TO: Ms. Ana Gonzalez, City Clerk
City of Woodland
FAX #: (530) 661-5813

FROM: Steven A. Herum

RE: Citizens for Urban Renewal v. City of Woodland, et al.

COMMENTS: Letter and Notice of Commencement of Action.

We are transmitting 6 pages. Please call us immediately at (209) 472-7700 if any part of this transmission failed or was not clear.

Original transmittal will not follow: ___.
Original transmittal will follow by: _X_ Mail ____ Other

If this transmission is received by anyone other than the addressee, the recipient is requested to call the sender collect at (209) 472-7700, and to immediately return this document to Herum Crabtree by United States mail, with return postage guaranteed.

Sent by: L. Cummings

Steven A. Herum – SBN: 90462
Brett S. Jolley – SBN: 210072
HERUM CRABTREE
A California Professional Corporation
2291 West March Lane, Suite B-100
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Attorneys for Petitioner
Citizens for Urban Renewal

FILED
YOLO SUPERIOR COURT
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By L. CORREIA
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF YOLO

CITIZENS FOR URBAN RENEWAL,

Petitioner,

vs.

CITY OF WOODLAND, BY AND THROUGH THE CITY COUNCIL; and DOES I THROUGH XXX,

Respondents,

PANATTONI DEVELOPMENT COMPANY, HOBLIT MOTORS, WOODLAND MOTORS CORPORATION, and DOES XXX THROUGH XXXXX,

Real Parties in Interest.

Case No.: PT12-1447

NOTICE AND REQUEST TO PREPARE THE RECORD OF PROCEEDINGS (Pub. Res. Code § 21167.6(a))

BY FAX
ONE LEGAL LLC

TO: CITY OF WOODLAND

PLEASE TAKE NOTICE THAT, pursuant to Public Resources Code section 21167.6(a), Petitioner CITIZENS FOR URBAN RENEWAL ("Petitioner") requests that the CITY OF WOODLAND prepare the record of proceedings before the CITY OF WOODLAND concerning its decision to adopt a Mitigated Negative Declaration and approve the Panattoni Mixed Use Project. The record of proceedings shall include all those documents and transcripts listed in and required by Public Resources Code section 21167.6(e).

In order to expedite the litigation, Petitioners request that the City circulate a proposed index of the Record of Proceedings to Petitioners for review and comment before lodging the final Record of Proceedings with the Court.

Dated: July 20, 2012

HERUM CRABTREE
A California Professional Corporation

By: ______________________
STEVEN A. HERUM
Attorneys for Petitioner
Citizens for Urban Renewal

ATTACHMENT B

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: June 19, 2012

SUBJECT: Appeal of the Planning Commission Approval of the Panattoni Tentative Parcel Map No 5009 and Mixed Use Project

Report in Brief

Two separate appeals have been filed regarding the adequacy of the environmental document, a Mitigated Negative Declaration, adopted by the Planning Commission on May 17, 2012, for the Panattoni Tentative Parcel Map No. 5009 and Mixed Use Project, and the consistency of the Project with the zoning for the Project site. The CEQA issues raised in the appeals include cumulative impacts related to greenhouse gas emissions, emissions of NOx gasses, truck/vehicle conflicts, and urban decay. In this report, staff provides an evaluation of the issues and provides options for Council action.

Staff recommends that the City Council consider the appeals on the basis of the entire record before it, and take the following action:

> Adopt the attached Resolution No _____ Affirming the Planning Commission's May 17, 2012 Findings and Conditions of Approval, which are contained in the Planning Commission Staff Report dated May 17, 2012 and in the minutes of its May 17, 2012 hearing on the Project, and thus affirm the Commission's adoption of the Mitigated Negative Declaration, approval of the Mitigation Monitoring and Reporting Program, and approval of the Tentative Parcel Map No. 5009, the Site Plan, Landscape Plan and Comprehensive Sign Plan for Parcels 1 and 2 for the Project.

Background

An application for a Tentative Parcel Map and Mixed Use Development was filed by Panattoni Development Company on December 20, 2011. The site is located south of East Main Street and a multi-tenant industrial development, north of the I-5 Freeway, west of the existing Health Club and John Deere dealership, and east of warehouse and commercial trucking operations between Freeway Drive and Quality Circle. The site is adjacent to the I-5 freeway and directly across from the Costco and Woodland Gateway I development. The proposed application provides for two auto dealerships to be located at the south end of the site adjacent to the freeway frontage, with office and retail mixed uses to the north end of the site. The Parcel 1 dealership would take access from Freeway Drive and the Parcel 2 dealership would take access off Quality Circle to East Main Street.

At the Planning Commission Hearing on May 17, 2012, the Commission, in a 5 - 0 vote, adopted the Mitigated Negative Declaration, approved the Mitigation Monitoring and Reporting Program for the Project, and approved Tentative Map #5009, Conceptual Master Site Plan, Site Plan for Phase I, Comprehensive Sign Program, and landscape design exception. The Commission did not approve the Architectural Design Review for the Project, and requested that the applicant work with staff and return to the Commission with a modified building design.

On May 24, 2012, an appeal of the Planning Commission decision was filed by Scott Littlehale representing the Carpenter's Local Union No. 46. On May 25, 2012, a second appeal was filed via email to the City Clerk by Steven A. Herum, Attorney at law, representing Citizens for Urban Renewal. A copy of the appeal Notices are included in this Report (**Attachments "2" and "3")**. On May 24, 2012 a comment letter was received from Shirley and William Schroeder (**Attachment "4")**.

Section 21-6-2 (d) of the Subdivision Ordinance requires that an appeal of the action of the Planning Commission must be received within 10-days after the date of the action. Upon filing of an appeal, the City Clerk shall set the matter for hearing. Such hearing shall be held within 30-days after the date of filing the appeal.

Previous Actions related to the Project site:

- On August 2, 2001 the Planning Commission approved a site plan and building design for a warehouse on this site for the Panattoni Development Company. That project was not built.

- On December 17, 2002 the City Council adopted the General Plan Policy Document, including Policy I.H.7, which states: "The City shall allow mixed use projects (e.g. retail/office/food service/industrial) in industrial designations as appropriate, particularly along East Main Street. A maximum of 80 percent commercial uses will be allowed in mixed use projects along heavily traveled arterials, and a maximum of 50 percent commercial within interior industrial areas."

- On July 23, 2002 the City Council adopted Ordinance 1347, rezoning the I-5 CR 102 interchange area with an Entryway Overlay Zone (I/EOZ) designation that includes the Project parcels. The location of the I/EOZ designation is provided in this Report, (**Attachment "6")**. The amended I/EOZ use table removed heavy industrial uses from the interchange area and instead provided for business offices and personal service functions. Specific design criteria for the I/EOZ area were approved in the Community Design Standards.

- On October 18, 2011, the City Council adopted Resolution No. 6037, amending the Public Facilities Fee Program Administrative Guidelines designating auto sales under the "industrial use" category. Council determined that new auto sales land use category should be changed to more accurately reflect auto dealership land use impacts **(Attachment "11").**

Discussion

Standard of Review under the California Environmental Quality Act (CEQA) For Considering the Appeals

In accordance with CEQA (Section 15070), a public agency may prepare a proposed negative declaration or mitigated negative declaration for a project when:

a) The Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment; or
b) The Initial Study identified potentially significant effects, but:
    1) Revisions in the project plans or proposals made by or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
    2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

Here, an initial study was prepared which identified a potentially significant effect, but revisions to the Project, as well as the addition of mitigation measures, resulted in the conclusion that there is no substantial evidence, in light of the whole record, that the Project as revised and proposed to be mitigated may have a significant effect on the environment. Accordingly, the Planning Commission adopted a Mitigated Negative Declaration for the Project.

When determining whether to deny the appeals and affirm the Planning Commission's adoption of the Mitigated Negative Declaration, or whether to grant the appeals and require either revision of the Mitigated Negative Declaration or preparation of an environmental impact report (EIR), the City Council must consider whether substantial evidence in light of the entire record supports a "fair argument" that the Project **may** have a significant effect on the environment. If the City Council finds no such substantial evidence in the Mitigated Negative Declaration prepared for the Project, or elsewhere in the record, that the Project may significantly affect the environment, it must affirm the Planning Commission's adoption of the Mitigation Negative Declaration. (Pub. Res. Code § 21080(c)(1); CEQA Guidelines §§15063(b)(2), 15064(f)(3).)

Though the "fair argument" standard precludes the City Council from weighing competing evidence to determine who has a better argument concerning whether the Project may have a significant environmental impact, it does not mean that the Council has no discretion concerning the evidence or the determination of significance. The Council must consider the entire record and decide whether the information relating to potential Project impacts is "substantial evidence" sufficient to support a "fair argument" that the impacts may occur, and whether the identified impacts should be considered "significant."

The CEQA Guidelines section15384 (a) define "substantial evidence" as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."

Substantial evidence includes facts; reasonable assumptions predicated on facts; and expert opinions supported by facts. However, substantial evidence ***does not*** include: argument; speculation; unsubstantiated opinion or narrative; clearly inaccurate or erroneous evidence; evidence that is not credible; and evidence of social and economic impacts that do not contribute to, and are not caused by, physical impacts on the environment.

Use:

The appeal notice filed by Steven A. Herum, on behalf of Citizens for Urban Renewal, questions whether auto sales uses are allowed in the Industrial Entryway Overlay Zone in accordance with Chapter 25, The Zoning Ordinance.

The General Plan sets the overall land use policy guidance for the City, which is then translated into specific standards and criteria in the Zoning Ordinance. With regard to mixed uses in the industrial zone, Policy 1.H.7 of the General Plan states:

"The City shall allow mixed use projects (e.g. retail/office/food service/industrial) in industrial designations as appropriate, particularly along East Main Street. A maximum of 80 percent of commercial uses will be allowed in mixed use projects along heavily traveled arterials, and a maximum of 50 percent commercial within internal industrial areas."

Mixed uses are permitted in the Industrial Entry Overlay Zone (I/EOZ). (Zoning Ordinance Section 25-18-10, Table 3, Industrial Land Use Table.) Agricultural equipment and machinery sales and services are permitted, if not abutting a residential zone. (*Id.*) Cafes and coffee shops are permitted, as are office uses. (*Id.*) Further, Section 25-18-10 (5) of the Zoning Ordinance, allows the Planning Commission and/or City Council to interpret the appropriate zone for any land use that is not specifically listed in the table, based on a finding of consistency with the purpose of the zone and that the use is of the same general character as that of the uses permitted in the zone. Here, the purpose of the I/EOZ, as reflected by the Zoning Code, the General Plan, and Resolution No. 6037, amending the Public Facilities Fee Program Administrative Guidelines, reflects that the mix of auto-sales, other retail and offices uses proposed for the Project are in keeping with intended character of the I/EOZ and therefore consistent.

The Planning Commission therefore appropriately found that the Mixed Use Development's proposed combination of auto dealerships with office and retail uses is a permitted mixed use in the Industrial/Entryway Overlay Zone and consistent with the City's General Plan and thus the Project is consistent with the Zoning Ordinance.

Given the intent of the General Plan policy 1.H.7, the purpose and characteristics of the Industrial/Entryway Overlay Zone, and the existing uses in the area, it is Staff's recommendation that the Council find that the Planning Commission acted correctly in determining that the Mixed Use Development is consistent with the zoning for the Project site.

Urban Decay:

"Urban decay" was referenced in the appeal filed by Citizens for Urban Renewal, and a speaker at the Planning Commission hearing suggested that the Project should be further analyzed to determine whether it would result in significant urban decay impacts. Under CEQA, the economic or social effects of a project are not treated as significant effects on the environment. (CEQA Guidelines Section 15131(a)). However, where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect (CEQA Guidelines Section 15064(e)).). In *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal. App. 4th 1184,1207, the Court of Appeal considered whether a proposed shopping center would result in such secondary physical impacts, which it referred to as "urban decay." It held "[P]roposed new shopping centers do not trigger a conclusive presumption of urban decay. However, when there is evidence suggesting that the economic and social effects caused by the proposed shopping center ultimately could result in urban decay or deterioration, then the lead agency is obligated to assess this indirect impact."

Since the *Bakersfield* case, CEQA documents considering large scale retail projects such as shopping centers have routinely included a three step discussion and analysis.

- *First*, is there substantial evidence that the proposed project is of such scale or unique characteristics that its operation would cause competing businesses to close?
- *Second*, is there substantial evidence that the now-vacant land use would not be re-used ("re-tenanted") in the near future?
- *Third*, would a prolonged vacancy result in the neglect and subsequent decay of the land use to such an extent that the physical deterioration would interfere with the use of nearby properties?

The first item, size and nature of the development, is typically associated with "big box" or "category killer" retail uses. Retail uses such as large-scale bookstores, home improvement stores, grocery stores, and so-called "supercenters" are considered to have the type of characteristics that might cause the type of economic impacts that would result in the closure of competing businesses. The Project includes two phases.

<u>Phase I</u>

Phase I proposes 53,500 SF of auto sales uses with one parcel containing a 24,813 SF auto dealership and another containing a 33,167 SF dealership. Based on the nature of the automotive industry, the scale or characteristics of the proposed auto dealerships' operation would not be expected to cause competing businesses to close. This is because auto-dealerships, regardless of size, operate in a different manner than other retail uses that are typically the subject to urban decay studies.

For instance, the operations of a large-scale home improvement store might impact the profits of nearby smaller hardware stores because both retailers sell the same exact goods (light bulbs, wrenches, drills etc.) but the size of the home improvement store allows for a high-volume/low-price sales model that a smaller hardware store would not be able to compete with and thus might lose business to. Auto-dealerships operate under a radically different business model. Auto-dealerships are franchise-based businesses, licensed to sell the cars of only a single automotive company (i.e. Ford, General Motors, or Chrysler). Given this, even if two dealerships were directly adjacent and of wildly different sizes, the profitability of each dealership would not be a reflection of the profitability of the dealership next door, or of the size of its operations, but rather a reflection of the popularity, pricing, quality etc. of the car company whose cars the dealership is licensed to sell. In other words, the competition is not between dealerships, it is between car companies. Given this, there is no evidence to suggest that the proposed auto-dealerships would result in economic impacts that could cause competing businesses to close.

Members of the public have suggested that existing auto-dealers in Woodland might wish to relocate their existing businesses to the new Project. While this could occur, it would not trigger the need for an "urban decay" analysis, which concerns the impacts of a proposed new retail land use resulting in the closure of competing businesses. No business would close if a dealership relocated to the Project. Further, Woodland maintains a low vacancy rate and an active code enforcement process, so there is no basis to expect that the buildings or structures that might be vacated by a relocating dealership would either remain vacant in the long term, nor present significant signs of deterioration. For example, just last year, Hoblit Motors re-tenanted the former Century Buick site.

Phase II

The Phase II retail component would total 20,000 SF. The type of retail use or uses for Phase II has not yet been determined. The proposed retail uses would be located on two separate parcels, with each parcel containing no more than 10,000 square feet of retail, and no restriction on that 10,000 square feet of retail being further divided in to multiple, still smaller, individual retail uses on each parcel. Given this, there is no evidence to suggest that such a small amount retail use could have the economic force to result in the closure of a competing business.

Given this information, the answer to the first question is "no"— *is there substantial evidence that the proposed project is of such scale or unique characteristics that it would cause competing businesses to close?* Absent such evidence, there was no basis for the City to require the preparation of an "urban decay" study with regard to the Project..

Another question raised at the Planning Commission meeting was why the recent Woodland Gateway II EIR included an Urban Decay analysis while this Project's Mitigated Negative Declaration did not. (See **Attachments "7 and 8"** for a site location view of the two Projects). The Woodland Gateway II Project, as originally proposed was a regional commercial center with a maximum of 808,000 square feet of retail space, 30,500 square feet of restaurant uses, three hotels, an auto mall, and 100,000 square feet of office. Regional commercial centers are precisely the type of use that can result in the type of economic impact on existing retail businesses that may result in urban decay impacts. It was on this basis that an urban decay analysis was required for the Woodland Gateway II Project. Other than the fact that both projects include proposed auto-dealership uses, they have little else in common. The City must conduct CEQA review on each project on a case by case basis. What might be an appropriate level of environmental review for one project has no bearing on what is appropriate for another.

Therefore, it is staff's recommendation that the City Council affirm the Planning Commission's adoption of the Mitigated Negative Declaration, and affirm that there is no substantial evidence of a fair argument that the Panattoni project would result in significant urban decay impacts.

Auto/Truck Traffic:

The appeal notice filed by Steven A. Herum, Citizens for Urban Renewal – states "truck /vehicle conflicts." However, the specific concern or issue is not described. It is presumed that Mr. Herum is expressing a concern with regard to traffic conflicts between automobiles and trucks within an industrial area of the City.

A focused traffic analysis was prepared by KD Anderson for the Mitigated Negative Declaration. A multi-way stop analysis and traffic signal warrant analysis were completed to determine whether any change in operation or construction of a new signal was necessary as a result of the Project. The study evaluated Phase I (two auto dealerships) and the full proposed conceptual build out including Phase II. The analysis included consideration of the vehicles (such as trucks) associated with existing industrial uses near the Project.

The project traffic study did not include preparation of a new analysis of the I-5/102 interchange because the interchange was recently analyzed in the Gateway I, Gateway II, and I-5/102 project traffic studies associated with those project's respective EIRs. All of these studies assumed full build out of the Project parcel within the parameters of the current zoning; and as the Panattoni project did include a change in zoning, there would not be a significant change in traffic at the interchange relative to the previous studies.

Based on the results of this analysis, the Mitigated Negative Declaration concluded that, with the implementation of two Mitigation Measures (see below) the Project would not result in a significant impact as to any of the thresholds of significance employed by the City for analyzing potential transportation and traffic impacts.

Mitigation Measure TRAF-1: The applicant shall install a multi-way stop at Freeway Drive and East Main Street prior to completion of Phase 1 of the project. This control should also include advance signing for westbound traffic indicating the stop ahead (and if determined necessary by the City Engineer, a flashing beacon should be installed with the warning sign).

Mitigation Measure TRAF-2: Freeway Drive and East Main Street is identified as a future signalized intersection in the City's Major Projects Financing Plan. The applicant shall contribute to this signal through the payment of development fees. If the planned signal is constructed prior to completion of Phase 1, Mitigation Measure TRAF-1 would not be necessary.

Air Quality/Green House Gas (GHG)

Prior to the Planning Commission meeting of May 17, 2012, comments were received from the Carpenters Local Union 46 concerning the air quality and greenhouse gas analysis. These comments were repeated, in summary form, in the appeal filed on May 24, 2012 by Scott Littlehale on behalf of the Carpenter's Local Union No. 46. The City's Environmental consultants, Environmental Science Associates (ESA), prepared a response memo, dated May 9, 2012, to address those comments. The ESA Memo is included with this Report (**Attachment " 5").** A summary statement from the Memo is included below:

Local 46 states that, based on their comments, the Project would have potentially significant environmental impacts and an EIR should be prepared. Local 46 assumes, without discussion, that the EIR will identify significant and unavoidable impacts (impacts which cannot be mitigated to a less-than-significant level), and that a statement of overriding consideration will be required. The City of Woodland (lead agency) has determined that there is no evidence in the record, including the Local 46 comment letter, which supports a "fair argument" that the Project, with implementation of the proposed mitigation measures, may result in significant adverse impacts. Thus, the Mitigated Negative Declaration is the appropriate CEQA documentation.

Therefore, it is staff's recommendation that the City Council affirm the Planning Commission's adoption of the Mitigated Negative Declaration, and affirm that there is no substantial evidence of a fair argument that the Panattoni project would result in significant cumulative impacts on global warming as a result of greenhouse gas emissions, or have cumulative regional air quality impacts as a result of unmitigated NOx gases.

Comment Letter

On May 24, 2012 the City received a comment letter from residents Shirley and William Schroeder. (**Attachment "4").** In the letter the Schroeder's state that after reading the Daily Democrat article on May 19, 2012 that "*It would appear that Panattoni has not had the scrutiny that was given to the Gateway Center*".

As discussed above, the City must conduct CEQA review on each project on a case by case basis. What might be an appropriate level of environmental review for one project has no bearing on what is appropriate for another. The Panattoni project is located within city boundaries and was included in previous General Plan analysis for industrial development. The Woodland Gateway II project site is **not** located within city boundaries and was not included in any prior General Plan analysis as a potentially developable parcel, further it is located adjacent to a sensitive land use (the Waste Water Treatment Facility). As provided in the attached Planning Commission staff report from December 7, 2006, (**Attachment "9")**, the extensive level of CEQA review that would be required in order for the Woodland Gateway II project to move forward was identified in the petition report for the General Plan Amendment. General Plan Policy 1.J.2 requires extensive studies in order to determine "*appropriateness of development of Urban Reserve lands.*" Further, the Woodland Gateway II Project, as originally proposed, was a regional commercial center with 808,000 square feet of retail space. Other than the fact that both projects include proposed auto-dealership uses, they have little else in common, as they are of dramatically different scale and purpose.

Fiscal Impact

Upon development, the projects would pay development impact fees. Further, the business owners believe that locating to the more visible freeway frontage may have a positive impact on their sales. At their meeting of October 18, 2011 the City Council authorized a new land use category be established for auto dealerships in the next Nexus study/fee update for development impact fees. The council also authorized that the auto dealer land use be put in the Industrial land fee category until that update was completed. A discussion of this is provided in the attached City Council report from October 18, 2011, **(Attachment "11")**

Public Contact

Public notice for the advertizing for the appeal hearing on this Project was prepared in accordance with the following:

- Legal notice of the item published in the Daily Democrat on June 9, 2012
- Notices mailed to all property owners within 300-feet of the project site on June 8, 2012
- Posting of the City Council agenda.

Commission Recommendation

The Project was reviewed before the Planning Commission on May 17, 2012. A copy of the Planning Commission Staff Report is attached, **(Attachment "10").** Prior to the meeting, comments were received on the Mitigated Negative Declaration and a response memo prepared, a copy of which is attached, **(Attachment "5").** Several individuals attended the meeting and offered comments regarding the project. After review of the materials, hearing all comments and deliberating on the issues, the Commission voted 5-0 to approve the project.

Alternative Courses of Action

Alternative #1 (Approve)

Staff recommends that the City Council review the information provided and take the following actions:

Adopt the attached Resolution No _____ affirming the Planning Commission's May 17, 2012 Findings and Conditions of Approval, which are contained in the Planning Commission Staff Report dated May 17, 2012 and in the minutes of its May 17, 2012 hearing on the Project, and thus affirms the Commission's adoption of the Mitigated Negative Declaration, approval of the Mitigation Monitoring and Reporting Program, and approval of the Tentative

Parcel Map No. 5009, the Site Plan, Landscape Plan and Comprehensive Sign Plan for Parcels 1 and 2 for the Project.

Alternative #2: (Approve with Modifications)

Adopt the attached Resolution No _____ Affirms the Planning Commission's May 17, 2012 Findings and Conditions of Approval contained in the Planning Commission Staff Report dated May 17, 2012 and in the minutes of its May 17, 2012 hearing on the Project, and thus affirms the Commission's adoption of the Mitigated Negative Declaration, approval of the Mitigation Monitoring and Reporting Program, and approval of the Tentative Parcel Map No. 5009, the Site Plan, Landscape Plan and Comprehensive Sign Plan for Parcels 1 and 2 for the Project **subject to the following further conditions and revisions:**

Alternative #3 (Deny – Uphold the Appeal, Require Additional Environmental Review)

Adopt the attached Resolution No. ______ **Grants the appeals and rescinds** the Planning Commission's May 17, 2012 Findings and Conditions of Approval, which are contained in the Planning Commission Staff Report dated May 17, 2012 and in the minutes of its May 17, 2012 hearing on the Project, and thus rescinds the Commission's adoption of the Mitigated Negative Declaration, approval of the Mitigation Monitoring and Reporting Program, and approval of the Tentative Parcel Map No. 5009, the Site Plan, Landscape Plan and Comprehensive Sign Plan for Parcels 1 and 2 for the Project.

The Council further directs that the following additional environmental analysis be conducted and included in a re-circulated Mitigated Negative Declaration: XXXX;

OR

The Council further directs that an environmental impact report be prepared to analyze the potential environmental impact of the Project.

Recommendation for Action

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

Prepared by: Cindy A. Norris
Principal Planner

Reviewed by: Andrew Morris
City Attorney

____
Paul Navazio
City Manager

Attachment(s):

Attachment 1 – Resolution No. ____ City Council Action on the Panattoni Appeal
Attachment 2 - Appeal Notice – Scott Littlehale, Carpenters Local Union No. 46
Attachment 3 – Appeal Notice – Steven A. Herum, Attorney, Citizen for Urban Renewal
Attachment 4 – Comment Letter from Shirley and William Schroeder
Attachment 5 – May 9, 2012 Response Memo from ESA
Attachment 6 – Entryway Overlay Zoning Map
Attachment 7 – Existing, Approved and Proposed Projects
Attachment 8 – Overall Vicinity Map
Attachment 9 – Planning Commission General Plan Petition Staff Report from December 7, 2006
Attachment 10 – Planning Commission Staff Report from May 17, 2012 (cover only)
Attachment 11 – City Council Staff Report from October 18, 2011 (cover and Resolution 6037)

City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM
11.

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: August 21, 2012

SUBJECT: Appointment of Member to Board of Building Appeals

Report in Brief

On June 29, 2012, Council Members Davies and Stallard conducted interviews to fill the vacant positions on the Planning Commission and Board of Building Appeals.

The Council is asked at this time to consider and appoint one member to the Board of Building Appeals as recommended by Council Members Davies and Stallard.

Prepared by: Ana Gonzalez
City Clerk

____
Paul Navazio
City Manager

Attachment: Applications (Council Only)